



**AGENDA  
BELOIT CITY COUNCIL  
100 State Street, Beloit WI 53511  
City Hall Forum – 7:00 p.m.  
Monday, March 4, 2013**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
4. PUBLIC HEARINGS
  - a. Public Hearing for a proposed **Zoning Text Amendment** creating Section 5-800 of the Zoning Ordinance, Article V, Chapter 19 of the Code of General Ordinances of the City of Beloit, to be known as the Wellhead Protection Ordinance (Mathos)  
First Reading, suspend the rules for a Second Reading  
Plan Commission recommendation for approval 4-0
5. CITIZENS PARTICIPATION
6. CONSENT AGENDA

All items listed under the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the General Order of Business and considered at this point on the agenda.

  - a. Approval of the **Minutes** of the Special Meeting of February 12, 2013, and Regular and Special Meetings of February 18, 2013 (LeMire)
  - b. Proposed Ordinance amending the City of Beloit Municipal Code relating to the **Community Development Reorganization** (Christensen) Refer to Plan Commission
  - c. Application for a **Conditional Use Permit** to allow a self-storage use in a C-3, Community Commercial District and MRO, Milwaukee Road Overlay District, for the property located at 3022 Ford Street (Christensen) Refer to Plan Commission
  - d. Resolution authorizing **Final Payment** of Public Works Contract C12-02R, New Telecommunication Hut Foundation (Flesch)
7. ORDINANCES
  - a. Second Reading of a proposed Ordinance amending the City of Beloit **Comprehensive Plan** for the properties located at 545 and 549 W. Grand Avenue; 615, 619, 625, and 629 Eighth Street; 548 Locust Street; 1203, 1233, 1249, 1253, and 1257 Sixth Street; 219 and 225 North Street; and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, and

1353 Sixth Street, from the Neighborhood Commercial, Two-family, and Single-family Residential-Urban use designations, to the Institutional and Community Service use designation (Christensen) Plan Commission recommendation for approval 5-0

- b. Second Reading of a proposed Ordinance amending the City of Beloit **Comprehensive Plan** for the property located at 501 Prospect Street, from the Institutional and Community Service use designation, to the Neighborhood Commercial use designation (Christensen) Plan Commission recommendation for approval 5-0
- c. Proposed Ordinance to amend Section 15.06(1)(b) of the Code of General Ordinances of the City of Beloit as it relates to Alcohol in Parks to allow **Tailgating** in advance of Beloit Professional Baseball Association, Inc. Games (Casper/Ramsey)  
First Reading, Suspend the rules for a Second Reading

8. APPOINTMENTS – none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

10. CITY MANAGER'S PRESENTATION

- a. Annual **Landmarks Commission Report** – 2012 (Rick McGrath, Chairman)
- b. City Manager's **Report to the Community** (Arft)

11. REPORTS FROM BOARD AND CITY OFFICERS

- a. Resolution adopting the **Connections: City Center Plan** (Christensen)  
Plan Commission recommendation for approval 4-0  
This Plan is available for review at [www.ci.beloit.wi.us](http://www.ci.beloit.wi.us)
- b. Resolution approving the 2013 Urban Mass Transit Paratransit Assistance **Contract** between the State of Wisconsin and the City of Beloit (Gavin)
- c. Resolution approving **Lease Agreement** between the City of Beloit and the Beloit Professional Baseball Association, Inc. (Ramsey)

12. ADJOURNMENT

\*\* Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's Office at 364-6680, 100 State Street, Beloit, WI 53511.

Dated: February 27, 2013  
Rebecca Houseman LeMire  
City of Beloit City Clerk  
<http://www.ci.beloit.wi.us>

You can watch this meeting live on Charter PEG channel 98 or digital channel 992. Meetings are rebroadcast during the week of the Council meeting on Tuesday at 1:00 p.m., Thursday at 8:30 a.m. and Friday at 1:00 p.m.

**SUBSTITUTE AMENDMENT NO. 1**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE CREATING SECTION 5-800 OF THE ZONING ORDINANCE, ARTICLE V, CHAPTER 19 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT, TO BE KNOWN AS THE WELLHEAD PROTECTION ORDINANCE**

The City Council of the City of Beloit, Rock County, Wisconsin, do ordain as follows:

Section 1. Section 5-800 of the Zoning Ordinance, Article V, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby created to read as follows:

**“5-800 WELLHEAD PROTECTION**

**5-801 PURPOSE AND AUTHORITY.**

- a. Purpose. The residents of the City of Beloit depend on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Ordinance is to institute land use regulations and restrictions protecting the municipal water supply of the City of Beloit (“City”) and promote the public health, safety and general welfare of the residents.
- b. Authority. Statutory authority of the City to enact these regulations was established by the Wisconsin legislature in Wis. Stats. 62.23(7)(a) and (c). Under these statutes, the City has the authority to enact this ordinance to encourage the protection of groundwater resources.

**5-802 APPLICATION OF REGULATIONS.** The regulations specified in this Wellhead Protection Ordinance shall apply to those areas of the City that lie within the Five-Year Time of Travel recharge area for municipal water supply wells as defined in section 5-805, and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this ordinance and the underlying zoning ordinance, the more restrictive provision shall apply.

5-803 DEFINITIONS.

- a. Aquifer. A saturated, permeable geologic formation that contains and will yield significant quantities of water.
- b. Cone of Depression. The area around a well, where the water table dips down forming a “v” or cone shape causing the water level to be lowered at least one-tenth of a foot due to pumping a well.
- c. Facilities. A general term referring to land uses, business operations, activities, developed property, or material stored.
- d. Five-Year Time of Travel. The recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater will take five years to reach a pumping well.
- e. Municipal Water Supply. The municipal water supply of the City of Beloit.
- f. Person. An individual, partnership, association, corporation, municipality or state agency, or other legal entity.
- g. Recharge Area. The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supplies groundwater to a well.
- h. Well Field. A piece of land used primarily for the purpose of locating wells to supply a municipal water system.
- i. Well. A boring into the earth for the purpose of extracting groundwater for supply to the municipal water supply.
- j. Zone of Saturation. The area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.

5-804 WELLHEAD TECHNICAL REVIEW COMMITTEE.

- a. The Wellhead Technical Review Committee shall consist of all of the following:
  - 1. The City’s Director of Planning and Building Services;
  - 2. The City’s Public Works Director;



3. The City's Engineer;
  4. The City's Fire Chief; and
  5. The City's Director of Water Resources.
- b. The purpose of the Wellhead Technical Review Committee is to provide objective and scientific technical review of requests for conditional use permits and to make recommendations to the Plan Commission and ultimately to the City Council to grant or deny conditional use permits based upon the facts discovered in those reviews, to make recommendations on any and all conditions placed on a conditional use permit, and to give advice on matters concerning groundwater.
- c. Professional Services. The City may retain the services of professional consultants (including engineers, environmental specialists, hydrologists, and other experts) to assist the City in the City's review of a proposal or submittal coming before the Wellhead Technical Review Committee. The submittal of a proposal by a petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. The City may apply the charges for these services to the petitioner along with an administrative fee. Review fees, which are due the City from the petitioner, but which are not paid, may be assigned by the City as a special assessment to the subject property.

5-805 WELLHEAD PROTECTION OVERLAY DISTRICT. The Wellhead Protection Overlay District hereby created is intended to institute land use regulations and restrictions within a defined area which contributes water directly to a municipal water supply and thus promotes public health, safety, and welfare. The Wellhead Protection Overlay District is intended to protect the Five-Year Time of Travel recharge area for the existing or future municipal water supply from contamination.

5-806 SUPREMACY OF THIS DISTRICT. The regulations of an overlay district will apply in addition to all other regulations which occupy the same geographic area. The provisions of any zoning districts that underlay this overlay district will apply except when provisions of the Wellhead Protection Overlay District are more stringent.

5-807 WELLHEAD PROTECTION OVERLAY DISTRICTS BOUNDARIES. The Wellhead Protection Overlay Districts shall be part of the City of Beloit Zoning District Map and the locations and boundaries of the Wellhead Protection Overlay Districts established by this ordinance are incorporated herein and hereby made a part of this ordinance. Said map,

together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein.

5-808 PERMITTED USES IN WELLHEAD PROTECTION OVERLAY DISTRICTS.

- a. Subject to the conditions for existing uses listed in section 5-812, the following are the only permitted uses within the Wellhead Protection Overlay District:
  1. Public and private parks, and playgrounds, provided there are no on-site wastewater disposal systems or holding tanks;
  2. Wildlife and natural and woodland areas;
  3. Biking, hiking, skiing, nature, equestrian and fitness trails;
  4. Residential which is municipally sewered and free of flammable and combustible liquid underground storage tanks;
  5. Single-family residences on a minimum lot of 20,000 square feet with a private on-site sewage treatment system receiving less than 8,000 gallons per day, which meets the county and state health standards for the effluent, and free of flammable or combustible liquid underground storage tanks;
  6. Agricultural uses in accordance with the county soil conservation department's best management practices guidelines;
  7. Commercial, institutional, industrial or office establishments which are municipally sewered, subject to the prohibited and conditional uses listed in sections 5-810 and 5-811.

5-809 SEPARATION DISTANCE REQUIREMENTS IN WELLHEAD PROTECTION OVERLAY DISTRICTS.

- a. The following separation distances shall be maintained. Measurements shall be from the wellhead to the specified structure, facility, edge of landfill or storage area as described in

items 1 through 6 below.

1. Fifty feet between a public water supply well and a stormwater sewer main or any sanitary sewer main constructed of water main materials and joints which is pressure tested in place to meet current AWWA 600 specifications. NOTE: Current AWWA 600 specifications are available for inspection at the office of the Wisconsin Department of Natural Resources and the Secretary of State's office.
2. Two hundred feet between a public water supply well and any sanitary sewer main not meeting the above specifications, any sanitary sewer lift station or single-family residential fuel oil tank.
3. Four hundred feet between a public water supply well and a septic system receiving less than 8,000 gallons per day, or a stormwater detention, retention, infiltration or drainage basin.
4. Six hundred feet between a well and any gasoline or fuel oil storage tank installation that have received written approval from the Wisconsin Department of Safety and Professional Services or its designated Local Program Operator under s. SPS 310.110, Wis. Adm. Code, or another state agency of the State of Wisconsin with authority to issue such written approval.
5. One thousand feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption units receiving 8,000 gallons per day or more.
6. Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from the Wisconsin Department of Safety and Professional Services or its designated Local Program Operator under s. SPS 310.110, Wis. Adm. Code, or another state agency of the State of Wisconsin with authority to issue such written

approval; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

5-810 PROHIBITED USES IN WELLHEAD PROTECTION OVERLAY DISTRICTS.

- a. The following uses are prohibited:
1. Buried hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.)
  2. Radioactive waste facilities.
  3. Coal storage.
  4. Industrial lagoons, pits or natural or manmade containment structures primarily of earthen materials used for storage or treatment of wastewater, fermentation leachates or sludge.
  5. Landfills and any other solid waste facility, except post-consumer recycling.
  6. Manure and animal waste storage except animal waste storage facilities regulated by the county.
  7. Pesticide and fertilizer dealer.
  8. Railroad yards and maintenance stations.
  9. Rendering plants and slaughterhouses.
  10. Salt or deicing material storage for the purpose of distribution.
  11. Septage or sludge spreading.
  12. Septage, wastewater, or sewage lagoons.
  13. Motor vehicular filling stations.
  14. Wood preserving operations.

5-811 CONDITIONAL USES.

- a. Any person may request a conditional use permit, as provided for in Article II, section 2-500, for certain uses, activities and structures within the Wellhead Protection Overlay District not prohibited in section 5-810.
- b. The uses, activities, and structures that may be conditionally allowed are:
  - ~~1. Jewelry plating and metal plating.~~
  - ~~2. Machine or metal working shops as the principal business.~~
  - ~~3~~1. Commercial, institutional, or ~~office~~—industrial establishments utilizing a private on-site wastewater treatment system.
  - ~~4. Cemeteries.~~
  - ~~5~~2. Chemical manufacturers (Standard Industrial Classification Major Group 28).
  - ~~6. Dry cleaners.~~
  - ~~7~~3. Nonmetallic earthen materials extraction or sand and gravel pits.
  - ~~8~~4. Salvage or junk yards.
  - ~~9~~5. Stockyards and feedlots.
  - ~~10. Research labs, universities and hospitals.~~
  - ~~11~~6. Exposed hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.) This shall not apply to residential LP gas tanks.
  - ~~12~~7. Storage or processing of extremely hazardous substances, radioactive materials or substances listed in APPENDIX I TO TABLE 1 PUBLIC HEALTH GROUNDWATER QUALITY STANDARDS, ch. NR 140, Wis. Adm. Code



(Extremely hazardous substances are identified by SARA/EPCRA criteria under 40 CFR Parts 302 and 355.)

~~138.~~ Septage or sludge storage or treatment.

~~14. Motor vehicular service stations, repair, renovation and body working.~~

- c. All applications for a conditional use permit shall be submitted in writing to the City Planning and Zoning Department, using such forms as are made available for that purpose by said Department, and shall include all of the following:
1. A site plan map with all building and structure footprints, driveways, sidewalks, parking lots, stormwater management structures, groundwater monitoring wells, and 2-foot ground elevation contours.
  2. A business plan and/or other documentation which describes in detail the use, activities, and structures proposed.
  3. An environmental assessment report prepared by a licensed environmental engineer which details the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality.
  4. An operational safety plan, which details the operational procedures for material processes and containment, best management practices, stormwater runoff management, and groundwater monitoring.
  5. A contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structures occur.
- d. All applicants submitting a request for a conditional use permit shall reimburse the City for all consultant fees and expenses and technical review committee expenses associated with this review, plus administrative costs and processing fees.
- e. All conditional use permits granted shall be subject to conditions that will include environmental and safety monitoring determined necessary to afford adequate protection of the public water supply. These conditions shall include all of the following:



1. Provide current copies of all federal, state and local facility operation approval or certificates and on-going environmental monitoring results to the City.
  2. Establish environmental or safety structures/monitoring to include an operational safety plan, material processes and containment, operations monitoring, best management practices, stormwater runoff management, and groundwater monitoring.
  3. Replace equipment or expand in a manner that improves the environmental and safety technologies in existence.
  4. Prepare, file and maintain a current contingency plan which details the response to any emergency which occurs at the facility, including notifying municipal, county and state officials. Provide a current copy to the City.
- f. The City Council shall decide upon a request for a conditional use permit only after full consideration of the recommendations made by the Wellhead Technical Review Committee. Any conditions above and beyond those specified in Conditional Uses, subsection (e) herein, that are recommended by the Wellhead Technical Review Committee may be applied to the granting of the conditional use permit.

5-812 REQUIREMENTS FOR EXISTING FACILITIES REQUIRING A CONDITIONAL USE OR LISTED AS A PROHIBITED USE.

- a. Existing facilities within the Wellhead Protection Overlay District at the time of enactment of such district which require a conditional use or are listed as a prohibited use in section 5-811 or section 5-810 are subject to the following provisions:
  1. The owners or operators of facilities described in section 5-812 (a), which facilities exist within the district at the time of enactment, shall, within 45 days of enactment, provide copies of all current, and within 30 days of receipt, revised or new federal, state and local facility operation approvals, permits or certificates; operational safety plan and on-going environmental monitoring results to the City.
  2. The owners or operators of facilities described in section 5-812 (a), which facilities exist within the district at the time of enactment of a district, shall have the responsibility of devising, filing and maintaining, with the City, a current

contingency plan which details how they intend to respond to any emergency which may cause or threaten to cause environmental pollution that occurs at their facility, including notifying municipal, county and state officials.

3. In the event of casualty loss causing damage or destruction to building improvements exceeding 50 percent of the assessed valuation thereof, or the desire to expand or enlarge facilities, then the owners or operators of such facilities may be granted a conditional use permit, in accordance with this Code, and section 5-811 above, to repair, rebuild, or expand such facilities, provided that the conditions imposed shall generally require that:
  - (a) To the extent feasible, based upon scientific, engineering and economic factors, the building improvements shall be repaired, restored or rebuilt employing designs and technologies which are state of the art, such that they diminish the potential for wellhead contamination; and
  - (b) To the extent feasible, based upon scientific, engineering, and economic factors, the replacement or augmentation of equipment and machinery and the installation thereof, which diminishes potential for wellhead contamination. This section does not apply to normal maintenance or minor repairs.

#### 5-813 ENFORCEMENT AND PENALTY.

- a. Penalty. Any person who violates, neglects or refuses to comply with any of the provisions of this ordinance shall be subject to a penalty as provided in section 25.04 of this Code.
- b. Injunction. The City of Beloit may, in addition to any other remedy, seek injunction or restraining order against the party alleged to have violated the provisions herein, the cost of which shall be charged to the defendant in such action.
- c. Cleanup Costs. As a substitute for, and in addition to any other action, the City of Beloit may commence legal action against both the person who releases the contaminants and the owner of the facility whereupon the contaminants were released to recover the costs, together with the costs of prosecution. Any person who causes the release of any contaminants which may endanger or contaminate the municipal water supply system associated with a

Wellhead Protection Overlay District shall immediately cease such discharge and immediately initiate clean up satisfactory to the City and the other state and federal regulatory agencies.

The person who releases such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally responsible for the cost of cleanup, consultant, or other contractor fees, including all administrative costs for oversight, review and documentation, including the City employees, equipment, and mileage.

#### 5-814 CONFLICT, INTERPRETATION AND SEVERABILITY.

- a. Conflict and Interpretation of Provisions. If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum and are not deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the most restrictive requirements or interpretations shall apply.
- b. Severability of Code Provisions. If any section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The City Council hereby declares that they would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.
- c. Amendments Adopted. Where the Wisconsin Statutes or the administrative regulations and codes of Wisconsin or the United States are adopted by reference in this section 5-800, such adoptions shall include any subsequent amendments or replacement citations thereto, which are hereby adopted by reference and incorporated herein as if they were fully set forth and made a part hereof.”

Section 2. This ordinance shall be in force and take effect upon passage and publication.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

BELOIT CITY COUNCIL

By: \_\_\_\_\_  
Charles M. Haynes, President

ATTEST:

By: \_\_\_\_\_  
Rebecca Houseman LeMire, City Clerk

PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
01-611100-5231- \_\_\_\_\_

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Ordinance Relating to Wellhead Protection

**Date:** March 4, 2013

**Presenter:** Julie Christensen/Harry Mathos

**Department:**

CD/Water Resources

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### **Overview/Background Information:**

In reliance upon Wisconsin Department of Natural Resources (DNR) correspondence, City of Beloit staff drafted the attached Ordinance to create Section 5-800 of the Zoning Ordinance, Article V, Chapter 19 of the Code of General Ordinances of the City of Beloit, to be known as the Wellhead Protection Ordinance.

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### **Key Issues (maximum of 5):**

- The purpose of the Wellhead Protection Ordinance is to create land use regulations and restrictions that will protect the City's water supply from sources of contamination. As described in the attached letter from Mark Harder, DNR Public Water Supply Engineer, dated July 20, 2011, the DNR required the City to adopt a Wellhead Protection Ordinance for all wells by March 14, 2013.
  - The Wellhead Protection Ordinance creates Wellhead Protection Overlay Districts that encompass the groundwater recharge area around each of the City's wells. As the name implies, the overlay districts are a second zoning district classification, as affected properties will retain their underlying zoning classification. The Wellhead Protection Ordinance establishes permitted, conditional, and prohibited uses within the overlay districts.
  - The proposed Wellhead Protection Overlay Districts will cover a significant proportion of the City. According to staff's calculations, 3,023 properties owned by 2,305 different owners will be affected.
  - Existing facilities that are listed as a conditional or prohibited use are grandfathered and are eligible to apply for a Conditional Use Permit to repair, rebuild, or expand the facilities.
  - The proposed Wellhead Protection Ordinance consists of a Zoning Text Amendment in accordance with Section 2-200 and a Zoning Map Amendment in accordance with Section 2-300 of the Zoning Ordinance.
  - The Plan Commission reviewed this item on February 20, 2013 and voted unanimously (4-0) to recommend approval of this Zoning Text Amendment, subject to Council consideration of the following amendments:
    - Amendment of Sections 5-811(c-d) to establish maximum out-of-pocket consultant expenses for businesses seeking a Conditional Use Permit. Staff is concerned about the feasibility of this amendment.
    - Amendment of Sections 5-810(a) and 5-811(b) to remove as many existing businesses from the "prohibited" and "conditional" categories as possible, thereby making them permitted uses. Staff has proposed eliminating the following conditional uses: jewelry & metal plating; machine or metal working shops; cemeteries; dry cleaners; research labs, universities, & hospitals; and auto repair & renovation.
    - Amendment of Section 5-812 to ensure that compliance requirements for existing businesses are reasonable and do not duplicate existing policies and procedures.
  - Following the Plan Commission meeting, a resident contacted the DNR and was informed that the ordinance is required around Well 14, but voluntary around the other wells. Staff contacted Mr. Harder for clarification, and Mr. Harder responded that an ordinance for all wells is recommended because it "provides better protection," adding "it does not seem practical to protect just one well."
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### **Consistency with Strategic Plan:**

- Consideration of this request supports Strategic Goal #5.
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### **Sustainability:**

- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – The proposed Ordinance will regulate the use & storage of chemicals and other potential contaminants.
  - **Reduce dependence on activities that harm life sustaining eco-systems** – The proposed Ordinance is intended to protect the City's water supply.
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### **Action required/Recommendation:**

- City Council consideration and 1<sup>st</sup> and 2<sup>nd</sup> readings of the proposed Ordinance
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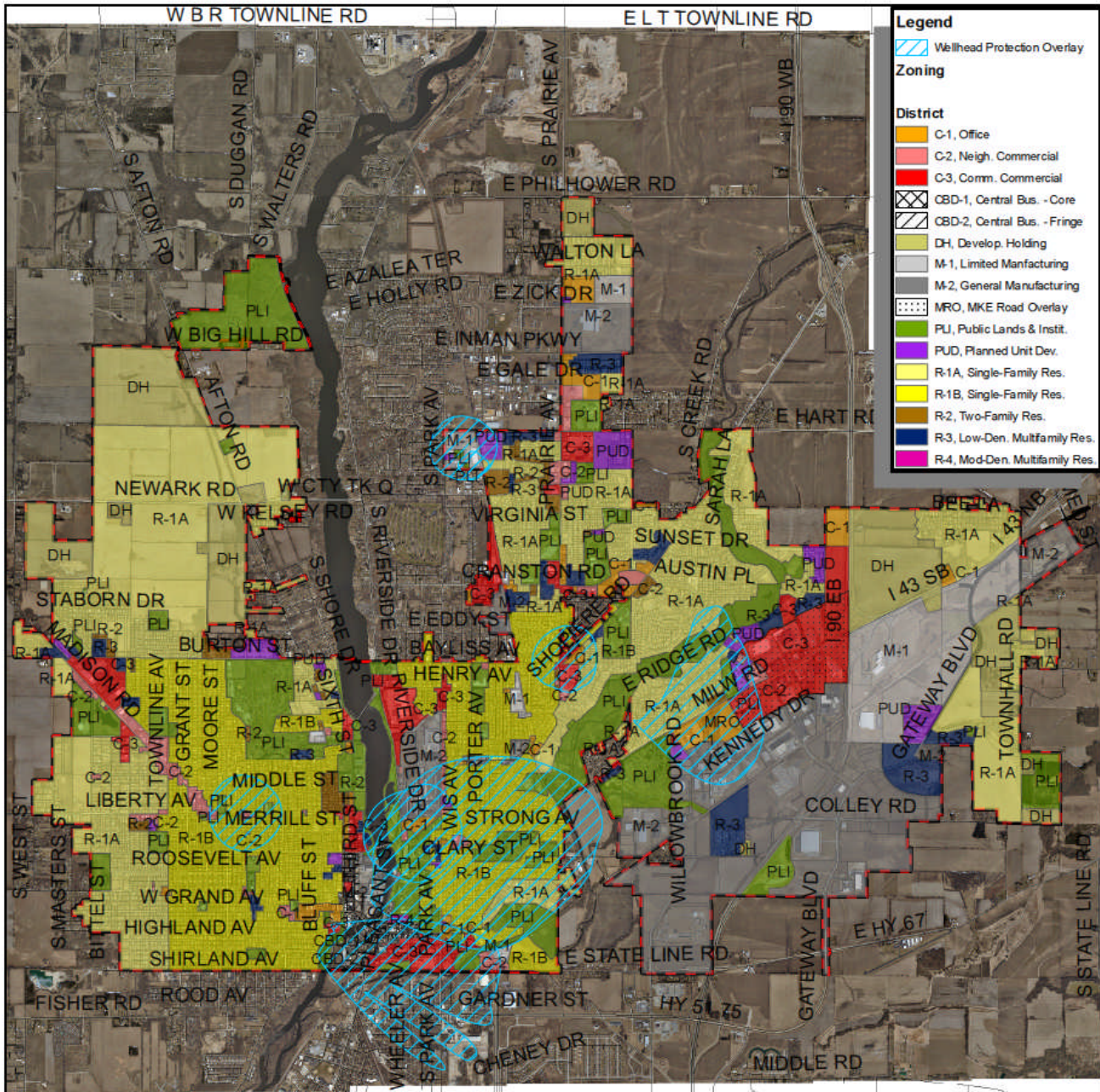
**Fiscal Note/Budget Impact:** The City has not received any outside funding to implement this Ordinance.

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**Attachments:** Ordinance (Redline), Proposed Zoning Map(s), Public Notice, DNR Correspondence.



# Proposed Wellhead Protection Overlay District



**Legend**

**Zoning**

**District**

- Wellhead Protection Overlay
- C-1, Office
- C-2, Neigh. Commercial
- C-3, Comm. Commercial
- CBD-1, Central Bus. - Core
- CBD-2, Central Bus. - Fringe
- DH, Develop. Holding
- M-1, Limited Manufacturing
- M-2, General Manufacturing
- MRO, MKE Road Overlay
- PU, Public Lands & Instit.
- PUD, Planned Unit Dev.
- R-1A, Single-Family Res.
- R-1B, Single-Family Res.
- R-2, Two-Family Res.
- R-3, Low-Den. Multifamily Res.
- R-4, Mod-Den. Multifamily Res.



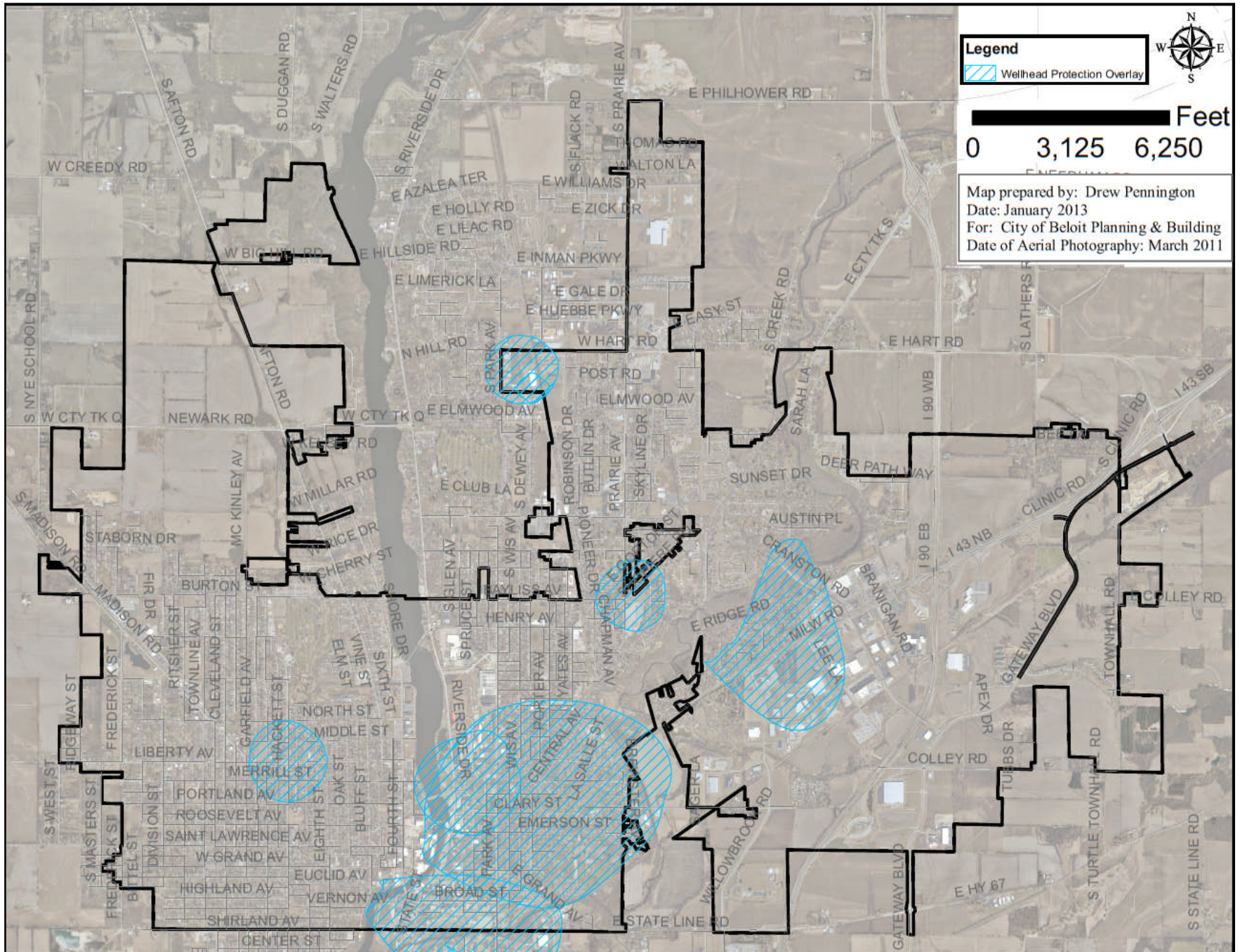
1 inch = 4,871 feet

0 1,402,800 5,600 8,400 Feet

Map prepared by: Drew Pennington  
 Date: January 2013  
 For: City of Beloit Planning & Building  
 Date of Aerial Photography: March 2011

PLANNING & BUILDING SERVICES DIVISION







City of  
**BELOIT**, Wisconsin  
Division of Planning and Building Services

CITY HALL • 100 STATE STREET • BELOIT, WI 53511

Office: 608/364-6700 • Fax: 608/364-6609

[www.ci.beloit.wi.us](http://www.ci.beloit.wi.us)

*Equal Opportunity Employer*

## **NOTICE TO THE PUBLIC**

February 6, 2013

### To Whom It May Concern:

In accordance with Wisconsin Department of Natural Resources (DNR) requirements, City of Beloit staff has drafted an Ordinance to create Section 5-800 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, to be known as the Wellhead Protection Ordinance. The purpose of the Wellhead Protection Ordinance is to protect the City's water supply from sources of contamination. Essentially, the Wellhead Protection Ordinance creates several Wellhead Protection Overlay Districts around each of the City's wells. As the name implies, the overlay district is a second zoning district classification, as affected properties will retain their underlying zoning district classification (e.g. residential, commercial, industrial, etc.). If you received this notice via U.S. Mail, our records indicate that you are the owner of property within one or more of the proposed overlay districts.

The Wellhead Protection Ordinance establishes permitted, conditional, and prohibited uses within the Wellhead Protection Districts. Permitted uses include residential (on City sewer), agricultural, open space, and most commercial, institutional, and industrial uses (on City sewer). Conditional uses include those with the potential to cause contamination, including metal plating & working, commercial uses with septic systems, cemeteries, chemical manufacturers, dry cleaners, auto repair shops, businesses with above-ground fuel & chemical tanks, and others. Prohibited uses include those with a greater potential to cause contamination, including businesses with underground fuel & chemical tanks, radioactive waste facilities, landfills, railroad yards, and others. Existing facilities that are listed as a conditional or prohibited use are eligible to apply for a Conditional Use Permit to repair, rebuild, or expand the facilities, subject to very specific requirements and conditions.

The proposed Wellhead Protection Ordinance consists of a Zoning Text Amendment in accordance with Section 2-200 and a Zoning Map Amendment in accordance with Section 2-300 of the Zoning Ordinance. The following public hearings will be held regarding this proposal:

**City Plan Commission:** Wednesday, February 20, 2013, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**City Council:** Monday, March 4, 2013, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

The public is invited to attend these hearings. We are interested in your opinion. Anyone bringing handouts to the meetings must bring ten (10) copies and submit them before the meeting begins.

*For additional information or to comment, please contact Drew Pennington in the Planning & Building Services Division at (608) 364-6711 or [penningtond@ci.beloit.wi.us](mailto:penningtond@ci.beloit.wi.us).*



State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
101 S. Webster Street  
Box 7921  
Madison WI 53707-7921

Scott Walker, Governor  
Cathy Stepp, Secretary  
Telephone 608-266-2621  
FAX 608-267-3579  
TTY Access via relay - 711



July 20, 2011

CAROL ALEXANDER  
CITY OF БЕЛОIT  
100 STATE ST  
BELOIT WI 53511

Project Number: W-2010-0690  
PWSID#: 15401122  
DNR Region: SCR  
County: ROCK

**SUBJECT: WATER SYSTEM FACILITIES WELLHEAD PROTECTION PLAN APPROVAL**

Dear Ms. Alexander:

The Wisconsin Department of Natural Resources, Division of Water, Bureau of Drinking Water and Groundwater, is conditionally approving a Wellhead Protection Plan (WHPP) for existing Well Nos. 3, 4, 5, 8 through 12 and new Well No. 14. Information of sufficient detail to meet the requirements of s. NR 811.12(6), Wis. Adm. Code, was submitted.

**Water system name:** Beloit

**Date received:** 11/29/2010

**Length of Time Extension:** 62 days to May 1, 2011; 31 days to June 1; 30 days to July 1; 30 days to July 31

**Engineering firm:** Baxter & Woodman Inc

**Professional Engineer:** Gerald D Groth

**Regional DNR Contact:** Dave Barkhahn, DNR, 3911 Fish Hatchery Rd, Fitchburg, WI 53711, (608) 275-3300, dave.barkhahn@wisconsin.gov

**Project description:** WHPP for existing Well Nos. 3, 4, 5, 8 through 12 and new Well No. 14

The City of Beloit (City) has submitted a WHPP for new Well No. 14. As part of the submittal, a WHPP prepared in 2004 for existing Well Nos. 3 through 5 and 8 through 12 was provided. It appears that the 2004 WHPP was never submitted to the Department. The Department has reviewed both of the WHPPs included in the submittal. Additional information has been submitted and reviewed for the existing wells. A draft Wellhead Protection Ordinance for all of the wells was included in the submittal.

The Department is hereby conditionally approving the WHPPs for existing Well Nos. 3 through 5, 8 through 12 and new Well No. 14. A final Wellhead Protection Ordinance is required to be adopted within 18 months.

\* Variances being issued to Chapter NR 811, Wis. Adm. Code: None. \*

Approval conditions related to Chapter NR 811, Wis. Adm. Code:

1. The City of Beloit shall adopt a Wellhead Protection Ordinance that includes Well Nos. 3 through 5, 8 through 12 and Well No. 14 within 18 months of the date of this approval.

MARCH 14, 2013

2. Three copies of the Wellhead Protection Ordinance shall be submitted to this office to be placed on file within 30 days of being formally adopted by the City of Beloit.

**Approval conditions related to other Department requirements:** None.

**Approval constraints:** The project was reviewed in accordance with s. 281.41, Statutes for compliance with Chapters NR 108, NR 810 and NR 811, Wis. Adm. Code and is hereby approved in accordance with s. 281.41, Statutes subject to the conditions listed above. This approval is valid for two years from the date of approval. If construction or installation of the improvements has not commenced within two years the approval shall become void and a new application must be made and approval obtained prior to commencing construction or installation.

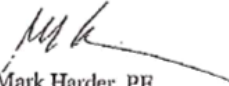
This approval is based upon the representation that the plans submitted to the Department are complete and accurately represent the project being approved. Any approval of plans that do not fairly represent the project because they are incomplete, inaccurate, or of insufficient scope and detail is voidable at the option of the Department.

**Appeal rights:** If you believe that you have a right to challenge this decision, you should know that the Wisconsin Statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. To request a contested case hearing pursuant to s. 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. Requests for contested case hearings must be made in accordance with ch. NR 2, Wis. Adm. Code. Filing a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review. For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., you must file your petition with the appropriate circuit court and serve the petition on the Department within 30 days after the decision is mailed. A petition for judicial review must name the Department of Natural Resources as the respondent.

**Recommendations:** None

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

For the Secretary

  
Mark Harder, PE  
Public Water Supply Section  
Bureau of Drinking Water and Groundwater  
(608) 267-5262

cc: Dave Barkhahn – DNR, Fitchburg (email)  
Gerald D Groth - Baxter & Woodman Inc. (email)  
Mike Tinder – Water Utility Supervisor, City of Beloit (email)  
Mark Harder – DNR, DG/5 Reviewer  
Jeff Helmuth – DNR, DG/5 (w/WHPP)

**Mathos, Harry**

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**From:** Harder, Mark W - DNR <Mark.Harder@Wisconsin.gov>  
**Sent:** Wednesday, February 27, 2013 9:24 AM  
**To:** Mathos, Harry  
**Subject:** WHPP

Harry –

Attached are some examples of the Department's position on Wellhead protection. See the first 2 paragraphs of the Introduction in the first document and the first recommendation included in the 2009 Sanitary Survey Report for Beloit. The Department's position is and always has been that a WHPP for all of your wells provides better protection.

My opinion is that since all of your wells are used to supply water to your distribution system it does not seem practical to protect just one well. The operation of all of your wells is interconnected. As an example, if you just included Well No. 14 in your WHPP and Well No. 11 was contaminated due to a new source of contamination you would have to take both wells off-line until a solution could be found. Taking 2 wells offline would then affect the operation of your other wells. A WHPP is obviously not a guarantee of no contamination – it just reduces the risk.

If you have questions or want additional information please email or call me.

Thanks.

Mark Harder  
(608) 267-5262

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wells obtain their water. The City should continue to keep all current well operational permits and/or all well abandonment reports on file for periodic review by DNR personnel.

5. The City is encouraged to continue to perform annual cross-connection inspections when testing consumers' water meters. This is one program, that when properly administered, can prevent water of questionable quality from being backsiphoned into the City's water supply via such connections. Please continue to implement this fine program.
6. The floor drain at well no. 8 discharges to a french drain system, as there are no sanitary sewers located in the area. Should a sanitary sewer system ever be installed in this area, the floor drain at the well will need to be connected to it. As an alternative to connecting the exist floor drain to a sanitary sewer system, the City could plumb the existing floor drains to discharge to the ground surface, but the discharge point must terminate a minimum of 25 feet away from the existing well. French drains are prohibited.

**Recommendations**

During the course of the sanitary survey, 6 recommendations were identified. Recommendations are problems in the water system that hinder your public water system from consistently providing safe drinking water to consumers.

Recommendation
1. An adequate wellhead protection program has not been designed and implemented including a water conservation plan.
2. The unaccounted for water loss is not < 10%.
3. The operators are encouraged to continue to implement the hydrant and valve maintenance program and recordkeeping system.
4. All water storage facilities need to be inspected at least once every 5 years.
5. All vertical turbines and submersible pumps must be pulled and inspected at least once every 10 years.
6. The City is encouraged to continue with their plans for the addition of a new well.

**Discussion of Recommendations:**

1. The City of Beloit is encouraged to implement a wellhead protection program (WHPP) for its existing municipal wells. A program of this nature can help protect the recharge areas of the municipal wells thereby protecting against possible contamination to the City's wells. When new municipal wells are now drilled in Wisconsin, it is required for that municipality to adopt a Well Head Protection ordinance and implement a WHPP. Since it makes good sense to protect existing wells too, I would strongly recommend this be done for all municipal wells in the City of Beloit.
2. The City should have a water loss study performed on the distribution system, if one hasn't already been done, to investigate areas that may be contributing to the water loss figures reported yearly to the PSC. The latest figures provided to the PSC show a water loss percentage of 16% in 2008. The City should continue to reduce these losses. Losses as seen in Beloit are not only a loss of revenue for the community, but it is also a waste of the natural resource and needs to be reduced. The water loss could be caused by:
  - a. Leaks in the distribution system. A leak detection study should be performed on the entire water distribution system.
  - b. Inadequate records of hydrant flushing and fire department use.
  - c. Inaccurate well or system meters - Testing of these meters on a frequency to insure their accuracy is recommended.



## PROCEEDINGS OF THE BELOIT CITY COUNCIL

### Special Meeting

100 State Street, Beloit, WI 53511

February 12, 2013

Presiding: Charles M. Haynes

Present: Sheila De Forest, Chuck Kincaid, Kevin D. Leavy, David F. Luebke, Mark Spreitzer, and James E. Van De Bogart

Absent: None

Deputy City Attorney Elizabeth Krueger represented the City.

Attorney William Henderson appeared as Independent Counsel to the City Council.

1. The special meeting was called to order at 6:30 p.m. in accordance with Section 2.02(3) of the City Ordinances.
2. Consideration of a recommendation from the Alcohol Beverage License Control Committee (ABLCC) that the Alcohol Beverage License for **Speedway, LLC, d/b/a Speedway #4293**, 2781 Milwaukee Road, be suspended for a period of 30 days.

Deputy City Attorney Elizabeth Krueger presented the complaint and said that the defendant would not contest the facts of the case. She indicated that the Police Department and the ABLCC recommended a 30-day suspension of the Class "A" Beer License.

Attorney David Carr, representing Speedway, LLC, introduced Jessica Wagner, Speedway District Manager, Mike Jagger, Store Manager, and Sheryl LaTronico, Agent. Mr. Carr said that they are not contesting that the violations happened but that the members of the management team are here today to explain why and how a violation will never happen again. Jessica Wagner, 6340 Lake Road, Windsor, WI, is the Speedway District Manager. She said that there are safeguards in place to ensure that employees will not sell to underage individuals again. She said that each employee will take TAM (Tobacco and Alcohol Management) training every six months. She said that the store manager will run an Age Verification Report daily and that this report will show how many times an employee does and does not enter the exact birthdate of a customer. Ms. Wagner said that the store has also implemented a policy of carding everyone who looks 40 years old or younger, instead of 30 years old as required by state law. She said that they have hired a third party business to perform a sting four times per year and that the store has passed all of them. She said that Speedway does not want to sell alcohol to minors and that they take their responsibility as a license holder very seriously. Councilor De Forest asked why the first incident was not enough to take the matter seriously. Ms. Wagner indicated that the employee who sold to an underage individual the first time was fired, and the second employee walked off the premises after the violation. Councilor Van De Bogart asked how much extra time per transaction it takes to card people and asked if employees are under pressure to move people through the line quickly. Mr. Wagner indicated that there is not pressure to move people through the line quickly and that back-up is always available if there are more than two customers in line. Mike Jagger, 756 Valley Forge Drive, Rockton, IL, is the store manager. He said that since the last incident, they have really focused on carding everyone. He said that they have also made signs for each register reminding the clerk to card the customer if purchasing beer or cigarettes. Mr. Carr added that the new measures taken to eliminate the problems have already shown results. He also said that Speedway, as a corporation, is focused on customer service, not speed. He said that Speedway wants to continue to be a trusted community partner in Beloit and thanked the Council for their time. He said that he understands that the recommendation is for a 30-day suspension and respectfully requested that it be fewer days. Councilor Leavy reiterated the serious nature of the offenses but said that he was encouraged to see that changes have been made. Councilor Luebke said that he was impressed with the presentation but that consistency with regard to punishment for violations is important.

3. Councilor Leavy made a motion to adjourn into closed session pursuant to WI Statutes 19.85(1)(a) for deliberations regarding this case. Councilor De Forest seconded, and the Council adjourned into closed session at 6:54 p.m. At 7:26 p.m., Councilor Leavy made a motion to reconvene into open session. Councilor Luebke seconded, and the motion carried. Councilor De Forest made a motion to revoke the alcohol license, and Councilor Leavy seconded. The motion failed by a vote of 3-4 with Councilors Kincaid, Luebke, Spreitzer, and Van De Bogart voting in opposition. Councilor Spreitzer made a motion to suspend the license for 90 days, and Councilor Van De Bogart seconded. The motion carried 7-0. Councilor Leavy made a motion that the suspension begin at 12:01 a.m. on February 18, 2013. Councilor Spreitzer seconded, and the motion carried 7-0. File 8542
4. Councilor Leavy moved to adjourn the meeting, and Councilor Luebke seconded. The motion carried, and the meeting adjourned at 7:28 p.m.

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Rebecca Houseman LeMire, City Clerk

[www.ci.beloit.wi.us](http://www.ci.beloit.wi.us)

Date approved by Council:



**PROCEEDINGS OF THE BELOIT CITY COUNCIL  
Special Meeting  
100 State Street, Beloit, WI 53511  
February 18, 2013**

Presiding: Charles Haynes  
Present: Sheila De Forest, Chuck Kincaid, Kevin D. Leavy, David F. Luebke, Mark Spreitzer, and James E. Van De Bogart  
Absent: None

1. President Haynes called the meeting to order at 5:32 p.m. in the 4<sup>th</sup> Floor City Manager's Conference Room at City Hall.
2. Councilor Luebke moved to adjourn into closed session pursuant to Wis. State 19.85(1)(e) to discuss a possible **real estate transaction** with the Ho-Chunk Nation. Councilor Leavy seconded. The motion carried, and the Council adjourned into closed session at 5:32 p.m.
3. Councilor Leavy moved to adjourn the closed session and reconvene into open session at 6:35 p.m. Councilor Luebke seconded, and the motion carried. City Manager Larry Arft presented a resolution approving a Land Contract Purchase Agreement with the Ho-Chunk Nation for 41.5 acres of City land. Councilor Luebke made a motion to adopt the resolution, and Councilor Van De Bogart seconded. John Holst, representing the Ho-Chunk Nation, said that approving this resolution and allowing the Ho-Chunk Nation to purchase the land adjacent to the proposed Casino site would be beneficial to the project. He said that this land would remain outside of the trust application and be fully taxed. He said that this land would provide support and amenities associated with the Casino project and will benefit the City, the County, and the community in general. The motion carried 7-0. File 8525
4. At 6:40 p.m., Councilor Leavy made a motion to adjourn the meeting. Councilor Spreitzer seconded, and the motion carried.

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Rebecca Houseman LeMire  
City Clerk

[www.ci.beloit.wi.us](http://www.ci.beloit.wi.us)

Date Approved by Council:





**PROCEEDINGS OF THE BELOIT CITY COUNCIL**  
**100 State Street, Beloit WI 53511**  
**Monday, February 18, 2013**

Presiding: Charles M. Haynes  
Present: Sheila De Forest, Chuck Kincaid, David F. Luebke, Kevin D. Leavy, Mark Spreitzer, and James E. Van De Bogart  
Absent: None

1. The meeting was called to order at 7:05 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
  - a. Vice President Mark Spreitzer and Chief Norm Jacobs presented the Citizens Life Savings Award to Mark Christofferson for his prompt and unselfish act that saved a life on December 15, 2012.
4. PUBLIC HEARINGS
  - a. Community Development Director Julie Christensen presented the public hearing and first reading of a proposed Ordinance amending the City of Beloit **Comprehensive Plan** for the properties located at 545 and 549 W. Grand Avenue; 615, 619, 625, and 629 Eighth Street; 548 Locust Street; 1203, 1233, 1249, 1253, and 1257 Sixth Street; 219 and 225 North Street; and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, and 1353 Sixth Street, from the Neighborhood Commercial, Two-family, and Single-family Residential-Urban use designations, to the Institutional and Community Service use designation. It was noted that the Plan Commission recommended approval 5-0. Councilor Haynes opened and closed the public hearing without comment. Councilor Van De Bogart made a motion to lay the item over, and Councilor Luebke seconded. The motion carried 7-0. File 8247
  - b. Ms. Christensen presented the public hearing and first reading of a proposed Ordinance amending the City of Beloit **Comprehensive Plan** for the property located at 501 Prospect Street, from the Institutional and Community Service use designation, to the Neighborhood Commercial use designation. It was noted that the Plan Commission recommended approval 5-0. Ms. Christensen indicated that the building on this property is the former First Presbyterian Church. She said that the applicant has purchased the church and intends to redevelop it with mixed uses. Councilor Haynes opened the public hearing.
    - Dave Winters, 13807 Mary Drive, Rockton, IL, said that he is concerned what will happen if the Comprehensive Plan is changed for this business and the business fails. He said that he is also concerned about the possibility of a full liquor license at this location.
    - Steven Hawkins, 717 Harrison Avenue, said that he is not against what the property owners want to do with the building but that he is concerned about how this property may be used in the future if this future land use designation is approved.
    - Rick Bach, 12887 Vivian Court, Rockton, IL, expressed concern about the lack of parking in the area and how these new uses would impact the already scarce parking.
    - Patrick Egleston, 903 Vernon Avenue, said that if the business fails, the future land use should go back to what it is now. He said that there are issues with the possibility of serving alcohol and the available parking.
    - Mike Zoril, 1756 Carlyle, said that he is the treasurer of a non-profit organization who would be interested in using this building. He said that the applicants have invested their time, energy, and money into the community and that we should do anything we can to support them in their quest to preserve this historic building.

- John Wittnebel, 10320 W County Road K, is one of the owners of the property and said that he is thrilled to be part of the neighborhood. He said that his daughter and wife started Youth Unite, a non-profit organization, and they wanted put a roof over it. He said that he understands that parking is an issue, but it is not a deal breaker. He said that this proposal is mutually beneficial to all parties involved.

Councilor Haynes closed the public hearing. Councilor Luebke made a motion to lay the item over, and Councilor Leavy seconded. Councilor Luebke said that the main concerns are parking and alcohol use. Councilor De Forest asked if the applicants have considered pursuing a zoning designation that does not allow alcohol. Ms. Christensen said that the PLI, Public Lands and Institutions district, does not allow for any commercial uses and that the only way to re-use this building is to change the Comprehensive Plan and then the zoning in the future. Councilor Spreitzer asked if there is a parking requirement associated with the land use or zoning designation. Ms. Christensen said that the applicants will be seeking a Central Business District zoning designation which does not require parking. Councilor Leavy asked if the applicants will move forward without the opportunity for a liquor license. Ms. Christensen said that they have not done a lot of work yet because they are waiting for the Council to take action on their requests. Councilor Luebke asked about special event liquor licenses, and City Clerk Rebecca Houseman LeMire stated that these licenses are limited in terms of who may apply for them and where the events may be held. She said that without specific information, she could not say whether or not this group could be granted a license at this location. City Manager Larry Arft thanked the applicants for their exciting plan to repurpose this building. He said that the former property owners wanted to demolish this historic structure and that the applicants' proposal is a much better option. Councilor Haynes said that the other options of demolition or non-use are much worse. The motion carried 7-0, and the item was laid over to the next meeting. File 8247

- c. Ms. Christensen presented a proposed ordinance to amend the **Zoning District Map** of the City of Beloit to change the zoning district classification of the property located at 2208 N. Lee Lane from R-1A, Single-family Residential District, to PLI, Public Lands and Institutions District. It was noted that the Plan Commission recommended approval 6-0. Councilor Haynes opened and closed the public hearing without participation. Councilor Van De Bogart made a motion to suspend the rules and offer a second reading. Councilor De Forest seconded, and the motion carried 7-0. On the merits of the ordinance, Councilor Van De Bogart made a motion to enact, and Councilor Luebke seconded. The motion carried 7-0. File 8228 Ordinance 3477
- d. Ms. Christensen presented a resolution authorizing a **Conditional Use Permit** to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 1623 Park Avenue. It was noted that the Plan Commission recommended denial 6-0. Ms. Christensen said that the Police Department raised concerns about the sale of alcohol near the Merrill Neighborhood, and the Clerk's office indicated that the applicant has not applied for a license yet and must live in Wisconsin for 90 days in order to do so. Ms. Christensen said that the resolution is written in affirmative language and includes conditions staff recommends if the resolution is approved. Councilor Haynes opened the public hearing.

- Vanessa Graham, 1613 Park Avenue, said that she runs the day care at the end of the strip center. She said that the addition of alcohol sales at this location would create traffic issues and that she does not support the conditional use permit because she does not want to see alcohol sales in the neighborhood.
- Anna Mora, spoke on behalf of the applicant. She said that they want to sell beer because their customers have requested it and that allowing the sale of beer at the store will help the local economy.
- Eugene Kaye, 410 Bluff Street, said that he is the owner of the property. He said that traffic congestion is already an issue. He does not think that there will be a problem with alcohol sales at this location and supports the application.
- Patricia Majeed, 1615 Park Avenue, asked the Council to continue the revitalization efforts in the Merrill Neighborhood by keeping alcohol sales out the neighborhood.
- Francisco, 818 Portland Avenue, said that adding beer is just like adding one more item in the store. He said that if customers do not get alcohol at this store, they will just go somewhere else.

Councilor Haynes closed the public hearing. Councilor Spreitzer made a motion to adopt the resolution, and Councilor Luebke seconded. Councilor Leavy said that he lives in the Merrill Neighborhood and that the residents have worked hard to keep the alcohol out of the



neighborhood. He said that beer sales will only positively impact the economy of the store, not the community, and that he is opposed to the application. Councilor De Forest said that she agrees with Councilor Leavy. She said that the day care is very close to this store and that the residents do not want alcohol sales in their neighborhood. Councilor Spreitzer said that he is opposed to this application because the other neighborhood business owners and residents are opposed. Councilor Haynes said that the people in the neighborhood know how to improve it and they have spoken out against this. Councilor Van De Bogart said the he intends to vote against the resolution, and he reminded the Council that there are other businesses on the edge of the neighborhood where the Council has approved alcohol sales in the past. The motion to adopt the resolution failed by a vote of 0-7. File 8542

## 5. CITIZENS PARTICIPATION

- Mike Zoril, 1756 Carlyle Road, asked if the Section 8 payments from the City will increase because of the increase in property taxes and rental permit fees.

## 6. CONSENT AGENDA

Councilor De Forest requested that item 6.f. be removed from the Consent Agenda. Councilor Leavy made a motion to adopt the Consent Agenda, which consists of items 6.a. through 6.e. and 6.g. through 6.i. Councilor Luebke seconded, and the motion carried that the Consent Agenda, consisting of items 6.a. through 6.e. and 6.g. through 6.i., be accepted, approved, adopted, or referred and acted upon as required by state and local codes by a vote of 7-0.

- a. The **Minutes** of the Regular Meeting of February 4, 2013 were approved.
- b. The resolution approving a **Change of Agent** for Speedway, LLC, d/b/a Speedway #4293, located at 2781 Milwaukee Road, from Nancy A. Bryant to Sheryl Lynn LaTronico, was adopted. File 8542
- c. The **City Center Connections Plan** was referred to the Plan Commission. File 8168
- d. The application for a 2-Lot **Certified Survey Map** for the property located at 1650 Lee Lane was referred to the Plan Commission. File 7867
- e. The resolution authorizing **Final Payment** of Public Works Contract C12-13, Colby Street Reconstruction, was adopted. File 8547
- g. The resolution authorizing the **Final Payment** of Public Works Contract C12-03, West Grand Parking Lot, was adopted. File 8549
- h. The resolution authorizing the **Final Payment** of Public Works Contract C12-19, Street Resurfacing 2012-Phase II, was adopted. File 8557
- i. The resolution approving **Farm Leases** between the City of Beloit and Twin Oaks Farm was adopted. File 7834
- f. City Engineer Mike Flesch presented a resolution authorizing **Final Payment** of Public Works Contract C12-20, McKinley Avenue Reconstruction. Councilor De Forest asked if the sod had been restored to specifications, and Mr. Flesch said that it had. Councilor Leavy made a motion to adopt the resolution, and Councilor Kincaid seconded. The motion carried 7-0. File 8563

## 7. ORDINANCES

- a. Water Resources Director Harry Mathos and Director of Planning and Building Services Drew Pennington presented a proposed **Zoning Text Amendment** creating Section 5-800 of the Zoning Ordinance, Article V, Chapter 19 of the Code of General Ordinances of the City of Beloit, to be known as the Wellhead Protection Ordinance. Mr. Mathos said that Beloit's water comes from ground water aquifers and that it is imperative that the ground water be kept clean. He said that this ordinance is mandated by the Wisconsin Department of Natural Resources because the City constructed a new well in 2011 and it will protect the City's ground water supply. Mr. Pennington said that this ordinance will be located within the Zoning Ordinance and that it creates a wellhead protection overlay zoning district. Councilor Leavy made a motion to refer the ordinance to the Plan Commission for review. Councilor Luebke seconded. Councilor De Forest asked if realtors will be required to disclose if a property is within this district, and City Attorney

Tom Casper said that zoning must be disclosed. Councilor De Forest asked how many businesses will be impacted, and Mr. Pennington said that he did not know how many will be directly impacted but that there are 200 businesses located within the overlay district. Councilor Spreitzer asked how City and State boundaries impact the overlay district, and Mr. Pennington said that they can only enforce the requirements for the properties located within the City. The motion carried 7-0, and the matter was referred to the Plan Commission. File 7724

8. APPOINTMENTS – none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor Van De Bogart encouraged people to vote in the Spring Primary Election. He thanked the volunteers, sponsors, and participants involved in the Beloit International Film Festival (BIFF). He said that he will participate in a fundraiser for the Merrill Community Center on Friday and attend the Empty Bowl Fundraiser on Saturday. He said that the Rock River Trail Coalition will be meeting on March 1<sup>st</sup> and that he will be participating in the upcoming Polar Plunge to benefit the Special Olympics.
- Councilor De Forest said that she enjoyed BIFF, attended a modern dance show, and thanked Beloit College for bringing additional cultural opportunities to Beloit.
- Councilor Luebke said that it was a pleasure to be in Downtown Beloit over the last weekend.
- Councilor Kincaid said that the silent movie showcase was the highlight of BIFF, that he attended the Historical Society's annual meeting, and encouraged people to buy an Empty Bowl to benefit Caritas.
- Councilor Spreitzer thanked the volunteers for BIFF and encouraged people to support the Empty Bowl event.

10. CITY MANAGER'S PRESENTATION

- a. Beloit Housing Authority Director Cathy Pollard presented phases 1 and 2 of the **Public Housing Redevelopment Project**. She said that none of the City's public housing units had been renovated or remodeled since acquisition. She said the project began with a tax credit application in 2007 with the goal of bringing all of the units up the market standards. She explained the multitude of renovations and showed pictures of the units before and after the project. Councilor De Forest thanked Ms. Pollard for her hard work in managing this large project and saving the City money by doing so. The other Council members also thanked Ms. Pollard and Mr. Tom Landgraf for their hard work and dedication to this project.

11. REPORTS FROM BOARD AND CITY OFFICERS

- a. Finance and Administrative Services Director Paul York presented a resolution Declaring Official Intent to **Reimburse Expenditures from Proceeds of Borrowing**. He said that this resolution is presented annually prior to start of the construction season and that these projects were approved as part of the City's Capital Improvements Plan. Councilor Luebke made a motion to adopt the resolution, and Councilor Leavy seconded. The motion carried 7-0. File 8570
- b. Mr. Flesch presented a resolution **Rejecting all Bids** for Public Works Contract C13-04, Pohlman Field Concourse Rehabilitation. He said that the City hoped to have this project done prior to the start of the Beloit Snapper's baseball season but that the contractors needed more good weather than will be available to complete the project. He said this project will be re-bid in September. Councilor Luebke made a motion to adopt the resolution, and Councilor Spreitzer seconded. The motion carried 7-0. File 8581
- c. Mr. Casper presented a resolution approving **Release of City Rights** under Development Agreements dated November 4, 1998 and April 3, 2007 and access and parking easement dated May 30, 2008, regarding property located at the Eclipse Center. Mr. Casper said that this resolution is necessary to release the City's easements over a portion of the parking lot at the Eclipse Center so that the property owner can sell land to Associated Bank to accommodate the construction of a bank building. He said that the downtown Associated Bank branch will be relocating to the new building. Councilor Luebke made a motion to adopt the resolution, and Councilor Leavy seconded. Councilor De Forest asked if this impacts any of the property owner's

minimum payments to the City, and Mr. Casper said that it does not. The motion carried 7-0.  
File 8526

12. At 9:16 p.m., Councilor De Forest made a motion to adjourn the meeting, and Councilor Leavy seconded. The motion carried 7-0.

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Rebecca Houseman LeMire, City Clerk

[www.ci.beloit.wi.us](http://www.ci.beloit.wi.us)

Date approved by Council:

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING TO REORGANIZATION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.**

The City Council of the City of Beloit, Rock County, Wisconsin, do ordain as follows:

**Section 1.** Section 1.35(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(2) DUTIES. ~~The Electrical Inspector~~He shall serve under the direction of the Director of ~~Planning and Building Housing~~Services and perform such functions as are contained in this Municipal Code and such other duties as may from time to time be directed ~~to him~~ by the Director of ~~Planning and Building Housing~~Services.”

**Section 2.** Section 1.36 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“1.36 WEED COMMISSIONER. The Director of ~~Community and~~Housing Services shall serve as Weed Commissioner and fulfill the duties of such office as directed in §§66.0407 and 66.0517, Wis. Stats., and §7.235 of the Code of General Ordinances of the City of Beloit.”

**Section 3.** Section 1.50(3) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(3) ORGANIZATION AND DIVISIONS. The City Attorney's Office shall include the City Attorney, who shall serve as director of legal services, and a ~~Deputy City Attorney or~~ Assistant City Attorney, who shall also serve as City Prosecutor. The Department will have the following divisions:

(a) Legal Services. All general legal services of the City shall be provided by, or coordinated through, this Department, which shall be headed by the City Attorney. This Department will oversee not only legal services provided directly by the Department, but also will coordinate with outside counsel, including those contracted directly by the City, or by various insurance companies providing liability and casualty coverage for the City.

(b) ~~Prosecutorial Services~~. Under the direction of the ~~Deputy City Attorney or~~ Assistant City Attorney, this Department will provide all prosecutorial services required in support of the City's various enforcement activities, specifically to include Police Department, ~~Department of Community Development,~~ ~~Department of Public Works~~ ~~Division of Housing Services,~~ and Fire Department ~~operations~~, as well as other prosecutorial activities as required.”



**Section 4.** Section 1.54(3) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

(3) ORGANIZATIONS ~~AND SECTIONS~~. The Department of Community Development shall include the following ~~divisions~~sections which are established to ensure the proper administration of all functions assigned to the Department:

(a) Community and Housing Services Division. This division shall be under control of the Director of Community and Housing Services. The Director of Community and Housing Services shall report to the Community Development Director and shall be responsible for the following activities:

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1. Neighborhood ~~Preservation~~Planning and Development. This division ~~shall be under control of a Division Head, and~~ shall be responsible for all neighborhood ~~planning and preservation and development~~ activities, including the Neighborhood Stabilization Program, Development Initiative~~the Housing Assistance p~~Program, as well as other activities associated with the City's neighborhood preservation efforts.

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2. Housing ~~Inspection~~ and Code Enforcement ~~Activities~~. This ~~is~~ division shall be responsible for the enforcement and administration of overseeing all the code enforcement activities of the City, including plan review, and the City's Property Maintenance Code Enforcement Program and the Rental Dwelling Unit Permit Program. This division shall also work collaboratively with the Fire Department to conduct multi-family residential fire inspections. Further, this division will also coordinate the housing assistance program funded under the Community Development Block Grant program and assist with various elements of the Community Development Initiatives Program.

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3. Grants Administration ~~Community Development Block Grant (CDBG) Program~~. This division ~~shall will~~ be responsible for the administration, allocation, and use of funding received through the Community Development Block Grant (CDBG) Program and the HOME Investment Partnership (HOME) Program.~~funds received by the City each year~~

4. Fair Housing Enforcement and Administration. This division shall be responsible for fair housing activities as well as providing staff support and otherwise assisting the Equal Opportunities and Human Relations Commission in performing its powers and duties."

(b) Planning and Building Services Division. This division shall be under the control of the Director of Planning and Building Services. The Director of Planning and Building Services shall report to the Community Development Director and shall be responsible for the following activities:

1. City and Regional Planning. This division shall be responsible for the overall general planning throughout the City as well as regional planning activities. This division shall have direct responsibility for enforcement and administration of the City's zoning and subdivision regulations, site plan review, comprehensive plan updates and coordination with other departments and divisions as necessary to ensure the enforcement of all land use related regulations.

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2. Building Services. This division shall be responsible for the administration and enforcement of state and local building, heating and air conditioning, plumbing and electrical regulations.

3. Landmarks Commission/Historic Preservation. This division ~~will be headed by the Department Director and will~~ shall be responsible for ~~H~~historic ~~P~~reservation activities as well as ~~providing~~ staff support ~~and otherwise assisting to the City's~~ Landmarks Commission in performing its powers and duties.

(c) Housing Authority Division. This division shall be under the control of ~~a division head who shall be known as the~~ ~~d~~Director of the ~~h~~Housing ~~a~~Authority. The ~~d~~Director of the ~~h~~Housing ~~a~~Authority shall report to the Community Development Director and shall be responsible for providing staff support and otherwise assisting the Community Development Authority in performing its powers and duties ~~as a housing authority.~~ The ~~d~~Director of the ~~h~~Housing ~~a~~Authority shall also perform such other duties as may be assigned by the Community Development Director, City Manager or the Community Development Authority."

**Section 5. Section 1.77(8) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:**

"(8) OFFICERS AND DUTIES. The board shall elect a chair a vice chair and second vice chair annually at the board's first meeting in June. The board shall submit the chair's name to the City Clerk immediately after selection. The chair shall preside over all meetings of the board. The vice chair shall preside over the meetings in the chair's absence and the second vice chair shall preside in the absence of both the chair and vice chair. In the absence of the chair, vice chair and second vice chair, a president pro tem shall be chosen from those present and shall preside. The presiding officer may compel the attendance of witnesses and administer oaths. The ~~Director of Neighborhood Planning and Planning and Building Services Division~~~~the Division of Neighborhood Planning~~ shall provide staff support services to the board, including secretarial services. The secretary shall record the minutes of each meeting, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Department of Community Development~~office of the Division of Housing Services.~~ The secretary shall transmit a written copy of the minutes and records of the board to the City Clerk. The City Clerk shall be the custodian of the records of the board."

**Section 6.** Section 7.05(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(1) ENFORCEMENT OFFICER. The Director of Community and Housing Services and his/her authorized representatives shall enforce the provisions of this code. The Director of Community and Housing Services and his/her authorized representatives are hereafter referred to as "building officials." City police officers may also enforce this code in accordance with the procedures set forth herein.”

**Section 7.** Section 7.06(2)(c)1 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“1. Under a systematic cyclical schedule devised by the Director of Community and Housing Services and Code Enforcement Division; and/or”

**Section 8.** Section 7.11(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(2) SERVICE OF ORDERS.

(a) Orders to correct violations shall be served upon the owner of record by first class mail at the address listed with the Director of Community and Housing Services or by delivering the order to the owner~~him~~ personally. When the owner of record does not have an address listed with the Director of Community and Housing Services' office, the order may be served:

1. By delivering the order to the owner personally; or
2. By first class mail addressed to the owner at his~~the~~ last known address as shown on the most recent property tax bill for the property affected by the order; or
3. By posting the order in a conspicuous place on the exterior of the structure affected by the order.”

**Section 9.** Section 7.13(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(1) ENFORCEMENT. The Chief of Police and the Director of Community and Housing Services shall enforce ~~these~~ provisions of this section that come within the jurisdiction of ~~their~~-his/her offices, and they, or their designees, shall make periodic inspections, and inspections upon complaint, to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer, or his/her designee, shall have inspected, or caused to be inspected, the premises where the nuisance is alleged to exist and shall have satisfied himself/herself that a nuisance does in fact exist. See §7.245(4) of this chapter relating to the abatement of public nuisances by boarding up of windows and door openings.”

**Section 10.** Sections 7.18(1)(c) and (d) of the Code of General Ordinances of the City of Beloit are hereby amended to read as follows:

“(1) Whoever does any of the following may be required to pay a forfeiture as provided below:

- (a) Violates any provision of this chapter.

- (b) Fails to comply with a lawful order of a building official to correct a violation of this chapter.
- (c) Builds any structure in a manner inconsistent with the detailed statement of specifications or plans submitted to any division within the Department of Community Development~~Housing and Code Enforcement Division~~ and approved thereby.
- (d) Builds a structure in a manner inconsistent with any certificate or permit issued by any division within the Department of Community Development. ~~Housing and Code Enforcement Division.~~"

**Section 11.** Section 7.21(2) of the Code of General Ordinances of the City of Beloit insofar as it pertains to the definition of "building official" is hereby amended to read as follows:

"Building Official. The Director of Community and Housing Services and his/her authorized representatives."

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**Section 12.** Section 7.23(11)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"(a) Every accumulation or storage of logs, firewood, cut lumber, cut timber, etc. shall be neatly stacked and stored. If there is evidence of rodent infestation, the Director of Community and Housing Services shall have authority to order the property owner to raise the wood off the ground."

**Section 13.** Sections 7.24(12)(a)4 and 6 of the Code of General Ordinances of the City of Beloit are hereby amended to read as follows:

"4. *Notification of Violation.* Whenever the ~~Division of Community and~~ Housing Services Division determines that graffiti on any building or structure within the city is visible from the street or from other public or private property, the ~~Division of Community and~~ Housing Services Division shall issue an order to the owner of the property to abate the graffiti in a timely manner. Such order shall be issued in compliance with the requirements of §§7.10 to 7.12 of this chapter."

"6. *Failure to Comply.* If the property owner fails to comply with the order to abate the graffiti, the ~~Division of Community and~~ Housing Services Division may cause the graffiti to be abated either by city employees or by independent contractor. The city and the independent contractor are expressly authorized to enter upon the property and abate the graffiti upon exterior walls, fences, billboards and other structures abutting public streets, property or right of way. The city or private contractor will take all reasonable precautions to avoid causing damage to the property where the graffiti is abated. Any paint used to obliterate graffiti shall be as close as practicable to the background color or colors in the area where the graffiti is abated. The cost of abating the graffiti shall, pursuant to §66.0627, Wis. Stats., shall be imposed as a special charge against the real property for the cost of the services provided. If the special charge is not paid within 30 days, the special charge shall be deemed delinquent. A delinquent special charge shall be a lien against the property as of the date of delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and settlement under Ch. 74, Wis. Stats."



**Section 14.** Section 7.24(12)(b)3 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"3. Graffiti on solid waste containers shall be removed within 3 working days following notification by the ~~Division of Community~~ Housing Services ~~Division~~ or within 3 working days of the last time the container is emptied, irrespective of any plan submitted under paragraph (b)."

**Section 15.** Section 7.243(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"(2) BARN AND STABLES. In all places in the City where livestock is permitted to be kept, the premises where such animals are kept shall be maintained in a sanitary and clean condition at all times, which condition shall meet the approval of the Director of ~~Community and~~ Housing Services. The manure from such animals shall be daily removed from the coops, stalls or pens where such animals are kept and placed in flytight and waterproof barrels or boxes made either of cement or metallic construction which can be thoroughly washed and cleaned. Between April 15 and October 15, such receptacles for containing manure shall be entirely emptied at least once a week and shall be emptied at least once a month during the rest of the year. Such manure shall be removed from the City. No manure shall be left in any street, alley or open area or lot in the inhabited section of the City. However, manure may be used as fertilizer on lawns or gardens within the City when properly applied."

**Section 16.** Section 8.01(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"(2) The position of Plumbing Inspector is hereby established. The Plumbing Inspector shall be certified by the State of Wisconsin as a commercial Plumbing Inspector who, under the direction of the Director of ~~Planning and Building~~ ~~Housing Services~~, shall be responsible for enforcement of this chapter, Chapter 26, Chapter 27 and the City's Water Utility Rules approved by the PSC. The Plumbing Inspector shall also be responsible for inspection of plumbing and other facilities as provided in §8.09 below."

**Section 17.** Section 8.07(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"(1) APPLICATION FOR PLUMBING PERMIT. Any person desiring to do plumbing work in the City of Beloit shall file an application for a plumbing permit with the ~~Planning and Building Services Division~~ ~~Housing and Code Enforcement Division of the City of Beloit~~ before starting any work. The permit application shall be made on forms provided by the ~~Planning and Building Services Division~~ ~~Housing and Code Enforcement Division~~. No person may obtain a plumbing permit unless the permit application is completely and legibly filled out by a person holding a valid Wisconsin master plumber's license or by a person who is the owner and occupant of a single-family residence where plumbing work will be performed. The application shall bear the applicant's signature, and in the case of a master plumber, his or her license number. The ~~Planning and Building Services Division~~ ~~Housing and Code Enforcement Division~~ shall issue a plumbing permit to an

applicant who complies with all requirements imposed by this section and other applicable provisions of this chapter.”

**Section 18.** Section 8.09(1)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(d) Such other duties as may be assigned by the Director of Planning and Building Housing Services.”

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**Section 19.** Sections 8.09(2) and (3) of the Code of General Ordinances of the City of Beloit are hereby amended to read as follows:

“(2) NOTIFICATION FOR INSPECTION. The plumber or owner/occupant to whom the permit has been issued, or his/her agent, shall notify the Planning and Building Services Division Housing and Code Enforcement Division in the manner prescribed by §COMM §SPS 382.21(1), Wis. Adm. Code, when the work is ready for inspection and shall specify the street address and permit number under which the work is being done. Unless otherwise permitted by the Plumbing Inspector, all plumbing work shall be left uncovered until inspected and approved. The person making the request for inspection shall make such arrangements as will enable the Plumbing Inspector to reach all parts of the building and shall provide the equipment and labor for making tests of the system.

(3) FINAL INSPECTION. The plumber to whom the permit is issued, or his/her agent, shall notify the Planning and Building Services Division Housing and Code Enforcement Division when the work is completed and ready for final inspection. The person making the request for final inspection shall make arrangements for entry into all parts of the building where the inspection is to be performed.”

**Section 20.** Section 8.10(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(2) INFORMATION REQUIRED. The plumber making any opening into or connection with the City's sewer or water utility shall provide the Plumbing Inspector with all pertinent data concerning the work, including the location, size, depth, material and date of the work. The Plumbing Inspector shall keep a record of such information in the offices of the Planning and Building Services Division Housing and Code Enforcement Division.”

**Section 21.** Section 8.20(4)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Orders to Correct Plumbing Violations. Orders to correct plumbing violations shall be served upon the owner of record by first class mail at the address listed with the Director of Planning and Building Housing Services or by delivering the order to the owner personally. When the owner of record does not have an address listed with the Director of Planning and Building Services Housing Services' office, the order may be served:

1. By delivering the order to the owner personally; or

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2. By first class mail addressed to the owner at ~~his~~the last known address as shown on the most recent property tax bill for the property affected by the order; or
3. By posting the order in a conspicuous place on the exterior of the structure affected by the order.

If an order is served by first class mail, the person serving the order shall execute an affidavit which should include the following:

1. The date upon which the order was mailed.
2. An allegation that the envelope was postpaid.
3. The name of the person to whom the envelope was addressed.
4. The address on the envelope.
5. That the order was enclosed within the envelope.”

**Section 22.** Section 9.06(2)(c)2 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“2. The ~~Division of Planning and Building Housing~~ Services ~~Division~~ may approve any change in use of an existing building or structure, even though the building is not made to fully conform to the requirements of this chapter, when it is obvious that the change of use will not extend or increase any nonconformity or hazard.”

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**Section 23.** Section 9.06(2)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(d) The ~~Division of Housing Planning and Building~~ Services ~~Division~~ may require that an existing building be made to conform to the requirements of this chapter regulating the number, location, lighting, widths, heights and means of exiting where, in its judgment, a hazard to the occupants, users, owners or the public exists.”

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**Section 24.** Section 9.07 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

**“9.07 AUTHORITY.**

The Director of ~~Housing Planning and Building~~ Services is hereby authorized and directed to administer and enforce all of the provisions of this chapter. The Director of ~~Planning and Building Housing~~ Services shall serve as the Building Inspector referred to in §1.34 of this Municipal Code and shall have such rights and powers ascribed to the Building Inspector in §1.34 of this Municipal Code.”

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**Section 25.** Section 9.11(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(1) Wherever any work is being done contrary to the provisions of this chapter or before having obtained a permit authorized by the ~~Division of Housing Planning and Building~~ Services ~~Division~~, the ~~Planning and Building Services~~ ~~Division of Housing Services~~ may order the work stopped by notice in writing served upon the permittee or his/~~her~~ agent or any contractor engaged in doing the work or causing such work to be done, or by

posting such stop order in a conspicuous place on the premises and any person shall stop such work until authorized by the Planning and Building Services Division ~~of Housing Services~~ to proceed with the work.”

**Section 26.** Section 9.12(1)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) A permit shall be obtained before beginning construction, alteration, repair, improvement, demolition or moving any building or structure, including mobile homes, using application forms prescribed and furnished by the Planning and Building ~~Division of Housing Services~~ Division.”

**Section 27.** Section 9.12(4) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(4) WEATHER RESISTANT CARD. The ~~Division of Housing~~ Planning and Building ~~Services Division~~ shall issue, with each permit, a weather resistant card which shall be posted in a conspicuous place on the front of the building or structure where the work is being done. Such card shall be placed not more than 15 feet above adjacent grade, shall be unobstructed from public view and shall remain in place during the entire period of the work. All police officers shall, at once, report to the Planning and Building ~~Division of Housing Services~~ Division any work which is being carried on without a permit.”

**Section 28.** Section 9.12(6) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(6) REVOCATION. If the Planning and Building ~~Division of Housing Services~~ Division shall find, at any time, that any of the ordinances of the City or the plans and specifications are not being complied with, the permit may be revoked by written notice to the owner or agent, or by posting a notice in a conspicuous place at the work site.”

**Section 29.** Section 9.12(7) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(7) REISSUANCE. If any such permit is revoked, no further work shall be done until the permit is reissued, excepting such work the Planning and Building ~~Division of Housing Services~~ Division may order done as a condition precedent to the reinstatement of the permit.”

**Section 30.** Section 9.13(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(2) Applications for permits other than for original construction of one- and 2-family dwellings shall be made upon a form prescribed by the Planning and Building Services ~~Division of Housing Services~~ and shall be signed by the owner or agent representing the owner. Each application, when deemed necessary by the Planning and Building Services ~~Division of Housing Services~~, shall be accompanied by plans drawn of sufficient clarity to indicate the nature and extent of the proposed work and shall include a plot plan



showing locations of existing and proposed buildings, property lines, adjacent grades, drainage facilities, easement, north arrow, street address and legal description. An application for permit to construct a wireless communication tower or equipment facility shall not be issued unless all of the requirements of §22.04 of the City ordinances have been met.”

**Section 31.** Section 9.14(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(2) For construction other than regulated by subsection (1) above, the Planning and Building Services Division ~~of Housing Services~~ shall, upon notification from the contractor or his/her agent, make or cause to be made the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his/her agent wherein the same fails to comply with this chapter.”

**Section 32.** Section 9.14(2)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Footing Inspection. Footings shall be inspected after completion of excavation and all shoring and reinforcing is in place and prior to the placing of concrete. No concrete shall be placed until authorized by the Planning and Building Services Division ~~of Housing Services~~ or 3 work hours have elapsed after notification that the work is ready for inspection.”

**Section 33.** Section 9.14(2)(e) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(e) Final. Upon completion of all of the work to be done, but prior to occupancy, the Planning and Building Services Division ~~of Housing Services~~ shall make, or cause to be made, a final inspection to determine compliance with code and all other applicable regulations. If no violations of this chapter or other applicable regulations are found, the Planning and Building Services Division ~~of Housing Services~~ shall issue a certificate of occupancy stating the purpose for which the building is to be used, the maximum load and the maximum number of people who may be accommodated on each floor.”

**Section 34.** Section 9.15(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(1) No building or part thereof shall be occupied until the Planning and Building Services Division ~~of Housing Services~~ has issued a certificate of occupancy certifying that no violation of this chapter or any other applicable regulation exists, nor shall any building be occupied in any manner conflicting with the conditions set forth in the certificate of occupancy.”

**Section 35.** Section 9.15(3) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(3) The Planning and Building Services Division ~~of Housing Services~~ may permit the occupancy of buildings, or part thereof, prior to completion where, in its judgment and discretion, a particular hardship exists. Such permission shall be in writing and may not be issued until the Planning and Building Services Division ~~of Housing Services~~ has inspected the building, or parts thereof, to be occupied and determined that there are no deficiencies that would be hazardous to the health, safety or welfare of the occupants. Such written permission shall state a time definite by which all required work shall be completed. Failure to complete the work during the time required or violations in such work, will cause the owner to be subject to penalties as provided in §25.04 of this Municipal Code and possible vacation of the building.”

**Section 36.** Section 9.16(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(2) The Director of Planning and Building~~Housing~~ Services and his/~~her~~ authorized representative is empowered to act for the City under §66.0413, Wis. Stats., relating to condemnation and razing of buildings.”

**Section 37.** Section 9.19 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

**“9.19 ROOF DRAINAGE**

All water shall be conveyed from buildings so as to prevent dampness in walls, floors and ceilings of all stories, including attics and basements. Water shall not be allowed to fall or flow upon any sidewalk. Where such condition exists in any existing structure, provisions shall be made to carry the water under the sidewalk to the gutter or storm sewer and such changes shall be made within 30 days after the owner of the premises has been notified by the Planning and Building Services Division ~~of Housing Services~~ to make such changes. If the owner fails to make such changes, the Planning and Building Services Division ~~of Housing Services~~ may order the work done and the costs thereof shall be assessed and collected as a special tax against the property.”

**Section 38.** Section 9.20(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(1) The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed by this chapter, provided such alternate has been approved. The Planning and Building Services Division ~~of Housing Services~~ may approve any such alternate provided it finds that the proposed design is satisfactory and complies with accepted design criteria. The Planning and Building Services Division ~~of Housing Services~~ may require evidence or proof be submitted to substantiate any claims that may be made regarding its use.”

**Section 39.** Section 9.23(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(2) TEMPORARY ENCROACHMENTS. Subject to the approval of the Planning and Building Services Division ~~of Housing Services~~, sidewalk sheds, underpinning and other protective

guards and devices may project beyond street right-of-way lines where required to insure the safety of adjoining property and the public.”

**Section 40.** Section 9.23(4) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(4) UNSAFE EQUIPMENT. Whenever any doubt arises as to the structural quality or strength of scaffolding plank or construction equipment such material shall be replaced, provided the Planning and Building Services Division ~~of Housing Services~~ may accept a strength test to 2½ times the super-imposed live load to which the structural member is to be subjected. The use of suspect scaffolding or construction equipment shall be prohibited until tested or replaced.”

**Section 41.** Section 9.23(5) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(5) UNSAFE CONDITIONS. Where any unsafe or illegal condition exists, the Planning and Building Services Division ~~of Housing Services~~ shall notify the owner and direct him/her to take necessary action to remove the hazard or violation. Unless the owner shall take action to comply with the orders within 24 hours the Planning and Building Services Division ~~of Housing Services~~ shall have full power to correct the unsafe conditions and the expenses incurred shall be assessed and collected as a special tax upon the property.”

**Section 42.** Section 9.23(6)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(d) Wherever a party wall is exposed the owner of the new or altered property shall preserve the party wall from damage and support it at his/her own expense. The wall shall be made weatherproof and structurally safe by adequate bracing until such time as permanent structural supports have been provided. Beam holes in party walls, exposed as a result of the work, shall be bricked up and wall anchors bent over at beam ends at the expense of the owner of the building or structure under work. No party wall balcony or horizontal exit shall be destroyed or rendered useless until a substitute means of egress has been approved by the Planning and Building Services Division ~~of Housing Services~~.”

**Section 43.** Section 9.23(7)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Fences. Every construction operation located 5 feet or less from a street right-of-way line shall be enclosed with a fence not less than 8 feet in height. When located more than 5 feet from the street right-of-way line, a fence or other barrier shall be erected when required by the Planning and Building Services Division ~~of Housing Services~~. All fences shall be adequate in strength to withstand high winds.”

**Section 44.** Section 9.23(7)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(c) Sidewalk Bridges. Whenever ground is excavated under a sidewalk, a sidewalk bridge shall be constructed not less than 4 feet wide, or a protected walkway of equal width shall be erected in the street, providing the Planning and Building Services Division ~~of Housing Services~~ has authorized the street occupancy.”

**Section 45.** Section 9.23(8)(b)4 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“4. If the person who causes the work to be done has reason to believe that an adjoining building or structure is unsafe, he/she shall forthwith notify the Planning and Building Services Division ~~of Housing Services~~ in writing. The Planning and Building Services Division ~~of Housing Services~~ shall inspect such premises, and if the structure is found to be unsafe, the inspector shall order it repaired or razed.”

**Section 46.** Section 9.23(15)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Temporary Heating. Whenever salamanders or other heating devices are used for temporary heating, all regulations as to maximum temperature, distance from combustible materials, spark arrestors, removal of noxious gases and other requirements of the Planning and Building Services Division ~~of Housing Services~~ shall be fully observed. When the source of heat consists of salamanders or other open flame devices, temporary canvas enclosures shall be flame and fire retardant.”

**Section 47.** Section 9.25(2)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Required. Before a permit to move, demolish or reduce the size of a building is granted, the party applying for the permit shall file with the Planning and Building Services Division ~~of Housing Services~~ liability insurance and surety bonds as set forth below.”

**Section 48.** Section 9.25(2)(e) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(e) Additional Coverage. Where the Planning and Building Services Division ~~of Housing Services~~, City Engineer or City Attorney shall determine that the amounts of coverage provided in this section are insufficient, they may require additional coverage in amounts reasonable to protect public and private property.”

**Section 49.** Section 9.25(4)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Route. Every application to move a building or structure shall set forth, in detail, a description of the building proposed to be moved and the route to be followed in moving the building. No permit shall be issued until the Planning and Building Services Division ~~of Housing Services~~ and City Engineer have approved the route to be followed, in writing. Where the Planning and Building Services Division ~~of Housing Services~~ or City

Engineer shall determine that the size of the building will cause damage to trees, streets, highways or other property, the permit may be conditioned upon a reduction in the size of the building prior to the moving of the building.”

**Section 50.** Section 9.25(4)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(c) Time of Moving. The moving of buildings or structures along streets or alleys shall be done during daylight hours and shall continue during that period without interruption. No building shall be allowed to remain overnight on any street, highway or bridge. Where the Planning and Building Services Division ~~of Housing Services~~ shall determine that the moving will interfere with the orderly movement of traffic along busy streets the Division may require that the moving be done during the night time as well as during daylight, or that the entire operation be conducted during the night time.”

**Section 51.** Section 9.25(4)(f) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(f) Completion. The Planning and Building Services Division ~~of Housing Services~~ shall be notified when the building has reached its destination, or has been removed from the City limits. Such notification shall be given within 24 hours and shall cause the Planning and Building Services Division ~~of Housing Services~~ to survey the route taken to determine any damage.”

**Section 52.** Section 9.26(9) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(9) INSPECTIONS. Public swimming pools shall be periodically inspected by the Health Department to determine compliance with ordinances regarding health, sanitation and safety, whether under this chapter or other applicable codes, ordinances, statutes or regulations. The provisions of this section shall not be deemed to prevent enforcement of the provisions of this section of the chapter by the Planning and Building Services Division ~~of Housing Services~~. ~~In this subsection, the phrase "public swimming pool" shall have the meaning prescribed by §17.17(3) of the City Ordinances.~~”

**Section 53.** Section 9.28(2)(a)2c of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“c. Park Facilities Needs Assessment. The impact fee imposed by this subsection is the result of:  
(i) A public parks facilities needs assessment prepared by R.H. Batterman & Co., Inc. and Mid-America Planning Services, Inc. dated November 4, 2003; and  
(ii) The 2001-2005 parks and open space plan of the City of Beloit.  
Both documents are on file in the Department of Community Development~~office of the Planning Division~~ and are available for inspection and/or copying. The public parks facilities needs assessment includes:



- (i) An inventory of existing public park facilities, including an identification of any existing deficiencies in the quantity or quality of those park facilities for which an impact fee is imposed.
- (ii) An identification of new park improvements or park expansions required to serve land developments for which impact fees may be imposed.
- (iii) A detailed estimate of the capital costs for new park improvements and expansions identified in the park facilities needs assessment.”

**Section 54.** Section 10.02(6) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(6) ORDERS. If the Electrical Inspector determines that any electrical installation or appliance is dangerous or unsafe, the Electrical Inspector shall notify the person who owns, uses, operates or installs the same of the dangerous or unsafe condition. The written notice shall also contain an order specifying the time by which the dangerous or unsafe condition shall be corrected. The Electrical Inspector may order the discontinuance of electrical service to the dangerous or unsafe electrical insulation or appliance until that condition has been corrected. In all cases where a dangerous or unsafe condition is found, the Electrical Inspector shall provide a copy of the notice and order to the owner of the premises where the condition exists. The notice and order shall be served upon the owner personally or shall be left at the owner's usual place of residence with a person of suitable age and discretion. Alternatively, the notice and order may be served by certified or registered mail addressed to the owner at his/her last known address with postage prepaid. A copy of the notice and order shall also be posted in placard form in a conspicuous place on the premises where the unsafe or dangerous condition is found to exist. If the owner fails or refuses to make the required repairs, the Director of the ~~Planning and Building Services Division of Housing Services~~ or the Electrical Inspector may issue one or more municipal citations to the owner for failure to make such repairs. The municipal citation shall be issued in accordance with section 25.04 of this Municipal Code. The issuance of a municipal citation shall be in addition to any other remedy provided by this chapter.”

**Section 55.** Section 12.01(4)(c)3 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“3. A Plat of Survey showing the parcel to be transferred has been submitted for approval of the ~~Director of Planning and Building Services~~ ~~Neighborhood Planning Director~~, including a signature certificate and indicating the location for monuments placed at all new lot corners.”

**Section 56.** Section 12.02(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(2) PRE-APPLICATION MEETING. On the completion of the documents specified in §12.02(1), a pre-application meeting shall be held with the ~~Director of Neighborhood Planning and Building Services~~ ~~Director~~ and City Engineer to assist the subdivider or condominium developer in understanding the objectives of these regulations, the City's

comprehensive plan and elements thereof, the City's official map and any pertinent ordinances and plans, and to reach conclusions regarding the objectives and general program for the proposed development.”

**Section 57.** Section 12.02(3)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) *Plan Commission Review.* The ~~Director of Planning and Building Services~~Neighborhood Planning Director may require, or the subdivider or condominium developer may request, Plan Commission review and comment on the submitted site assessment checklist and/or concept plan. Ten (10) copies of all documents shall be submitted by the subdivider or condominium developer to the ~~Director of Planning and Building Services~~City Neighborhood Planning Director who shall distribute the copies to the Plan Commission for review and comment. Said copies must be submitted at least 28 days prior to the date of the Plan Commission meeting at which the matter is to be reviewed.”

**Section 58.** Section 12.02(4)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(c) *Site Assessment Checklist Form.* The subdivider or condominium developer shall complete a site assessment checklist on a form provided by the ~~office of the Director of Planning and Building Services~~Neighborhood Planning Director's office.”

**Section 59.** Section 12.02(5)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) *Hearing on Site Assessment Report.* Following ~~receipt of the report from the subdivider or condominium developer, response to the written request to the Director of Planning and Building Services~~City Neighborhood Planning Director, the City shall distribute the report to all interested persons or agencies. The Plan Commission may schedule and hold a public hearing on the findings of the report. If scheduled, the hearing shall be preceded by a Class 1 notice under Ch. 985, Wis. Stats. Persons attending such hearing shall be afforded an opportunity to comment on the report.”

**Section 60.** Section 12.03(2)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) *Application.* Prior to submitting a final plat or condominium plat for approval for all major subdivisions, or condominium developments, the subdivider or condominium developer shall prepare a preliminary plat and file a written application for its approval with the ~~Director of Planning and Building Services~~Neighborhood Planning Director, along with 10 copies of the preliminary plat. The submittal shall include all data required by this section. A preliminary plat shall not be submitted prior to City review of the site assessment checklist, the site assessment report when required, or the concept plan. The preliminary plat shall be filed at least 30 days prior to the date of the Plan Commission meeting at which action is expected to allow adequate time for review and

recommendation by appropriate agencies, staff, commissions, consultants, and nearby property owners.”

**Section 61.** Section 12.03(2)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(c) Public Notice.

1. Following submittal of the preliminary plat, the Director of Planning and Building Services~~Neighborhood Planning Director~~ shall direct the preparation of a written notice containing the following information:
  - a. The date that the subdivider or condominium developer filed a preliminary plat application with the Plan Commission.
  - b. A copy of the preliminary plat.
  - c. A map of the area adjacent to the platted land.
  - d. The date, time and location of the Plan Commission's hearing on the preliminary plat.
  - e. The proposed use of the land to be subdivided.
  - f. Contact information for the Director of Planning and Building Services~~Neighborhood Planning Director~~, for further inquiry.
2. The Director of Planning and Building Services~~Neighborhood Planning Director~~ shall direct the mailing of the notices to the owners of all City property within 150 feet of the proposed major subdivision as derived by City Assessor records. Such notice shall be sent by first class mail, not less than 15 days nor more than 30 days prior to the Plan Commission hearing on the preliminary plat. The notice is intended as a courtesy to neighboring property owners. Failure of a neighboring property owner to receive or accept the notice shall not invalidate any subsequent action taken by the Plan Commission with reference to the preliminary plat. The cost of mailing the notice shall be paid by the subdivider or developer prior to the Plan Commission hearing on the preliminary plat.”

**Section 62.** Section 12.03(2)(e) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(e) Plan Commission Action. The Plan Commission shall hold a public hearing on the preliminary plat. The Plan Commission, at its earliest available scheduling, but no longer than 90 days from the date of filing of a complete application for a preliminary plat with the Director of Planning and Building Services~~Neighborhood Planning Director~~, shall take action to approve, conditionally approve, or reject the preliminary plat. In the case of a rejection, the Plan Commission shall list reasons for said recommendation. The time period within which Plan Commission action is required shall not commence until the City has received all maps, plans, drawings, and related data necessary for review of the latest version of the preliminary plat. Failure of the Plan Commission to act within 90 days shall be interpreted as a recommended approval of the preliminary plat except

where the 90-day period has been extended by written agreement of the subdivider or condominium developer.”

**Section 63.** Section 12.03(2)(f) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(f) The ~~Director of Planning and Building Services~~Neighborhood Planning Director shall notify the subdivider or condominium developer, in writing, of the Plan Commission action within 10 business days.”

**Section 64.** Section 12.04(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(1) FINAL PLAT REVIEW PROCEDURE. For all major subdivisions of land within the City and within the City's extraterritorial jurisdiction, the subdivider or condominium developer shall prepare a final plat and written application for approval of the plat. The subdivider shall file the application and 10 copies of the final plat with the ~~Director of Planning and Building Services~~Neighborhood Planning Director. The application and final plat shall include all data required by this section, including written confirmation that the subdivider or condominium developer submitted the approved preliminary plat to utility providers as required by §12.03(2). Except as provided below, a final plat shall not be submitted prior to Plan Commission approval of the preliminary plat. The final plat shall be filed at least 30 days prior to the date of the Plan Commission meeting at which a recommendation is expected. In the case of condominium developments, a preliminary condominium plat that conforms to §703.11, Wis. Stats., shall be processed as a final plat.”

**Section 65.** Section 12.04(1)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(c) *Review by Agencies.* The ~~Director of Planning and Building Services~~Neighborhood Planning Director shall transmit an adequate number of copies to the Plan Commission; and copies to all affected City boards, commissions or departments, for their review and recommendations concerning matters within their jurisdiction. For the final plat, the subdivider shall be responsible for obtaining approval of the final plat by the state of Wisconsin, in accordance with §236.12, Wis. Stats.”

**Section 66.** Section 12.04(1)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(d) *Plan Commission Recommendation.* Within 60 days of receiving a complete application for final plat approval and all associated documents, the Plan Commission shall recommend approval, denial or approval with conditions of the final plat and transmit that recommendation to the City Council. Such review period may be extended by written agreement of the subdivider or condominium developer. The ~~Director of Planning and Building Services~~Neighborhood Planning Director shall forward the final plat to the City Council without a recommendation from the Plan Commission in the event that the Commission fails to act within said review period.”

**Section 67.** Section 12.05(1)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Application. For all minor subdivisions of land within the City or within the City's extraterritorial jurisdiction, the subdivider shall file an application for approval of a minor subdivision with the Director of Planning and Building Services~~Neighborhood Planning Director~~, along with one copy of the proposed minor subdivision. The submittal shall include all data required by this section. A minor subdivision shall not be approved prior to Plan Commission review of the site assessment checklist, except as exempted under §§12.02(1) and 12.02(4). The proposed minor subdivision shall be filed at least 21 days prior to the date of the Plan Commission meeting at which a decision or recommendation is expected.”

**Section 68.** Section 12.05(1)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Final Decisions to be Made by Plan Commission. The Plan Commission shall, within not less than 21 days nor more than 60 days from the date a complete application is submitted, approve, conditionally approve or reject any minor subdivision of land located within the City's extraterritorial jurisdiction or minor subdivision of land within the corporate limits of the City where there is no dedication of land to the City. Conditions of approval or reasons for rejection shall be stated in writing. The Plan Commission's determination shall not conflict with the provisions of this chapter or other ordinances, or recommendations of other City committees and commissions which have reviewed the subdivision plans. In all cases, the time period within which Plan Commission action is required shall not commence until the City has received all maps, plans, drawings and other data necessary for review of the latest version of the minor subdivision. Such time may be extended by written agreement of the subdivider. If the Plan Commission fails to act within the 60-day period and the time for review has not been extended by written agreement of the subdivider, the minor subdivision shall be deemed approved. A certificate to that effect shall be made on the face of the minor subdivision document by the Director of Planning and Building Services~~Neighborhood Planning Director~~ upon demand for such certification by the subdivider.”

**Section 69.** Section 12.05(1)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(c) Recommendations to be Made by Plan Commission. The Plan Commission shall, within not less than 21 days nor more than 60 days after the date the application for approval of the minor subdivision is submitted, recommend to the City Council approval, conditional approval or rejection of a minor subdivision that involves the dedication of public lands within the City's corporate limits. Such recommendation shall not conflict with the provisions of this chapter or other ordinances or recommendations of other City committees and commissions which have reviewed the subdivision plans. All minor subdivisions proposing to dedicate land for park and open space purposes shall be accompanied by a phase one environmental assessment indicating that such lands present no environmental hazard, and that they will not require environmental



mitigation or remediation measures. Said environmental assessment shall be produced at the subdivider's expense. In all cases, the time period within which the Plan Commission recommendation is required shall not commence until the City has received all maps, plans, drawings and other data necessary for review of the latest version of the minor subdivision. Such time may be extended by written agreement of the subdivider. If the Plan Commission fails to act within the 60-day period, and the time for such action has not been extended by written agreement of the subdivider, then the Director of Planning and Building Services~~Neighborhood Planning Director~~ shall forward the minor subdivision {documents} to the City Council without a recommendation from the Plan Commission."

**Section 70.** Section 12.05(1)(g) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"(g) Upon Recordation by the Subdivider, two (2) copies of the recorded document shall be furnished to the Director of Planning and Building Services~~Neighborhood Planning Director~~ along with a digital copy in the format determined by the City Engineer."

**Section 71.** Section 12.07(4)(b)(intro) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"(b) Procedures. Any person preparing or amending a plat or certified survey map that includes a public street or otherwise desirous of renaming an existing street or naming a new street or a street not previously named shall make application therefore to the City of Beloit. If a preliminary plat is required by this chapter, all street names shall be proposed on the face of the plat. The City may initiate said application for street naming on its own, should the City determine the need to name or rename a street. Said applications shall be in written form and be submitted to the Director of Planning and Building Services~~Neighborhood Planning~~. Except where street naming occurs through the platting or certified survey map process, all applications shall contain the following information:"

**Section 72.** Section 12.07(4)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"(c) Determination. The Director of Planning and Building Services~~Neighborhood Planning~~ shall review said proposal for street naming consistent with the standards contained in subsection (d) below, and shall also make a determination as to whether the proposed name or a similar name is already in use, and shall forward its recommendations and determinations to the Plan Commission. Except where street naming occurs through the platting or certified survey map process, the Plan Commission shall set the matter on its agenda for public hearing and shall make its recommendations in the form of a report to the City Council taking into consideration the standards contained in subsection (d) below. For subdivision plats and certified survey maps including new public street dedications, street naming shall instead be established through the platting or certified survey mapping processes. City Council approval of a final plat or certified survey map including proposed street names shall constitute City Council approval of said street names."

**Section 73.** Section 12.07(11) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(11) MULTIUSE PATHS AND WALKWAYS. The minimum width of a right-of-way or easement for a multiuse path shall be 20 feet, with a minimum pavement width of 10 feet. The minimum width of a right-of-way or easement for a pedestrian-only walkway shall be 10 feet, with a minimum surface width of 5 feet. The substitution of a multiuse path or walkway for a sidewalk, as required in Table 1, may be approved at the discretion of the Director of Planning and Building Services~~Neighborhood Planning Director~~ and City Engineer where it can be demonstrated that such provision will both better meet the needs of subdivision or condominium development residents and is consistent with the City’s park and open space and/or bikeways plans.”

**Section 74.** Section 14.06(2)(intro) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(2) ANNUAL PERMIT REQUIRED. No property owner shall lease any dwelling unit to another person unless, at the time the dwelling unit is let, the owner possesses a valid permit issued by the Community and Housing Services Division of the Department of Community Development for operation of that dwelling unit. No permit shall be issued if the owner of the dwelling unit has done any of the following:”

**Section 75.** Section 14.06(4)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Application. An application for a permit shall be filed with the Community and Housing Services Division of the Department of Community Development on a form provided by the Community and Housing Services Division.”

**Section 76.** Section 14.14(9) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(9) INSPECTION OF LICENSED PREMISES. The City Clerk shall notify the Chief of Police, Fire Chief, and the Director of Planning and Building~~Housing~~ Services ~~and Director of~~ Neighborhood Planning of each license application, including an application for license renewal, and these officials shall inspect or cause to be inspected the premises where the licensed activity will occur. These officials shall conduct such investigations as are necessary to determine whether the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall each furnish, in writing to the City Clerk, the information derived from, such investigation accompanied by a recommendation as to whether a public entertainment license shall be granted or refused.”

**Section 77.** Section 14.22(1)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Cafe Management and Review Committee (CMRC) means the ~~Planning~~-Director of Planning and Building Services, or his/her designee, and the Downtown Beloit Association.”

**Section 78.** Section 14.22(7)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(c) If the City Clerk receives an application for a new sidewalk cafe license or an application to renew a prior sidewalk cafe license involving a change in the type or location of the sidewalk cafe furniture, furnishings and equipment, the City Clerk shall forward a copy of the application, together with the scale drawing, photographs, pictures and renderings to the ~~Planning~~-Director.”

**Section 79.** Section 14.22(7)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(d) The ~~Planning~~-Director of Planning and Building Services shall notify the Cafe Management and Review Committee (CMRC) that the City has received an application for a new sidewalk cafe license or renewal of an existing cafe license with proposed changes.”

**Section 80.** Section 14.22(7)(e) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(e) The CMRC shall meet within 10 days of the receipt of the notice from the ~~Planning~~ Director of Planning and Building Services. The CMRC shall review the type of furniture, furnishings and equipment proposed by the applicant and determine whether they detract from the aesthetics of the area surrounding the proposed sidewalk cafe. The CMRC shall notify the applicant, in writing, of the CMRC's decision. If the CMRC denies the application for a sidewalk cafe license, the CMRC should state in writing:

1. The reason for denying the application.
2. What action on behalf of the applicant is necessary in order for CMRC approval.”

**Section 81.** Section 14.22(7)(f) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(f) The ~~Planning~~-Director of Planning and Building Services shall notify the applicant of the decision of the CMRC within 5 days of the meeting.”

**Section 82.** Section 15.21(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(2) RESPONSIBILITY OF OWNER/OCCUPANT. No owner or occupant of any premises shall store, or permit any other person to store, any junk, junk vehicle, debris, used, discarded or damaged construction material or other refuse from building renovation or repair upon the owner's or occupant's premises except in an enclosed building and out of public view or upon permit issued by the City Council. The Director of Community and

Housing Services or his/[her](#) authorized agent, may order the owner or the occupant violating this section to bring the premises into compliance.”

**Section 83.** Section 15.21(4) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(4) NONCOMPLIANCE OF ORDER. If the order is not complied with, the Director of [Community and](#) Housing Services may have the premises put into compliance and the cost thereof assessed as a special tax against the property. Such action shall not be taken without prior notice to the property owner.”

**Section 84.** Section 15.21(6) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(6) CITATION TO PERSON RESPONSIBLE FOR VIOLATION. In addition, the Director of [Community and](#) Housing Services or his/[her](#) authorized representative, may issue a citation to the person responsible for the violation of this section.”

**Section 85.** Section 21.17(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(1) WRECKED OR DAMAGED HOMES. Wrecked, damaged, or dilapidated mobile homes and travel trailers shall not be kept or stored in a mobile home park or a travel trailer park. The Director of [Community and](#) Housing Services, or his/[her](#) designee, shall determine if a mobile home or travel trailer is damaged or dilapidated to a point which makes said mobile home or travel trailer unfit for human occupancy on either a temporary or permanent basis. Whenever such a determination is made, the mobile home or travel trailer shall be vacated and removed from the premises by the owner of the park, within 30 days of formal notice by the Director of [Community and](#) Housing Services, or his/[her](#) designee.”

**Section 86.** Section 22.04(3)(b)3 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“3. *List of other antenna facilities.* The applicant shall provide the ~~Planning~~-Director of [Planning and Building Services](#) with a list of the applicant's existing towers and antennas located within the City of Beloit or within one mile of the City limits. The list should identify the location, height and design of each tower and the location of each antenna. The ~~Planning~~-Director of [Planning and Building Services](#) may share such information with other applicants applying for a building permit to construct, install or alter wireless communication facilities.”

**Section 87.** Section 22.04(3)(b)5(intro) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“5. *Co-location statement for towers.* The applicant shall demonstrate, to the reasonable satisfaction of the ~~Planning~~-Director of [Planning and Building Services](#), that no existing

tower or alternative tower structure can accommodate the applicant's proposed antenna. Upon a showing that any one of the following circumstances exist~~s~~, the applicant shall be deemed to have satisfactorily demonstrated the need for a new tower:"

**Section 88.** Section 22.05(9) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"(9) A wireless communications facility shall be enclosed by a security fence not less than 6 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area as determined by the ~~Planning~~ Director of Planning and Building Services."

**Section 89.** Section 22.06(2)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"(a) *Form and Contents.* The owner or operator of a wireless communication facility shall complete an application for a license on a form prescribed by the ~~Planning~~ Director of Planning and Building Services. The application form shall be signed by the owner or operator of the wireless communication facility and by the owner of the property on which that facility is located. The application form shall be submitted to the ~~Planning~~ Director of Planning and Building Services ~~together with a receipt for~~ payment of the applicable license fee. ~~The applicant shall pay the license fee to the City Treasurer.~~"

**Section 90.** Section 22.06(2)(e) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"(e) *Annual Inspection.* The ~~Division of Housing-Planning and Building~~ Services Division shall inspect each licensed wireless communication facility on an annual basis."

**Section 91.** Section 22.06(2)(f)1 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"1. If the Director of ~~Planning and Building Housing~~ Services, or his/her designee, determines that a violation of this chapter exists, the Director ~~of Housing Services~~, or his/her designee, shall issue an order requiring that each violation be corrected within a specified time. The compliance time shall not be more than 30 days, depending upon the nature of the violation and the hazard involved."

**Section 92.** Section 22.06(2)(g)1(intro) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"1. *Contents of order.* Whenever the Director of ~~Planning and Building~~Housing Services, or his/her designee, determines that there are reasonable grounds to believe that a violation of any provision of this chapter exists, he/she shall order the owner or operator of the wireless communication facility to correct the violation. The order shall be in writing and shall:"



**Section 93.** Section 22.06(2)(h) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(h) Extension of Time To Comply With Orders. The owner or operator served with an order to correct a violation may, prior to the compliance time specified in the order, request an extension of the compliance time. If the owner or operator who was served with the order to correct the violation demonstrates that the owner or operator is making diligent effort to comply with the order, the Director of Planning and Building Housing Services, or his/her designee, may extend the time for compliance for not more than 90 days.”

**Section 94.** Section 22.06(2)(i)(intro) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(i) Suspension, Revocation, Refusal to Issue or Renew License. The City Clerk shall refuse to issue or to renew a license issued pursuant to this section upon the grounds specified in subsection (9) of section 14.02 of this Municipal Code. The Director of Planning and Building Housing Services, or his/her designee, may commence a proceeding to suspend or revoke any license issued pursuant to this section. The proceedings shall be commenced by the filing of a sworn written complaint with the City Clerk alleging each of the following:”

**Section 95.** Section 22.08(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(2) NOTIFICATION OF ABANDONMENT. The owner or operator of a wireless communication facility shall notify the City Planning Director of Planning and Building Services whenever an antenna or tower is abandoned or its use discontinued. Such notice shall be given to the Planning Director within 30 days of such abandonment or discontinuance.”

**Section 96.** Section 22.11 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

**“22.11 ENFORCEMENT; PENALTIES**

The provisions of this chapter shall be enforced by the Planning and Building Services Division of Housing Services. Any person who violates any provision of this chapter shall, upon a conviction for a first violation within 12 months, be subject to a penalty of not less than \$250 nor more than \$500. Any person who commits a second or subsequent violation of any provision of this chapter within 12 months of the commission of a prior violation of that provision shall, upon conviction of such second or subsequent violation, be subject to a penalty of not less than \$500 nor more than \$2,000.”

**Section 97.** Section 25.04(4)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to include, in numerical order, the following deletions and additions to the list of city employees authorized to issue municipal citations for violation of city ordinances:

Chapter	Title	Enforcement Official
6.15	Hazardous Materials	Fire Chief; Assistant Fire Chief; Deputy Fire Chief;

		Fire Captain; Fire Lieutenant; Acting Fire Lieutenant; Fire Department Inspection Officials; <del>Housing Code Enforcement Inspector</del> <u>Inspection Official</u> assigned to conduct Fire Inspections; Environmental Technician; Environmental Specialist; Environmental Coordinator; <del>DPW Inspection Official</del>
7	Property Maintenance Code	Director of <u>Community and Housing Services</u> ; Building Inspector; Plumbing Inspector; Electrical Inspector; <del>Housing Code Enforcement Inspector</del> <u>Inspection Official</u>
7.23(11)	Wood Piles	Director of <u>Community and Housing Services</u> ; <del>Housing Code Enforcement Inspector</del> <u>Inspection Official</u> ; <del>Solid Waste Supervisor</del> <u>Public Works Sustainability and Safety Coordinator</u> ; <del>DPW Inspection Official</del>
7.235	Weeds and Grasses	Director of <u>Community and Housing Services</u> ; <del>Housing Code Enforcement Inspector</del> <u>Inspection Official</u> ; <del>Solid Waste Supervisor</del> <u>Public Works Sustainability and Safety Coordinator</u> ; <del>DPW Inspection Official</del>
8	Plumbing Code	Director of <u>Planning and Building</u> <del>Housing Services</del> ; Plumbing Inspector
9	Building Code	Director of <u>Planning and Building</u> <del>Housing Services</del> ; Building Inspector
10	Electrical Code	Director of <u>Planning and Building</u> <del>Housing Services</del> ; Electrical Inspector
11	Streets and Sidewalks	Director of Public Works; Director of <u>Community and Housing Services</u> ; <del>Housing Code Enforcement Inspector</del> <u>Inspection Official</u> ; <del>Solid Waste Supervisor</del> <u>Public Works Sustainability and Safety Coordinator</u> ; <del>DPW Inspection Official</del>
11.25	Streets and Sidewalks (gutters and culverts)	Public Works Director; <del>Solid Waste Supervisor</del> <u>Public Works Sustainability and Safety Coordinator</u> ; <del>DPW Inspection Official</del> ; Environmental Technician; Environmental Specialist; Environmental Coordinator
12	Subdivision Ordinance	<del>Director of Planning and Building Services</del> ; <u>Planner</u>
14.06	Annual Rental Dwelling Permits	Director of <u>Community and Housing Services</u> ; <del>Housing Code Enforcement Inspector</del> <u>Inspection Official</u> ; Secretary to Director of <u>Community and Housing Services</u>
14.22	Sidewalk Cafes	<del>Director of Planning and Building Services</del> ; <u>Planner</u>
<u>15.01(9)</u>	<u>Offenses against Animals</u>	<u>Community Services Officer</u> ; <u>Animal Control Officer</u>
<u>15.12</u>	<u>Noise</u>	<u>Community Services Officer</u> ; <u>Animal Control Officer</u>
15.14	Abandoned or Unattended	Director of <u>Community and Housing Services</u> ; <del>Housing Code Enforcement Inspector</del> <u>Inspection</u>

	Refrigerators, Ice Boxes, etc., Prohibited	<del>Official; Solid Waste Supervisor; Public Works Sustainability and Safety Coordinator; DPW Inspection Official</del>
<del>15.15</del>	<del>Fences</del>	<del>Director of Housing Services; Housing Code Enforcement Inspector</del>
15.165	Defecation of Dogs or Cats on Public and Private Property	Director of <u>Community and</u> Housing Services; <del>Housing Code Enforcement Inspector; Inspection Official; Solid Waste Supervisor; Public Works Sustainability and Safety Coordinator; DPW Inspection Official</del> Community Services Officer; Animal Control Officer
15.18	Handbills and Bill Posting	Director of <u>Community and</u> Housing Services; <del>Housing Code Enforcement Inspector; Inspection Official; Solid Waste Supervisor; Public Works Sustainability and Safety Coordinator; DPW Inspection Official</del>
15.19	Cottonwood Trees Prohibited	<del>Solid Waste Supervisor; Public Works Sustainability and Safety Coordinator; DPW Inspection Official</del>
15.20	Littering Prohibited	Director of <u>Community and</u> Housing Services; <del>Housing Code Enforcement Inspector; Inspection Official; Solid Waste Supervisor; Public Works Sustainability and Safety Coordinator; DPW Inspection Official</del>
15.21	Storage of Junk Regulated	Director of <u>Community and</u> Housing Services; <del>Housing Code Enforcement Inspector; Inspection Official; Solid Waste Supervisor; Public Works Sustainability and Safety Coordinator; DPW Inspection Official</del>
16	Public Nuisances, except §§16.04, 16.07	Director of <u>Community and</u> Housing Services; <del>Housing Code Enforcement Inspector; Inspection Official; DPW Inspection Official</del>
16.08	Smoking Prohibited	Fire Chief; Assistant Fire Chief; Deputy Fire Chief; Fire Captain; Fire Lieutenant; Acting Fire Lieutenant; Fire Department Inspection Officials; <del>Housing Code Enforcement Inspector; Inspection Official</del> assigned to conduct Fire Inspections; Director of <u>Community and</u> Housing Services; <u>Director of Planning and Building Services</u> ; <del>Housing Code Enforcement Inspector; CHS Inspection Official</del> ; Building Inspector
17	Regulation of Solid Waste	Public Works Director; Director of <u>Community and</u> Housing Services; <del>Housing Code Enforcement Inspector; Inspection Official; Solid Waste Supervisor; Public Works Sustainability and Safety Coordinator; DPW Inspection Official</del>
19	Zoning Code	Director of Community Development; Director of

		<del>Community and</del> Housing Services; <del>Director of Planning and Building Services; Housing Code Enforcement Inspector</del> Inspection Official; <del>Community</del> Planner
21	Mobile Homes and Travel Trailers	Director of <del>Community and</del> Housing Services; Building Inspector; <del>Inspection Official</del>
22	Wireless Communication Facilities	Director of <del>Community and</del> Housing Services; <del>Director of Planning and Building Services; Housing Code Enforcement Inspector</del> Inspection Official; Building Inspector; <del>Planner</del>
24	Stormwater Management	Public Works Director; Director of Water Resources; City Engineer; Stormwater Engineer; <del>Director of Planning and Building Services</del> ; Building Inspector; Plumbing Inspector
26	Heating and Air Conditioning	Director of <del>Planning and Building</del> <del>Housing</del> Services; Plumbing Inspector
30	Sign Control Regulations	Director of <del>Planning and Building</del> <del>Housing</del> Services; Building Inspector; <del>Director of Community and Housing Services; Housing Code Enforcement Inspector</del> Inspection Official; <del>Planner</del>
32	Historic Preservation	Director of <del>Planning and Building</del> <del>Housing</del> Services; <del>Director of Community and Housing Services</del> ; Building Inspector; <del>Housing Code Enforcement Inspector</del> Inspection Official; <del>Community</del> Planner
34	Architectural Review and Landscape	Director of Community Development; Director of <del>Planning and Building</del> <del>Housing</del> Services; <del>Community</del> Planner

**Section 98.** Section 27.14(6) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(6) FAILURE TO COMPLY WITH NOTICE. If the owner or occupant fails to discontinue the cross-connection after reasonable notice, the Public Works Director shall, in addition to discontinuing water service to the premises, inform the Director of ~~Planning and Building~~ ~~Housing~~ Services that the owner ~~and/or~~ occupant has failed to comply with the notice.”

**Section 99.** Section 27.14(7) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(7) REMOVAL OF CROSS-CONNECTION BY CITY. If the owner or occupant fails to remove a cross-connection within the time specified in the notice from the Public Works Director,

the Director of ~~Planning and Building~~Housing Services shall cause the cross-connection to be removed and shall certify the expense of removal to the City ~~Treasurer~~Clerk who shall assess the cost against the property as a special tax. The special tax shall be a lien on the property and shall be collected in the manner that other property taxes are collected.”

**Section 100.** Section 27.15(2)(a)4 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“4. The property owner obtains a permit to drill or construct the new well from the Division of ~~Planning and Building~~Housing Services of the City of Beloit.”

**Section 101.** Section 27.14(2)(b)4 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“4. The property owner obtains a permit to drill or construct the new well from the Division of ~~Planning and Building~~Housing Services of the City of Beloit.”

**Section 102.** Section 27.17(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(2) DEMOLITION OF BUILDING RECEIVING WATER UTILITY SERVICE. When the owner or other person intends to demolish a building served by the public water utility, that person must obtain a demolition permit from the Division of ~~Planning and Building~~Housing Services and must comply with the requirements of §COMM 84.40, Wis. Adm. Code, pertaining to the removal of public water utility service.”

**Section 103.** Section 27.18(3) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(3) PERMIT TO ABANDON WELL. No owner of any private well located in the City of Beloit shall abandon the well unless the owner obtains a permit to do so from the Division of ~~Planning and Building~~Housing Services and the abandonment is done by a well driller registered with the State of Wisconsin.”

**Section 104.** Section 27.18(5) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(5) INSPECTION AND REPORT OF ABANDONMENT. Immediately after the well is filled, the owner's well driller shall file a report of well abandonment with the Division of ~~Planning and Building~~Housing Services. The report shall be made on a form prescribed by the Wisconsin Department of Natural Resources, ~~currently DNR Form 3300.~~”

**Section 105.** Section 30.03 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(5) BUILDING OFFICIAL. Means the Director of ~~Planning and Building Services~~ the Housing and Code Enforcement Division of the City of Beloit, or his/~~her~~ designee.”



**Section 106.** Section 30.05(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(1) SIGN PERMIT REQUIRED. Except as provided in subsection (2) of this section, no person shall erect, alter or relocate any outdoor sign in the City of Beloit without first obtaining a permit to do so from the Director of Planning and Building Housing Services, or his/her designee. Permits for temporary banner signs, inflatable signs, portable signs, and special event/temporary signs shall be issued for no more than 30 days and not more than twice in any calendar year, nor more than once during any 90-day period for signs on the same premises. No permit is required for a temporary, large-scale development sign regulated by §30.24. No sign permit shall be required for performing routine maintenance or minor repairs involving the replacement of light bulbs, changing of sign copy, repainting the sign or sign structure or similar maintenance and repairs.”

**Section 107.** Section 30.05(5) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(5) ARCHITECTURAL REVIEW. Before a permit can be issued for a permanent sign, an application for an architectural review certificate must be submitted to the Community Development Department for review in accordance with the site plan review process. The Director of Planning and Building Housing Services, or his/her designee, shall not issue a sign permit for which the architectural review certificate is required until the certificate has been issued.”

**Section 108.** Section 30.06 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“30.06 ENFORCEMENT OFFICIAL. The Director of Planning and Building Housing Services, or his/her designee, is hereby authorized and directed to enforce the provisions of this chapter.”

**Section 109.** Section 30.24(2)(b)7 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“7. Be allowed from the time that construction begins until the Director of Planning and Building Housing Services determines that construction is 90 percent complete.”

**Section 110.** Section 30.31(3)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) If the on-premises sign is a freestanding sign, other than a pole sign, the maximum allowed sign area of the freestanding sign may be increased by an additional 10 percent if the sign is in a landscaped area where there is a minimum of 2 square feet of landscaping approved by the Director of Planning and Building Services Neighborhood Planning Division for each square foot of sign area.”

**Section 111.** Section 30.31(3)(c)2 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"2. By an additional 10 percent if the wall sign is located within a shopping center where all business establishments use a uniform or complementary design and color scheme approved by the Director of Planning and Building Services~~Neighborhood Planning Division~~; and"

**Section 112.** Section 30.49 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"30.49 APPEALS OF DECISIONS OR ORDERS OF THE DIRECTOR OF PLANNING AND BUILDINGHOUSING SERVICES. Any person aggrieved by the Director of Planning and BuildingHousing Services' interpretation of this chapter or order issued pursuant to this chapter may request review of that interpretation or order, or may appeal the same, within the time and in the manner provided by §1.15 of this Municipal Code. Any person who wishes to contest a municipal court citation issued by the Director of Planning and Building\_Housing Services, or his/her designee, alleging a violation of this chapter may contest the~~at~~ citation in municipal court."

**Section 113.** Section 31.03(1)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"(a) The City Clerk shall notify the Chief of Police, Chief of the Fire Department and Director of Planning and BuildingHousing Services of each application, and these officials, or their designees, shall inspect or cause to be inspected each application and the premises, together with such other investigations shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, and whether the applicant is a proper person to be the recipient of the license."

**Section 114.** Section 31.04(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"(2) Where the inspections required under §31.03(1) require corrections of deficiencies or the premises are to be renovated, the City Council may grant the license, but the license shall not be issued and delivered to the applicant until compliance with applicable codes and a certificate of occupancy is issued by the Director of Planning and BuildingHousing Services."

**Section 115.** Section 32.02 of the Code of General Ordinances of the City of Beloit insofar as it pertains to the definitions of "Building Inspector" and "Planning Director" is hereby amended to read as follows:

"Building Inspector. The Director of Planning and BuildingHousing Services ~~of~~ for the City of Beloit."

"Planning Director. The Director of Planning and Building Services for the City of Beloit."

**Section 116.** Section 32.12(1)(intro) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(1) SELECTION. For preservation purposes, the Commission shall select geographically defined areas within the City to be designated as historic districts and shall with the assistance of the ~~City-Planning and Building Services Division~~~~Department~~ prepare an historic preservation plan in ordinance form for each area. An historic district may be designated for any geographic area of particular historic architectural or cultural significance to the City which:”

**Section 117.** Section 34.09 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“34.09 ADMINISTRATION OF ARCHITECTURAL REVIEW CERTIFICATE BY THE DIVISION OF ~~PLANNING AND BUILDING~~~~HOUSING~~ SERVICES. After the granting of an architectural review certificate, the Director of ~~Planning and Building~~~~Housing~~ Services or his or her designee shall review the progress of the project to insure that there are no unauthorized deviations from the plans upon which the approval of the architectural review certificate was based.”

**Section 118.** Section 2-602(d) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended to read as follows:

“(d) Issuance of Permits. No Certificate of Zoning Compliance shall be issued by the Zoning Officer and no final Certificate of Occupancy shall be issued by the Division of ~~Planning and Building~~~~Housing~~ Services unless all the provisions of the Code of General Ordinances of the City of Beloit, including the parking lot and landscaping improvements, have been completed according to the approved site plans.”

**Section 119.** Section 2-1101(b)(1) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended to read as follows:

“1. Preapplication Conference. Before submitting an application for a Traditional Neighborhood Development project, the applicant shall schedule an appointment and meet with ~~Neighborhood~~-Planning and Building Services Division ~~staff~~ to discuss the procedure for approval of a Traditional Neighborhood Development project, including submittal requirements and design standards.”

**Section 120.** Section 2-1101(b)(2)a of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended to read as follows:

“a. Preliminary Development Plan Process. Following the preapplication conference, the applicant shall submit a preliminary development plan to the ~~Neighborhood~~-Planning and Building Services Division together with an application for a zoning map amendment to Traditional Neighborhood Development District.”

**Section 121.** Section 2-1101(b)(3)a of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended to read as follows:

“a. Final Development Plan Process. Following approval of the Preliminary Development Plan, the applicant shall submit a Final Development Plan to the ~~Neighborhood-Planning and Building Services~~ Division.

- (1) Within 45 days following receipt of the Final Development Plan, the Plan Commission shall receive a report from the ~~Neighborhood-Planning and Building Services~~ Division recommending approval, disapproval or approval with specified modifications. The Plan Commission shall determine that the proposed Final Development Plan is in substantial conformance with the approved Preliminary Development Plan. Upon due consideration, the Plan Commission shall recommend that the City Council either:
  - a) Approve the Final Development Plan as being in substantial conformance with the Preliminary Development Plan;
  - b) Approve the Final Development Plan as being in substantial conformance with the Preliminary Development Plan with specified modifications; or
  - c) Deny the Final Development Plan.
- (2) Following Plan Commission recommendation, the City Council shall receive the recommendation from the Plan Commission and the report from the City staff. Upon due consideration, the City Council shall either:
  - a) Approve the Final Development Plan as being in substantial conformance with the Preliminary Development Plan;
  - b) Approve the Final Development Plan as being in substantial conformance with the Preliminary Development Plan with specified modifications; or
  - c) Deny the Final Development Plan.”

**Section 122.** Section 2-1101(b)(3)c of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended to read as follows:

“c. Amendments to the Final Development Plan. Minor changes to the Final Development Plan adopted by the City Council may be approved by the ~~Neighborhood-Planning and Building Services~~ Division, provided that the changes do not involve:

- (1) Increases or decreases of more than 10 percent in floor area of structures or number of dwelling units.
- (2) Change in exterior building material.
- (3) Alteration of any conditions attached or modification to the Final Development Plan made by the City Council.

A major change to a Final Development Plan, which is less restrictive than any conditions of approval for the initial Preliminary Development Plan, shall require approval by a majority vote of all members of the City Council.”

**Section 123.** Section 8-300(b)(intro) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended to read as follows:

“b. APPLICATION. An application shall be filed with the Division of Planning and BuildingHousing Services on a form provided by the City. An application shall be completed in full and include the following information:”

**Section 124. Section 8-300(f) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended to read as follows:**

“f. PERMIT ISSUANCE. The Director of Planning and BuildingHousing Services, or his/her designee, shall review, approve and issue a fence permit provided the application and other submitted documentation is in compliance with this section. The fence permit may contain reasonable conditions stated in the permit.”

**Section 125. This ordinance shall be in force and take effect upon passage and publication.**

Adopted this \_\_ day of March, 2013.

BELOIT CITY COUNCIL

By: \_\_\_\_\_  
Charles M. Haynes, President

ATTEST:

By: \_\_\_\_\_  
Rebecca Houseman LeMire, City Clerk

PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
01-611100-5231- \_\_\_\_\_

tdh/ordinances/Department of Community Development Reorganization 2012 = ORD 130208 (13-1025)



# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Conditional Use Permit Application for the property located at 3022 Ford Street – Council Referral to the Plan Commission

**Date:** March 4, 2013

**Presenter(s):** Julie Christensen

**Department:** Community Development

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**Overview/Background Information:**

Carlos Vizcarra of AMERCO Real Estate Company has filed an application for a Conditional Use Permit to allow a Self-Service Storage use in a C-3, Community Commercial District and MRO, Milwaukee Road Overlay District, for the property located at 3022 Ford Street.

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**Key Issues (maximum of 5):**

- The applicant has proposed to rehabilitate the subject property, which has been vacant for a number of years, to accommodate a U-Haul Store in the near future.
- Self-Service Storage uses are a conditional use in C-3, Community Commercial Districts.
- The subject property is approximately 11 acres in area and includes three buildings, two lumber sheds, two wooden sheds, and one garage.
- A Site Plan and architectural elevations for the proposed U-Haul adaptation are attached to this report.

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**Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):**

- Consideration of this request supports Strategic Goal #5.

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**Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):**

- **Reduce dependence upon fossil fuels – N/A**
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature – N/A**
- **Reduce dependence on activities that harm life sustaining eco-systems – N/A**
- **Meet the hierarchy of present and future human needs fairly and efficiently – N/A**

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**Action required/Recommendation:**

- Referral to the Plan Commission for the March 6, 2013 meeting
- This item will most likely return to the City Council for a public hearing and possible action on March 18, 2013

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**Fiscal Note/Budget Impact:** N/A

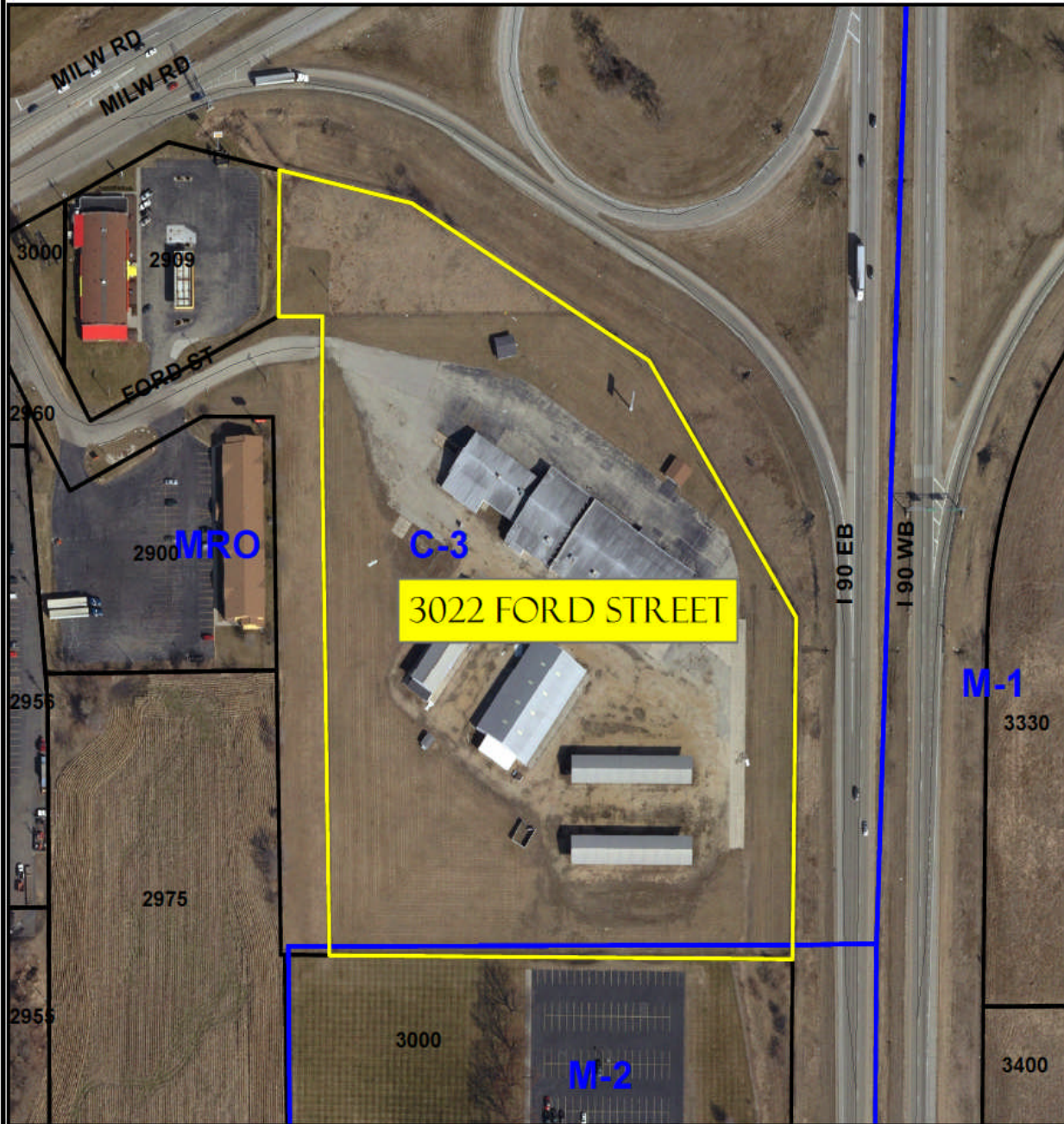
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**Attachments:** Location and Zoning Map, Site Plan, Architectural Elevations, and Application

# Location & Zoning Map

3022 Ford Street

CU-2013-01



1 inch = 187 feet  
0 40 80 160 240 Feet

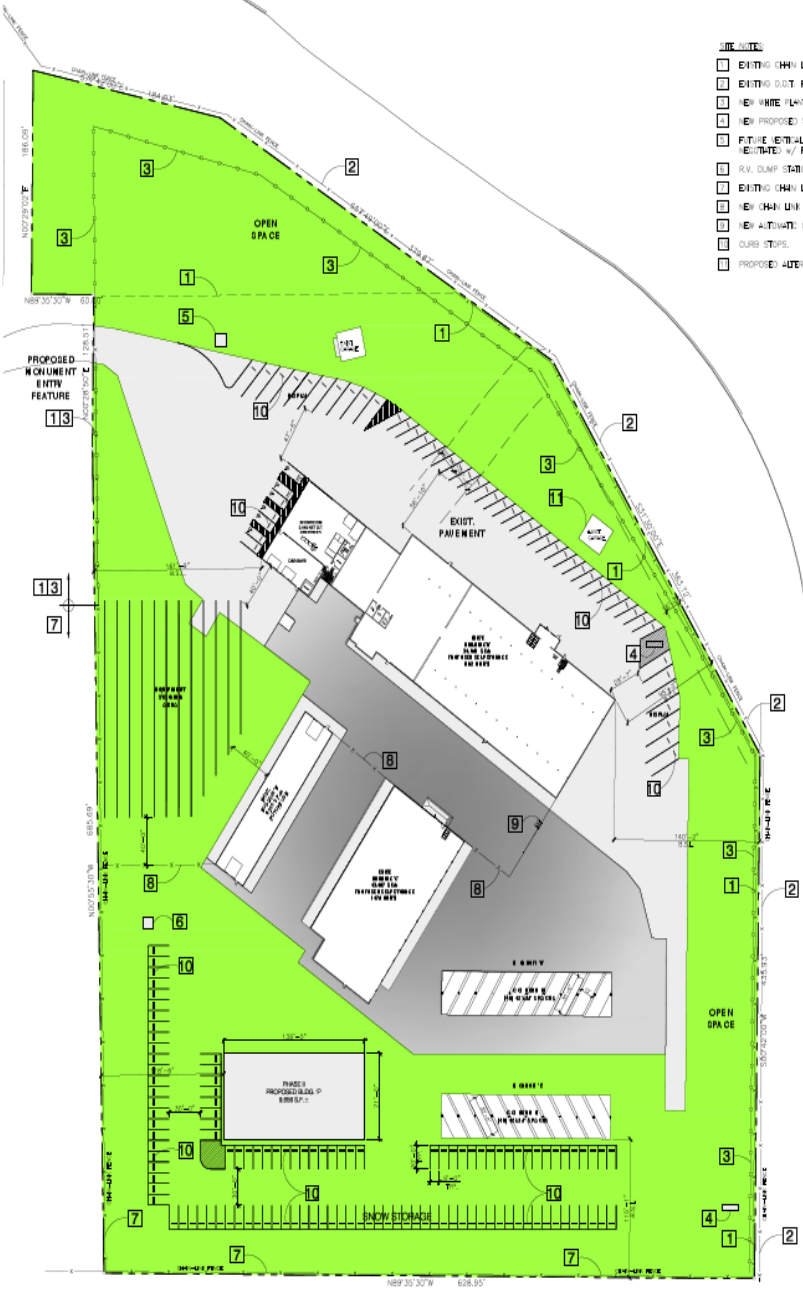
### Legend

-  Zoning District
-  Parcels

Map prepared by: Michael D. Lofton II  
Date: December 2012  
For: City of Beloit, Planning & Building Services  
Date of Aerial Photography: April 2011

## PLANNING & BUILDING SERVICES DIVISION

## U-HAUL BELOIT RETAIL CAMPUS RE-USE DEVELOPMENT 3022 MILWAUKEE ROAD BELOIT, WI 53511



- SITE CODES:**
- 1 EXISTING CHAIN LINK FENCE TO BE REMOVED
  - 2 EXISTING DRIVE FENCE TO REMAIN
  - 3 NEW WAREHOUSE/STORAGE
  - 4 NEW PROPOSED DRIVE
  - 5 FUTURE RETAIL PROPOSE STATION TO BE RELOCATED W/ FENCE DET. & SUBMITTED SEPAR.
  - 6 R.V. DUMP STATION
  - 7 EXISTING CHAIN LINK FENCE TO REMAIN
  - 8 NEW CHAIN LINK FENCE
  - 9 NEW AUTOMATIC GATE
  - 10 CURB STOPS
  - 11 PROPOSED ALTERNATE (PROPOSE) P.B.L.

**OWNER:**  
U-HAUL U.S. LLC  
VARIAN CO LIMITED LIABILITY CO  
801 24th AVE, #1300  
SEATTLE, WA 98108

**ARCHITECT:**  
JAMES CORNELL & ASSOCIATES  
2727 N. CENTRAL AVE.  
PH OREGON 503 600 6000  
JAN L. CORNELL, STAFF ARCHITECT  
JAN.L.CORNELL@UHAUL.COM  
DAVID P. COLLINS, PRINCIPAL PLANNER  
DAVID.P.COLLS@UHAUL.COM  
P: 408.243.4262

**SHEET NO.:**  
SHEET 01  
SHEET 02  
SHEET 03  
SHEET 04  
SHEET 05  
SHEET 06  
SHEET 07  
SHEET 08  
SHEET 09  
SHEET 10  
SHEET 11  
SHEET 12  
SHEET 13

**DESCRIPTION:**  
DEVELOPMENTAL SITE PLAN  
SURVEY BY OTHER S  
SURVEY BY OTHER S  
SURVEY BY OTHER S  
SURVEY BY OTHER S  
DEVELOPMENTAL LAYOUT SCHEME PLAN  
BUILDING W/ ELEVATIONS  
BUILDING W/ ELEVATIONS  
BUILDING W/ ELEVATIONS  
BUILDING W/ ELEVATIONS  
RV CAMP S

**SITE CODE ANALYSIS:**

PROJECT ADDRESS: 3022 MILWAUKEE RD, BEL. CT. W.  
MUNICIPALITY: CITY OF BELOIT  
PARCEL NUMBER: 22200000

SURVEYED ON: 03 COMMUNITY CONTROL

PROPOSED USES & TABLES:  
RETAIL - GENERAL SALES  
USE P: SERVICE STORAGE  
EQUIPMENT STORAGE  
RETAIL SALE IN U-HAUL VEHICLES & EQUIPMENTS  
COMBINED RV STORAGE  
ALTERNATE FUEL TANK  
FUTURE VEHICLE USE

STREETS: 12' A CURB 5/22/21 50 FT.  
IMPROVEMENTS: 12' A CURB 5/22/21 50 FT.

EXISTING BUILDING(S):  
BUILDING A: 31,000 SF BLDG W/ 100 VEHICULAR UNITS & 50,000 SF RETAIL  
BUILDING B: 4,200 SF OPEN WAREHOUSE (TO BE DEMOLISHED)  
BUILDING C: 13,100 SF SELF STORAGE W/ 100 UNITS  
BUILDING D: 8,000 SF COMBINED STORAGE  
BUILDING E: 8,000 SF COMBINED STORAGE  
PROPOSED BLDG F: 15,000 SF COMBINED STORAGE  
TOTAL BLDG AREA (EXISTING & PROPOSED): 71,300 SF

P.A.P. TOTAL PL. COV. AREA: 1.000 LOT AREA 100,000 SF A.M.R. LOT W/ 100 FEET  
P.A.P. PROPOSED: 0.19% COV. AREA  
BUILDING HEIGHTS: 4 STORIES/30 FEET ALL OTHERS - 10 FT. 6.5' MAX

BUILDING	HEIGHT	REQUIRED	PROVIDED
PROPOSED	20 FEET	20 FEET	20 FEET
EXISTING	10 FEET	10 FEET	10 FEET
EXISTING	15 FEET	15 FEET	15 FEET
EXISTING	10 FEET	10 FEET	10 FEET

**PARKING REQUIREMENTS:**

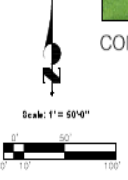
USE	REQUIRED	PROVIDED
SELF SERVICE STORAGE	2 SPACES/1000 SF	142 SPACES
RETAIL SALE/ SERVICE	2 SPACES/100 SF	2 SPACES
EQUIPMENT STORAGE	1 SPACE/100 SF	20 SPACES
RETAIL SALE/ SERVICE	1 SPACE/100 SF	142 SPACES
TOTAL SPACES	142 SPACES	142 SPACES
ACCESSIBLE SPACES	2 SPACES	2 SPACES



CONCEPTUAL VIEW OF DEVELOPMENT

N.T.O.

INTERSTATE 90 AND 39



(SHEET TITLE)

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REVIEWS

NO.	DATE	BY	DESCRIPTION

PROFESSIONAL SEAL

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ARCHITECT LOGO:

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**AMERCO**  
REAL ESTATE COMPANY

CONTACT: ERIK LUTZ  
307 N. ST. JULIA AVE.  
MILWAUKEE, WI 53212  
P: (414) 261-8000  
F: (414) 271-1000

SITE ADDRESS:  
U-HAUL OF BELOIT  
3022 MILWAUKEE RD  
BELOIT, WI 53511

SHEET CONTENT:  
Developmental Site Plan

887015

DATE:	02.25.13
BY:	SP1

(SHEET TITLE)

P:\11025571\11025571-11025571-Milwaukee Road, Beloit, WI\11025571.dwg - Site Plan - 2/22/2013 11:42:34 AM





VIEW ENTRY OF RETAIL SHOWROOM- BLDG. 'A'



VIEW SELF-STORAGE- BLDG. 'A'



VIEW D&R- BLDG. 'A'



VIEW SIDE- BLDG. 'A'

GENERAL NOTES

REVISIONS

NO.	DATE	DESCRIPTION

PROFESSIONAL SEAL

ARCHITECT FIRM:

**AMEPCO**  
REAL ESTATE COMPANY

CONTACT ARCHITECT:  
200 NORTH WALDEN  
MILWAUKEE, WISCONSIN  
P: (800) 265-0502  
F: (800) 277-1006

SITE ADDRESS:  
PROPOSED ACQUISITION  
3022 MILWAUKEE RD  
BELLEVILLE, WI

THIS CONTENT:  
BUILDING 'A'  
RENDERINGS

887015

DATE: 08/07/18

SCALE: AS SHOWN

FILE: J

DATE: 08/07/18

REVISION: 11

ELATED PROJECT



**CITY of BELOIT**  
**Neighborhood Planning Division**

100 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-6609

**Conditional Use Permit Application**

(Please Type or Print)

File Number: CU-2013-01

1. Address of subject property: ~~3022 Milwaukee Road~~ Ford Street

2. Legal description: See attached ALTA Survey

If property has not been subdivided, attach a copy of the complete legal description from deed.

Property dimensions are: \_\_\_\_\_ feet by \_\_\_\_\_ feet = \_\_\_\_\_ square feet.

If more than two acres, give area in acres: 11.2 acres \_\_\_\_\_ acres.

3. Tax Parcel Number(s): 22910015 (Parcel Number)

4. Owner of record: LN Real Estate LLC - Jerry TeStake Testate | ct@doeden.com Phone: (206) 501-4520  
801 Second Ave., Ste. 1300 Seattle WA 98104  
(Address) (City) (State) (Zip)

5. Applicant's Name: AMERCO Real Estate Company - Carlos Vizcarra, President  
2727 N. Central Ave., Ste. 500 Phoenix AZ 85004  
(Address) (City) (State) (Zip)  
(602) 283-8555 / daniela\_warren @ uhaul.com  
(Office Phone #) (Cell Phone #) (E-mail Address)

6. All existing use(s) on this property are: \_\_\_\_\_  
Vacant home improvement stores

7. **THE FOLLOWING ACTION IS REQUESTED:**

A Conditional Use Permit for: Self-Storage  
\_\_\_\_\_ in a(n) 'C-3' Community Commercial \_\_\_\_\_ Zoning District.

8. All the proposed use(s) for this property will be:  
Principal use: \_\_\_\_\_  
Truck & Trailer Rental & Self-Storage

Secondary use: \_\_\_\_\_

Accessory use: \_\_\_\_\_



9. Project timetable: Start date: 1/31/2013 Completion date: 7/31/2013

10. I/We represent that I/we have a vested interest in this property in the following manner:

- Owner
- Leasehold, length of lease: \_\_\_\_\_
- Contractual, nature of contract: Acquisition
- Other, explain: \_\_\_\_\_

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/We, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/We represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/We also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

Jenny TeStake, Jenny TeStake, 12/6/12  
(Signature of Officer) (Print name) (Date)

Carlos Vizcarra, Carlos Vizcarra, 11/2/05/2012  
(Signature of Applicant, if different) (Print name) (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application, and all accompanying documents, to the Neighborhood Planning Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting.

This application must be submitted with one copy of a scaled drawing showing the layout of the proposed development in accordance with all code requirements, and the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant and these costs are typically between \$5.00 and \$15.00.

To be completed by Planning Staff		
Filing fee: <u>\$275.00</u>	Amount paid: <u>\$275.00</u>	Meeting date: <u>Jan. 9, 2013</u>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____	
Application accepted by: <u>D. Pennington</u>		Date: <u>12/14/12</u>

**RESOLUTION  
AUTHORIZING FINAL PAYMENT OF  
PUBLIC WORKS CONTRACT C12-02R  
New Telecommunications Hut Foundation**

**WHEREAS**, work under this contract has been completed satisfactorily and in conformance with the requirements of the contract, and

**WHEREAS**, the city engineer, comptroller, and attorney recommend final payment to the contractor, therefore

**IT IS RESOLVED**, that Gilbank Construction, Inc. be paid \$19,245.03 as the final payment for Contract C12-02R New Telecommunications Hut Foundation, as recommended by the City Engineer.

Dated at Beloit, Wisconsin this 4<sup>th</sup> day of March, 2013.

City Council of the City of Beloit

\_\_\_\_\_  
Charles M. Haynes, President

ATTEST:

\_\_\_\_\_  
Rebecca Houseman LeMire, City Clerk

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



**Topic:** Final Payment for Contract C12-02R, New Telecommunications Hut Foundation

**Date:** March 4, 2013

**Presenter(s):** Larry Arft

**Department(s):** Public Works/ Engineering

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**Overview/Background Information:**

This project constructed the foundation for the telecommunications hut at the base of the Mill Street Water tower.

---

**Key Issues (maximum of 5):**

1. The requirements of the contract have been completed to the satisfaction of the City.
2. The awarded contract amount was \$ 69,608.64  
Quantity increases and change orders \$ 8,502.35  
Net payment due contractor \$ 78,110.99
3. The City Engineer, City Attorney, and Director of Accounting recommend that a final payment be made to Gilbank Construction, Inc. in the amount of \$19,245.03.

---

**Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):**

1. **Develop a high quality community through the responsible stewardship and enhancement of City resources to further Beloit's resurgence as a gem of the Rock River Valley.**
  - This project will protect communications devices and equipment from the weather.

---

**Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):**

- **Reduce dependence upon fossil fuels**  
n/a
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**  
n/a
- **Reduce dependence on activities that harm life sustaining eco-systems**  
n/a
- **Meet the hierarchy of present and future human needs fairly and efficiently**  
Protection of equipment is necessary for its function.

If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space.

---

**Action required/Recommendation:**

Approval of the Resolution authorizing the Final Payment.

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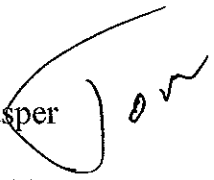
**Fiscal Note/Budget Impact:**

Adequate funding is available in the Capital Improvement Plan.

**CITY OF BELOIT**  
**DEPARTMENTAL CORRESPONDENCE**

---

**TO:** Andy Hill

**FROM:** Thomas R. Casper 

**DATE:** February 11, 2013

**SUBJECT:** **Public Works Contract C12-02R**  
**New Telecommunications Hut Foundation**  
**Gilbank Construction, Inc.**

FEB 12 2013


I have reviewed the materials you sent over for final payment approval on the above contract. Everything appears in order and you may process the matter in your normal fashion.

/tdh  
encs.

**CITY OF BELOIT**  
**DEPARTMENTAL CORRESPONDENCE**

---

**TO:** Mike Flesch

**FROM:** Andy Hill, Project Engineer 

**DATE:** January 29, 2013

**SUBJECT:** Final Payment Contract C12-02R  
New Telecommunications Hut Foundation

The work on this project was completed on December 27, 2012. I have inspected the work and find it to be satisfactory and in compliance with the requirements of the contract. The contractor has asked for final payment. The project was inspected by city staff. The final payment quantities have been approved by the contractor.

The original contract amount was for \$69,608.64, and the final contract amount is \$78,110.99. The increase in cost was primarily due to the cement slurry required to stabilize poor soil conditions. A detailed variance report is attached. Payments to date under this contract total \$58,865.96, and all lien waivers from subcontractors are on file.

Therefore, I recommend a final payment in the amount of \$19,245.03 be made to Gilbank Construction, Inc.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE  
CITY OF БЕЛОIT COMPREHENSIVE PLAN**

The City Council of the City of Beloit, Rock County, Wisconsin do ordain as follows:

**Section 1.** The Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan, adopted in §12.015 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

The future land use category of the following described land is hereby changed from Neighborhood Commercial to Institutional & Community Services:

East 33 feet of the South 132 feet of Lot 2, Pierce's Subdivision of Hackett's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 545 W. Grand Avenue, parcel number 13560970).

West 109 feet of the South 132 feet of Lot 2, Pierce's Subdivision of Hackett's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 549 W. Grand Avenue, parcel number 13560960).

South 34 feet of the North 84 feet of Lot 2, Pierce's Subdivision of Hackett's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 615 Eighth Street, parcel number 13561185).

The future land use category of the following described land is hereby changed from Single-Family Residential – Urban to Institutional & Community Services:

North 50 feet of Lot 2, Pierce's Subdivision of Hackett's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 619 Eighth Street, parcel number 13561180).

South 44.86 feet of the West 41.91 feet of Lot 74 and South 44 feet of Lot 75 of Tenney's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 625 Eighth Street, parcel number 13561175).

North 62.92 feet of Lot 75 of Tenney's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 629 Eighth Street, parcel number 13561170).

North 62.04 feet of the West 41.91 feet of Lot 74 of Tenney's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 548 Locust Street, parcel number 13561165).

The future land use category of the following described land is hereby changed from Two-Family/Townhouse Residential to Institutional & Community Services:



Lot 18, Block 6 of Noggle's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1203 Sixth Street, parcel number 12640535).

South 15 feet of Lot 13 and North 33 feet of Lot 14, Block 6 of Noggle's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1233 Sixth Street, parcel number 12640615).

South 40.75 feet of Lot 11, Block 6 of Noggle's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1249 Sixth Street, parcel number 12640600).

South 15.75 feet of Lot 10 and North 25.25 feet of Lot 11, Block 6 of Noggle's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1253 Sixth Street, parcel number 12640595).

North 50.25 feet of Lot 10, Block 6 of Noggle's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1257 Sixth Street, parcel number 12640590).

The future land use category of the following described land is hereby changed from Single-Family Residential – Urban to Institutional & Community Services:

East 49 feet of Lot 23 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 219 North Street, parcel number 12630110).

Lot 22 and West 8 feet of Lot 23 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 225 North Street, parcel number 12630105).

Lot 21 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1313 Sixth Street, parcel number 12630230).

Lot 20 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1317 Sixth Street, parcel number 12630225).

Lot 19 and part of Lot 18 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1323 Sixth Street, parcel number 12630220).

Part of Lot 18 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1327 Sixth Street, parcel number 12630215).

Part of Lot 17 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to

the City of Beloit, County of Rock, State of Wisconsin (also known as 1333 Sixth Street, parcel number 12630210).

Lot 16 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1339 Sixth Street, parcel number 12630205).

Lot 15 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1343 Sixth Street, parcel number 12630200).

Lot 10 and East 19.99 feet of Lot 11, now known as Parcel B of Plat of Survey Recorded 7/18/2006 as Document No. 1757726 and Lot 14 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1349 Sixth Street, parcel number 12630195).

West 30.02 feet of Lot 11, now known as Parcel A of Plat of Survey Recorded 7/18/2006 as Document No. 1757726 and Lots 12 & 13 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1353 Sixth Street, parcel number 12630190).

**Section 2.** This ordinance shall take effect and be in force upon its passage and publication.

Enacted this 4th day of March, 2013.

**City Council of the City of Beloit**

\_\_\_\_\_  
Charles M. Haynes, Council President

Attest:

\_\_\_\_\_  
Rebecca Houseman LeMire, City Clerk

Published this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Effective this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

01-611100-5231-\_\_\_\_\_

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



**Topic:** Comprehensive Plan Amendments

**Date:** February 18, 2013

**Presenter(s):** Julie Christensen

**Department(s):** Community Development

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### Overview/Background Information:

The School District of Beloit has submitted an application requesting several amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan.

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### Key Issues (maximum of 5):

- The applicant is requesting the following amendments to the Future Land Use Map (Map 10) of the City's Comprehensive Plan:
  - 545 & 549 W. Grand Avenue and 615 Eighth Street – From Neighborhood Commercial to Institutional & Community Services.
  - 619, 625, & 629 Eighth Street and 548 Locust Street – From Single-Family Residential – Urban to Institutional & Community Services.
  - 1203, 1233, 1249, 1253, & 1257 Sixth Street – From Two-Family/Townhouse Residential to Institutional & Community Services.
  - 219 & 225 North Street and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street – From Single-Family Residential – Urban to Institutional & Community Services.
- The proposed amendments for the properties on W. Grand Avenue, Eighth Street, and Locust Street are related to the proposed expansion of Hackett Elementary School, as illustrated on the attached preliminary site plan. The proposed amendments are compatible with the existing and planned land uses in the vicinity and will facilitate a significant improvement and expansion of this elementary school site.
- The proposed amendments for the properties on Sixth Street and North Street are related to the proposed expansion of the adjacent BMHS campus. This expansion will also require the vacation of an unnamed alley. The proposed amendments are compatible with the existing and planned residential uses in the vicinity and will facilitate a logical westward expansion of the BMHS campus.
- The Plan Commission held a public hearing to consider the requested amendments on January 9, 2013 and voted unanimously (5-0) to adopt the attached Resolution, which recommends approval of the requested amendments to the Comprehensive Plan.

---

### Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

- Consideration of this request supports *Strategic Goal #5*.

---

### Sustainability:

- **Reduce dependence upon fossil fuels** – N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

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### Action required/Recommendation:

- City Council consideration and 1<sup>st</sup> reading of the proposed Ordinance

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**Fiscal Note/Budget Impact:** The subject properties are (or will become) tax-exempt, so the proposed amendments will reduce the overall tax base.

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**Attachments:** Ordinance, Plan Commission Resolution, Public Notice, and Staff Report to the Plan Commission.

**RESOLUTION  
RECOMMENDING APPROVAL OF AMENDMENTS TO THE  
CITY OF BELOIT COMPREHENSIVE PLAN**

**WHEREAS**, the Plan Commission of the City of Beloit recommended approval of the Comprehensive Plan of the City of Beloit (the Plan) on January 23, 2008, and the City Council of the City of Beloit approved an Ordinance adopting the Plan on March 17, 2008; and

**WHEREAS**, the Plan may be amended and changed in the years following adoption, particularly in instances where the Plan is becoming irrelevant or contradictory to emerging policies or trends, or does not provide specific advice or guidance on an emerging issue; and

**WHEREAS**, "Amendments" are generally defined as minor changes to the Plan's maps or text; and

**WHEREAS**, the City Council of the City of Beloit approved a Resolution to Adopt a Process for Amending the City of Beloit Comprehensive Plan on February 1, 2010; and


**WHEREAS**, the approved process directs the Plan Commission to hold a public meeting on the proposed amendments, and following said public meeting, make a recommendation by Resolution to the City Council by majority vote of the entire Commission.

**NOW, THEREFORE, BE IT RESOLVED** that the Plan Commission of the City of Beloit, Rock County, Wisconsin, hereby recommends approval of the following amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

1. 545 & 549 W. Grand Avenue and 615 Eighth Street – From Neighborhood Commercial to Institutional & Community Services.
2. 619, 625, & 629 Eighth Street and 548 Locust Street – From Single-Family Residential – Urban to Institutional & Community Services.
3. 1203, 1233, 1249, 1253, & 1257 Sixth Street – From Two-Family/Townhouse Residential to Institutional & Community Services.
4. 219 & 225 North Street and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street – From Single-Family Residential – Urban to Institutional & Community Services.

Adopted this 9<sup>th</sup> day of January, 2013.

ATTEST:

  
Julie Christensen,  
Community Development Director

  
Charles Ramsden, Plan Commission ~~Chairman~~ *Vice-Chair*  
Mandell Jacobsen



## NOTICE TO THE PUBLIC

January 10, 2013

To Whom It May Concern:

The City of Beloit Plan Commission has recommended approval of the following amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

1. 545 & 549 W. Grand Avenue and 615 Eighth Street – From Neighborhood Commercial to Institutional & Community Services.
2. 619, 625, & 629 Eighth Street and 548 Locust Street – From Single-Family Residential – Urban to Institutional & Community Services.
3. 1203, 1233, 1249, 1253, & 1257 Sixth Street – From Two-Family/Townhouse Residential to Institutional & Community Services.
4. 219 & 225 North Street and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street – From Single-Family Residential – Urban to Institutional & Community Services.

Information regarding the location, zoning, and land use of these properties is available for public review in the Planning & Building Services Division on the third floor of City Hall, 100 State Street.

The Plan Commission's recommendation will be reviewed by the City Council, which will hold the following public hearing regarding the proposed amendments:

**City Council (Public Hearing):** Monday, February 18, 2013, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

### **THE PUBLIC IS INVITED TO ATTEND THIS HEARING.**

**We are interested in your opinion.**

Anyone bringing handouts to the meeting must bring ten (10) copies and submit them to the City Clerk before the meeting begins. Staff is unable to leave the meeting area to make copies.

*For additional information, please contact Drew Pennington in the Planning & Building Services Division at (608) 364-6711 or [penningtond@ci.beloit.wi.us](mailto:penningtond@ci.beloit.wi.us). Comments will be accepted via telephone, email, and U.S. Mail.*

# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: January 9, 2013

Agenda Item: 6

File Number: RPB-2013-03

### Request Overview/Background Information:

The School District of Beloit has submitted an application requesting several amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan.

Wisconsin's Comprehensive Planning Law, §66.1001 of the Wisconsin Statutes, was signed into law in 1999. This legislation is commonly known as Wisconsin's "smart growth" law, although the law does not prescribe or require a particular type of development pattern. The Comprehensive Planning law requires all cities, towns, and villages that regulate land use through land use ordinances (e.g. zoning) to adopt a Comprehensive Plan. Comprehensive Plans are intended to guide development and redevelopment over a 20-year timeframe. The law also requires that land use decisions be consistent with the plan.

The Beloit City Council approved the City's Comprehensive Plan in March 2008 after an extensive public participation program. All land use decisions made by the City of Beloit, including any actions regarding official mapping, local subdivision regulation, and zoning regulations, must be consistent with the plan. The Beloit City Council established a process for amendments (minor changes) to the Comprehensive Plan on February 1, 2010. If the Plan Commission votes to recommend approval of the proposed amendments, the attached Resolution will be forwarded to the City Council for consideration on February 18, 2013.

### Key Issues:

- The applicant is requesting the following amendments to the Future Land Use Map (Map 10) of the City's Comprehensive Plan:
  - 545 & 549 W. Grand Avenue and 615 Eighth Street – From Neighborhood Commercial to Institutional & Community Services.
  - 619, 625, & 629 Eighth Street and 548 Locust Street – From Single-Family Residential – Urban to Institutional & Community Services.
  - 1203, 1233, 1249, 1253, & 1257 Sixth Street – From Two-Family/Townhouse Residential to Institutional & Community Services.
  - 219 & 225 North Street and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street – From Single-Family Residential – Urban to Institutional & Community Services.
- The following table describes the status of the subject properties:

Property	Current Land Use	Zoning Class	Future Land Use	Proposed Future Land Use
545 W. Grand Av	Institutional	C-2	Neigh Commercial	Inst. & Community Services
549 W. Grand Av	Commercial (vacant)	C-2	Neigh Commercial	Inst. & Community Services
615 Eighth Street	Single-Family Res.	C-2	Neigh Commercial	Inst. & Community Services
619 Eighth Street	Single-Family Res.	R-1B	Single-Family Res.	Inst. & Community Services
625 Eighth Street	Duplex	R-1B	Single-Family Res.	Inst. & Community Services
629 Eighth Street	Duplex	R-1B	Single-Family Res.	Inst. & Community Services
548 Locust St.	Parking Lot	R-1B	Single-Family Res.	Inst. & Community Services
1203 Sixth Street	Vacant Land	R-2	Two-Family Res.	Inst. & Community Services
1233 Sixth Street	Vacant Land	R-2	Two-Family Res.	Inst. & Community Services
1249 Sixth Street	Vacant Land	R-2	Two-Family Res.	Inst. & Community Services



1253 Street	Sixth	Vacant Land	R-2	Two-Family Res.	Inst. & Community Services
1257 Street	Sixth	Vacant Land	R-2	Two-Family Res.	Inst. & Community Services
219 North Street		Vacant Land	R-1B	Single-Family Res.	Inst. & Community Services
225 North Street		Single-Family Res.	R-1B	Single-Family Res.	Inst. & Community Services
1313 Street	Sixth	Vacant Land	R-1B	Single-Family Res.	Inst. & Community Services
1317 Street	Sixth	Vacant Land	R-1B	Single-Family Res.	Inst. & Community Services
1323 Street	Sixth	Vacant Land	R-1B	Single-Family Res.	Inst. & Community Services
1327 Street	Sixth	Vacant Land	R-1B	Single-Family Res.	Inst. & Community Services
1333 Street	Sixth	Vacant Land	R-1B	Single-Family Res.	Inst. & Community Services
1339 Street	Sixth	Single-Family Res.	R-1B	Single-Family Res.	Inst. & Community Services
1343 Street	Sixth	Vacant Land	R-1B	Single-Family Res.	Inst. & Community Services
1349 Street	Sixth	Single-Family Res.	R-1B	Single-Family Res.	Inst. & Community Services
1353 Street	Sixth	Single-Family Res.	R-1B	Single-Family Res.	Inst. & Community Services

- The proposed amendments for the properties on W. Grand Avenue, Eighth Street, and Locust Street are related to the proposed expansion of Hackett Elementary School, as illustrated on the attached preliminary site plan.
- The proposed amendments for the properties on Sixth Street and North Street are related to the proposed expansion of the adjacent BMHS athletic fields. This expansion will also require the vacation of unnamed alleys.
- A Location & Zoning Map and Future Land Use Map for each distinct site are attached to this report.
- **Land Use Analysis – Hackett Elementary Amendments**
  - The proposed amendments would designate the entire block (including the Hackett parcel) as appropriate for Institutional & Community Services. This would allow the district to rezone the subject properties to PLI, Public Lands & Institutions District, demolish the existing structures, and expand the school & grounds as shown on the attached preliminary site plan.
  - Adjacent land uses include residential to the north and northwest of the subject properties and commercial uses to the south.
  - The proposed amendments are compatible with the existing and planned land uses in the vicinity and will facilitate a significant improvement and expansion of this elementary school site.
- **Land Use Analysis – BMHS Campus Amendments**
  - The proposed amendments would designate the eastern half of the 1200 and 1300 blocks of Sixth Street as appropriate for Institutional & Community Services. This would allow the district to rezone the subject properties to PLI, Public Lands & Institutions District in order to expand the BMHS campus.
  - The district already owns (or has accepted offers to purchase) the properties that are included in this application. The district intends to submit a separate application for the remaining properties on the 1200 block once they gain site control.
  - The proposed amendments are compatible with the existing and planned residential uses in the vicinity and will facilitate a logical westward expansion of the BMHS campus.

---

**Consistency with Comprehensive Plan and Strategic Plan:**

- The City's compliance with the Comprehensive Planning law's consistency requirement is the impetus for this request.
- Consideration of this request supports Strategic Goal #5.

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**Sustainability:** (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines)

- **Reduce dependence upon fossil fuels – N/A**
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature – N/A**

- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

---

**Staff Recommendation:**

The Planning & Building Services Division recommends **approval** of the following proposed amendments to the Future Land Use Map (Map 10) of the City's Comprehensive Plan:

1. 545 & 549 W. Grand Avenue and 615 Eighth Street – From Neighborhood Commercial to Institutional & Community Services.
2. 619, 625, & 629 Eighth Street and 548 Locust Street – From Single-Family Residential – Urban to Institutional & Community Services.
3. 1203, 1233, 1249, 1253, & 1257 Sixth Street – From Two-Family/Townhouse Residential to Institutional & Community Services.
4. 219 & 225 North Street and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street – From Single-Family Residential – Urban to Institutional & Community Services.

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**Fiscal Note/Budget Impact:** N/A

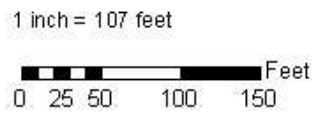
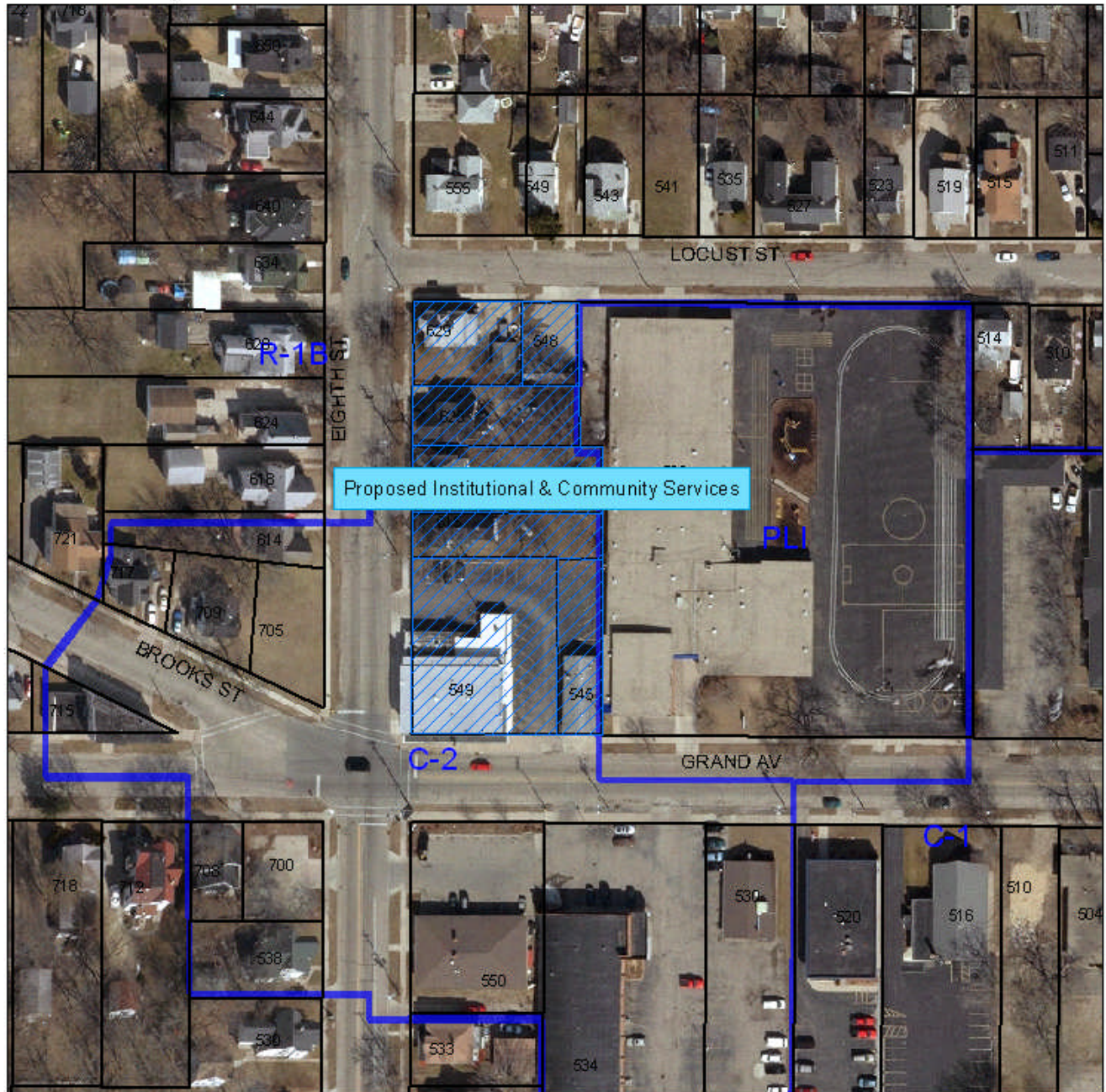
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**Attachments:** Location Map (Hackett), FLU Map (Hackett), Location Map (BMHS), FLU Map (BMHS), Photos (Hackett), Site Plan (Hackett), Public Notice, Mailing List, and Resolution.

# Location & Zoning Map

Various Properties

RPB-2013-03



**Legend**

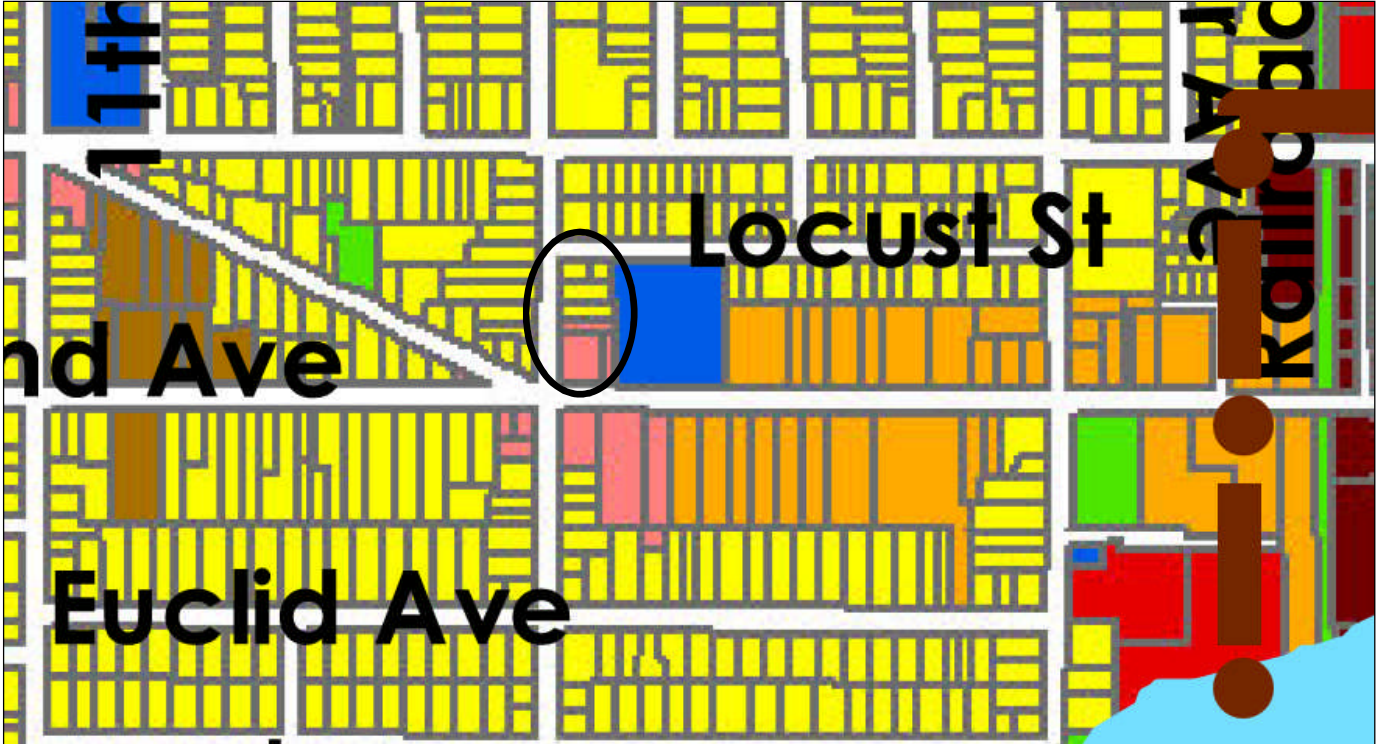
- COB Parcels
- Zoning District

Map prepared by: Drew Pennington  
 Date: January 2013  
 For: City of Beloit Planning & Building Services  
 Date of Aerial Photography: March 2011

**PLANNING & BUILDING SERVICES DIVISION**



# Map 10, Future Land Use (Narrowed to Subject Properties)



**Legend**

- Municipal Boundaries
- City of Beloit/Town of Turtle Boundary Adjustment Area
- Interstate Highway
- County Highways
- Existing Roads
- Potential Future Major Collector/Arterial Roads
- Railroads
- Surface Water

**Future Land Use Categories**

- Agricultural
- Single-Family Residential - Exurban
- Single-Family Residential - Urban
- Two-family/Townhouse Residential
- Mixed Residential
- Planned Neighborhood\*
- Office
- Planned Mixed Use
- Neighborhood Commercial
- Community Commercial
- Downtown
- Business Park
- General Industrial
- Institutional & Community Services
- Environmental Corridor
- Parks and Open Spaces
- Long Range Urban Growth Area
- Right-of-Way

\*Planned Neighborhood\* should include a mix of the following:  
 1. Single-Family - Urban (medium/low density)  
 2. Two-family/Townhouse  
 3. Mixed Residential  
 4. Institutional and Community Services  
 5. Office  
 6. Neighborhood Commercial  
 7. Parks and Open Space

0 0.25 0.5 1 Miles

Date: March 17, 2008  
 Source: City of Beloit, Rock County

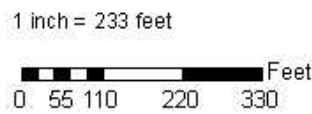
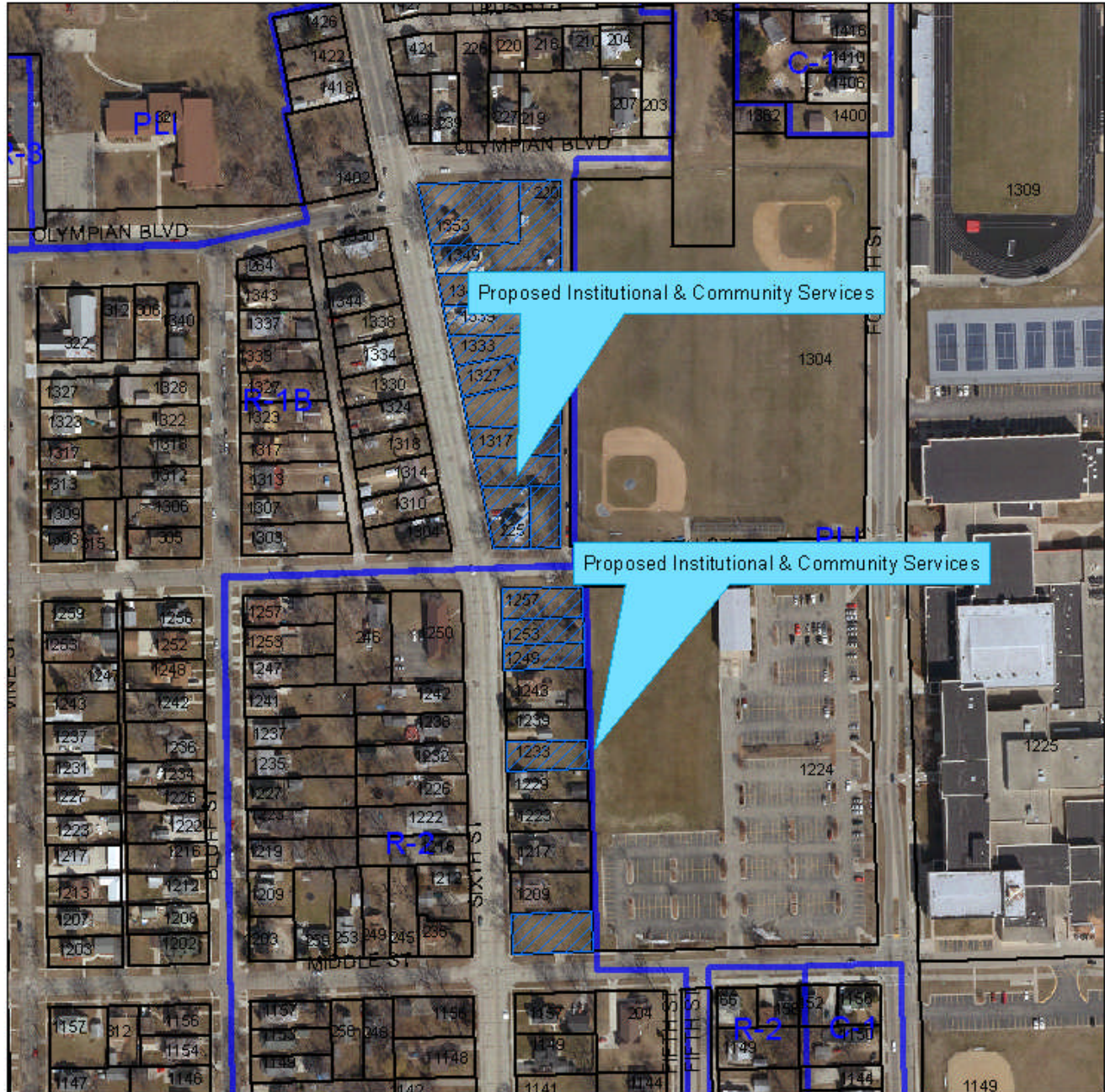
**City of Beloit**  
 Comprehensive Plan  
 Map 10:  
 Future Land Use



# Location & Zoning Map

Various Properties

RPB-2013-03



Legend	
	COB Parcels
	Zoning District

Map prepared by: Drew Pennington  
 Date: January 2013  
 For: City of Beloit Planning & Building Services  
 Date of Aerial Photography: March 2011

## PLANNING & BUILDING SERVICES DIVISION

# Map 10, Future Land Use (Narrowed to Subject Properties)





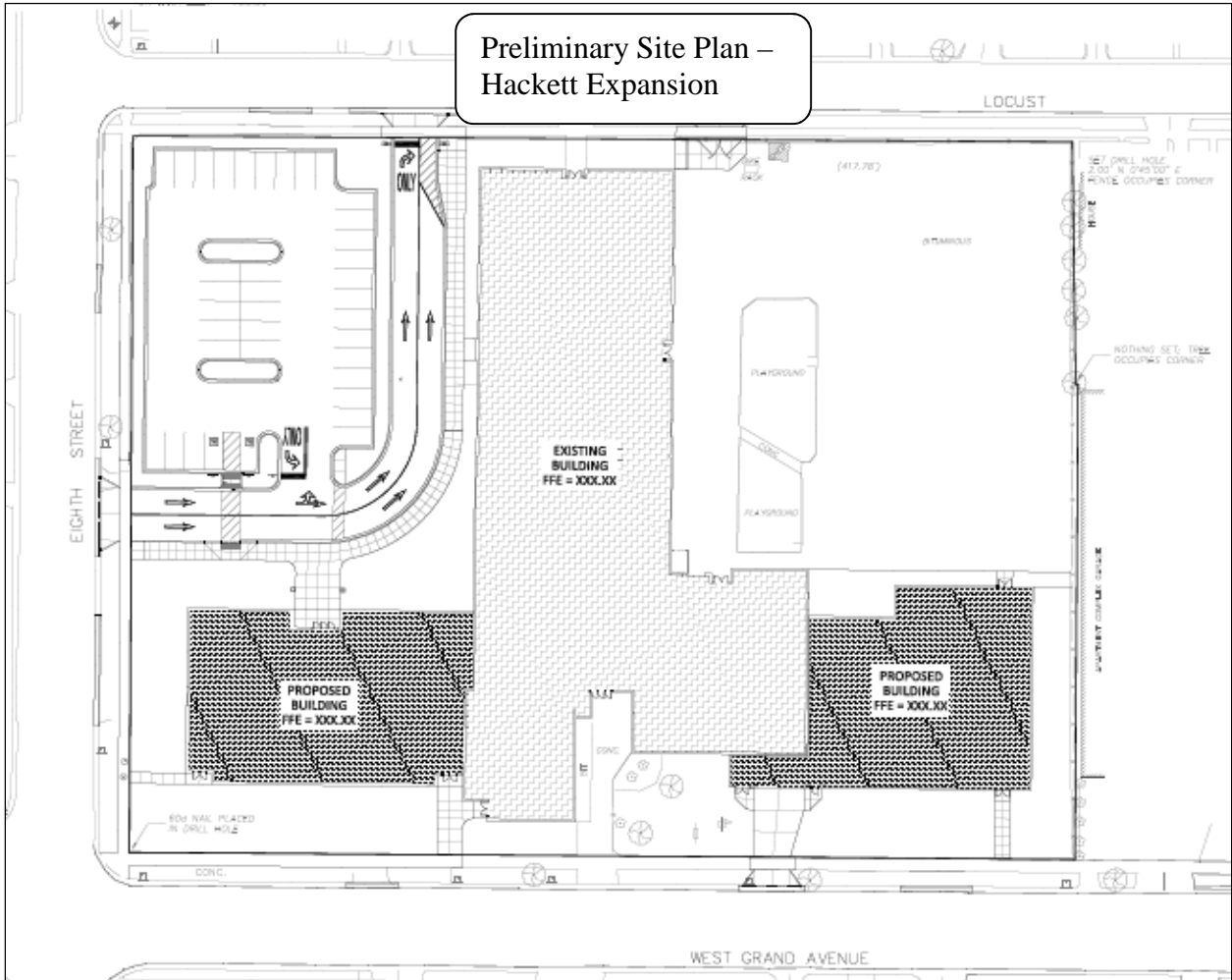
545 & 549 W. Grand Avenue



600 Block of Eighth Street



Preliminary Site Plan –  
Hackett Expansion





## **NOTICE TO THE PUBLIC**

December 19, 2012

To Whom It May Concern:

The School District of Beloit has submitted an application requesting the following amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

1. 545 & 549 W. Grand Avenue and 615 Eighth Street – From Neighborhood Commercial to Institutional & Community Services.
2. 619, 625, & 629 Eighth Street and 548 Locust Street – From Single-Family Residential – Urban to Institutional & Community Services.
3. 1203, 1233, 1249, 1253, & 1257 Sixth Street – From Two-Family/Townhouse Residential to Institutional & Community Services.
4. 219 & 225 North Street and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street – From Single-Family Residential – Urban to Institutional & Community Services.

Information regarding the location, zoning, and land use of these properties is available for public review in the Planning & Building Services Division on the third floor of City Hall, 100 State Street.

The following public meetings will be held regarding the proposed amendments:

**City Plan Commission:** Wednesday, January 9, 2013, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**City Council (Public Hearing):** Monday, February 18, 2013, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

### **THE PUBLIC IS INVITED TO ATTEND THESE MEETINGS.**

**We are interested in your opinion.**

Anyone bringing handouts to the Plan Commission meeting must bring ten (10) copies and submit them to the Recording Secretary before the meeting begins. Staff is unable to leave the meeting area to make copies.

*For additional information, please contact Drew Pennington in the Planning & Building Services Division at (608) 364-6711 or [penningtond@ci.beloit.wi.us](mailto:penningtond@ci.beloit.wi.us). Comments will be accepted via telephone, email, and U.S. Mail.*

Karry DeVault, Clerk  
Town of Beloit  
2871 S. Afton Rd.,  
Beloit 53511

Frank Management Inc.  
2501 Morse Street  
Janesville, WI 53545

Janelle Marotz  
School District of Beloit  
1633 Keeler Avenue  
Beloit, WI 53511

Deb Bennett, Clerk  
Town of Turtle  
6916 S. County Rd. J.  
Beloit, WI 53511

Paul Benjamin  
Rock County Planning  
Rock County Courthouse, Room 266  
51 South Main Street,  
Janesville, WI 53545

Dr. Dennis McCarthy  
Beloit-Turner School District  
1237 Inman Parkway  
Beloit, WI 53511

City Clerk  
City of South Beloit  
519 Blackhawk Blvd. Suite 2  
South Beloit, IL 61080

Dr. Pamela Kiefert, Superintendent  
Clinton Community School District  
112 Milwaukee Road  
Clinton, WI 53525

Kristi Howe  
Beloit Public Library  
605 Eclipse Boulevard  
Beloit, WI 53511

Peter Herreid, Grant Administrator  
Department of Administration  
101 E. Wilson Street, 10th Floor  
Madison, WI 53702-0001

Brad Austin  
Corporate Contractors Inc.  
655 3<sup>rd</sup> Street, Suite 300  
Beloit, WI 53511

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE AMENDING THE  
CITY OF БЕЛОIT COMPREHENSIVE PLAN**

The City Council of the City of Beloit, Rock County, Wisconsin do ordain as follows:

**Section 1.** The Downtown Future Land Use Map (Map 9) of the City of Beloit Comprehensive Plan, adopted in §12.015 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

The future land use category of the following described land is hereby changed from Institutional and Community Services to Neighborhood Commercial:

Lots 5 and 6 of Block 74 in the Original Plat of the City of Beloit, Rock County, Wisconsin (also known as 501 Prospect Street, parcel number 13660050).

**Section 2.** This ordinance shall take effect and be in force upon its passage and publication.

Enacted this 4th day of March, 2013.

**City Council of the City of Beloit**

\_\_\_\_\_  
Charles M. Haynes, Council President

Attest:

\_\_\_\_\_  
Rebecca Houseman LeMire, City Clerk

Published this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Effective this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

01-611100-5231-\_\_\_\_\_

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



**Topic:** Comprehensive Plan Amendment

**Date:** February 18, 2013

**Presenter(s):** Julie Christensen

**Department(s):** Community Development

---

### Overview/Background Information:

John Wittnebel, on behalf of Hourglass Media, LLC, has submitted an application requesting an amendment to the Downtown Future Land Use Map (Map 9) of the City's Comprehensive Plan. The history of the City's Comprehensive Plan, along with information on Wisconsin's Comprehensive Planning law, can be found in the attached Staff Report to the Plan Commission.

---

### Key Issues (maximum of 5):

- The applicant is requesting the following amendment to the Downtown Future Land Use Map (Map 9) of the City's Comprehensive Plan:
  - 501 Prospect Street – From Institutional and Community Services to Neighborhood Commercial.
- The following table describes the current status of the subject property:

Property	Current Land Use	Zoning Class	Future Land Use	Proposed Future Land Use
501 Prospect	Vacant Church Building	PLI, Public	Institutional	Neighborhood Commercial

- The applicant intends to reuse the former church building as a mixed-use building consisting of retail sales & service uses, liquor sales, and community service uses. The applicant had previously mentioned establishing a religious use, but has since changed his mind.
- If the requested amendment is approved, the applicant would be able to rezone the subject property to CBD-1, Central Business District-Core, which would allow the applicant to engage in or lease space to businesses that operate *Personal Service, Sales, and/or Entertainment-Oriented Retail Sales & Service* uses (e.g. café, performance art center, gift shop, bar and lounge, etc.). In addition to the proposed retail uses, the applicant intends to locate a nonprofit organization (The Youth Unite) in the building. Nonprofit organizations are classified as a "community services" use and require a Conditional Use Permit in the CBD-1 District.
- The Plan Commission held a public hearing to consider the requested amendment on January 9, 2013 and voted (4-0) to adopt the attached Resolution, which recommends approval of the requested amendment to the Comprehensive Plan.

---

### Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

- Consideration of this request supports *Strategic Goal #5*.

---

### Sustainability:

- **Reduce dependence upon fossil fuels** – N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

---

### Action required/Recommendation:

- City Council consideration and 1<sup>st</sup> reading of the proposed Ordinance

---

**Fiscal Note/Budget Impact:** Currently the subject property is tax-exempt due to its previous use as a church. However, if the Comprehensive Plan Amendment is approved, the applicant will have an opportunity to rezone the property for commercial purposes, at which point, the subject property will be added to the City's tax base.

---

**Attachments:** Ordinance, Plan Commission Resolution, Public Notice, and Staff Report to the Plan Commission.



**RESOLUTION  
RECOMMENDING APPROVAL OF AMENDMENT TO THE  
CITY OF BELOIT COMPREHENSIVE PLAN**

**WHEREAS**, the Plan Commission of the City of Beloit recommended approval of the Comprehensive Plan of the City of Beloit (the Plan) on January 23, 2008, and the City Council of the City of Beloit approved an Ordinance adopting the Plan on March 17, 2008; and

**WHEREAS**, the Plan may be amended and changed in the years following adoption, particularly in instances where the Plan is becoming irrelevant or contradictory to emerging policies or trends, or does not provide specific advice or guidance on an emerging issue; and

**WHEREAS**, "Amendments" are generally defined as minor changes to the Plan's maps or text; and

**WHEREAS**, the City Council of the City of Beloit approved a Resolution to Adopt a Process for Amending the City of Beloit Comprehensive Plan on February 1, 2010; and

**WHEREAS**, the approved process directs the Plan Commission to hold a public meeting on the proposed amendments, and following said public meeting, make a recommendation by Resolution to the City Council by majority vote of the entire Commission.

**NOW, THEREFORE, BE IT RESOLVED** that the Plan Commission of the City of Beloit, Rock County, Wisconsin, hereby recommends approval of the following amendment to the Downtown Future Land Use Map (Map 9) of the City of Beloit Comprehensive Plan:

1. 501 Prospect Street (Parcel No. 13660050) – From Institutional and Community Services to Neighborhood Commercial.

Adopted this 9<sup>th</sup> day of January, 2013.

ATTEST:

  
Julie Christensen, Community Development Director

  
~~Charles Ramsden, Plan Commission Chairman~~  
Mardell Jacobsen Vice-Chair



City of  
**BELOIT, Wisconsin**  
Division of Planning and Building Services

CITY HALL • 100 STATE STREET • BELOIT, WI 53511

Office: 608/364-6700 • Fax: 608/364-6609

[www.ci.beloit.wi.us](http://www.ci.beloit.wi.us)

Equal Opportunity Employer

## **NOTICE TO THE PUBLIC**

January 10, 2013

To Whom It May Concern:

The City of Beloit Plan Commission has recommended approval of the following amendment to the Downtown Future Land Use Map (Map 9) of the City of Beloit Comprehensive Plan:

1. 501 Prospect Street – From Institutional and Community Services to Neighborhood Commercial.

Information regarding the location, zoning, and land use of these properties is available for public review in the Planning & Building Services Division on the third floor of City Hall, 100 State Street.

The Plan Commission's recommendation will be reviewed by the City Council, which will hold the following public hearing regarding the proposed amendments:

**City Council (Public Hearing):** Monday, February 18, 2013, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

## **THE PUBLIC IS INVITED TO ATTEND THIS HEARING.**

**We are interested in your opinion.**

Anyone bringing handouts to the meeting must bring ten (10) copies and submit them to the City Clerk before the meeting begins. Staff is unable to leave the meeting area to make copies.

*For additional information, please contact Michael Lofton in the Planning & Building Services Division at (608) 364-6708 or [loftonm@ci.beloit.wi.us](mailto:loftonm@ci.beloit.wi.us). Comments will be accepted via telephone, email, and U.S. Mail.*

# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: January 9, 2013

Agenda Item: 4

File Number: RPB-2013-02

### Request Overview/Background Information:

John Wittnebel, on behalf of Hourglass Media, LLC, has submitted an application requesting an amendment to the Downtown Future Land Use Map (Map 9) of the City's Comprehensive Plan.

Wisconsin's Comprehensive Planning Law, §66.1001 of the Wisconsin Statutes, was signed into law in 1999. This legislation is commonly known as Wisconsin's "smart growth" law, although the law does not prescribe or require a particular type of development pattern. The Comprehensive Planning law requires all cities, towns, and villages that regulate land use through land use ordinances (e.g. zoning) to adopt a Comprehensive Plan. Comprehensive Plans are intended to guide development and redevelopment over a 20-year timeframe. The law also requires that land use decisions be consistent with the adopted plan, a requirement that became effective in 2010.

The Beloit City Council approved the City's Comprehensive Plan in March 2008 after an extensive public participation program. All land use decisions made by the City of Beloit, including any actions regarding official mapping, local subdivision regulation, and zoning regulations, must be consistent with the plan. The Beloit City Council established a process for amendments (minor changes) to the Comprehensive Plan on February 1, 2010. The state law requires that the Plan be updated at least once every ten years. As opposed to an amendment, an update is often a substantial re-write of the entire document and maps.

This public meeting of the Plan Commission serves as the second step in the process to amend the Comprehensive Plan. If the Plan Commission votes to recommend approval of the proposed amendment, the attached Resolution will be forwarded to the City Council for consideration during the regularly scheduled meeting on February 18, 2013.

### Key Issues:

- The applicant is requesting the following amendment to the Downtown Future Land Use Map (Map 9) of the City's Comprehensive Plan:
  - 501 Prospect Street – From Institutional and Community Services to Neighborhood Commercial.
- The following table describes the status of the subject property:

Property	Current Land Use	Zoning Class	Future Land Use	Proposed Future Land Use
501 Prospect Street	Vacant Church Building	PLI, Public	Institutional	Neighborhood Commercial

- The property that is the subject of this request is the former First Presbyterian Church. The applicant recently purchased the property and intends to reuse the former church building as a mixed use building consisting of retail sales & service uses, liquor sales, community service uses, and a religious use.
- Planning staff met with the applicant to discuss this proposal, and informed the applicant that the property would have to be rezoned, since the zoning classification at the time (PLI, Public Lands & Institutions District) did not allow commercial uses. A commercial zoning classification is required for the proposed uses. However, the Comprehensive Plan recommends Institutional & Community Services use for the subject property. Therefore, due to the consistency requirement discussed above, the property may not be rezoned without first amending the Comprehensive Plan.
- As mentioned above, the applicant wants the flexibility to engage in or lease space to businesses that operate *Personal Service, Sales, and/or Entertainment-Oriented Retail Sales & Service* uses (e.g. café, performance art center, gift shop, bar and lounge, etc.). These uses are prohibited in the PLI District but permitted by right in the CBD-1 District. The current zoning classification (PLI) is consistent with the Comprehensive Plan; however, the applicant is requesting an amendment to the Comprehensive Plan, which, if approved, would allow him to rezone the property to CBD-1 in the future.
- In addition to the proposed retail uses, the applicant intends to locate a nonprofit organization (The Youth Unite) in the building, offer health food classes to the community, and allow a church to use space for religious purposes. These uses are classified as "community services" and "religious," respectively, and are conditional uses in the CBD-1 District. This means that if the property is zoned CBD-1 in the future a Conditional Use Permit must be reviewed and approved by the Plan Commission and City Council before the uses are established.

- With regard to the proposed religious use, it should be noted that a Conditional Use Permit is only required if the applicant intends to expand the footprint of the building. The religious use may remain when the property is rezoned since the building was previously used for religious purposes, and the applicant has no intentions to expand the building footprint at this time.
- The subject property is surrounded by a variety of uses, including a large apartment building, a college, a church, office buildings, a mortuary, a bank, a retail store, and a restaurant.
- Planning staff supports the applicant's efforts to adaptively reuse the building for the proposed uses. The CBD-1, Central Business District-Core classification provides the most flexibility for the intended reuse of the building.
- The proposed mixed-use building will increase the availability of goods, services, and employment opportunities and contribute towards the vitality of downtown.

---

**Consistency with Comprehensive Plan and Strategic Plan:**

- The City's compliance with the Comprehensive Planning law's consistency requirement is the impetus for this request.
- Consideration of this request supports Strategic Goal #5.

---

**Sustainability:** (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines)

- **Reduce dependence upon fossil fuels – N/A**
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature – N/A**
- **Reduce dependence on activities that harm life sustaining eco-systems – N/A**
- **Meet the hierarchy of present and future human needs fairly and efficiently – N/A**

---

**Staff Recommendation:**

The Planning & Building Services Division recommends **approval** of the following proposed amendment to the Downtown Future Land Use Map (Map 9) of the City's Comprehensive Plan:

1. 501 Prospect Street – From Institutional and Community Services to Neighborhood Commercial.

---

**Fiscal Note/Budget Impact:** N/A

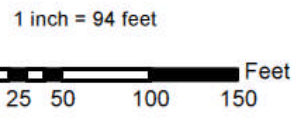
---

**Attachments:** Location/Land Use/Zoning Map, Downtown Future Land Use Map, Downtown Future Land Use Category Description, Photos, Public Notice, Mailing List, and Resolution.

# Location, Land Use, & Zoning Map

501 Prospect Street

RPB-2013-02



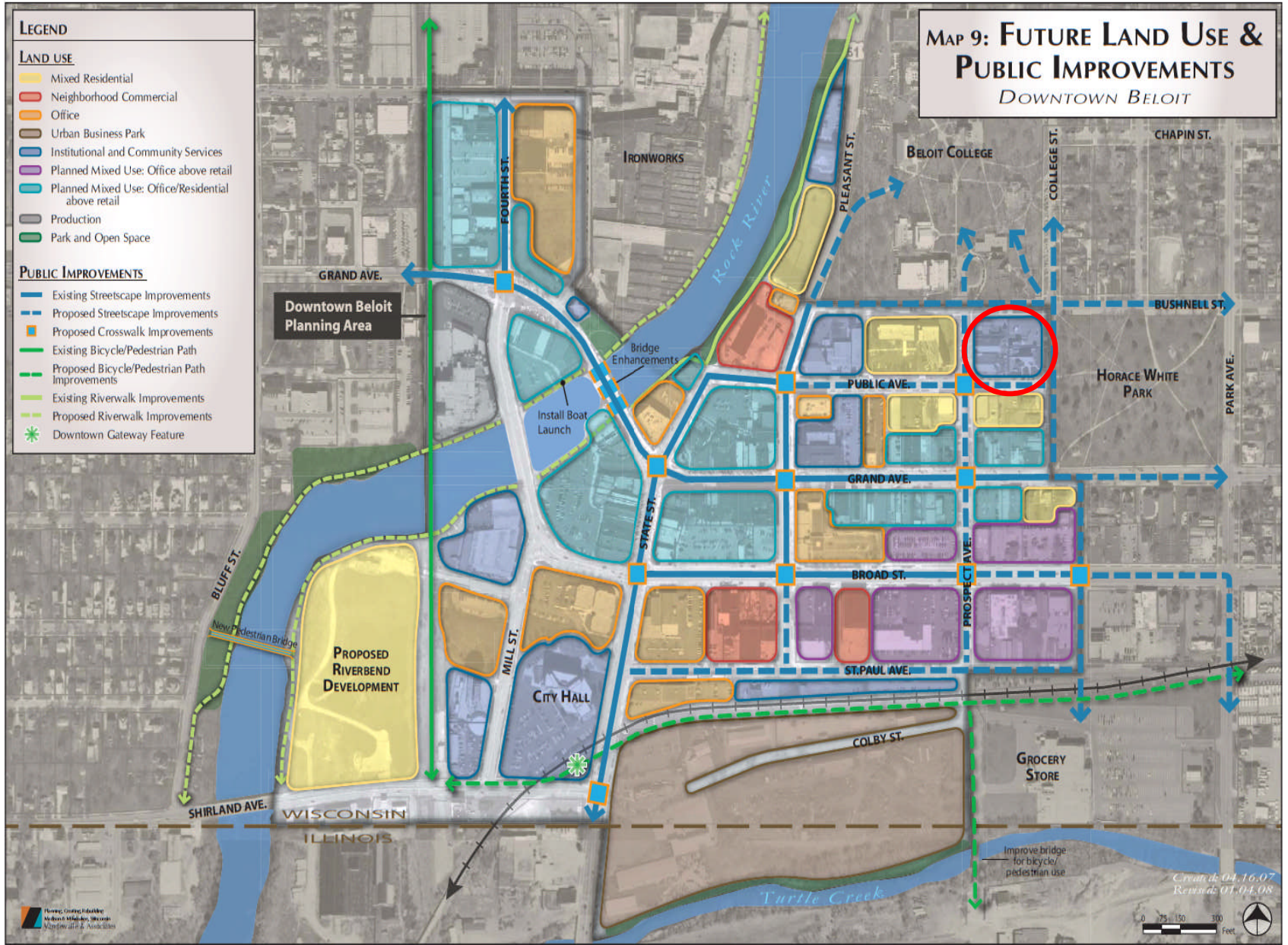
Legend	
	COB Parcels
	Zoning District

Map prepared by: Michael D. Lofton II  
 Date: December 2012  
 For: City of Beloit Planning & Building Services  
 Date of Aerial Photography: March 2011

PLANNING & BUILDING SERVICES DIVISION



# Map 9, Downtown Future Land Use





## Future Land Use

Land use in Downtown Beloit—as in most downtowns—is characterized by a mix of uses: multi-story buildings that may include retail, office, and residential in one building, as an example. As such, the recommended future Land Use pattern in Downtown reflects this mixed nature.

The Downtown Future Land Use categories are described below, and are illustrated on the *Downtown Land Use and Public Improvements* map following this section. This map is also reflected in the Land Use chapter of the City's Comprehensive Plan document, and will therefore be a basis for future zoning decisions.

DOWNTOWN FUTURE LAND USE CATEGORIES
<p><b>Mixed Residential</b> This category is intended for a variety of residential units focused on multiple family housing (3+ unit buildings), usually developed at densities that exceed six units per acre. Attached single family residences with individual entries (e.g., townhouses, rowhouses) and small public and institutional uses—such as parks, schools, and churches—may also be within lands mapped in this category.</p>
<p><b>Neighborhood Commercial</b> This category includes Downtown-scaled commercial-only land uses including restaurants, retail, and service uses. In Downtown, this land use category is used somewhat infrequently as most of Downtown development is planned to be mixed-use in nature.</p>
<p><b>Office</b> This category is intended for high-quality office, institutional, research, and office-support land uses with high quality landscaping.</p>
<p><b>Institutional and Community Services</b> This category is designed to include large-scale public buildings, schools, religious institutions, and other public facilities.</p>
<p><b>Planned Mixed Use: Office/Residential Above Retail</b> This category is intended to facilitate mixed-use buildings with first floor retail and upper-floor residential and/or office uses. This land use is concentrated along East and West Grand Avenue.</p>
<p><b>Planned Mixed Use: Office Above Retail</b> This category is intended to facilitate mixed-use buildings with first floor retail and upper-floor office uses. This category is distinguished from the Planned Mixed Use: Office/Residential Above Retail category as it is used for areas that are not targeted for upper-floor housing, such as along Broad Street.</p>
<p><b>Production</b> This category is intended for manufacturing land uses with controlled outdoor storage areas and moderate landscaping and signage. In areas where this category is integrated with other land uses in the same block, production should be small-scale.</p>
<p><b>Urban Business Park</b> This category is designated for a proposed Turtle Creek Business Park area on the southern edge of Downtown. This area should be master-planned and include small-scale production with front office operations and controlled outdoor storage areas.</p>
<p><b>Park and Open Space</b> This category includes park and public open space facilities. In Downtown, this category is designated along the Riverwalk.</p>



West & South  
Facades



Adjacent Uses  
(Southwest)



Adjacent Use (North)

Adjacent Use (South)



Adjacent Use (West)



Adjacent Use (East)







## **NOTICE TO THE PUBLIC**

December 26, 2012

To Whom It May Concern:

John Wittnebel, on behalf of Hourglass Media, LLC, has submitted an application requesting the following amendment to the Downtown Future Land Use Map (Map 9) of the City of Beloit Comprehensive Plan:

1. 501 Prospect Street – From Institutional and Community Services to Neighborhood Commercial.

Information regarding the location, zoning, and land use of these properties is available for public review in the Planning & Building Services Division on the third floor of City Hall, 100 State Street.

The following public meetings will be held regarding the proposed amendment:

**City Plan Commission:** Wednesday, January 9, 2013, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**City Council (Public Hearing):** Monday, February 18, 2013, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

## **THE PUBLIC IS INVITED TO ATTEND THESE MEETINGS.**

### **We are interested in your opinion.**

Anyone bringing handouts to the Plan Commission meeting must bring ten (10) copies and submit them to the Recording Secretary before the meeting begins. Staff is unable to leave the meeting area to make copies.

*For additional information, please contact Michael Lofton in the Planning & Building Services Division at (608) 364-6708 or [loftonm@ci.beloit.wi.us](mailto:loftonm@ci.beloit.wi.us). Comments will be accepted via telephone, email, and U.S. Mail.*

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Superintendent  
Beloit-Turner School District  
1237 Inman Parkway  
Beloit, WI 53511

Kristi Howe  
Beloit Public Library  
605 Eclipse Boulevard  
Beloit, WI 53511



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND SECTION 15.06(1)(b) OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT AS IS RELATES TO ALCOHOL IN PARKS TO ALLOW TAILGATING IN ADVANCE OF БЕЛОIT PROFESSIONAL BASEBALL ASSOCIATION, INC. GAMES**

The City Council of the City of Beloit, Rock County, Wisconsin, do ordain as follows:

Section 1. Section 15.06(1)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Fermented malt beverages may be possessed and consumed at Krueger Park and Telfer Park by spectators 21 years of age or older during game time and 15 minutes thereafter at City sponsored adult baseball or softball league games. No fermented malt beverages may be possessed or consumed on the field of play and no baseball player may consume fermented malt beverages while participating in a softball or hardball game. Fermented malt beverages may also be possessed and consumed in Pohlman Field during Beloit Professional Baseball Association, Inc. games. Fermented malt beverages may also be possessed or consumed in designated areas of the parking lots located at Telfer Park for 3 hours preceding game time of any scheduled Beloit Professional Baseball Association, Inc. game. Such possession and consumption of fermented malt beverages shall be exempt from the requirement of obtaining a permit as set out in subsection (2) of this section.”

Section 2. This ordinance shall be in force and take effect upon passage and publication.

Enacted this 4<sup>th</sup> day of March, 2013.

BELOIT CITY COUNCIL

By: \_\_\_\_\_  
Charles M. Haynes, President

ATTEST:

By: \_\_\_\_\_  
Rebecca Houseman LeMire, City Clerk

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

01-611100-5231- \_\_\_\_\_

# CITY OF БЕLOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



**Topic:** Consideration and approval of an Ordinance to Amend Section 15.06(1)(b) of the Code of General Ordinances of the City of Beloit as it relates to Alcohol in Parks to allow Tailgating in Advance of the Beloit Professional Baseball Association, Inc. Games.

**Date:** March 4, 2013

**Presenter(s):** Brian Ramsey, Director of Parks & Leisure Services

**Department(s):** Public Works

---

### Overview/Background Information:

In order to allow Tailgating activities in designated areas of the Telfer Park parking lot in conjunction with home games for the Beloit Professional Baseball Association ("Association"), revisions to the Ordinance have been proposed and presented for Councils consideration and approval. This amendment to the Ordinance specifies the where and when tailgating activities can take place in Telfer Park, and provides for an exemption in obtaining a permit that would be based upon the Snappers home game schedule.

---

**Key Issues (maximum of 5):** The main components that have been addressed for revisions are highlighted below:

- 1.) The Association shall be allowed to conduct "tailgating" activities in designated areas of the parking lot in Telfer Park. However, the City shall retain the right to discontinue this event upon appropriate notice to the Association.
- 2.) The amended Ordinances specify where and when the tailgating activities can be held in Telfer Park.
- 3.) Provides the Association and tailgating participants an exemption of obtaining a permit for possession and consumption of Fermented malt beverages while participating in tailgating activities at these specified times and location.

---

**Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):**

Consideration of this request supports Strategic Goal #1, Strategic Goal #4, and Strategic Goal #5.

---

**Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):**

- Reduce dependence upon fossil fuels - NA
- Reduce dependence on chemicals and other manufacturing substances that accumulate in nature – NA
- Reduce dependence on activities that harm life sustaining eco-systems - NA
- Meet the hierarchy of present and future human needs fairly and efficiently - NA

**If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space.**

---

**Action required/Recommendation:**

Consideration and approval of the amended City Ordinance.

---

**Fiscal Note/Budget Impact:**

Minimal assistance may be required from the City in terms of providing additional resources; trash cans, hot coal waste containers, etc... These resources could be accommodated within the Parks General Fund at minimal cost to the City.



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## BELOIT LANDMARKS COMMISSION ANNUAL PRESERVATION ACTIVITIES REPORT - 2012

Dear City Councilors:

This annual report is provided in accordance with Section 32.05(10) of the Historic Preservation Ordinance. This report documents the activities and accomplishments of the Landmarks Commission during 2012.

The Commission currently consists of Chair Rick McGrath, Vice-Chair Sandra William, Lynette Johnson, Donna Johnson, Steve Vollmer, Ellen Joyce, Ruth Vater, and City Councilor Charles Haynes.

The Landmarks Commission met twelve times in 2012 to review Certificate of Appropriateness (COA) applications. Many of these applications included more than one item concerning repairs, replacements, additions or demolitions. Planning Division staff also reviewed and approved COA applications throughout the year. The number and types of requests considered by the Commission and staff are as follows:

Additions/New Construction: 0	Historic Plaques: 0
Chimneys and Tuckpointing: 2	Local Landmark Designations: 0
Demolitions: 0	Ramps/Sidewalks/Steps/Pavement: 4
Fences and retaining walls: 2	Roof repair/replacement: 17
Garage repair/construction: 4	Signs and miscellaneous items: 1
Gutters/fascia/soffit: 2	Siding: 4
Handrails and Porches: 8	Windows and Doors: 6

Of the 50 COA applications processed in 2012, 25 (50%) were approved by staff. The Commission also supported historic preservation presentations and walks during Beloit Heritage Days in September 2012.

The Commission currently monitors 115 properties in the Bluff Street Historic District, 181 properties in the College Park Historic District, 4 properties in the Merrill Street Historic District, and 42 individually listed Landmarks and Landmark Sites.

Sincerely,

Michael D. Lofton II  
Assistant Planner

c: Beloit Landmarks Commission  
State Historical Society of Wisconsin

# BELOIT LANDMARKS COMMISSION



ANNUAL PRESERVATION ACTIVITIES REPORT - 2012

# INTENT & PURPOSE

- This Annual Report is provided in accordance with Section 32.05(10) of the Historic Preservation Ordinance
- Section 32.05(10) requires the Landmarks Commission to report its activities to the City Council each year



- Section 32.06(2) of the Historic Preservation Ordinance:
  - “Any alteration of designated landmarks, landmark sites, or structures within a historic district in the City shall first require a Certificate of Appropriateness.”



# THE LANDMARKS COMMISSION CURRENTLY MONITORS:

- 115 properties in the Bluff Street District
- 181 properties in the College Park District
- 4 properties in the Merrill Street District
- 42 individually listed Landmarks



# COMMISSIONERS

- Chair Rick McGrath
- Vice-Chair Sandra Williams
- Lynette Johnson
- Donna Johnson
- Ellen Joyce
- Ruth Vater
- Steve Vollmer
- City Councilor Charles Haynes

- The Landmarks Commission met twelve times in 2012 and reviewed Certificate of Appropriateness (COA) applications



# CERTIFICATE OF APPROPRIATENESS (COA) APPLICATIONS

- 50 COA applications were processed in 2012
- 25 (50%) were approved by staff
- COA Requests:
  - Additions/New Construction: 0
  - Chimneys and Tuck pointing: 2
  - Demolitions: 0
  - Fences and retaining walls: 2
  - Garage repair/construction: 4



# COA REQUESTS, CONTINUED

- Gutters/fascia/soffit: 2
- Handrails and Porches: 8
- Historic Plaques: 0
- Local Landmark Designations: 0
- Ramps/Sidewalks/Steps/Pavement: 4
- Roof repair/replacement: 17
- Signs and miscellaneous items: 1
- Siding: 4
- Windows and Doors: 6

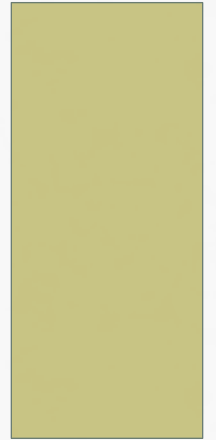
# ADDITIONAL COMMISSION ACTIVITIES

- Supported historic preservation presentations and tours during Beloit Heritage Days in September 2012.
- Attended the 2012 Annual Conference for Wisconsin Association of Historic Preservation Commissions.
- Will host the 2013 Annual Conference for the Wisconsin Association of Historic Preservation Commissions on Saturday, May 18, 2013.
- Discussed Signage for Historic Districts.

# QUESTIONS?

## THANK YOU

PRESENTED BY: RICK MCGRATH, LANDMARKS COMMISSION CHAIR  
PREPARED BY: MICHAEL D. LOFTON II, ASSISTANT PLANNER



**RESOLUTION**  
**ADOPTING THE CONNECTIONS: CITY CENTER PLAN**

**WHEREAS**, Beloit 2020 initiated the creation of the Connections: City Center Plan, and collaborated with the Greater Beloit Economic Development Corporation, the City of Beloit, and the City of South Beloit to define the boundaries of the “Confluence Corridor,” and to recommend strategic steps for its revitalization and connectivity of bike and pedestrian paths ; and

**WHEREAS**, the Connections: City Center Plan defines the “Confluence Corridor” as land located between the City of Beloit and City of South Beloit. The Confluence Corridor includes roughly 930-acres of land between both cities. In the City of Beloit, the boundaries of the Confluence Corridor include lands east of the Rock River, west of U.S. Highway-51, south of East Grand Avenue to the Stateline border into the City of South Beloit. The boundaries are shown in a map in the Executive Summary of the plan; and

**WHEREAS**, the purpose of the plan is to enhance connectivity, mobility, and pedestrian comfort, create interesting and accessible public spaces, re(build) upon the legacy of employment, improve the capacity and coherence of the planning area as a commercial destination, increasing residential density, and illustrate community pride and identity within the Confluence Corridor; and

**WHEREAS**, the public and local government officials from the City of Beloit and the City of South Beloit participated in the development of the plan by attending workshops and meetings throughout 2011 and 2012.; and

**WHEREAS**, the plan was reviewed and adopted by the City of South Beloit on January 22, 2013.

**WHEREAS**, the City Plan Commission after thorough review and discussion recommended approval on February 20, 2013.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the City Council of the City of Beloit, Rock County, Wisconsin does hereby adopt the Connections: City Center Plan and directs that it be used as an advisory guide used when planning and designing future bike and pedestrian paths and developments within the Confluence Corridor in the City of Beloit.

Adopted this 4<sup>th</sup> day of March, 2013

**BELOIT CITY COUNCIL**

\_\_\_\_\_  
Charles M. Haynes, President

ATTEST:

\_\_\_\_\_  
Rebecca Houseman LeMire, City Clerk

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Review and consideration of the Connections: City Center Plan

**Date:** March 4, 2013

**Presenter(s):** Julie Christensen

**Department:** Community Development

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### **Overview/Background Information:**

The Connections: City Center Plan is a plan initiated by Beloit 2020 in an effort to guide the physical development and improvement of bike and pedestrian paths in the "Confluence Corridor" located between the City of Beloit and the City of South Beloit. The Confluence Corridor includes roughly 930-acres of land between both cities. In the City of Beloit the boundaries of the Confluence Corridor includes lands east of Rock River, west of U.S. Highway-51, south of East Grand Avenue to the Stateline border into the City of South Beloit.

---

### **Key Issues:**

- The Plan Commission reviewed this item on February 20, 2013 and voted unanimously (4-0) to recommend approval to adopt the Connections: City Center Plan.
  - The plan is advisory and is intended to provide guidance to decision makers when considering any proposed developments, public improvements, or transportation proposals within the Confluence Corridor.
  - The primary recommendation in the plan for the City of Beloit is the eastern extension of Shirland Avenue. The plan states that the eastern extension of Shirland Avenue will create sites with potential for commercial or recreational development (page 20). The attached Redevelopment Recommendations Map shows the recommended eastern extension of Shirland Avenue.
  - The plan was reviewed and adopted by the City of South Beloit on January 22, 2013.
  - A copy of the plan is available on the City's homepage under the "What's Happening" section. It may take a few minutes to load because of its size. If you have an issue downloading it, please feel free to contact the Planning and Building Services Division for assistance.
- 

### **Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):**

- Consideration of this request supports Strategic Goal #4.
- 

### **Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):**

- **Reduce dependence upon fossil fuels** – The implementation of this plan and its incorporation into other city policies may reduce vehicle trips by ensuring and offering multiple forms of transportation to residents.
  - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
  - **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
  - **Meet the hierarchy of present and future human needs fairly and efficiently** – The incorporation and implementation of this plan may provide affordable and efficient transportation alternatives to present and future residents.
- 

### **Action required/Recommendation:**

- City Council consideration and action on the proposed Resolution
- 

**Fiscal Note/Budget Impact:** N/A

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**Attachments:** Resolution, Staff Report to the Plan Commission, and Redevelopment Recommendations Map

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# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION

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**Meeting Date:** February 20, 2013

**Agenda Item:** 6

**File Number:** RPB-2013-05

**Applicant:** City of Beloit

**Owner:** N/A

**Location:** City-wide

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### Request Overview/Background Information:

The Connections: City Center Plan is a plan initiated by Beloit 2020 in an effort to guide the physical development and improvement of bike and pedestrian paths in the "Confluence Corridor" located between the City of Beloit and City of South Beloit. The Confluence Corridor includes roughly 930-acres of land between both cities. In the City of Beloit the boundaries of the Confluence Corridor include lands east of the Rock River, west of U.S. Highway-51, south of East Grand Avenue to the Stateline border into the City of South Beloit.

---

### Key Issues:

- The plan is advisory and is intended to provide guidance to decision makers when considering any proposed developments, public improvements, or transportation proposals within the Confluence Corridor.
- As mentioned above, the Confluence Corridor includes 930-acres of land that is east of the Rock River, west of State Highway-51, south of East Grand Avenue. Most of the corridor area within the City of South Beloit is within the floodplain, which will affect future development in this portion of the corridor.
- The public and local government officials from Beloit and South Beloit were able to participate in the development of the plan by attending workshops and meetings throughout 2011 and 2012. During the process, participants were able to provide creative ideas on how the corridor could be redeveloped and the steps necessary to carry out the plan. Recommendations regarding the corridor's streetscape, transportation, and redevelopment were the results of the meetings and workshops.
- The majority of the recommendations are aimed toward the City of South Beloit and how its portion of the corridor can be improved upon to match that of the City of Beloit.
- The essential recommendation as it relates to the City of Beloit is the eastern extension of Shirland Avenue. The plan states that the eastern extension of Shirland Avenue will create sites with potential for commercial or recreational development (page 20).
- The plan also encourages the restoration of public open space along the Stateline border in both cities.
- For the City of South Beloit, the plan includes an extensive list of recommendations for improving its portion of the corridor. Some of the recommendations include: the creation of a land use plan for establishing appropriate uses in the corridor; the creation of design guidelines for improving the appearance and aesthetics of the area; infill development; increasing employment opportunities in the area; remediation of brownfields; realignment of its streets to promote and increase pedestrian traffic; and connection of its bicycle network with that of the City of Beloit. Actions on these recommendations within the corridor will enhance the area and the region.
- In addition, the plan suggests that the Wheeler Bridge in South Beloit should be rehabilitated and included in a bike and pedestrian route.
- The plan provides implementation steps for its recommendations to ensure that redevelopment and revitalization for the corridor comes into fruition (pages 31 - 35). It recommends that both cities cooperate and coordinate their efforts to improve the corridor to provide consistency, and suggest the creation of Design Guidelines among other implementation tools.
- The plan was reviewed and approved by the City of South Beloit on January 22, 2013.
- The Plan Commission's role is to review the plan in order to provide an advisory recommendation to the City Council.

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### Consistency with Comprehensive Plan and Strategic Plan:

- Consideration of this request supports City of Beloit Strategic Goal #4 and #5.

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**Sustainability:** (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines)

- **Reduce dependence upon fossil fuels** – The implementation of this plan and its incorporation into other city policies may reduce vehicle trips by ensuring and offering multiple forms of transportation to residents.
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A

- **Meet the hierarchy of present and future human needs fairly and efficiently** – The incorporation and implementation of this plan may provide affordable and efficient transportation alternatives to present and future residents.

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**Staff Recommendation:**

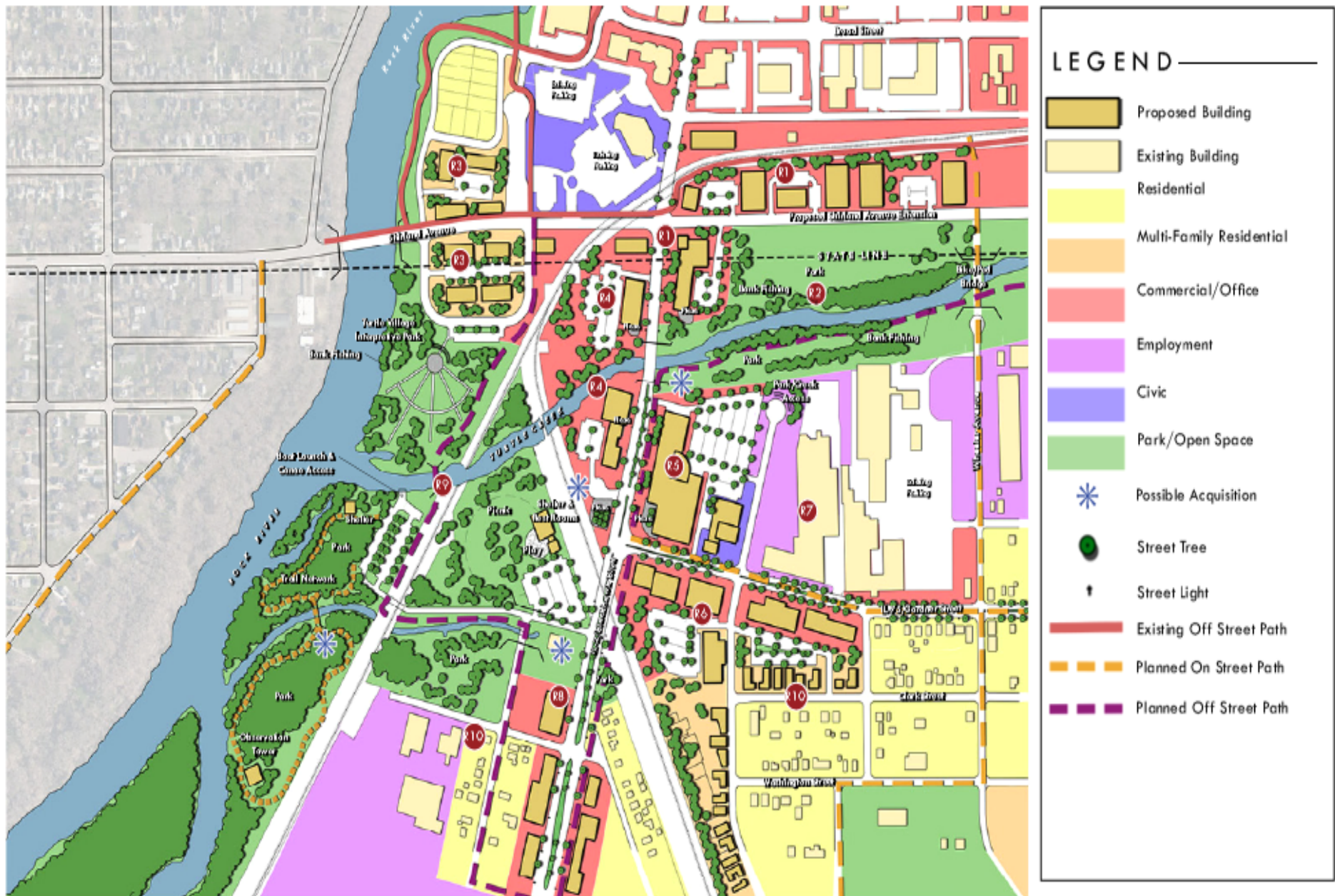
The Planning & Building Services Division recommends approval of the Connections: City Center Plan.

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**Fiscal Note/Budget Impact:** N/A

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**Attachments:** Connections: City Center Plan



**RESOLUTION APPROVING  
2013 URBAN MASS TRANSIT PARATRANSIT ASSISTANCE CONTRACT  
BETWEEN THE STATE OF WISCONSIN AND CITY OF БЕЛОIT**

WHEREAS, the City of Beloit (“City”) is required to provide paratransit or other special services to individuals with disabilities and the State of Wisconsin, Department of Transportation (“WisDOT”) has appropriated funds to provide financial aid to the City to do so; and

WHEREAS, WisDOT has presented the City with a contract by which the City will receive \$16,871 for such services for the year ending December 31, 2013; and

WHEREAS, the City Council of the City of Beloit finds said contract is in the best interests of the City and provides needed operating funds; and

WHEREAS, WisDOT typically tenders a paratransit aids or assistance contract to the City on an annual basis, which contracts contain the same terms and conditions and only vary the dollar amount awarded in the date of such contracts.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beloit that the attached contract be, and is hereby, approved and that the City Manager of the City of Beloit is hereby authorized to entered into the attached 2013 Urban Mass Transit Paratransit Assistance Contract and the City Manager is hereby authorized to execute the same and to take any such further actions as are necessary to implement the provisions of said contract.

BE IT FURTHER RESOLVED that any further extensions or renewals of this contract are hereby approved; providing they make no substantive changes other than as to dates and amounts awarded and the City Manager is further authorized to enter such future contracts; providing they contain no substantive changes and to take such further actions as are deemed necessary to implement the provisions of said contract.

Adopted this 4th day of March, 2013.

**City Council of the City of Beloit**

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**Charles M. Haynes, President**

**Attest:**

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**Rebecca Houseman LeMire, City Clerk**

tdh\resolution\ParatransitAssistContract,2013UrbanMass=res=130208 1504 (cln) (13-1014)

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** State of Wisconsin 2013 Mass Transit Paratransit Operating Assistance

**Date:** March 4, 2013

**Presenter(s):** Gavin

**Department(s):** Public Works

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**Overview/Background Information:**

By federal law, each public entity operating a fixed route system must provide paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system. Although the level of overall state operating assistance for transit was reduced by 10% in the 2012-2013 biennium budget ("Act 32"), chapter 85.205 appropriated \$2.5 million to be distributed over each of two years for the maintenance of ADA paratransit service. Funds are to be distributed to fixed-route bus systems. In the case of Beloit, and as with 2012, the City will obtain \$16,871 to offset some of the cost associated with operating complementary paratransit services.

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**Key Issues (maximum of 5):**

In order for the City to obtain the paratransit funding, the Wisconsin Department of Transportation has required the City to sign an additional agreement entitled "2013 Urban Mass Transit Paratransit Assistance Contract," and is considering this a separate program from the regular state operating assistance grant. Council is asked to permit the Manager to sign this and any future-year WisDOT Paratransit Assistant Contracts (provided that there are no substantive changes in future contracts).

---

**Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):**

1. As an eco-municipality, focus on the sustainable stewardship of City resources, services and infrastructure; to protect both our built and natural environment, enhance the quality of life for current and future generations.

---

**Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):**

- Reduce dependence upon fossil fuels
- Reduce dependence on chemicals and other manufacturing substances that accumulate in nature n/a
- Reduce dependence on activities that harm life sustaining eco-systems
- Meet the hierarchy of present and future human needs fairly and efficiently

**If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space.**

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**Action required/Recommendation:**

The Council to provide a continuing resolution authorizing the City Manager to sign State of Wisconsin Paratransit Aids Contracts.

---

**Fiscal Note/Budget Impact:**

This will have a no net overall change to the budgeted costs with this program. The revenue from this program was already submitted in the annual state operating assistance grant application.

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**2013 URBAN MASS TRANSIT PARATRANSIT ASSISTANCE CONTRACT  
BETWEEN  
STATE OF WISCONSIN, DEPARTMENT OF TRANSPORTATION  
AND THE  
City of Beloit**

This Contract is made and entered into between the City of Beloit, hereinafter referred to as "Recipient," and the State of Wisconsin, Department of Transportation, hereinafter referred to as "WisDOT," through the Secretary of the Department of Transportation, hereinafter referred to as "Secretary."

**RECITALS**

WHEREAS, sec. 85.205, Wis. Stats. (2011-2013), creates an urban mass transit paratransit assistance program for the purpose of maintaining and maximizing paratransit service as defined by the federal Americans with Disabilities Act; and

WHEREAS, sec. 20.395(1)(hq) Wis. Stats. (2011-2013), appropriates funds for the sec. 85.205 mass transit paratransit assistance program; and

WHEREAS, such funds are available to a local public body in an urban area that operates fixed-route complementary paratransit service; and

WHEREAS, WisDOT has determined that the Recipient meets the eligibility requirements of the sec. 85.205 mass transit paratransit assistance program, hereinafter referred to as "Paratransit System";

NOW THEREFORE, The parties hereto contract and agree as follows:

**SECTION I: DEFINITIONS**

- A. "Operating expenses" as used in this Contract has the meaning given under sec. 85.20(1)(g), Wis. Stats., and under sec. Trans 4.04, Wis. Admin. Code, and the cost principles published at 48 CFR 31, Federal Acquisition Regulations, and applies specifically to the recipient, subrecipients, and contractor's expenses to operate the Paratransit System for the period January 1, 2013 through December 31, 2013. Although 48 CFR 31.205-1, Federal Acquisition Regulations, does not generally recognize advertising as an allowable cost, the nature of transit service requires its promotion to be successful and effective. Consequently, advertising is specifically allowed as an operating expense for subrecipients and contractors under this contract.

**SECTION II: PAYMENT BY WisDOT**

- A. WisDOT agrees to pay the following sum of **\$16,871**

This contract will be amended to reduce state payments, if sufficient funds are not made available under sec. 20.395, Wis. Stats.

**SECTION III: RESPONSIBILITY OF RECIPIENT**

- A. The Recipient shall maintain a system of accounting controls to identify, segregate, allocate, and safeguard allowable operating expenses and revenues for the Paratransit System. The recipient shall also insure that all subrecipients and contractors comply with this requirement.

- B. The Recipient shall require the Paratransit System to determine "total passenger trips" taken during the calendar year in accordance with the procedures set forth in Ch. Trans 3, Wis. Admin. Code, and with the provisions of the Transit Management Plan contained in the Recipient's 2013 application for operating assistance which is made part of this Contract by reference, and shall ensure compliance with that requirement.
- C. The Recipient shall require the Paratransit System to file quarterly transit operational reports, annual statistics and ridership reports, and other special reports as may be required by WisDOT, and shall ensure compliance with that requirement. The Recipient shall also require and ensure that all reports will be submitted in a manner and form prescribed by WisDOT.
- D. The Recipient shall, if other local public bodies contribute assistance to the operation of the Paratransit System, allocate the state aids received under this Contract among the contributors in proportion to their contributions as shown in Schedule III of this Contract.

#### **SECTION IV: STATE DISBURSEMENTS**

- A. A final adjustment of state payments will be made upon completion of WisDOT's audit of the Paratransit System. If WisDOT's audit establishes that the state paid more than the allowable maximum payment under Section II.A of this Contract, the Recipient shall refund to WisDOT upon demand a sum sufficient to reduce WisDOT's payments to comply with Section II.A and with sec. 85.20(4m), Wis. Stats.
- B. WisDOT may withhold any and all payments due and owing Recipient if Recipient or Paratransit System has not filed any report required under paragraph III, E, until such time as the report is filed in the manner and form prescribed.

#### **SECTION V: ACCOUNTING RECORDS AND WisDOT AUDITS**

- A. The Recipient shall have a single, organization-wide financial and compliance audit performed by a qualified independent auditor if required to do so under federal law and regulations. See Federal Office of Management and Budget (OMB) Circular No. A-133.
- B. This audit shall be performed in accordance with federal OMB Circular A-133, its Compliance Supplement, and state single audit guidelines issued by the Wisconsin Department of Administration (DOA).
- C. The Recipient, subrecipients, contractors, subcontractors, and their affiliates shall maintain all documents and evidence pertaining to revenues, expenses, and cost allocations related to the Paratransit System for inspection by WisDOT or its designee during normal business hours in their respective offices for a period of three years following final contract payment. The recipient shall be responsible for insuring the compliance of all subrecipients, contractors, and affiliates with this provision.

#### **SECTION VI: SYSTEM MANAGEMENT**

- A. The Recipient shall require the Paratransit System to be managed and operated in accordance with the provisions of the Transit Management Plan made a part of this Contract by reference, and shall ensure compliance with that requirement. Modifications to the Transit Management Plan may be proposed by either the Recipient or WisDOT.

- B. A request by the Recipient to modify the Transit Management Plan must be submitted in writing to WisDOT in a manner prescribed by WisDOT, and must be received by WisDOT at least 14 calendar days prior to the planned implementation date of the proposed change. WisDOT may require the Recipient to hold a public hearing prior to WisDOT's determination on its request.
- C. If WisDOT determines that a proposed modification is a "substantive change" to the Transit Management Plan, and if the Secretary approves such a "substantive change," WisDOT shall prepare an amendment to this Contract and forward it to the Recipient for execution. The Recipient may not implement a proposed "substantive change" to the Transit Management Plan until an appropriate amendment to this Contract has been executed by both the Recipient and the Secretary.
- E. If WisDOT determines that a proposed modification to the Transit Management Plan is a "nonsubstantive change," WisDOT shall authorize the Recipient to implement the change, and a formal amendment to this Contract will not be required.
- F. A request by WisDOT to modify the Transit Management Plan must be submitted in writing to the Recipient at least 28 calendar days prior to the planned implementation date of the proposed change. Within 21 calendar days of receipt of such a request, the Recipient shall respond to WisDOT's request. If the Recipient agrees to WisDOT's request, then this Contract shall be modified accordingly and the change shall be implemented.

#### **SECTION VII: WisDOT APPROVAL OF CONTRACTS**

If the Recipient contracts for mass transit service with a privately owned system, the Recipient shall send to WisDOT all draft contracts between the Recipient and the Paratransit System. WisDOT shall review such draft contracts and determine their conformance with the provisions of this Contract. Upon written authorization by WisDOT, the Recipient and the Paratransit System may execute such contracts.

#### **SECTION VIII: EFFECTIVE PERIOD**

This Contract shall be in effect from January 1, 2013 through December 31, 2013, unless this Contract is terminated by either party prior to December 31, 2013. In the event of such termination, this Contract shall be in effect from January 1, 2013 to the termination date.

#### **SECTION IX: TERMINATION**

- A. WisDOT may terminate this Contract at any time that the Secretary determines that the purpose of the urban mass transit paratransit assistance program as expressed in sec. 85.205, Wis. Stats. is not being fulfilled.
- B. The Recipient may terminate this Contract if the Recipient makes a formal application to do so.
- C. Both parties agree that notice of intent to terminate shall be made through "return-receipt certified mail" at least 30 calendar days prior to the proposed termination date.
- D. In the event that this Contract is terminated, WisDOT agrees to reimburse the Recipient for the proportion of expenses listed in Section II.A of this Contract equal to the proportion of the year completed at the time of termination. Eligible costs will be determined in accordance with the provisions of Section II.A of this Contract and sec. 85.20(4m), Wis. Stats.

**SECTION X: EXEMPTION FROM REGULATION**

For the effective period of this Contract, the Paratransit System shall be exempt from regulation under Ch. 194, Wis. Stats., as provided by sec. 85.20(5), Wis. Stats.

**SECTION XI: INCORPORATION OF APPLICATION FOR AIDS**

The 2013 operating assistance application for state aid (85.20) and federal aid (Section 5307) are incorporated as part of this contract by reference.

"IN WITNESS WHEREOF the parties have executed this Contract in the manner most appropriate to each."

STATE OF WISCONSIN  
DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_

Mark J. Wolfgram, Administrator  
Division of Transportation Investment  
Management

Date: \_\_\_\_\_

City of Beloit

By: \_\_\_\_\_

Name: Larry N. Arft

Title: City Manager

Date: January 13, 2013

**RESOLUTION APPROVING LEASE AGREEMENT  
BETWEEN THE CITY OF БЕЛОIT AND THE  
БЕЛОIT PROFESSIONAL BASEBALL ASSOCIATION, INC.**

The City Council of the City of Beloit, Rock County, Wisconsin, hereby resolves that the attached Lease Agreement between the City of Beloit and the Beloit Professional Baseball Association, Inc. be, and it is hereby, approved.

**BE IT FURTHER RESOLVED** that the City Manager be, and he is hereby, authorized to execute this agreement on behalf of the City of Beloit.

Adopted this 4<sup>th</sup> day of March, 2013

City Council of the City of Beloit

\_\_\_\_\_  
Charles M. Haynes, Council President

Attest:

\_\_\_\_\_  
Rebecca Houseman LeMire, City Clerk



# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



**Topic:** Consideration and approval of renewed Lease Agreement between the City of Beloit and Beloit Professional Baseball Association, Inc. (a/k/a Beloit Snappers Baseball)

**Date:** March 4, 2013

**Presenter(s):** Brian Ramsey, Director of Parks & Leisure Services      **Department(s):** Public Works

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### Overview/Background Information:

The Beloit Professional Baseball Association ("Association") has been leasing Pohlman Field in Telfer Park from the City of Beloit ("City") for as long as their Minor League Affiliate team has been in existence, since 1981. Over the years this lease has been renewed countless times with minor revisions related to the operations and maintenance provisions of the lease on behalf of both parties. The current lease expired at the end of December 2012 and therefore, once again, provides an opportunity for minor revisions to the lease and is now available for the Council's consideration.

---

**Key Issues (maximum of 5):** The main components that have been addressed for revisions are highlighted below:

- 1.) Term of the lease ending on December 31, 2013 with an option to extend the lease for two additional one-year periods.
- 2.) The Association shall maintain the facilities in compliance with Minor League Facility Standards.
- 3.) The Association shall be allowed to conduct "tailgating" activities in designated areas of the parking lot in Telfer Park. However, the City shall retain the right to discontinue this event upon appropriate notice to the Association.
- 4.) The Association shall provide for inspection by the City an annual accounting of its use and expenditure of the annual contribution received by the City.
- 5.) Various adjustment and revisions have been required regarding the Association's minimum limits and coverage's of Liability Insurance:
  - a.) Commercial General Public Liability Insurance;
  - b.) Commercial Automobile Liability Insurance;
  - c.) Liquor Liability;
  - d.) Umbrella Liability.

---

**Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):**

Consideration of this request supports Strategic Goal #1, Strategic Goal #4, and Strategic Goal #5.

---

**Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):**

- Reduce dependence upon fossil fuels - NA
- Reduce dependence on chemicals and other manufacturing substances that accumulate in nature – NA
- Reduce dependence on activities that harm life sustaining eco-systems - NA
- Meet the hierarchy of present and future human needs fairly and efficiently - NA

**If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space.**

---

**Action required/Recommendation:**

Consideration and approval of the lease.

---

**Fiscal Note/Budget Impact:**

The City will make an annual contribution to the Association of \$43,000, subject to approval of the annual operating budget by the City Council. The purpose of these funds is to support the Association's costs in maintaining Pohlman Field in exchange for accommodating games for Beloit Memorial High School, Beloit American Legion, and Beloit College at no charge for regular season games and playoff games, as well as preparation and maintenance of the City's softball field in Telfer Park for all regular season scheduled softball league games and rentals.

Appropriate funding has been allocated within the 2013 FY Parks Budget.

LEASE AGREEMENT  
BETWEEN THE CITY OF БЕLOIT AND  
BELOIT PROFESSIONAL BASEBALL ASSOCIATION, INC.

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, ~~2009~~2013, by and between the City of Beloit, a Wisconsin municipal corporation, hereinafter referred to as "City," and the Beloit Professional Baseball Association, Inc., a Wisconsin not-for-profit corporation, hereinafter referred to as "Association."

WITNESSETH

WHEREAS, the City is the owner of the premises known as Telfer Park, located in the City of Beloit, Rock County, Wisconsin; and

WHEREAS, the Association desires to lease that portion of Telfer Park known as Pohlman Field to conduct professional baseball games, to maintain business and ticket sales offices and to sell merchandise.

NOW, THEREFORE, in consideration of these premises and of the mutual covenants and agreements hereinafter set forth, the parties agree as follows:

1. LEASED PREMISES.

The City leases to the Association that portion of Telfer Park known as Pohlman Field as outlined on the map attached hereto marked **Exhibit A**. The City also grants to the Association the exclusive use of the offices in the clubhouse year round and the non-exclusive use of the parking facilities in Telfer Park. The City also grants to the Association the use of the Pohlman baseball field and the concession stands upon the terms and conditions set forth in this lease agreement.

2. TERM.

A. The term of this lease agreement shall be for a period of one (1) year, commencing on January 1, ~~2010~~2013 and ending on December 31, ~~2010~~2013.

B. The Association shall have the option to extend this lease agreement after December 31, ~~2010~~2013 for two (2) additional one-year periods by serving written notice of its election to so extend upon the City at least 90 days prior to December 31<sup>st</sup> of each year. All of the provisions of this lease agreement shall be effective during any extension, unless amended by mutual written agreement of the parties.

3. USE OF PREMISES.

- A. The Association may use Pohlman Field for the purpose of conducting professional baseball games and such other uses and activities as are incidental thereto.
- B. Beloit Memorial High School, Beloit American Legion and Beloit College may use the baseball facilities for regular season and playoff games at no charge. The Association, at the Association's discretion, may charge a fee to other users in order to recover the cost of preparing Pohlman Field for a baseball event, including any tournaments sponsored by Beloit Memorial High School, Beloit American Legion or Beloit College. The Association shall have the full responsibility and authority to direct the operation and use of Pohlman Field for all baseball related activities and uses. The Association shall have the responsibility to coordinate the scheduling of all users of Pohlman Field. The Association has the authority to establish time limits for the use of the field by other baseball users and to make decisions on the suitability and playability of the field during inclement weather.
- C. The City reserves the right to use the Pohlman Field facilities for any non-baseball event on those days, or at those times that the facilities are not in use by the Association or other baseball teams. When the City uses the facilities for any City sponsored event, the City shall be responsible for maintaining and cleaning Pohlman Field during and after the event. No fee or charge will be made for any City use of the facility.
- D. The Association may not assign or sublet the premises for non-baseball events without prior written consent of the City, including special events or community events. All rent paid by approved subtenants shall belong to the Association.
- E. The Association shall have the right to continuous and exclusive use and occupancy of the concession stands located at Pohlman Field. The Association may sell food and beverage products and such other merchandise as is commonly sold at baseball stadiums such as helmets, bats, shirts and other souvenirs. Alcohol beverages may only be sold and consumed ~~within the fenced-in area~~ at Pohlman Field in compliance with alcohol license provisions and within the area outlined on the map attached hereto marked Exhibit B. Food and merchandise other than alcohol beverages may be sold ~~both~~ within the fenced-in area of Pohlman Field.

~~and within the area outlined on the map attached hereto marked Exhibit B.~~

F. Tailgating, including the possession and consumption of fermented malt beverages, shall be allowed for three (3) hours in advance of each Association game at Pohlman Field, provided it is allowed by City Ordinance. The tailgating shall be limited to designated areas of the parking lots in Telfer Park as shown on Exhibit D— attached hereto. There shall be no alcohol consumed in non-designated parking areas, nor during or after the games, other than that purchased and consumed inside Pohlman Field. The Association shall be responsible for oversight of tailgating activities, as well as cleanup of any debris and refuse by no later than 10:00 AM on the morning following each event. The City reserves the right to terminate tailgating whenever in its sole discretion it deems termination is appropriate. Should the City terminate tailgating, it shall provide the Association a written notice from the Director of Parks and Leisure Services five (5) days in advance of such termination.

~~F~~G. The parking lot facilities at Telfer Park shall be available for use by the Association and its patrons on a non-exclusive basis, except for the designated tailgating areas on days tailgating is permitted and on such days the use of the designated tailgating areas shall be under the exclusive control of the Association. No charge shall be made by the Association for the parking of motor vehicles at Telfer Park; provided, however, the Association may charge a fee for participation in tailgating activities in the designated area allowed for tailgating only.

~~G~~H. The scoreboard at Pohlman Field shall be maintained, used and operated by the Association, and the Association acknowledges its responsibility to maintain and repair the scoreboard as provided in Section 4B herein. The scoreboard shall be made available for other events allowed under this section and the Association shall have the right to operate or manage the operation of the scoreboard for such other events if it so chooses. The Association acknowledges that the scoreboard shall remain the property of the City.

#### 4. MAINTENANCE & REPAIR.

A. The Association, at its sole cost and expense, shall furnish all personnel, materials, supplies, equipment and services necessary to operate, protect, preserve, maintain, restore and repair all damage to Pohlman Field, including damage caused by normal wear and tear. The Association shall also perform preseason and

post season maintenance and repairs to the areas described in Section 4B below.

- B. The Association shall maintain and repair the playing field, grandstand, stadium grounds, clubhouse, offices, locker rooms, scoreboard, restrooms, interior and exterior fencing, concession stands, field lighting and all other areas of Pohlman Field. The Association shall also clean up any trash generated by activities at Pohlman Field, including trash in the Telfer Park parking lots and within the terrace area of Skyline Drive between Mason Drive and Robin Road. All litter shall be removed within 24 hours of conclusion of a game. The Association's duties hereunder shall include all events allowed under Section 3 above.
- C. The maintenance and repairs will be completed by the Association so that at all times Pohlman Field will be available and equipped for use for baseball games and will be maintained in a neat, clean, attractive and safe manner and will constitute a high quality baseball field and related facilities for athletic events and such other events as can be reasonably conducted in facilities of this type.
- D. The Association shall obtain trash-hauling services and pay for the removal of trash generated by activities at Pohlman Field. The Association shall be responsible for any repairs to the dumpster enclosure due to operator error. The Association shall keep the dumpster enclosure gates closed at all times when not in use. The Association's hauler shall keep the dumpster in good repair.
- E. The City shall permit the Association to use an infield grooming machine for the preparation of Pohlman Field and the Telfer Park softball field for games. The Association is under no obligation to prepare the Telfer Park softball field for City leagues in the event the infield grooming machine is not operational. The Association shall operate the infield grooming machine in accordance with acceptable operating procedures. The Association shall be responsible for maintenance and repairs, including any repairs or damages due to normal wear and tear or operator's neglect.
- F. The Association shall prepare the Telfer Park softball field for City-sponsored softball league games and field rentals, commencing in April and concluding in October. The City shall provide the Association with a two (2) week advance notice of any regularly scheduled softball games. The City shall decide on the cancellation status of games due to weather and field conditions. The City shall supply field material. City personnel may assist with preparation of the softball field in the event of wet field conditions.

- G. The Association shall perform all grass trimming within the areas of Telfer Park outlined in the map attached hereto marked **Exhibit C**. Areas to be trimmed include fencelines, structures, poles, signs including “Welcome Sign” area), trees, and shrubbery. The Association shall furnish all personnel, equipment, materials, and supplies for performance of all grass trimming. The Association shall perform the grass trimming on a regular basis, April 1<sup>st</sup> through September 30<sup>th</sup>. The grass height shall not exceed three (3) inches. All vehicular mowing within the area outlined in **Exhibit C** shall be performed by the City.
- H. The City, by its Director of Parks & Leisure Services, or his/her designee, shall inspect periodically to insure that the Association is properly maintaining Pohlman Field. All inspections shall be scheduled in advance by mutual agreement. All inspections shall be done with a representative of the Association. A written inspection report shall be prepared by the City and submitted to the Association. If the maintenance is not in accordance with the terms of this lease agreement, the Director shall notify the Association of the deficiencies in writing. The Association shall correct all deficiencies, within the time as required by the Director, which shall not exceed two (2) weeks. If not completed as required, the City ~~shall~~may cause the work to be done, charge the Association for the cost of the work, and the billing for the cost shall be immediately due and payable.
- I. Requests by the Association for utilization of City ~~union~~-employees for obligations not required by this lease agreement will be scheduled as time allows. ~~City expenses for Union labor supplied to the Association will be deducted from the base payments in Section 7C.~~—The City agrees, depending upon staff availability, to provide management assistance to the Association. There will be no fee for this service.
- J. The City will maintain and repair the ~~Pohlman~~Telfer Park parking lots for use year-round. The City will remove snow from the parking lots.
- K. The Association shall maintain the facilities in a manner that complies with the “Minor League Facility Standards and Compliance Inspection Procedures” as amended from time to time and as such standards are applicable to the Association by Major League Baseball, including the written “grandfathering” of any existing non-conformance.



5. UTILITIES.

The Association shall pay for gas and electric charges for Pohlman Field directly to Alliant Energy Corporation. The Association will pay sewer and water utility charges for Pohlman Field directly to the City Treasurer. All utility and sewer charges shall be paid on or before the due date.

6. ALTERATIONS AND IMPROVEMENTS.

- A. The Association shall make no structural alterations, or improvements of the leased premises without first submitting plans and specifications therefore to the City for written approval. Specific written authority must be granted by the City Manager, or his/her designee, and such construction shall comply with all applicable laws and regulations in effect at the time of such construction. The Association shall be responsible for obtaining any necessary permits, approvals or other legally required advance permission required for any work on the premises.
- B. The Association shall guarantee the satisfactory completion of the improvements and payment of all debts and claims arising from the construction shall be the sole cost and expense of the Association.
- C. Any repairs or improvements made to the leased premises by the Association shall be for the purpose of improving the premises as a baseball stadium.
- D. Any improvements or alterations necessary to maintain the leased premises, as defined herein, shall be in compliance with all Federal, State, and City codes ~~shall be the responsibility of the City.~~ The costs thereof shall be paid as provided for in this lease agreement; provided that any costs to comply with future regulatory changes impacting food or beverage service shall be solely the responsibility of the Association, except for such costs relating to the main food stand under the center grand stand area, which shall be the responsibility of the City.
- E. The parties acknowledge that all improvements to the real estate, fixtures or City equipment at Pohlman Field are the property of the

City, with the exception of any equipment that is purchased and installed by the Association and which can be removed from the premises without damage to the premises. Such equipment may be removed by the Association at any time, including at the time of termination of this lease. ~~—except certain improvements that the Association has made or intends to make to the scoreboard in center field. The Association agrees that if the Association should subsequently remove its improvements to the scoreboard, the Association will restore the scoreboard to the condition it was in before the Association made those improvements.~~

- F. The Association shall be responsible to pay for all damages to the facilities ~~described in Section 4B,~~ caused by the Association's use or management of the leased premises.
- G. The Association ~~shall~~ may submit to the Director of Parks & Leisure Services ~~by April 1<sup>st</sup> of each year~~ from time to time, a list of capital improvement projects proposed by the Association to be constructed on the leased premises during the next five (5) years. The Association shall indicate the estimated cost of each project and the amount that the Association would contribute toward the payment of the cost of each project. ~~The Association's list of projects~~ Any such project agreed to by the City in writing shall be included in the City's Capital Improvement Program and reviewed annually by the City Council. The Association may invest any and all net income from the operations of the Association in the leased premises to fund capital improvement projects.

7. CONTRIBUTION BY CITY FOR NON-ASSOCIATION ACTIVITIES.

- A. The City anticipates that it will make an annual contribution to the Association:
  - (1) In recognition of the recreational and economic benefits derived from having a professional baseball team located within the City.
  - (2) As payment for the use of the baseball facilities by the City and local Beloit baseball teams.
  - (3) As payment for services provided to the City by the Association as described in Sections 4F and 4G of this lease agreement.

- (4) As the City's proportional share of the maintenance, utility and capital improvement costs incurred in the operation of Pohlman Field.
- B. The City's contribution described in Section 7A is subject to approval by the City Council as part of the Annual Operating Budget approval process. The contribution is not guaranteed prior to such approval.
- C. The City's annual contribution to the Association is projected to be \$43,000 for the lease terms beginning in ~~2010, 2011 and 2012~~2013, 2014 and 2015. The City will pay the contribution in three (3) equal installments on April 1<sup>st</sup>, June 1<sup>st</sup> and August 1<sup>st</sup> of each term of this lease agreement.
- D. The City receives certain rental payments for a cell tower site located on a light pole at the facility and acknowledges that it will consult with the Association regarding potential upgrades and improvements at the facility, including such things as: fencing in front of the dugouts, lighting repairs, concourse asphalt repairs, and unknown, but expected, repairs for infrastructure, such as plumbing and heating. ~~City-funded improvements shall not be made regarding items which are already the responsibility of the Association under this lease.~~ Should the Association have specific requests for improvements for the following season, the Association shall send an itemized description thereof, together with estimated costs to the City by ~~October~~September 1 of each year. Should the placement or operation of the cell antenna result in any damage to the light pole upon which it is installed or require re-direction of the lighting, the Association will notify the City and the City will arrange for corrective action to take place.

8. TEAM OPERATIONS AND MANAGEMENT.

The Association is not a department or division of the City of Beloit. The relationship between the parties is that of landlord and tenant. The Association accepts full and exclusive responsibility for payment of any and all taxes arising out of the Association's minor league baseball operations, including but not limited to income taxes, employee withholding taxes, employer contributions for employees' social security taxes, sales taxes on sales of merchandise and any other tax that may arise out of the Association's operations and activities.

9. RECORDS.

The Association shall provide for inspection by the City an annual accounting of its use and expenditure of the annual contribution received from the City under Section 7(C). The accounting shall be sufficiently detailed to allow the City to accurately determine the usage of all such funds. Furthermore, the City shall have the right to inspect or cause to be inspected the books and accounts of the Association at any time during normal business hours or upon reasonable advance notice.

~~The Association shall produce current financial records for inspection by City representatives upon reasonable notice.~~

10. LIQUIDATION.

The parties agree that the Association is a Wisconsin not-for-profit corporation. Upon the winding up of the affairs of the Association and at such time as it shall dissolve and liquidate, all assets of the Association shall be deposited in the Stateline Community Foundation, Inc. and dispersed to the City in equal principal payments plus accrued annual interest earnings over 20 years to support the City of Beloit's Parks & Leisure Services' improvement programs.

11. CONDITION OF PREMISES.

Upon termination of the lease agreement, the Association will surrender the leased premises to the City in as good a condition as it was at the commencement of this lease agreement, ordinary wear and tear accepted. The Association shall not be responsible to repair any damage that was not caused by the Association, its officers, directors, employees, agents or patrons.

12. DESTRUCTION OF PREMISES.

In the event the premises are totally destroyed by fire or other casualty, the City may, at its option, terminate this lease agreement, or it may rebuild the buildings and structures on said premises and the rent shall abate between the time of such destruction and the time the facilities are rebuilt and ready for occupancy. In the event of partial destruction by fire or other casualty, the City may, at its option, terminate this lease agreement or rebuild or repair said premises. In the event that the rebuilding or repair of said premises by the City does not return the premises to a quality or standard at least equal to the condition of said premises prior to its destruction, the Association may, at its option,

terminate this lease agreement upon issuance of a 30-day notice to the City.

13. CROWD CONTROL.

- A. The Association assumes full responsibility for the conduct of all persons admitted to the leased premises by the Association or its officers, directors, employees or agents.
- B. The Association shall during the periods of use of such facilities provide security personnel and shall make arrangements as necessary to secure the concession stands, locker rooms and other facilities for the protection of persons and property.
- C. The Association will not admit to the premises a larger number of persons that can safely and freely move about in the enclosed portion of the spectator facilities.
- D. The City reserves the right to eject any person from the leased premises who behaves in such a manner as to endanger the safety of persons or property at that location. The Association hereby waives any right to make a claim for damages against the City for ejecting any person from the premises who behaves in such manner.

14. ADVERTISING AND OTHER GRAPHICS.

Advertising signs may be installed anywhere upon that portion of Telfer Park defined as Pohlman Field and outlined on the map hereto marked **Exhibit A**. The City reserves the right to request removal of any advertising signs which are determined to be inappropriate due to location or content.

15. PERMITS AND LICENSES.

- A. To the extent that any permits or licenses are required by any federal, state or local agency for its use and operation of premises, the Association shall obtain and pay for such permits or licenses.
- B. The Association shall obtain all necessary restaurant and alcohol beverage licenses and shall comply with all regulations pertaining thereto. The Association shall also maintain and clean all areas where concession items are sold and consumed.
- C. Alcohol beverages may be sold or furnished only if the required license is obtained by the Association. The alcohol beverages shall

be sold only for the period of time from two hours before a scheduled event to the termination of the scheduled event, but in no case shall sales continue past midnight. A person shall be allowed to purchase and consume alcohol beverages only within the fenced-in area of Pohlman Field. The Association shall take all necessary precautions to insure that no person brings alcohol beverages onto the leased premises, except within the areas designated for tailgating under the terms and conditions approved for that activity.

16. IMPOSSIBILITY OF PERFORMANCE.

Neither the City nor the Association shall be obligated to or liable for the performance of any term or condition of this lease agreement on its part to be performed if such performance is prevented by fire, earthquake, flood, act of God, riots or civil commotions, or by reason of any other matter or condition beyond the control of either party.

17. NON-DISCRIMINATION.

The Association will not discriminate against any qualified employee or qualified applicant for employment because of race, color, national origin, ancestry, religion, age, marital status, disability, sex, or sexual orientation. In the event any portion of this lease agreement is subcontracted by the Association, the Association shall include in such subcontract, a provision prohibiting the subcontractor from discriminating against any qualified employee or qualified applicant for employment because of race, color, national origin, ancestry, religion, age, marital status, disability, sex, or sexual orientation. This provision is inserted herein in compliance with Section 1.09 of the Code of General Ordinances of the City of Beloit, and shall be interpreted so as to carry out the intent of said ordinance.

18. AFFIRMATIVE ACTION.

The Association agrees to adopt an affirmative action plan to increase in its partners, associates, and employees members of under-represented groups in all of its departments, job classifications, and salary categories. In the event that the Association subcontracts any portion of this lease agreement, the Association will include, in its subcontracts, a requirement that its subcontractors adopt an affirmative action plan. The Association will also include a requirement that its subcontractors include a similar requirement in their contracts with their subcontractors. This provision is



inserted herein in compliance with Section 1.09 of the Code of General Ordinances of the City of Beloit, and shall be interpreted so as to carry out the intent of that ordinance.

19. INDEMNIFICATION.

Each party agrees to indemnify and hold the other party harmless from liability for injuries to persons or damage to property caused by the acts or omissions of that party, its officers, employees, or agents. The provisions of this section shall survive the termination of this lease agreement.

20. INSURANCE.

A. The City shall maintain its policies of comprehensive general public liability insurance with respect to Pohlman Field.

B. The Association shall, at its expense, procure the following insurance policies from insurance companies licensed to do business in the State of Wisconsin in amounts and coverages not less than hereinafter set forth. All insurance companies and required enforcements shall be approved by the City prior to the execution of this lease agreement.

(1) Commercial General Public Liability Insurance. The Association shall procure a Commercial General Liability policy ~~with the following standard limits~~ providing coverage at least as broad as Insurance Services Commercial General Liability Form, including coverage for Products Liability, Completed Operations, Contractual Liability, Explosion, and Collapse with the following minimum limits and coverages:

General Aggregate Limit (other than Products/Completed Operations)	\$2,000,000
Products/Completed Operations Aggregate Limit	\$2,000,000
Personal & Advertising Injury Limit	\$1,000,000
Each Occurrence Limit	\$1,000,000
Fire Damage Limit/Any One Fire	\$ 100,000
Medical Expense Limit/Any One Person	\$ 5,000

The Commercial General Liability policy will include protection for:

- (a) Bodily Injury and Property Damage Liability arising from premises, operations, products and completed operations.
  - (b) Contract Liability coverage for this lease agreement and related contracts, including subcontracts.
  - (c) Coverage for bodily injury or personal injury inflicted by one Association employee upon another.
- (2) Worker's Compensation Policy. The Association shall provide a Worker's Compensation insurance policy with limits established by Wisconsin Statutes.
- (3) Insurance coverage for damage to the Association's property at Pohlman Field.
- (4) Commercial Automobile Liability Insurance. The Association shall provide Commercial Automobile Liability insurance ~~covering all licensed vehicles and equipment owned by the Association and all drivers employed by the Association in the amount of \$1,000,000. The policy should cover~~with coverage at least as broad as Insurance Services Office Business Automobile Form with minimum limits of \$1,000,000 combined single limit per accident for Bodily Injury and Property Damage, provided on a Symbol #1 – "Any Auto" basis.:
- ~~(a) All non-owned or hired vehicles.~~
  - (ba) Uninsured/Underinsured Motorist Liability coverage at full policy limits.
  - (eb) Cross-suits.
  - (dc) Bodily injury and property damage for the transportation of mobile equipment by a vehicle owned or operated by the Association or rented or leased to the Association.
  - ~~(e) Automobile medical payment coverage of at least \$10,000.~~

(5) Liquor Liability. The Association shall provide the City with a liquor liability policy providing coverage with minimum limits of \$1,000,000 per occurrence.

(6) Umbrella Liability. The Association shall provide an umbrella liability policy providing coverage at least as broad as the underlying Commercial General Liability, Automobile Liability, Liquor Liability and Employers Liability, with a minimum limit of \$2,000,000 each occurrence and \$2,000,000 aggregate, and a maximum self-insured retention of \$10,000.

~~(57)~~ Certificate of Insurance. The Association shall provide the City with a certificate of insurance coverage required by this lease agreement. The certificate shall name the City as an additional insured and shall provide that the policies of insurance shall not be canceled or altered without 30 days prior written notice of the City.

C. If third parties are allowed to use Pohlman Field to conduct events for which an admission fee is charged, the City and the Association shall require the user to provide evidence of commercial general public liability insurance with coverage in an amount which is not less than the coverage required of the Association under this lease agreement.

D. It is hereby agreed and understood that the insurance required herein is primary coverage and that any insurance or self-insurance maintained by the City, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. All insurance shall be in full force during the entire term of the lease agreement and remain in force until the expiration thereof.

## 21. DEFAULT.

If either party fails to comply with any term, condition or provision of this lease agreement, the non-defaulting party shall give the defaulting party a written notice requiring the defaulting party to cure its default within 30 days of the date the notice is served upon the defaulting party. If the defaulting party fails to cure the default within the 30-day period, the non-defaulting party may pursue any legal remedy available, including an

election to terminate this lease agreement. Any election to terminate shall be in writing and shall not be effective until 30 days after the date said notice is served upon the other party.

22. ASSIGNMENT.

The Association may not assign its interest in this lease agreement to a third party without the written consent of the City.

23. NOTICES.

All notices required to be given under the terms of this lease agreement shall be personally delivered or sent, postage prepaid, by depositing the same in United States mail addressed as follows:

To City:                      City Manager  
   City of Beloit  
   100 State Street  
   Beloit, WI 53511

To Association:              Beloit Professional Baseball Association, Inc.  
   2301 Skyline Drive  
   Beloit, WI 53511

24. BINDING EFFECT.

This lease agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the City of Beloit has caused this instrument to be signed by its City Manager and City Clerk, having been duly authorized to do so, and the Beloit Professional Baseball Association, Inc. has caused this instrument to be signed by its Chairman and Treasurer and its corporate seal to be affixed, having been duly authorized to do so, this \_\_\_\_\_ day of \_\_\_\_\_, ~~2009~~2013.

(signature page to follow)

CITY OF БЕЛОIT

By: \_\_\_\_\_  
Larry N. Arft, City Manager

ATTEST:

By: \_\_\_\_\_  
~~Carol S. Alexander, WCPC/MMC, City Clerk~~  
Rebecca Houseman LeMire, City Clerk

(CITY SEAL)

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Thomas R. Casper, City Attorney

I hereby certify that funds have been provided to pay the liability that is incurred hereunder.

By: \_\_\_\_\_  
Paul York, City Comptroller

tdh/files/98-1203/agreement=130222 1447 (rdln)

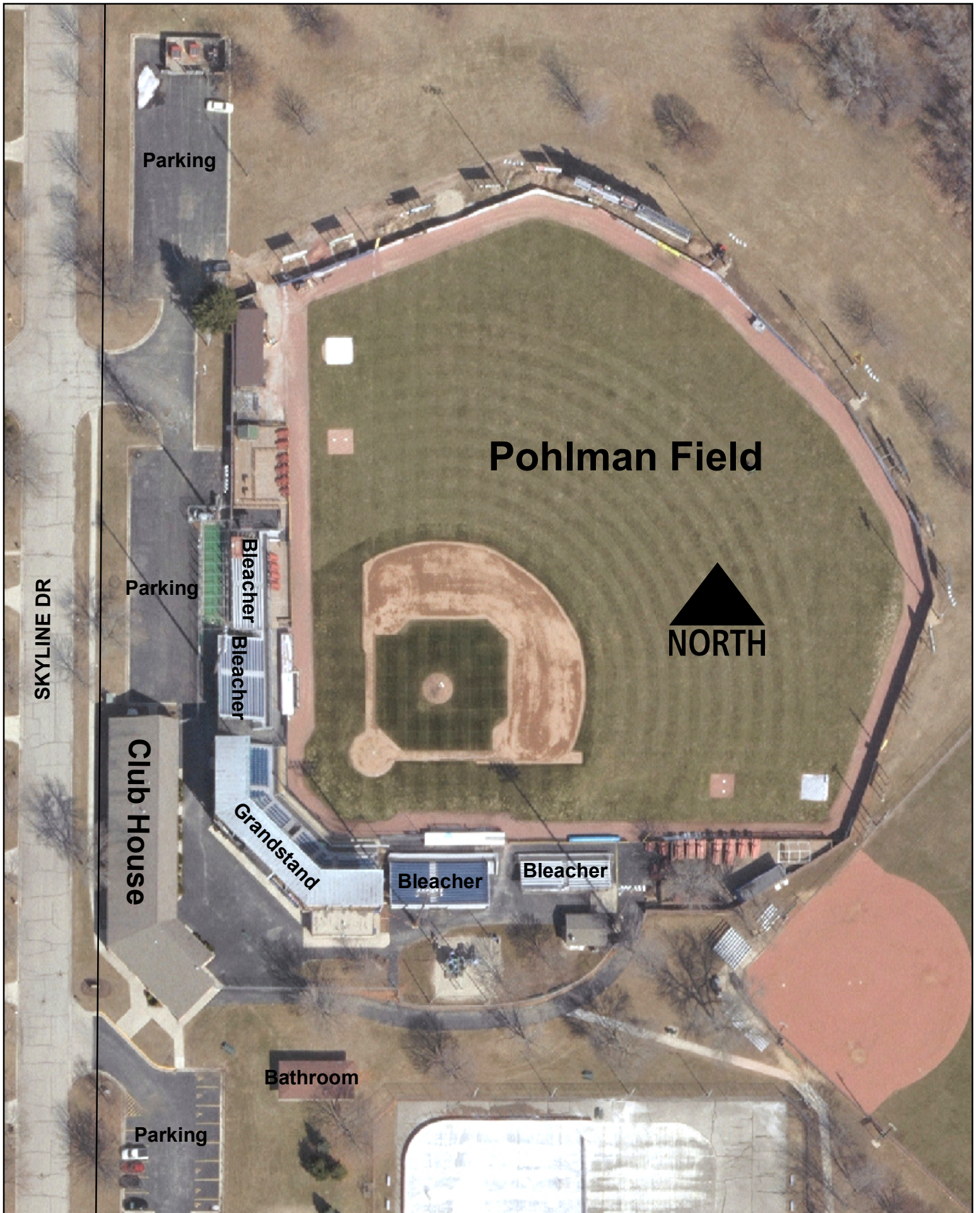
BELOIT PROFESSIONAL BASEBALL ASSOCIATION, INC.

By: \_\_\_\_\_  
Dennis M. Conerton,  
President & Chairman

\_\_\_\_\_  
Rick Nelson, Treasurer

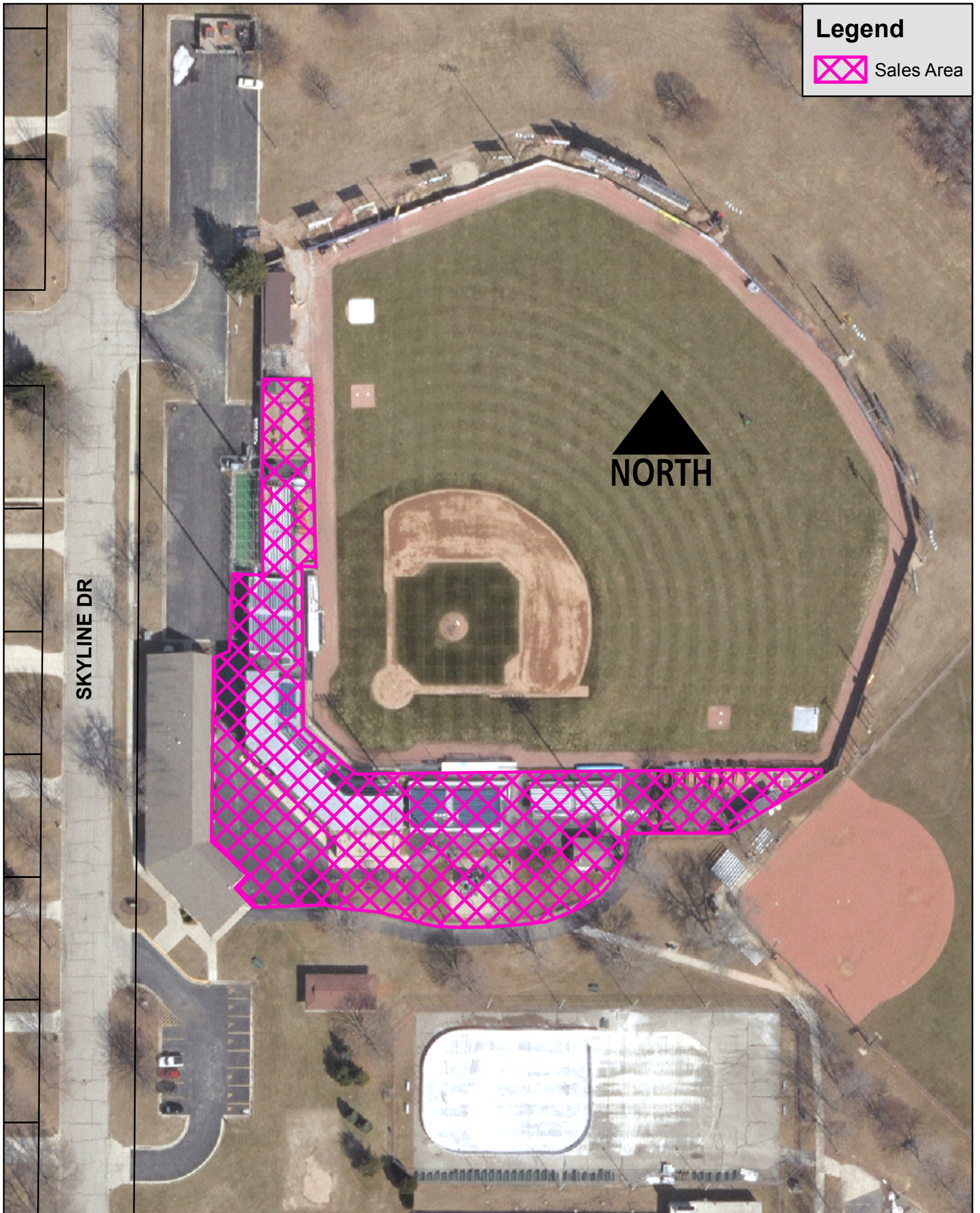
(CORPORATE SEAL)






**Exhibit A - Pohlman Field**





**Legend**

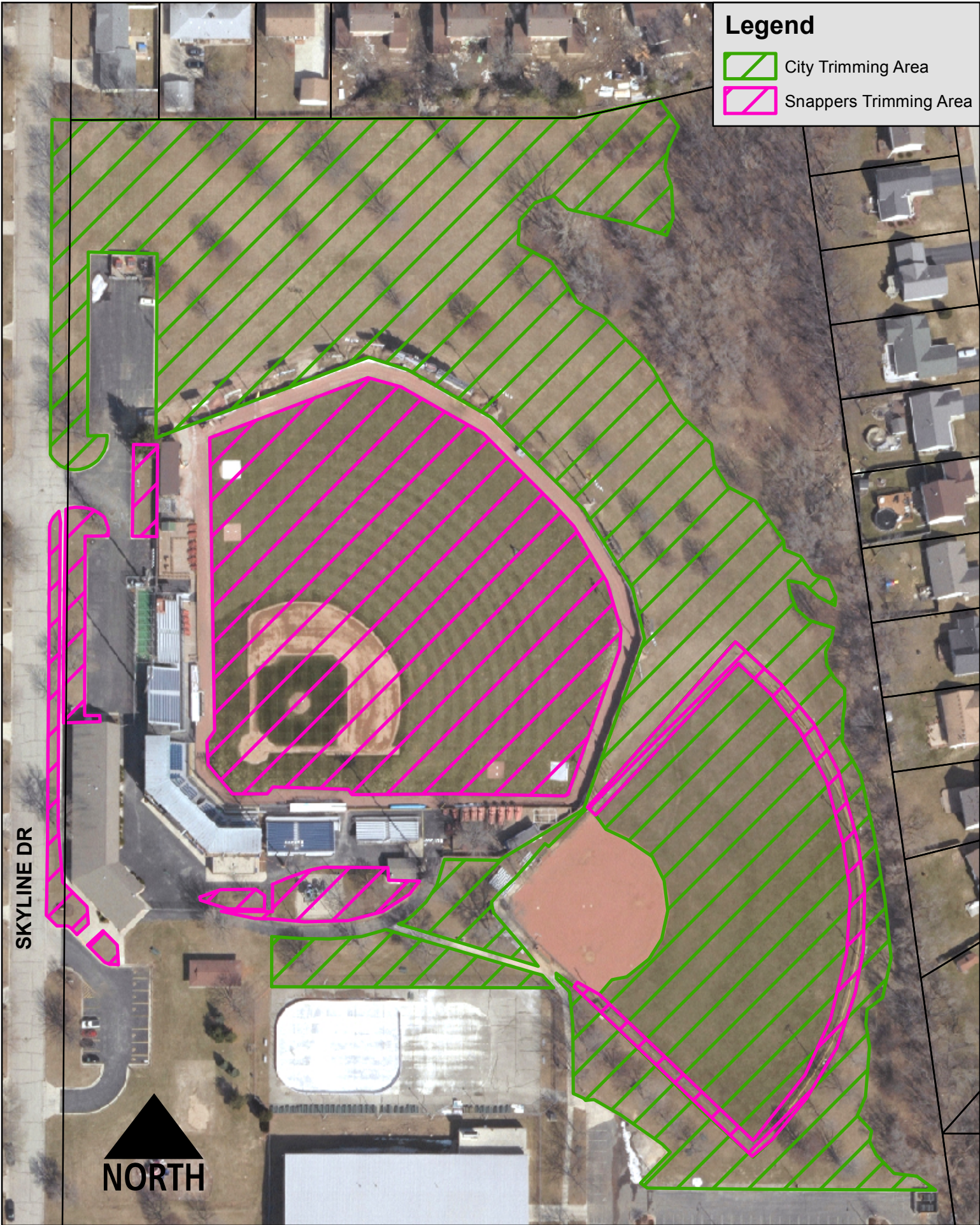
 Sales Area

SKYLINE DR



  
NORTH

**Exhibit B - Sales Area at Pohlman Field**





**Legend**

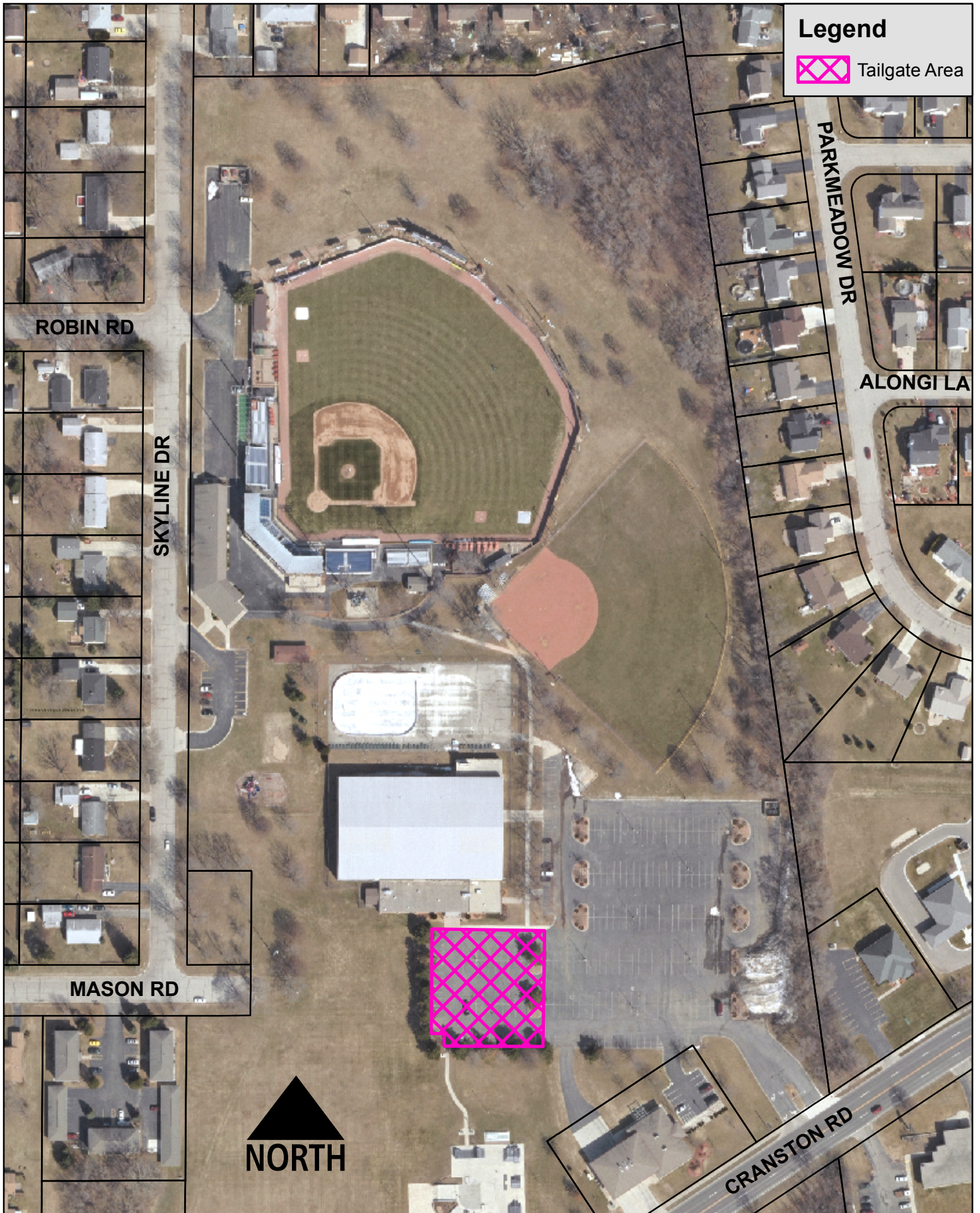
-  City Trimming Area
-  Snappers Trimming Area

SKYLINE DR



**Exhibit C - Trimming Area at Pohlman Field**





**Legend**

 Tailgate Area

ROBIN RD

SKYLINE DR

MASON RD

PARKMEADOW DR

ALONGI LA

CRANSTON RD



**Exhibit D - Designated Tailgate Area at Pohlman Field**