



**AGENDA
BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, June 17, 2013**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Introduction of **Beloit Public Library Director** Nate Deprey (Laatz)
4. PUBLIC HEARINGS
 - a. Resolution authorizing a **Conditional Use Permit** to allow a ground-floor office use in the CBD-1, Central Business District – Core, for First National Bank, located at 405 and 413 E. Grand Avenue and 413 and 417 State Street (Christensen)
Plan Commission recommendation for approval 5-0
 - b. Resolution authorizing a **Conditional Use Permit** to allow a wireless communications tower in a C-2, Neighborhood Commercial District and MRO, Milwaukee Road Overlay District, for the property located at 2600 Cranston Road (Christensen)
Plan Commission recommendation for approval 5-0
 - c. Proposed Ordinance amending the **Zoning District Map** of the City of Beloit to change the zoning district classification of the property located at 2293 Prairie Avenue from C-1, Office District, to C-2, Neighborhood Commercial District (Christensen)
Plan Commission recommendation for approval 5-0
First Reading, suspend the rules for Second Reading
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 Regular Meeting of June 3, 2013 (LeMire)
 - b. **Parks, Open Space & Recreation Plan 2012-2016** (Ramsey)
Refer to the Plan Commission (See www.ci.beloit.wi.us to review the Plan in its entirety)
 - c. Resolution approving the renewal of a **Class “B” Beer and “Class B” Liquor License** for the Fraternal Order of Eagles #557, d/b/a/ Beloit Eagles Club, located at 302 State Street, Ronald Minnick, new Agent (LeMire) ABLCC recommendation for approval 4-0

- d. Resolution approving a **Change of Agent** for Rockford Pizza, LLC, d/b/a Pizza Hut, located at 2787 Prairie Avenue, from Ryan Bennett to Juan Mendoza Ochoa (LeMire) ABLCC recommendation for approval 4-0
- e. Resolution approving a **Change of Agent** for Domenico's Pizza & Restaurant, Inc., d/b/a Domenico's, located at 547 East Grand Avenue, from Cindy Ross to Nathan D. Lipps (LeMire) ABLCC recommendation for approval 4-0
- f. Resolution authorizing the City Manager to Apply for the **National Clean Diesel Grant** through the Leonardo Academy that Provides for the Reduction of Diesel Emission and Fuel Consumption (Boysen)
- g. Resolution authorizing the City of Beloit to apply for and enter into a Grant Agreement for the Edward Byrne Memorial Local Justice Assistance Grant (JAG) Program FY 2013 and partner with Rock County through a **Regional Memorandum of Understanding** (Tyler)

7. ORDINANCES – none

8. APPOINTMENTS

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

10. CITY MANAGER'S PRESENTATION – none

11. REPORTS FROM BOARD AND CITY OFFICERS

- a. Resolution approving the City's **Offer to Purchase** 150 Depot Street and authorizing the execution of the same (Casper) Plan Commission recommendation for approval 5-0
- b. Resolution adopting the **Memorandum of Understanding** regarding Seller's Brokerage Commission (Janke)
- c. Resolution approving an **Intergovernmental Agreement** with the School District of Beloit for provision of Adult School Crossing Guards (Tyler)

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: June 12, 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.
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**RESOLUTION
AUTHORIZING A CONDITIONAL USE PERMIT TO
ALLOW A GROUND-FLOOR OFFICE USE IN THE CBD-1,
CENTRAL BUSINESS DISTRICT – CORE, FOR THE PROPERTIES
LOCATED AT 405 & 413 E. GRAND AVENUE AND 413 & 417 STATE STREET**

WHEREAS, the application of First National Bank & Trust Company and Centre 1 Bancorp, Inc. for a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District – Core, for the properties located at 405 & 413 E. Grand Avenue and 413 & 417 State Street, having been considered by the City Council of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Beloit, Rock County, Wisconsin does hereby grant a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District – Core, for the properties located at 405 & 413 E. Grand Avenue and 413 & 417 State Street in the City of Beloit, for the following described premises:

Lot 1 of a Certified Survey Map as recorded in Volume __, Pages _____ in the Certified Survey Maps of Rock County, located in the City of Beloit, Rock County, Wisconsin. Said parcel contains 14,560 square feet, more or less.

As a condition of granting the Conditional Use Permit, the City Council does hereby stipulate the following conditions and restrictions upon the Conditional Use, which are hereby deemed necessary for the public interest:

1. This Conditional Use Permit authorizes the continued use of the building located 413-417 State Street as ground-floor office space, the conversion of the building located at 413 E. Grand Avenue into ground-floor office space, and a 1,961 square-foot, one-story building addition consisting of ground-floor office space that will connect the existing buildings.
2. Prior to issuance of a Building Permit for this project, the applicant shall obtain an Architectural Review Certificate and a Certificate of Zoning Compliance, which involves Planning staff review & approval of architectural & site plans.
3. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Director of Planning & Building Services may approve minor changes administratively.

Adopted this 17th day of June 2013.

BELOIT CITY COUNCIL

Charles M. Haynes, Council President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Conditional Use Permit Application for the properties located at 405 & 413 E. Grand Avenue and 413 & 417 State Street

Date: June 17, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

First National Bank & Trust Company and Centre 1 Bancorp, Inc. have filed an application for a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District – Core, for the properties located at 405 & 413 E. Grand Avenue and 413 & 417 State Street.

Key Issues (maximum of 5):

- This project involves a minor building addition over a portion of the plaza property (405 E. Grand Avenue) that will connect the existing office building located at 413-417 State Street to the building located at 413 E. Grand Avenue. A Location & Zoning Map that highlights the affected properties is attached to this report.
 - The proposed single-story addition is 1,961 square feet in area. The proposed addition will eliminate a small section of the plaza and will eliminate ingress & egress between the plaza and the private alley to the northeast. As shown on the attached plans, the proposed addition will be used as office space, a storage area, and a break room. The existing building located at 413 E. Grand Avenue will be converted into office space and a conference room.
 - In accordance with Section 6.2.10 of the Zoning Ordinance, office uses in the Central Business District are permitted by-right above the ground floor but require a Conditional Use Permit on the ground floor. Uses in the Central Business District are exempt from the off-street parking requirements in the Zoning Ordinance.
 - If the requested Conditional Use Permit is approved, the applicant will be submitting detailed site & architectural plans for Planning staff review and approval.
 - The Plan Commission reviewed this item on June 5, 2013 and voted unanimously (5-0) to recommend approval of the Conditional Use Permit, subject to the three conditions recommended by Planning staff.
-

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 (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** – This proposal will increase the amount of office space in the middle of a walkable, mixed-use business district while utilizing existing infrastructure.
 - **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 action on the proposed Resolution
-

Fiscal Note/Budget Impact: N/A

Attachments: Resolution and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: June 5, 2013

Agenda Item: 4

File Number: CU-2013-08

Applicant: First National Bank & Trust Company and Centre 1 Bancorp, Inc.

Owner: First National Bank & Trust Company and Centre 1 Bancorp, Inc.

Location: 405 & 413 E. Grand Avenue and 413 & 417 State Street

Existing Zoning: CBD-1, Central Business District – Core

Existing Land Use: Office & Park

Parcel Size: 14,560 square feet

Request Overview/Background Information:

First National Bank & Trust Company and Centre 1 Bancorp, Inc. have filed an application for a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District – Core, for the properties located at 405 & 413 E. Grand Avenue and 413 & 417 State Street.

Key Issues:

- This project involves a minor building addition over a portion of the plaza property (405 E. Grand Avenue) that will connect the existing office building located at 413-417 State Street to the newly acquired building located at 413 E. Grand Avenue. A Location & Zoning Map that highlights the affected properties is attached to this report.
- The proposed single-story addition is 1,961 square feet in area. The proposed addition will eliminate a small section of the plaza and will eliminate ingress & egress between the plaza and the private alley to the northeast.
- As shown on the attached floor plan, the proposed addition will be used as office space, a storage area, and a break room. The existing building located at 413 E. Grand Avenue will be converted into office space and a conference room.
- This request is directly related to a separate request for approval of a Certified Survey Map (CSM) to consolidate these four parcels into two lots in advance of the proposed building addition.
- In accordance with Section 6.2.10 of the Zoning Ordinance, office uses in the Central Business District are permitted by-right above the ground floor but require a Conditional Use Permit on the ground floor.
- Uses in the Central Business District are exempt from the off-street parking requirements in the Zoning Ordinance.
- If the requested Conditional Use Permit is approved, the applicant will be submitting detailed site & architectural plans for Planning staff review and approval.
- The City's Review Agents have reviewed this application and have not submitted any comments or concerns.
- The attached Public Notice was sent to ten nearby property owners. As of this writing, staff has not received any comments or concerns.

Findings of Fact

Based on Section 2-504 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:

- a. *Whether the establishment, maintenance, or operation of the conditional use will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;*
 - The applicant owns all of the adjacent properties, and the proposed office use will not be detrimental to the public. Although ingress & egress to the alley will be eliminated, the applicant will retain the vast majority of the plaza, which is an important community gathering space.
 - Although the building located at 413 E. Grand Avenue will be converted from retail space to office space, accommodating the needs of a growing financial services employer is equally important in maintaining a vibrant downtown business district.
- b. *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*
 - The proposed office use will not be injurious to the use and enjoyment of nearby properties.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - On the contrary, the proposed improvement of this downtown property is likely to enhance property values within the area.
- d. *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
 - The proposed office addition is a minor infill project in the heart of a fully developed downtown district.

- e. *Whether the exterior architectural design or site layout of the proposed conditional use is so dissimilar or otherwise incompatible with existing or proposed development in the immediate neighborhood that it will cause a depreciation in property values;*
 - The proposed site layout is compatible with existing development in the area and the exterior architectural design will be reviewed by Planning staff during Architectural Review.
- f. *Whether adequate utilities, access roads, drainage or other necessary facilities will be available to serve the proposed use at the time of its occupancy or use;*
 - Adequate utilities and other infrastructure are available to serve the conditional use.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
 - The proposed addition is not expected to result in a significant increase in traffic.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
 - The conditional use will comply with all other applicable regulations of the Zoning Ordinance.

Consistency with Comprehensive Plan and Strategic Plan:

The City's Comprehensive Plan recommends *Planned Mixed Use: Office/Residential above Retail* uses for the subject properties. The underlying CBD zoning classification is consistent with this recommendation, and the City retains the right to evaluate ground-floor office uses as a conditional use. Consideration of this request supports City of Beloit Strategic Goal #5.

Sustainability:

- **Reduce dependence upon fossil fuels** – This proposal will increase the amount of office space in the middle of a walkable, mixed-use business district while utilizing existing infrastructure.
- **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 a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District – Core, for the properties located at 405 & 413 E. Grand Avenue and 413 & 417 State Street, based on the above Findings of Fact and subject to the following conditions:

1. This Conditional Use Permit authorizes the continued use of the building located 413-417 State Street as ground-floor office space, the conversion of the building located at 413 E. Grand Avenue into ground-floor office space, and a 1,961 square-foot, one-story building addition consisting of ground-floor office space that will connect the existing buildings.
2. Prior to issuance of a Building Permit for this project, the applicant shall obtain an Architectural Review Certificate and a Certificate of Zoning Compliance, which involves Planning staff review & approval of architectural & site plans.
3. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Director of Planning & Building Services may approve minor changes administratively.

Fiscal Note/Budget Impact: N/A

Attachments: Location & Zoning Map, Photos, Floor Plan, CSM, Application, Public Notice, and Mailing List.

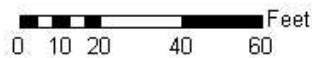
Location & Zoning Map

E. Grand Avenue & State Street

CU-2013-08



1 inch = 41 feet



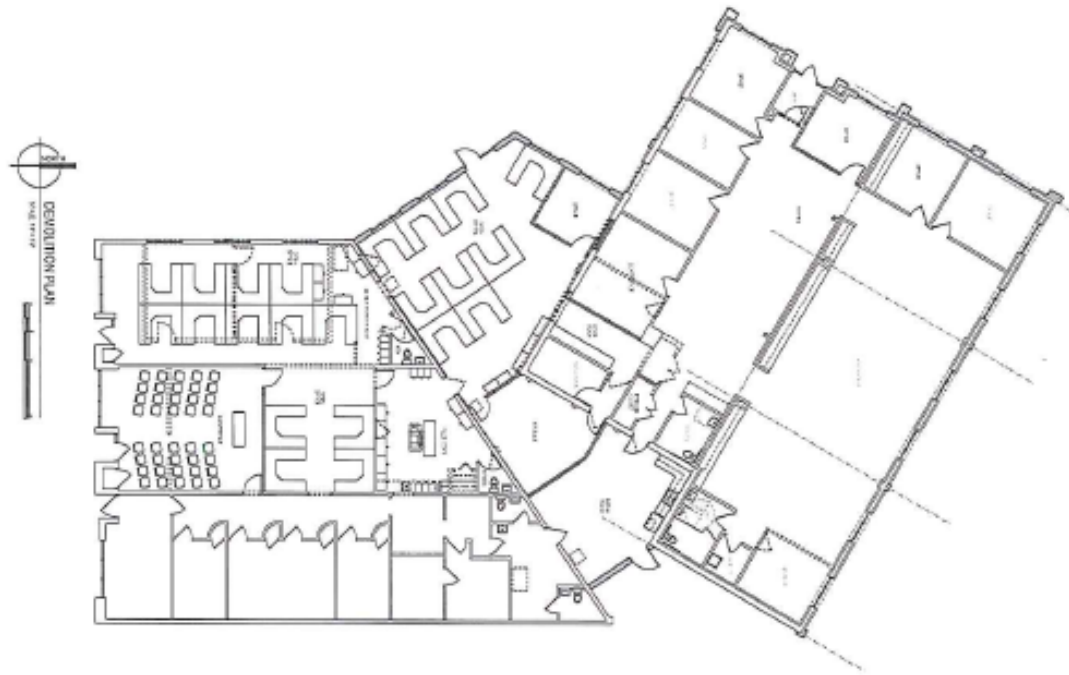
Legend

- COB Parcels
- Zoning District

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

PLANNING & BUILDING SERVICES DIVISION



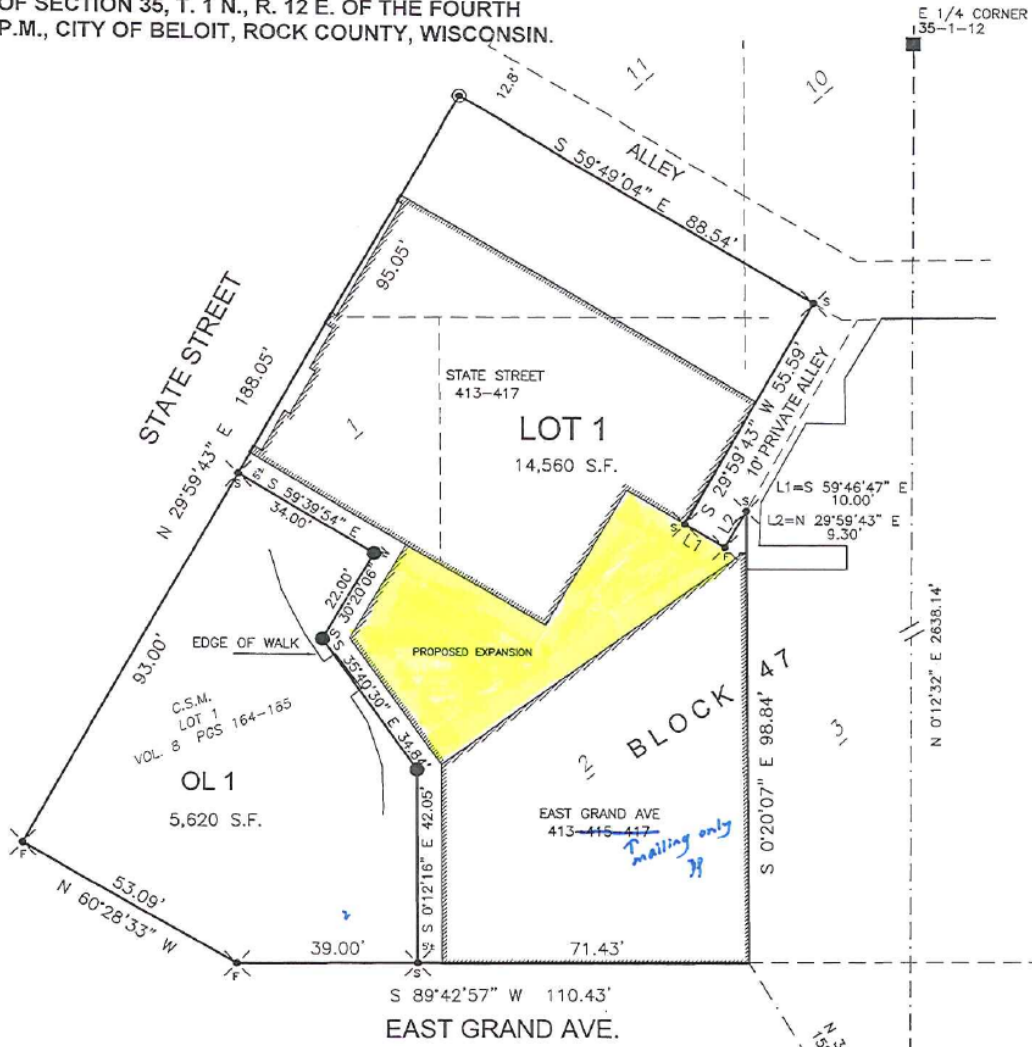


PRELIMINARY - NOT FOR CONSTRUCTION

<p>A101</p> <p>PROJECT NUMBER</p> <p>DATE</p> <p>PROJECT NAME</p> <p>PROJECT LOCATION</p> <p>PROJECT NUMBER</p> <p>PROJECT NUMBER</p>	<p>FIRST NATIONAL BANK ANNEX BUILDING ADDITION FIRST NATIONAL BANK BELOIT, WISCONSIN</p>	<p>Angus Young ARCHITECTS Engineering Interior Design</p> <p>PROFESSIONAL ARCHITECTS 1000 STATE STREET, SUITE 100 BELOIT, WISCONSIN 53510</p>	<table border="1"> <thead> <tr> <th>NO.</th> <th>REVISION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	NO.	REVISION																				
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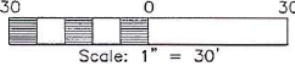
CERTIFIED SURVEY MAP OF

LOT 1 OF CERTIFIED SURVEY MAP DOC. #897617
 AS RECORDED IN VOLUME 8 ON PAGES 164-165 OF
 CERTIFIED SURVEY MAPS, ALSO LOTS 1, 2 AND
 PART OF LOTS 3, 10 AND 11 OF BLOCK 47 OF THE
 ORIGINAL PLAT OF THE CITY OF БЕЛОIT MADE BY
 JOHN HOPKINS, BEING ALL A PART OF THE S.E. 1/4
 OF SECTION 35, T. 1 N., R. 12 E. OF THE FOURTH
 P.M., CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN.

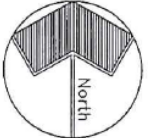


- Iron Rebar Set 3/4" x 24" (1.5 Lbs./Ft.)
- ⊙ Iron Pipes Found -X-X- Fences
- ⊙ Iron Rebar Found —■— Alum. Mon. Found
- ⊙ Drill Hole Found / Set

ORDER NO. 31553
 BOOK xxx PAGE xx
 DATE MAY 2, 2013
 FOR FIRST NATIONAL BANK & TRUST
 SHEET 1 OF 3



File Name: J:\31551-31599\31553 1ST NATIONAL BANK\31553CSM.dwg



Batterman
 engineers surveyors planners

2857 Bartells Drive 608.365.4464
 Beloit, Wisconsin 53511 www.rhbatterman.com

CITY of BELOIT

Planning and Building Services 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-2013-08

1. Address of subject property: 405, 413, 415, and 417 E. Grand Ave. and 413 and 417 State St.

2. Legal description: See attached proposed CSM and Letter Report

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: _____ acres.

3. Tax Parcel Number(s): 13530785; 13530865; 13530787; 13530860 (being combined as one parcel)

First National Bank & Trust Company and

4. Owner of record: Centre 1 Bancorp, Inc. Phone: 608-363-8062

345 E. Grand Avenue Beloit WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: First National Bank & Trust Company and Centre 1 Bancorp, Inc.

345 E. Grand Avenue, Beloit, WI 53511
(Address) (City) (State) (Zip)

608-363-8062 / _____ / _____
(Office Phone #) (Cell Phone #) (E-mail Address)

6. All existing use(s) on this property are: General office and administration

7. THE FOLLOWING ACTION IS REQUESTED:

A Conditional Use Permit for: First floor office space following the combination of the structures
located on the above parcels in a(n) CBD-1 Zoning District.

8. All the proposed use(s) for this property will be:

Principal use: Office space following the combination of the buildings currently in place on the
above-described and relevant parcels.

Secondary use: _____

Accessory use: _____

9. Project timetable: Start date: June 1, 2013 Completion date: August 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: _____
- 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.

Steven M. Eldred Steven M. Eldred 1-5-2-13
(Signature of Owner) (Print name) (Date)

_____/_____/_____
(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 Planning and Building Services 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: \$275.00	Amount paid: <u>\$275.00</u>	Meeting date: <u>June 5, 2013</u>
No. of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____		
Application accepted by: <u><i>Drafermington</i></u>		Date: <u>5/9/13</u>



NOTICE TO THE PUBLIC

May 22, 2013

To Whom It May Concern:

First National Bank & Trust Company and Centre 1 Bancorp, Inc. have filed an application for a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District – Core, for the properties located at:

405 & 413 E. Grand Avenue and 413 & 417 State Street.

The applicant has proposed a minor building addition over a portion of the plaza property (405 E. Grand Avenue) that will connect the existing office building located at 413-417 State Street to the building located at 413 E. Grand Avenue. Office uses in the Central Business District are permitted by-right above the ground floor but require a Conditional Use Permit on the ground floor. A sketch of the proposed addition is attached to this notice.

The following public hearings will be held regarding this proposed Conditional Use Permit:

City Plan Commission: Wednesday, June 5, 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, June 17, 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 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. Comments will be accepted via telephone, email, and U.S. Mail.

EDDY ENTERPRISES LLC
400 E GRAND AVE STE 408
BELOIT, WI 53511

JACKIE GENNETT
328 STATE ST
BELOIT, WI 53511

SUDS OHANAHANS REAL ESTATE
P O BOX 116
BELOIT, WI 535120116

ARNOLD BELOIT COMPANY LLC
1835 N FREEMONT
CHICAGO, IL 60614

TCP HOLDINGS LLC
431 E GRAND AVE
BELOIT, WI 53511

FIRST NATIONAL BANK & TRUST
COMPANY OF BELOIT
P O BOX 818
BELOIT, WI 535120818

JAMES DOSCHADIS
2301 ADVANCE DR
BELOIT, WI 535112591

BETSEY SCHMIECHEN
BELOIT VILLAGER LLC
429 E GRAND AVE
BELOIT, WI 535116228

HAROLD E & GARNET E BAULING
REVOCABLE TRUST OF 2004
8241 W GROVE SCHOOL RD
BELOIT, WI 53511

HENDRICKS COMMERCIAL
PROPERTIES LLC
655 THIRD ST STE 301
BELOIT, WI 53511

RESOLUTION
AUTHORIZING A CONDITIONAL USE PERMIT TO
ALLOW A WIRELESS COMMUNICATIONS TOWER IN A C-2, NEIGHBORHOOD
COMMERCIAL DISTRICT AND MRO, MILWAUKEE ROAD OVERLAY DISTRICT, FOR
THE PROPERTY LOCATED AT 2600 CRANSTON ROAD

WHEREAS, the application of Jacob Bradt, on behalf of First National Bank & Trust Company, for a Conditional Use Permit to allow a wireless communications tower in a C-2, Neighborhood Commercial District and MRO, Milwaukee Road Overlay District, for the property located at 2600 Cranston Road, having been considered by the City Council of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Beloit, Rock County, Wisconsin does hereby grant a Conditional Use Permit to allow a wireless communications tower in a C-2, Neighborhood Commercial District and MRO, Milwaukee Road Overlay District, for the property located at 2600 Cranston Road in the City of Beloit, for the following described premises:

Lot 1 of a Certified Survey Map as recorded in Volume 20, Pages 315-319 in the Certified Survey Maps of Rock County, located in the City of Beloit, Rock County, Wisconsin. Said parcel contains 1.5657 acres, more or less.

As a condition of granting the Conditional Use Permit, the City Council does hereby stipulate the following conditions and restrictions upon the Conditional Use, which are hereby deemed necessary for the public interest:

1. This Conditional Use Permit shall allow the construction of one (1) wireless communications tower that may be up to fifty (50) feet in height to be located on the west façade of the bank building on the subject property as illustrated in the submitted architectural elevation.
2. The tower shall be painted in a neutral color to reduce visual obtrusiveness.
3. The applicant must obtain a Certificate of Zoning Compliance and an Architectural Review Certificate before building permits will be issued for this project.
4. Following construction, the operator or property owner shall obtain and retain a Wireless Communication Facilities annual license.
5. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Planning and Building Services Director may approve minor changes administratively and allow accessory structures and uses that comply with and meet all of the standards and requirements of the City of Beloit Municipal Code.

Adopted this 17th day of June, 2013.

BELOIT CITY COUNCIL

Charles M. Haynes, Council President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Conditional Use Permit Application for the property located at 2600 Cranston Road

Date: June 17, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Jacob Bradt, on behalf of First National Bank & Trust Company, has filed an application for a Conditional Use Permit to allow one 50-foot wireless communication tower in a C-2, Neighborhood Commercial District and MRO, Milwaukee Road Overlay District, for property located at 2600 Cranston Road.

Key Issues (maximum of 5):

- The applicant intends to erect the tower on the west side of the building for the purpose of communicating with the main bank branch on East Grand Avenue and a bank branch on Madison Road.
 - The proposed tower will be located on the west side of the bank building and bracketed to the façade. The tower will include two antenna dishes that are two-feet in diameter each. This project will not include an equipment shed.
 - The tower will be located in an area where the building's mechanical equipment is adequately screened by landscaping and a knee wall.
 - In order to be effective, wireless communication towers must exceed the height of structures, trees, and other obstructions in the surrounding area. In this case, staff feels the proposed 50-foot tower is in scale with the existing neighborhood. The maximum building height in the C-2 district is 45 feet, but towers are exempt.
 - The Plan Commission reviewed this item on June 5, 2013 and voted unanimously (5-0) to recommend approval of the Conditional Use Permit, subject to the five conditions recommended by Planning staff.
-

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 (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
-

Action required/Recommendation:

- City Council consideration and action on the proposed Resolution
-

Fiscal Note/Budget Impact: N/A

Attachments: Resolution and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: June 5, 2013

Agenda Item: 5

File Number: CU-2013-09

Applicant: Jacob Bradt, on behalf of First National Bank & Trust Company

Owner: Centre One Bankcorp

Location: 2600 Cranston Road

Existing Zoning: C-2, Neighborhood Commercial District & MRO, Milwaukee Road Overlay District

Existing Land Use: Bank

Parcel Size: 1.56 acres

Request Overview/Background Information:

Jacob Bradt, on behalf of First National Bank & Trust Company, has filed an application for a Conditional Use Permit to allow one 50-foot wireless communication tower in a C-2, Neighborhood Commercial District and MRO, Milwaukee Road Overlay District, for property located at 2600 Cranston Road. The applicant intends to erect the tower on the west side of the building for the purpose of communicating with the main bank branch on East Grand Avenue and a bank branch on Madison Road.

The attached **Location and Zoning Map** shows the location of the parcel involved in this application. The adjacent zoning and land uses are as follows:

- North: C-3, Community Commercial District and MRO, Milwaukee Road Overlay District; Walmart
- South: PUD, Planned Unit Development and MRO, Milwaukee Road Overlay District; Morgan Square
- East: PUD, Planned Unit Development and MRO, Milwaukee Road Overlay District; Culvers
- West: R-3, Low-Density Multi-Family Residential District; Condominiums

According to the Zoning Ordinance, a wireless communications tower requires a Conditional Use Permit in a C-2, Neighborhood Commercial District. When a Conditional Use Permit application is filed, the Zoning Ordinance instructs the Plan Commission to evaluate the proposed use's impact on the neighborhood. The Plan Commission's findings are forwarded to the City Council and the City Council may approve, approve with conditions, or deny a Conditional Use Permit application.

Key Issues:

- First National Bank seeks to improve its operations and internal communications by erecting a 50-foot wireless communications tower on the subject property. The proposed tower will allow for efficient and faster communication between its three banks located in Beloit.
- The proposed tower will be located on the west side of the bank building and bracketed to the façade. The tower will include two antenna dishes that are two-feet in diameter each. The tower will not include an equipment shed.
- The tower will be located in an area where the building's mechanical equipment is adequately screened by landscaping and a knee wall.
- In order to be effective, wireless communication towers must exceed the height of structures, trees, and other obstructions in the surrounding area. In this case, staff feels the proposed 50-foot tower is in scale with the existing neighborhood.
- The maximum height in C-2 is 45 feet, but towers are exempt.
- Included in this report is an architectural elevation, tower brochure, and photographs that show how the tower might appear.
- In accordance with the Zoning Ordinance, a site plan has been submitted and is attached to this report. The red circle indicates the proposed location of the tower, which is setback 75 feet from the right-of-way to the north and setback 90 feet from the western lot line.
- The proposed tower is not expected to generate significant traffic and will not necessitate additional off-street parking stalls. The existing use will retain sufficient parking stalls.
- Public facilities and infrastructure exist in this area and the property receives the full range of municipal services.
- Neighboring property owners and the public were notified of the proposed tower. Planning staff did not receive any comments.
- If the Conditional Use Permit is granted, the applicant will need to comply with the Site Plan Review and

- Architectural Review procedures before building permits will be issued for this project.
- City review agents have reviewed this Conditional Use Permit application and do not have any comments or concerns regarding the proposed use.
- **Findings of Fact**

Based on Section 2.5.4 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:

- a. *Whether the establishment, maintenance, or operation of the conditional use will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;*
 - Staff believes that the proposed fifty-foot tower will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The proposed tower is compatible with the surrounding neighborhood.
- b. *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*
 - One fifty-foot wireless communications tower will allow the continued use and enjoyment of nearby residential and commercial properties. The tower will be anchored to the building and does not pose a threat to nearby properties should a natural disaster or man-made disaster causes it to fall.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - The conditional use will not substantially diminish or impair property values within the neighborhood of the subject property. Moreover, the proposed tower is five feet over the forty-five feet height requirement in the C-2 District, which is not substantial to diminish or impair property values with the neighborhood.
- d. *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
 - The establishment of the tower on the subject property will not obstruct any parking or pedestrian walking areas on the site or nearby properties, therefore, it will not impede upon the normal and orderly development and improvement of the subject property or surrounding properties should it occur.
- e. *Whether the exterior architectural design or site layout of the proposed conditional use is so dissimilar or otherwise incompatible with existing or proposed development in the immediate neighborhood that it will cause a depreciation in property values;*
 - The proposed conditional use is compatible with existing development in the neighborhood and is not likely to cause depreciation in property values. However, the appearance of the tower may disrupt the visual interest of nearby neighbors. Therefore, staff is recommending that the tower be painted in a neutral color to camouflage and reduce the visual obtrusiveness the tower may cause.
- f. *Whether adequate utilities, access roads, drainage or other necessary facilities will be available to serve the proposed use at the time of its occupancy or use;*
 - The property is currently served by adequate utilities, roads, and facilities.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
 - Following construction, the proposed tower will not generate traffic congestion.
- h. *Whether the conditional use will comply with all applicable regulations of this chapter (the Zoning Ordinance).*
 - If the Conditional Use Permit is granted, staff will review the submitted site plan to ensure compliance with all other applicable regulations of the Zoning Ordinance.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan designates this property for Community Commercial land uses. The Comprehensive Plan recommends a C-3, Community Commercial District classification for this property. Other commercial classifications may be appropriate, and the C-2, Neighborhood Commercial District, is appropriate for this parcel. Towers are conditional uses in C-2 and C-3 Districts.

Consideration of this request supports City of Beloit 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 and Building Services Division recommends **approval** of a Conditional Use Permit to allow **one** wireless communications tower in a C-2, Neighborhood Commercial District and MRO, Milwaukee Road Overlay District, for the property located at 2600 Cranston Road, subject to the following conditions:

1. This Conditional Use Permit shall allow the construction of one (1) wireless communications tower that may be up to fifty (50) feet in height to be located on the west façade of the bank building on the subject property as illustrated in the submitted architectural elevation.
2. The tower shall be painted in a neutral color to reduce visual obtrusiveness.
3. The applicant must obtain a Certificate of Zoning Compliance and an Architectural Review Certificate before building permits will be issued for this project.
4. Following construction, the operator or property owner shall obtain and retain a Wireless Communication Facilities annual license.
5. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Planning and Building Services Director may approve minor changes administratively and allow accessory structures and uses that comply with and meet all of the standards and requirements of the City of Beloit Municipal Code.

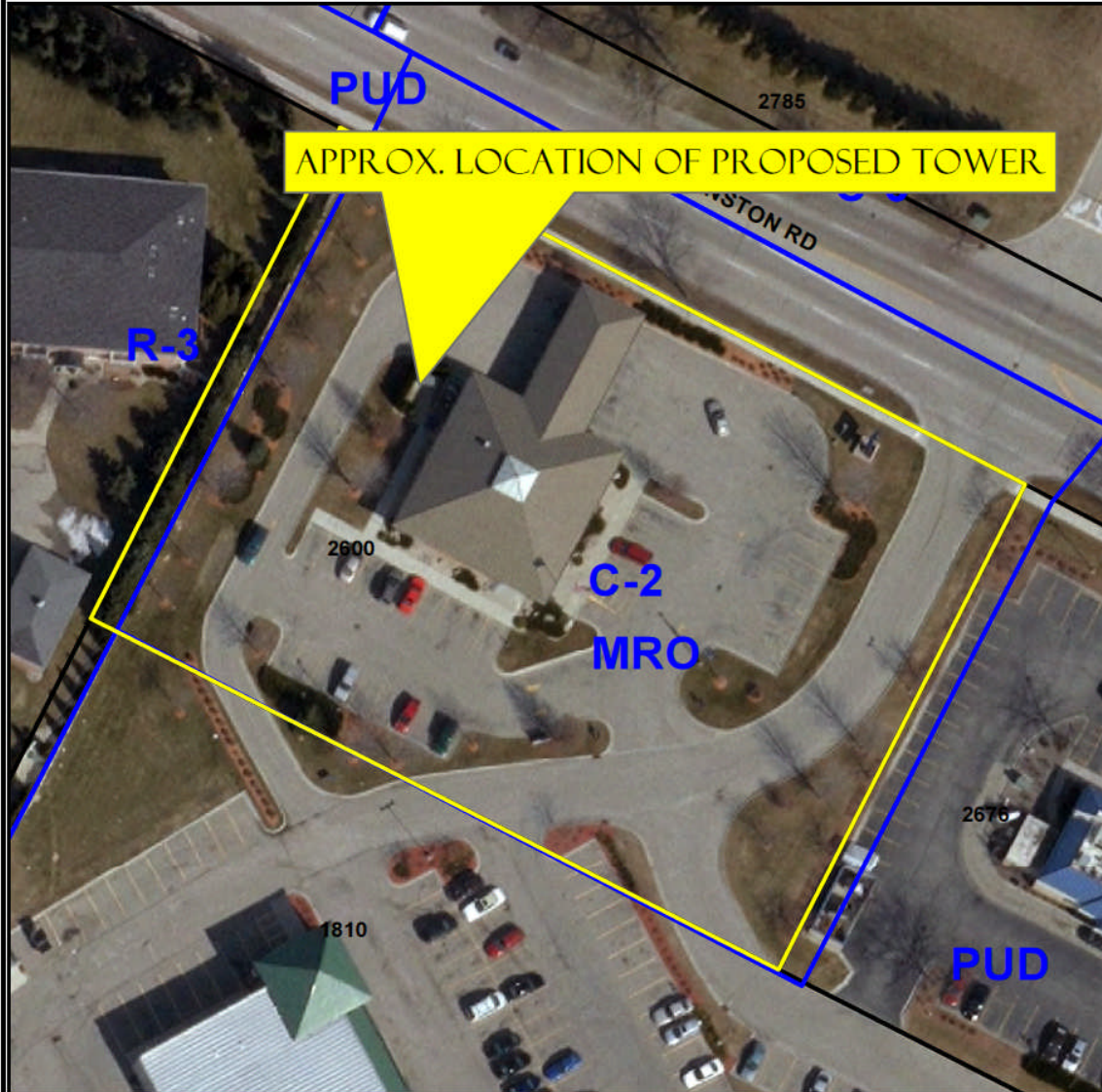
Fiscal Note/Budget Impact: N/A

Attachments: Location & Zoning Map, Site Plan, Architectural Elevation, Photographs, Tower Brochure, Application Public Notice, and Mailing List.

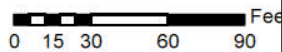
Location & Zoning Map

2600 Cranston Road

CU-2013-09



1 inch = 57 feet

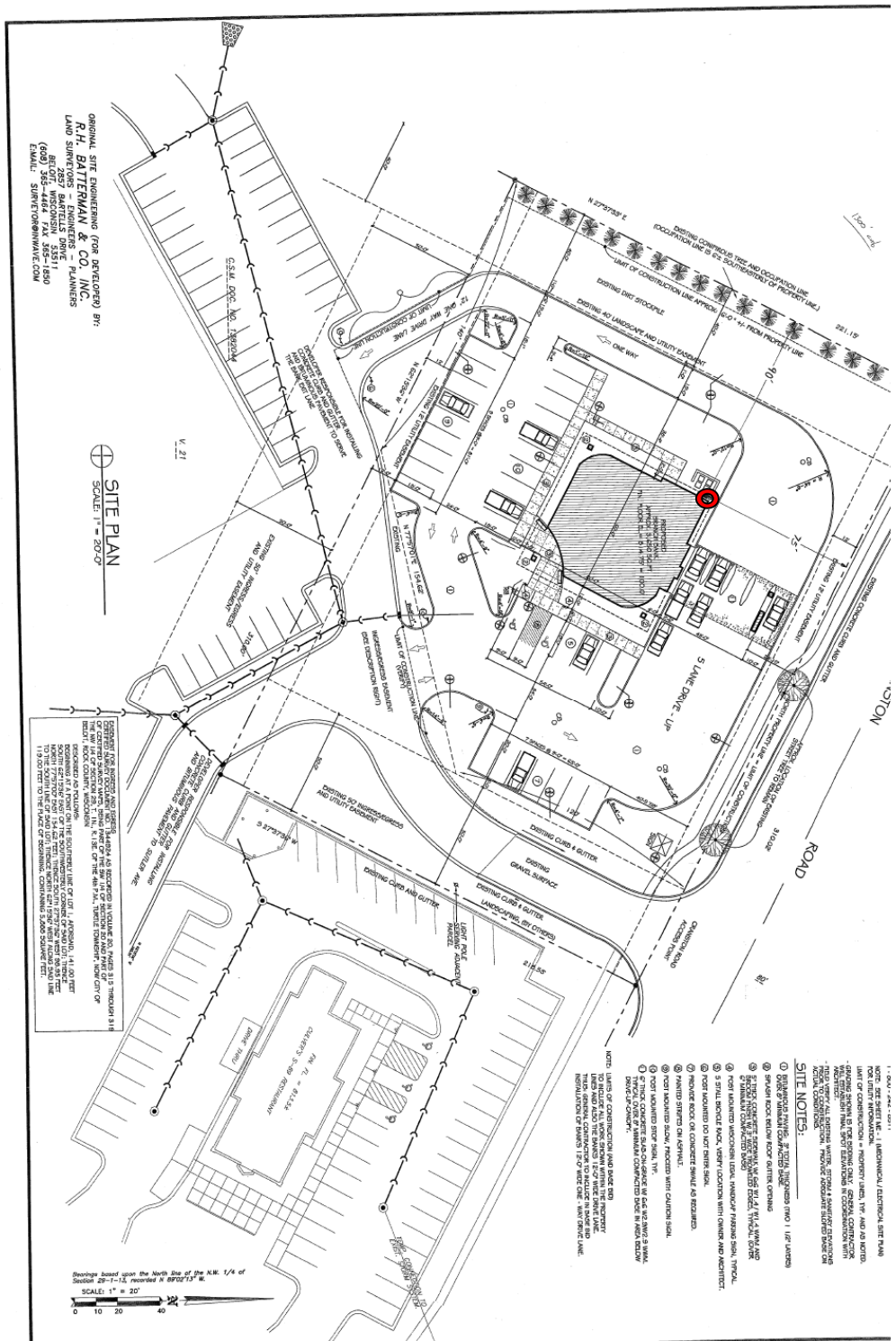


Legend	
	Zoning District
	Parcels

Map prepared by: Michael D. Lofton II
Date: May 2013
For: City of Beloit, Planning & Building Services
Date of Aerial Photography: April 2011

PLANNING & BUILDING SERVICES DIVISION

Site Plan



ORIGINAL SITE ENGINEERING (FOR DEVELOPER) BY:
R.H. BATTERMAN & CO., INC.
 LAND SURVEYING ENGINEERS AND PLANNERS
 BELLEVILLE, WISCONSIN 53511
 (608) 375-3100
 EMAIL: SURVEY@BATTERMAN.COM

SITE PLAN
 SCALE: 1" = 20'-0"

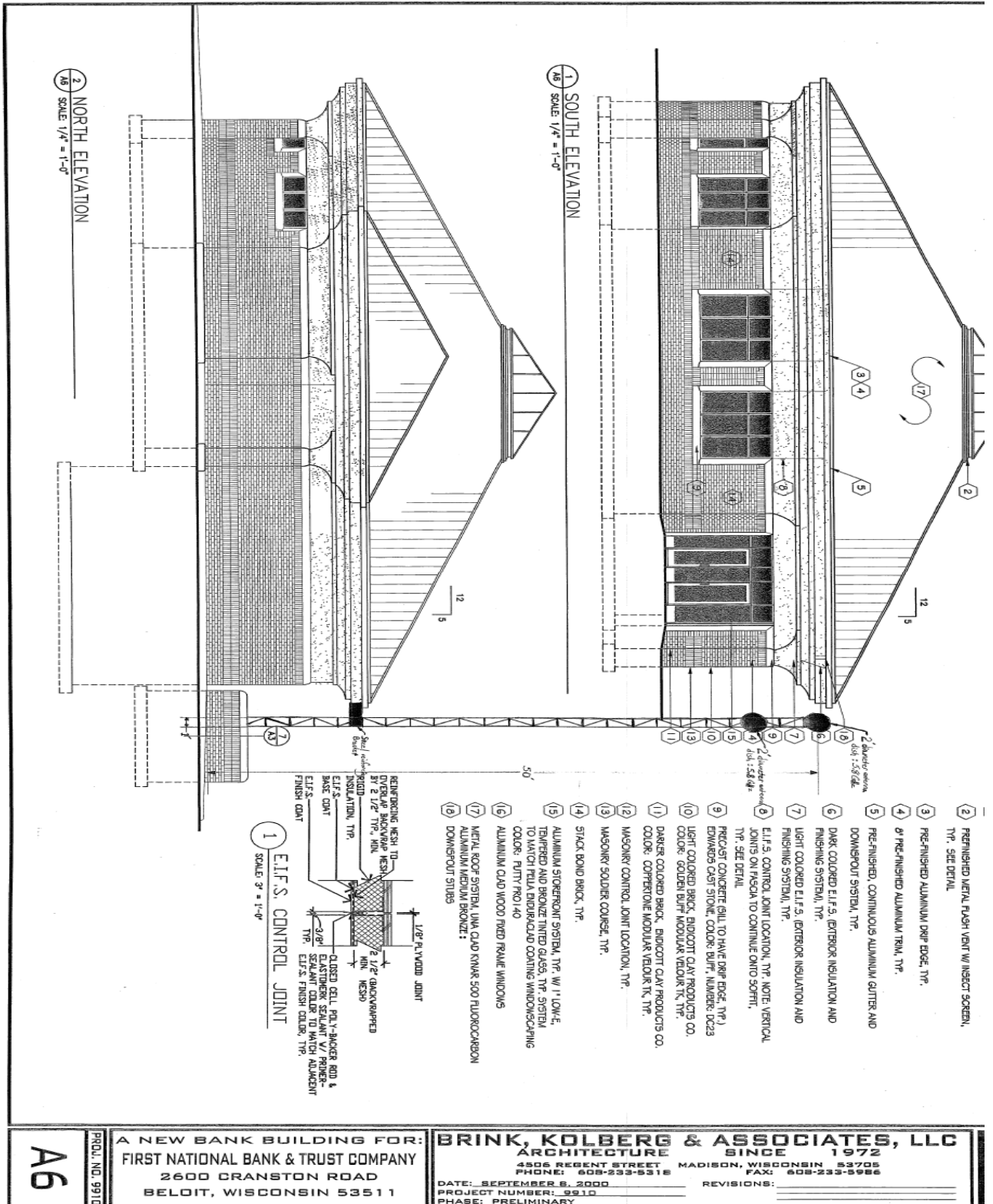
CONSTRUCTION LINE PROTECTION: THE PROPOSED CONSTRUCTION LINE SHALL BE MAINTAINED AS SHOWN IN THESE PLANS THROUGHOUT THE CONSTRUCTION PERIOD. THE PROPOSED CONSTRUCTION LINE SHALL BE MAINTAINED AS SHOWN IN THESE PLANS THROUGHOUT THE CONSTRUCTION PERIOD. THE PROPOSED CONSTRUCTION LINE SHALL BE MAINTAINED AS SHOWN IN THESE PLANS THROUGHOUT THE CONSTRUCTION PERIOD.

Storage based upon the North Side of the N.W. 1/4 of Section 26-7-11, T11N, R11E, S11W, Beloit, WI.
 SCALE: 1" = 20'

- NOTES:**
1. ALL UTILITIES SHOWN ARE APPROXIMATE. ELECTRICAL, WATER, AND GAS UTILITIES ARE SHOWN AS SHOWN ON RECORD PLANS AND FIELD SURVEY.
 2. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON RECORD PLANS AND FIELD SURVEY.
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 19. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON RECORD PLANS AND FIELD SURVEY.
 20. ALL UTILITIES SHALL BE MAINTAINED AS SHOWN ON RECORD PLANS AND FIELD SURVEY.

A1	A NEW BANK BUILDING FOR: FIRST NATIONAL BANK & TRUST COMPANY 2600 CRANSTON ROAD BELOIT, WISCONSIN 53511	BRINK, KOLBERG & ASSOCIATES, LLC ARCHITECTURE SINCE 1972 4506 REGENT STREET MADISON, WISCONSIN 53702 PHONE: 608-233-9518 FAX: 608-233-9596
	PROJ. NO. 99110 DATE: SEPTEMBER 8, 2000 PROJECT NUMBER: 9910 PHASE: CONSTRUCTION DOCUMENTS	REVISIONS:

Architectural Elevation



A6

A NEW BANK BUILDING FOR:
FIRST NATIONAL BANK & TRUST COMPANY
 2600 CRANSTON ROAD
 BELOIT, WISCONSIN 53511

BRINK, KOLBERG & ASSOCIATES, LLC
 ARCHITECTURE SINCE 1972
 4506 REGENT STREET MADISON, WISCONSIN 53705
 PHONE: 608-233-5318 FAX: 608-233-5986

DATE: SEPTEMBER 8, 2000
 PROJECT NUMBER: 9910
 PHASE: PRELIMINARY

REVISIONS:



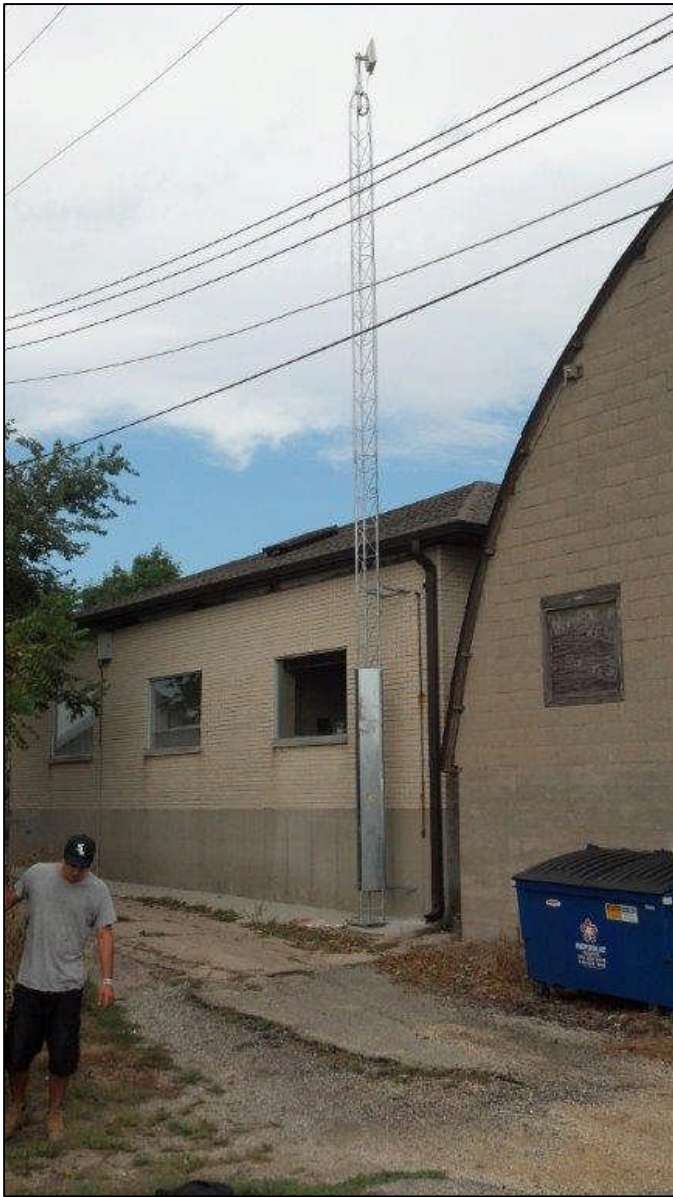
First National Bank Building
(Looking South)



Proposed Tower Location
(North Side View)



Proposed Tower Location
(West Side View)



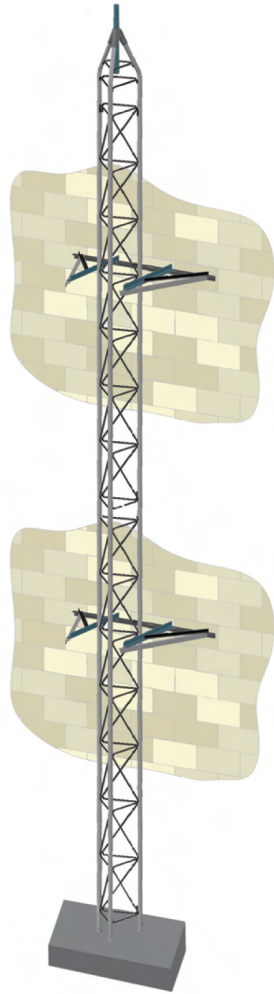
**Examples of
Proposed Tower**



Tower Brochure

B-BRACKETED TOWERS

STANDARD G-SERIES BRACKETED



Typical installation on short base with (2) HBUTVRO brackets.

(Refer to G-Series accessories for short base)

G-SERIES (BRACKETED)

GENERAL USE

ROHN G-Series Bracketed towers can be installed adjacent to buildings using brackets to secure the tower along the height of the structure.

FEATURES

- Completely hot-dip galvanized after fabrication
- Cross bracing is formed by a continuous solid rod bracing fashioned into a Zig-Zag pattern for strength
- Pre-engineered loading charts to meet varying individual specs and site conditions
- Typical uses include: small dishes, broadband, security and two-way communication.

OPTIONAL ACCESSORY

UNIVERSAL HOUSE BRACKET HBUTVRO



Adjustable to position tower 18" - 36" from wall.

* Per Rev. G requirements, any structure greater than 10' requires a climber safety device. Please see page 207 for ordering information.



Phone (309) 566-3000 • Fax (309) 566-3079 • www.rohnnet.com • *The Industry Standard*

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CITY of BELOIT

Planning and Building Services 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-2013-09

1. Address of subject property: 2600 Cranston Road

2. Legal description: First National Bank & Trust Branch

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: _____ acres.

3. Tax Parcel Number(s): 22980780

4. Owner of record: First National Bank & Trust Phone: 608-363-8071

345 E. Grand Ave Beloit WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: Jacob Bredt

8900 N 2nd St. Madesney Park IL 61115
(Address) (City) (State) (Zip)

815-847-3130 Jacob.B@entre.rock.com
(Office Phone #) (Cell-Phone #) (E-mail Address)

6. All existing use(s) on this property are: Bank

7. THE FOLLOWING ACTION IS REQUESTED:

A Conditional Use Permit for: constructing an antenna tower (50')
in a(n) CL Zoning District.

8. All the proposed use(s) for this property will be:

Principal use: a bank

Secondary use: _____

Accessory use: _____

9. Project timetable: Start date: July 1st Completion date: July 8th

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: _____
- 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.

[Signature] / Patrick Jacobs / 4/29/13
(Signature of Owner) (Print name) (Date)

[Signature] / Jacob Bradt / 4/19/13
(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 Planning and Building Services 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>June 5, 2013</u>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u>Michael D. Loftis II</u>	Date: <u>5/10/13</u>



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

Equal Opportunity Employer

NOTICE TO THE PUBLIC

May 22, 2013

To Whom It May Concern:

Jacob Bradt, on behalf of First National Bank & Trust Company, has filed an application for a Conditional Use Permit to allow a wireless communication tower in a C-2, Neighborhood Commercial District and MRO, Milwaukee Road Overlay District, for property located at:

2600 Cranston Road.

The applicant has proposed to establish a 50-foot wireless communications tower on the north side of the building for the purpose communicating with the main bank branch on East Grand Avenue and satellite location on Madison Road. Wireless communication towers in a C-2, Neighborhood Commercial District require a Conditional Use Permit.

The following public hearings will be held regarding this proposed Conditional Use Permit:

City Plan Commission: Wednesday, June 5, 2013 at 7:00 p.m., or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

City Council: Monday, June 17, 2013, at 7:00 p.m., 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 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. Comments will be accepted via telephone, email, and U.S. Mail.

CU-2013-09, 2600 Cranston Road, Wireless Communication Tower.docx

MORGAN SQUARE LLC
400 MIDLAND CT STE 101
JANESVILLE, WI 53546

AGATE & LOCK ACQUISITION LLC
2676 CRANSTON RD
BELOIT, WI 53511

SCHOOL DISTRICT OF BELOIT
1633 KEELER AVE
BELOIT, WI 53511

WALMART REAL ESTATE BUSINESS
TRUST
P O BOX 8050 MS 0555
BENTONVILLE, AR 727128050

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE
ZONING DISTRICT MAP OF THE CITY OF БЕЛОIT**

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

Section 1. The Zoning District Map of the City of Beloit, mentioned in the Zoning Code, Chapter 19 of the Code of General Ordinances of the City of Beloit, is amended as follows:

The following described land, also known as 2293 Prairie Avenue, is hereby changed from C-1, Office District to C-2, Neighborhood Commercial District:

Lots 1 & 2 of a Certified Survey Map as recorded in Volume 10, Page 483 in the Certified Survey Maps of Rock County, located in the City of Beloit, Rock County, Wisconsin. Said parcel contains 0.7765 acre, more or less.

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

Adopted this 17th day of June, 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: Zoning Map Amendment Application for the property located at 2293 Prairie Avenue

Date: June 17, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Pastor Clifton White of Good News Christian Center has submitted an application for a Zoning Map Amendment to change the zoning district classification from C-1, Office District to C-2, Neighborhood Commercial District, for the property located at 2293 Prairie Avenue.

Key Issues (maximum of 5):

- The applicant intends to convert an existing message board sign into an Electronically Variable Message (EVM) Sign. EVM signs are prohibited in the C-1 district, but permitted by-right in the C-2 district.
 - If the requested rezoning is approved, the applicant intends to obtain a Sign Permit to allow this sign conversion.
 - The subject property is currently used as a church. Churches are a conditional use in the C-2 district. The existing church use will be allowed to continue if the requested rezoning is approved, but if the applicant intends to expand in the future, a Conditional Use Permit will be required at that time.
 - Planning staff posted an informational sign on the subject property and mailed the attached Public Notice to the owners of nearby properties. As of this writing, staff has not received any comments.
 - The Plan Commission reviewed this item on June 5, 2013 and voted unanimously (5-0) to recommend approval of this Zoning Map Amendment.
-

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan recommends Neighborhood Commercial uses and a zoning district classification of C-2 for the subject property. This proposed Zoning Map Amendment is consistent with the Comprehensive Plan, as required by Section 66.1001(3) of Wisconsin Statutes.

Consideration of this request supports City of Beloit 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
-

Action required/Recommendation:

- City Council consideration and 1st reading of the proposed Ordinance
-

Fiscal Note/Budget Impact: N/A

Attachments: Ordinance and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: June 5, 2013

Agenda Item: 8

File Number: ZMA-2013-08

Applicant: Pastor Clifton White

Owner: Good News Center

Location: 2293 Prairie Avenue

Current Zoning: C-1, Office District

Existing Land Use: Church

Parcel Size: 0.78 Acre

Proposed Zoning: C-2, Neighborhood Commercial District

Request Overview/Background Information:

Pastor Clifton White of Good News Christian Center has submitted an application for a Zoning Map Amendment to change the zoning district classification from C-1, Office District to C-2, Neighborhood Commercial District, for the property located at 2293 Prairie Avenue.

The attached **Location & Zoning Map** shows the location of the subject property and the zoning of the surrounding area. The adjacent zoning and land uses are as follows:

- North: C-1, Office District; Bank
- South: C-1, Office District; Day Care Center
- East: R-1A, Single-Family Residential District; Single-Family Dwellings
- West: PLI, Public Lands & Institutions District; School

The Zoning Ordinance directs the Plan Commission to hold a hearing and make a recommendation regarding a Zoning Map Amendment when the specific site and context are suitable for the uses permitted in the proposed zoning district.

Key Issues:

- The applicant intends to convert an existing message board sign into an Electronically Variable Message (EVM) Sign. EVM signs are prohibited in the C-1 district, but permitted by-right in the C-2 district.
- If the requested rezoning is approved, the applicant intends to obtain a Sign Permit to allow this sign conversion.
- The subject property is currently used as a church. Churches are a conditional use in the C-2 district. The existing church use will be allowed to continue if the requested rezoning is approved, but if the applicant intends to expand in the future, a Conditional Use Permit will be required at that time.
- Planning staff posted an informational sign on the subject property and mailed the attached Public Notice to the owners of nearby properties. As of this writing, staff has not received any comments.
- **Findings of Fact** - Based on Section 2-304 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:
 - a. *The existing use of property within the general area of the subject property;*
 - The applicant does not intend to change the use of the subject property. However, if the current or future property owner decides to change the use of the property, the uses permitted by-right in the C-2 district are compatible with the adjacent residential and institutional uses. Potentially conflicting uses (e.g. taverns, auto service, drive-through fast-food) would receive further scrutiny as a conditional use during the Conditional Use Permit review process.
 - b. *The zoning classification of property within the general area of the subject property;*
 - As shown on the attached map, there are a variety of zoning classifications within the general area of the subject property. The proposed C-2 classification maintains an effective transition between the C-3 and PLI (intermediate school) districts to the west & southwest and the single-family residential district to the east of the subject property.
 - c. *The suitability of the subject property for the uses permitted under the existing zoning classification; and*
 - The subject property is suitable for the uses permitted in the C-1 and C-2 districts.
 - d. *The trend of development and zoning map amendments in the general area of the subject property.*
 - This is the first rezoning request on the east side of the 2200 block of Prairie Avenue since the Comprehensive Plan was adopted in 2008, which recommends Neighborhood Commercial uses and a C-2 zoning district along this entire block.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan recommends Neighborhood Commercial uses and a zoning district classification of C-2 for the subject property. This proposed Zoning Map Amendment is consistent with the Comprehensive Plan, as required by Section 66.1001(3) of Wisconsin Statutes.

Consideration of this request supports City of Beloit 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:

Based upon the above Findings of Fact and the City's Comprehensive Plan, the Planning & Building Services Division recommends **approval** of a Zoning Map Amendment to change the zoning district classification from C-1, Office District to C-2, Neighborhood Commercial District, for the property located at 2293 Prairie Avenue.

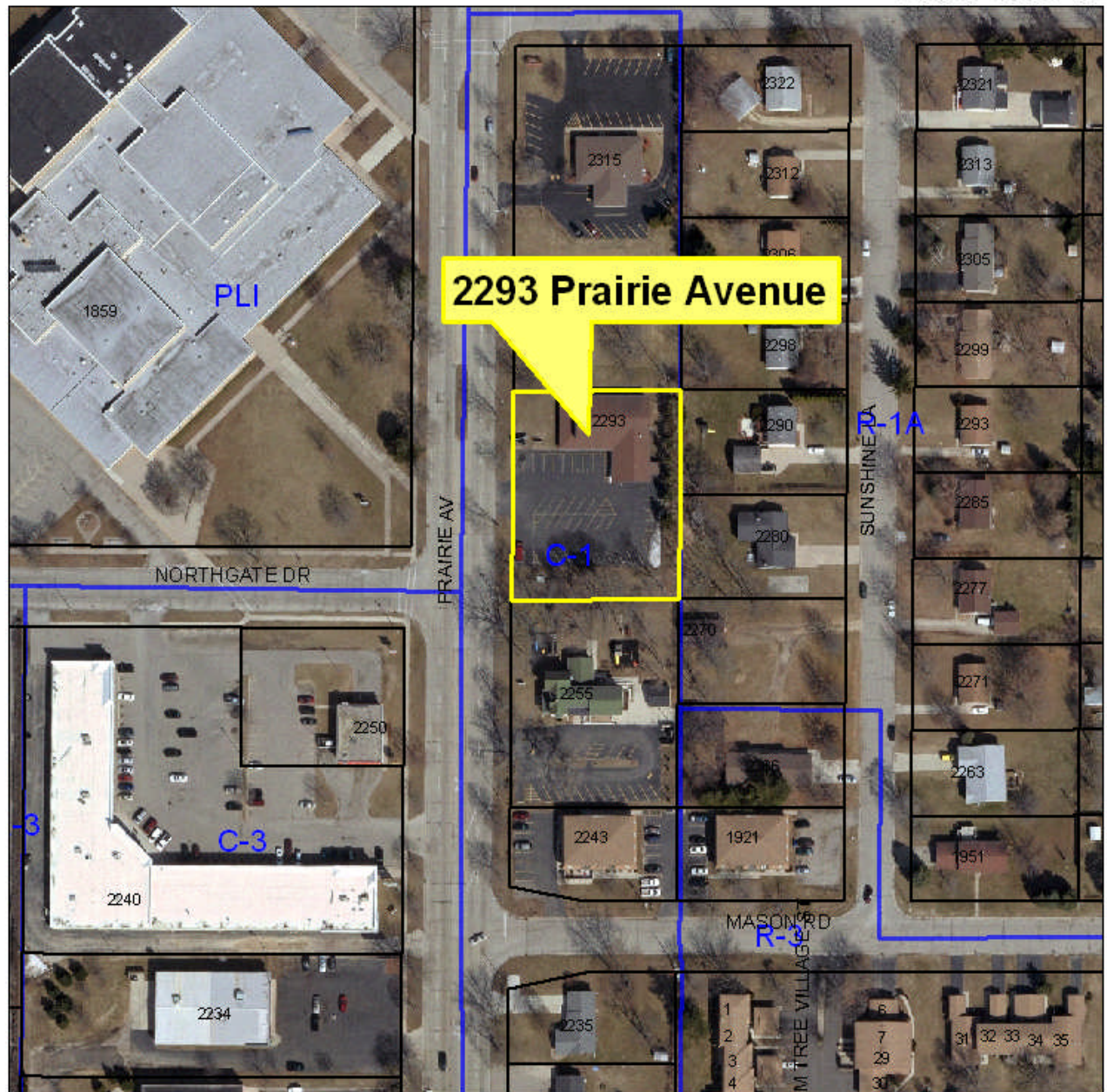
Fiscal Note/Budget Impact: N/A

Attachments: Location & Zoning Map, Photo, Application, Public Notice, and Mailing List.

Location & Zoning Map

2293 Prairie Avenue

ZMA-2013-08



1 inch = 140 feet
0 30 60 120 180 Feet

Legend

- COB Parcels
- Zoning District

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

PLANNING & BUILDING SERVICES DIVISION



CITY of BELOIT

PLANNING & BUILDING SERVICES DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

Zoning Map Amendment Application Form

(Please Type or Print)

File No.: ZMA-2013-08

1. Address of subject property: 2293 PRAIRIE AV., BELOIT, WI 53511

2. Legal description: Lot: 5 Block: 3 Subdivision: GREENFIELD
(If property has not been subdivided, attach a copy of the complete legal description from deed.)

Property dimensions are: 165 feet by 206 feet = 33976 square feet.

If more than two acres, give area in acres: _____ acres.

3. Tax Parcel Number(s): 206-2197-0585

4. Owner of record: GOOD NEWS CENTER Phone: 608/365-9339

2293 PRAIRIE AV., BELOIT WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: PASTOR CLIFTON WHITE

525 RITSHER ST., BELOIT, WI 53511
(Address) (City) (State) (Zip)

608/365-9339 1 608/346-9222 1 cliftonwhite@me.com
(Office Phone #) (Cell Phone #) (E-mail Address)

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

Change zoning district classification from: C-1 to: C-2

All existing uses on this property are: RELIGIOUS/CHURCH

7. All the proposed uses for this property are:

Principal use(s): CHURCH SERVICES/CHURCH ACTIVITIES

Secondary use(s): _____

Accessory use(s): _____

8. 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: _____
- () Other, explain: SENIOR PASTOR / CORPORATE BOARD PRESIDENT

9. Individual(s) responsible for compliance with conditions (if any), if request is granted:

Name(s): PASTOR CLIFTON WHITE Phone: 608/362-8377
525 RITSHER ST., BELOIT WI 53511
(Address) (City) (State) (Zip)

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.

/	/	/
<small>(Signature of Owner)</small>	<small>(Print name)</small>	<small>(Date)</small>
<u>Clifton C. White</u>	<u>CLIFTON C. WHITE</u>	<u>5-2-13</u>
<small>(Signature of Applicant, if different)</small>	<small>(Print name)</small>	<small>(Date)</small>

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 Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with 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 it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff		
Filing Fee: <u>\$275.00</u>	Amount Paid: <u>\$275.00</u>	Meeting Date: <u>June 5, 2013</u>
Number of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____		
Application accepted by: <u>Don P... ..</u>		Date: <u>5/3/13</u>
Date Notice Published: _____		Date Notice Mailed: _____



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
Equal Opportunity Employer

NOTICE TO THE PUBLIC

May 22, 2013

To Whom It May Concern:

Pastor Clifton White of Good News Christian Center has submitted an application for a Zoning Map Amendment to change the zoning district classification from C-1, Office District to C-2, Neighborhood Commercial District, for the property located at:

2293 Prairie Avenue.

The applicant intends to convert an existing message board sign into an Electronically Variable Message (EVM) Sign. EVM signs are prohibited in the C-1 district, but permitted by-right in the C-2 district. The applicant has not proposed a change in land use.

The following public hearings will be held regarding this application:

City Plan Commission: Wednesday, June 5, 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, June 17, 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 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. Comments will be accepted via telephone, email, and U.S. Mail.

ZMA-2013-08, 2293 Prairie Avenue

RELIABLE PROPERTIES LLC
2243 PRAIRIE AVE STE 1
BELOIT, WI 53511

PAUL PERRY
2263 SUNSHINE LN
BELOIT, WI 53511

STACY R & BRIDGET M
MCMILLAN
3169 S DAVIS DR
BELOIT, WI 53511

DBA PARKVIEW APARTMENTS
WG HOLDINGS LLC
12050 TAMA RUN LANE
DARLINGTON, WI 53530

HERITAGE COMMONS LLP
400 MIDLAND CT STE 101
JANESVILLE, WI 53546

KAREN MCCAULEY
2255 PRAIRIE AVE
BELOIT, WI 53511

MARVIN MILNER
P O BOX 1161
BELOIT, WI 535121161

RUBY WHITE
2280 SUNSHINE LN
BELOIT, WI 53511

BRUCE HEMMY
2285 SUNSHINE LN
BELOIT, WI 53512655

JEREMY J & MELISSA M
BADGER
2290 SUNSHINE LN
BELOIT, WI 53511

WG HOLDINGS LLC
12050 TAMA RUN LANE
DARLINGTON, WI 53530

MARK D & SARAH M OLSEN
2299 SUNSHINE LN
BELOIT, WI 53511

RAUL CASIQUE
2306 SUNSHINE LN
BELOIT, WI 53511

JEFFREY J & LYNOR R JONES
2305 SUNSHINE LN
BELOIT, WI 53511

TEACHERS CREDIT UNION
2315 PRAIRIE AVE
BELOIT, WI 53512623

HSBC BANK USA NA
636 GRAND REGENCY BLVD
BRANDON, FL 33510

SCHOOL DISTRICT OF BELOIT
1633 KEELER AVE
BELOIT, WI 53511



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
Monday, June 3, 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

1. The meeting was called to order at 7:00 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS – none
4. PUBLIC HEARINGS
 - a. Community Development Director Julie Christensen presented a resolution authorizing a **Conditional Use Permit** to allow the expansion of an existing gas station with underground fuel tanks in a Wellhead Protection Overlay District for the properties located at 903, 911, and 915 Broad Street. It was noted that the Plan Commission recommended approval 4-0. Ms. Christensen said that the applicant is proposing to construct a new convenience store on the properties, including a new canopy over realigned gas pumps and a new underground tank system. She noted that the Wellhead Technical Committee unanimously recommended approval of this project. President Haynes opened the public hearing.
 - Joe Stadelman, 2431 East Ridge Road, Angus Young and Associates, said that he is here representing Mr. Patel, the applicant, and available to answer any questions.President Haynes closed the public hearing. Councilor Luebke made a motion to adopt the resolution, and Councilor Leavy seconded. Councilor De Forest asked Water Resources Director Harry Mathos about the new tank system, and Mr. Mathos said that he has had good experiences with fiberglass tanks. Mr. Van De Bogart asked about the alarm and monitoring system for the tanks, and Mr. Stadelman stated that Mr. Patel has taken the training class and that the tanks are continually monitored by the installing company. Councilor Kincaid asked who will be reviewing the site plans for this property, and Ms. Christensen stated that the only action the Council may take is regarding the Conditional Use Permit for the expansion of this use in the Wellhead Protection District. She indicated that professional planning and engineering staff will be performing the other reviews as outlined in the City's Ordinances. Councilor Kincaid asked about the Phase 2 Environmental Assessment, and Mr. Stadelman said that it is complete but has not been submitted to staff yet. Councilor De Forest asked who would maintain the contingency plan, and Mr. Mathos stated that he will require and maintain an expanded Spill Control Protection Plan that will include a response plan. Councilors Luebke and Spreitzer expressed their support for the project. The motion carried 7-0. File 8591
 - b. Ms. Christensen presented a resolution authorizing a **Conditional Use Permit** to allow a church in a R1-B, Single-family Residential District, for the property located at 1227 Liberty Avenue. It was noted that the Plan Commission recommended approval 4-0. Ms. Christensen said that an individual has purchased the property with intent to establish a new church at this location and the pastor will reside on the premises. She indicated that this project will require site and parking improvements. Councilor Haynes opened and closed the public hearing without participation. Councilor Spreitzer made a motion to adopt the resolution, and Councilor De Forest seconded. The motion carried 7-0. File 8394
5. CITIZENS PARTICIPATION – none

6. CONSENT AGENDA

Councilor Van De Bogart made a motion to adopt the Consent Agenda, which consists of items 6.a. through 6.l. Councilor Leavy seconded, and the motion carried that the Consent Agenda 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 May 20, 2013, were approved.
- b. The resolution approving the City of Beloit's **Offer to Purchase** 150 Depot Street and authorizing the execution of the same was referred to the Plan Commission. File 8596
- c. The application for a **Conditional Use Permit** to allow office space in the CBD-1, Central Business District – Core, for First National Bank, located at 405 and 413 E. Grand Avenue and 413 and 417 State Street, was referred to the Plan Commission. File 8597
- d. The application for a **Conditional Use Permit** to allow a wireless communication tower in a C-2/MRO, Neighborhood Commercial/Milwaukee Road Overlay District, for the property located at 2600 Cranston Road, was referred to the Plan Commission. File 7948
- e. The application for a **Zoning Map Amendment** to change the zoning district classification of the property located at 2293 Prairie Avenue, from C-1, Office District, to C-2, Neighborhood Commercial District, was referred to the Plan Commission. File 8598
- f. The application for a **Conditional Use Permit** to allow a conversion from one legal nonconforming use (passenger vehicle storage) to another nonconforming use (motor vehicle wholesale sales) in an R-1B, Single-family Residential District, for the property located at 920 Keeler Avenue, was referred to the Plan Commission. File 6749
- g. The application for the renewal of a **Class "B" Beer and "Class B" Liquor License** for the Fraternal Order of Eagles #557, d/b/a/ Beloit Eagles Club, located at 302 State Street, Ronald Minnick, new Agent, was referred to the ABLCC. File 8590
- h. The resolution approving the renewal of an **Annual Mobile Home Park License** for the property located at 2601 Colley Road was adopted. File 7965
- i. The resolution approving the **Renewal of Alcohol Beverage Licenses** for the License Period July 1, 2013 through June 30, 2014, was adopted. File 8590
- j. The resolution approving a new **Class "B" Beer and "Class B" Liquor License** for Merrill and Houston's Steak Joint, LLC, located at 500 Pleasant Street, Jayme Braasch, new Agent, was adopted. File 8590
- k. The resolution approving a **Change of Agent** for the Cheese People of Beloit, LLC, located at 431 East Grand Avenue, from Lloyd Smith, to Jill DeLisle Smith, was adopted. File 8590
- l. The resolution approving a **Change of Agent** for La Casa Grande, Inc., located at 618 Fourth Street, from Ron Ross to Andrew Boros-Kazai, was adopted. File 8590

7. ORDINANCES – None

8. APPOINTMENTS – None

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor Van De Bogart said that he participated in the Memorial Day Parade honoring Veterans and attended a presentation of Zombie Prom at Beloit Memorial High School to raise money for a student trip to Scotland.
- Councilor Kincaid said that he attended the Memorial Day Parade for the first time and attended the Meals on Wheels open house.
- Councilor Luebke said that he attended the Todd School construction project groundbreaking and received a thank-you note from the students.
- Councilor Leavy thanked Chief Jacobs, the Beloit Police Department, and the Council for their work in achieving 100 percent compliance during the recent Class A Liquor License compliance checks.

10. CITY MANAGER'S PRESENTATION

- a. Parks and Leisure Services Director Brian Ramsey and Recreation Supervisory Spencer Waite presented the Parks and Recreation Division's **Summer Activities**. Mr. Ramsey provided information to the Council and the public regarding the existing parks. Mr. Waite presented information about the summer programs and activities at the various parks and facilities for children, adults, families, and seniors. Councilor Luebke encouraged the public to attend the

Dancing at Harry's Place event that night and thanked Mr. Waite for revitalizing the Beloit Triathlon.

11. REPORTS FROM BOARD AND CITY OFFICERS

- a. Public Works Director Greg Boysen presented a resolution amending the **2013 Operating Budget** for Focus on Energy Grant and authorizing the Transfer of Funds from the General Fund Contingency Reserve Account. Mr. Boysen said that the City has received a grant from Focus on Energy for a portion of the cost of the biomass heating project and that this resolution provides the other \$29,800 to cover the balance of the project. He said that the return on investment may be less than two years and the furnaces have a 20-year life expectancy. Councilor Spreitzer asked if we are comfortable spending this money from the contingency account, and Mr. Boysen responded that the funds have been evaluated by Finance, Public Works, and the City Manager's office. Councilor Van De Bogart asked if burning wood releases more carbon into the air, and Mr. Boysen said that wood waste will decompose into its elements and is more environmentally friendly. Councilor De Forest made a motion to adopt the resolution, and Councilor Spreitzer seconded. The motion carried 7-0. File 8570/5303
- b. City Manager Larry Arft presented a resolution adopting the **2014 City of Beloit Strategic Plan**. Mr. Arft discussed the process by which the document was created and reviewed by the City Council in a day-long workshop. Councilor Haynes said that the Councilors did a lot of work and that the plan is great. He also said that the City should start thinking about bringing something new to the table during the next strategic planning process. Councilor Van De Bogart said that the plan is not a spending plan and that the items in the plan will not necessarily be funded in 2014. Councilor Luebke made a motion to adopt the resolution, and Councilor Van De Bogart seconded. The motion carried 7-0. File 8595
- c. Water Resources Director Harry Mathos presented a resolution approving the **Compliance Maintenance Annual Report** for 2012. He said that the final score for the Wastewater Treatment facility was 3.71 out of 4 possible points. He said that the cause of both deficiencies could be explained and that he is confident that the 2013 score will be a 4. Councilor De Forest asked about future planning for phosphorous removal, and Mr. Mathos said that staff is working with a consultant to develop a compliance schedule to meet the future lower phosphorous limits. Councilor Luebke made a motion to adopt the resolution, and Councilor De Forest seconded. The motion carried 7-0. File 5303

12. At 8:16 p.m., Councilor Leavy made a motion to adjourn the meeting, and Councilor Spreitzer seconded. The motion carried 7-0.

Rebecca Houseman LeMire, City Clerk

www.ci.beloit.wi.us

Date approved by Council:

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Review and consideration of the Parks, Open Space & Recreation Plan, 2012 - 2016

Date: June 17, 2013

Presenter(s): Brian Ramsey

Department: Public Works - Parks & Leisure Services

Overview/Background Information:

The City of Beloit has adopted a variety of Parks and Open Space Plans over the years, the most recent document for the time period of 2006-2010. The new plan, the 2012 – 2016 Parks, Open Space & Recreation Plan, also includes a focus on recreation or leisure services. This plan also includes marketing and administrative recommendations.

Key Issues (maximum of 5):

- The plan includes an analysis of community demographics, includes population characteristics and the history of the Parks and Leisure Services Division.
- This plan also identifies Community Needs and includes Administrative, Park & Facility, and Recreation Program goals.
- An inventory of all of the City Parks is included in the plan along with recommendations for improvements to the parks.
- A link to the plan is available on the City's homepage.

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 and #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** – 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:

- Referral to the Plan Commission for the June 19, 2013 meeting
- This item will most likely return to the City Council for possible action on July 1, 2013

Fiscal Note/Budget Impact: N/A

Attachments: A link to the plan can be found on the City's homepage.

**RESOLUTION APPROVING CLASS "B" BEER AND
"CLASS B" LIQUOR LICENSE**

WHEREAS, an application has been received for a Class "B" Beer and "Class B" Liquor License for Fraternal Order of Eagles #557, d/b/a Beloit Eagles Club, located at 302 State Street; and

WHEREAS, the Alcohol Beverage License Control Committee recommends approval of this Class "B" Beer and "Class B" Liquor License.

NOW, THEREFORE, BE IT RESOLVED, that the Class "B" Beer and "Class B" Liquor License for Fraternal Order of Eagles #557, d/b/a Beloit Eagles Club, located at 302 State Street, Ronald Minnick, Agent, is hereby approved.

Dated this 17th day of June 2013.

Charles M. Haynes, City Council President

ATTEST:

Rebecca Houseman LeMire, City Clerk



**ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE
RECOMMENDATION**

TO: Beloit City Council

FROM: Alcohol Beverage License Control Committee

DATE: June 11, 2013

SUBJECT: Renewal Alcohol License for Eagles Club, 302 State St.

The Alcohol Beverage License Control Committee recommends the Beloit City Council approve the application of Fraternal Order of Eagles #557, d/b/a Eagles Club, for renewal of Class "B" Beer and "Class B" Liquor and Change of Agent to Ronald Minnick.

Motion carried 4-0

Rebecca Houseman LeMire
City Clerk

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 07 01 2013 ending: 06 30 2014
(MM DD YYYY) (MM DD YYYY)

TO THE GOVERNING BODY of the: Town of Village of City of Beloit
 County of Rock Aldermanic Dist. No. _____ (if required by ordinance)

CHECK ONE Individual Partnership Limited Liability Company
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:
 Full Name(s) (Last, First and Middle Name) Home Address Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company Fraternal Order of Eagles #557
 Address of Corporation/Limited Liability Company (if different from licensed premises) _____

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	<u>NATE HOPPER</u>	<u>1310 CLARY</u>	<u>Beloit</u>
Vice President/Member	<u>DENNIS KEENEY</u>	<u>817 BUFF</u>	<u>Beloit</u>
Secretary/Member	<u>ERK HOPPER</u>	<u>MARY ST</u>	<u>JANESVILLE</u>
Treasurer/Member	<u>RON MINNICK</u>	<u>1944 COTTAGE</u>	<u>Beloit, Wisc</u>
Agent	<u>HOWARD MINNICK</u>	<u>1944 COTTAGE</u>	<u>Beloit, WI</u>
Directors/Managers	<u>TRUSTEES</u>		

C. 1. Trade Name BELOIT EAGLES CLUB Business Phone Number 608 364 0077
 2. Address of Premises 302 STATE ST Post Office & Zip Code Beloit Wisc 53511

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No
4. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) 2 STORY BUILDING WITH UPPER - LOWER
5. Legal description (omit if street address is given above): Bar, Social Room, Banquet room, Storage
6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side Yes No
- b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side Yes No
7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain. Change of Agent + Officer positions Yes No
8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain. Yes No
9. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown under Section A or B above? [phone (608) 266-2776] Yes No
10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? Yes No
11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)

SUBSCRIBED AND SWORN TO BEFORE ME

this 24 day of May, 20 13
[Signature]
(Clerk/Notary Public)
 My commission expires 9-22-13

[Signature] Head Trustee
[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)
[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)
[Signature]
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

Applicant's Wisconsin Seller's Permit Number:	<u>456-000527780-02</u>
Federal Employer Identification Number (FEIN):	<u>39-0254080</u>
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>100</u>
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input checked="" type="checkbox"/> Class B liquor	\$ <u>500</u>
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ <u>25.50</u>
TOTAL FEE	\$ <u>650</u> <u>PL</u> <u>5/24/13</u>

Date received and filed with municipal clerk	Date reported to council/board	Date license granted
<u>5-24-13</u>		
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village City of BELoit County of Rosc

The undersigned duly authorized officer(s)/members/managers of Fraternal order of Eagles
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Fraternal order of Eagles
(trade name)
302 State St.

located at _____
appoints Ronald Minnick
(name of appointed agent)
1944 Cottage Beloit Wis.
(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 18yr

Place of residence last year 1944 Cottage

For: Fraternal Order of Eagles
(name of corporation/organization/limited liability company)

By: R Paul
(signature of Officer/Member/Manager)

And: _____
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, RONALD Paul MINNICK, hereby accept this appointment as agent for the
(print/type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Ronald Minnick 5-24-13 Agent's age _____
(signature of agent) (date)

1944 Cottage Ave Beloit WI 53511 Date of birth _____
(home address of agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(date) (signature of proper local official) (town chair, village president, police chief)

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name) <u>MINNICK</u>		(first name) <u>RONALD</u>	(middle name) <u>Paul</u>	
Home Address (street/route) <u>1944 Cottage Ave</u>		Post Office	City <u>Bebit</u>	State <u>WI</u> Zip Code <u>53511</u>
Home Phone Number <u>608-295-5872</u>		Age	Date of Birth	Place of Birth <u>Rockford</u>

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- _____ of _____
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 18 yrs
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. _____
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. _____
(Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name <u>Retired/DIS.</u>	Employer's Address	Employed From <u>Year 2000</u>	To
Employer's Name	Employer's Address	Employed From	To

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 24 day of May, 2008

[Signature]
(Clerk/Notary Public)

[Signature]
(Signature of Named Individual)

My commission expires 9-22-13



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Wisconsin Department of Revenue

**RESOLUTION APPROVING CHANGE OF AGENT
ALCOHOL BEVERAGE LICENSE**

WHEREAS, the agent of record for Rockford Pizza, LLC, d/b/a Pizza Hut, located at 2787 Prairie Avenue, is Ryan Bennett; and

WHEREAS, Rockford Pizza, LLC, d/b/a Pizza Hut, has requested and the Alcohol Beverage License Control Committee has recommended that the agent be changed to Juan Mendoza Ochoa.

NOW, THEREFORE, IT IS RESOLVED that the new agent for Rockford Pizza, LLC, d/b/a Pizza Hut, located at 2787 Prairie Avenue, is Juan Mendoza Ochoa

Dated this 17th day of June 2013.

Charles M. Haynes, President
Beloit City Council

Attest:

Rebecca Houseman LeMire, City Clerk



**ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE
RECOMMENDATION**

TO: Beloit City Council
FROM: Alcohol Beverage License Control Committee
DATE: June 11, 2013
SUBJECT: **Pizza Hut, 2787 Prairie Avenue**

The Alcohol Beverage License Control Committee recommends the Beloit City Council approve the Change of Agent at Rockford Pizza, LLC d/b/a Pizza Hut, to Juan Mendoza-Ochoa for license period beginning July 1, 2013.

Motion carried 4-0

Rebecca Houseman LeMire
City Clerk

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village City of Beloit County of Rock

The undersigned duly authorized officer(s)/members/managers of Rockford Pizza, LLC
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Pizza Hut
(trade name)

located at 2787 Prairie Avenue / Beloit, WI 53511

appoints Juan Mendoza Ochoa
(name of appointed agent)
1527 Tamarack Lane, Janesville, WI 53545
(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 21 years

Place of residence last year 1527 Tamarack Lane, Janesville, WI 53545

For: Rockford Pizza, LLC
(name of corporation/organization/limited liability company)

By: *Robert D. Miller, President*
(signature of Officer/Member/Manager)

And: *Agust T. Miller*
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Juan Mendoza Ochoa, hereby accept this appointment as agent for the
(print/type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Juan Mendoza Ochoa Agent's age _____
(signature of agent) (date) _____
1527 Tamarack Lane, Janesville, WI 53545 Date of birth _____
(home address of agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(date) (signature of proper local official) (town chair, village president, police chief)

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
MENDOZA OCHOA		JUAN			
Home Address (street/route)	Post Office	City	State	Zip Code	
1527 TAMARACK LANE	JANESVILLE	JANESVILLE	WI	53545	
Home Phone Number	Age	Date of Birth	Place of Birth		
608-449-3016			Santa Barbara, CA		

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- Agent of Rockford Pizza LLC
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 21 years
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify. (Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)

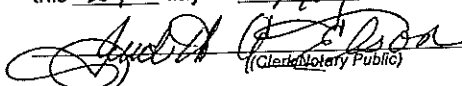
6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Holiday Inn Express	3100 Wellington Place	06/01/2005	09/01/2005

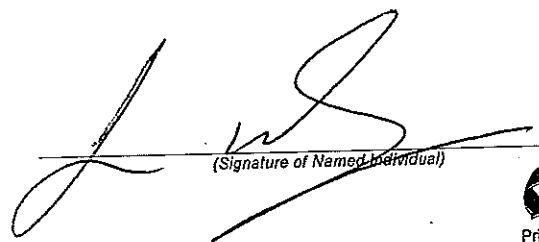
The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 24 day of May, 20 13


(Clerk/Notary Public)

My commission expires 9-22-13


(Signature of Named Individual)



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Wisconsin Department of Revenue

**RESOLUTION APPROVING CHANGE OF AGENT
ALCOHOL BEVERAGE LICENSE**

WHEREAS, the Agent of record for Domenico's Pizza & Restaurant, Inc., d/b/a Domenico's, located at 547 East Grand Avenue, is Cindy Ross; and

WHEREAS, Domenico's Pizza & Restaurant, Inc., d/b/a Domenico's has requested and the Alcohol Beverage License Control Committee has recommended that the agent be changed to Nathan D. Lipps.

NOW, THEREFORE, IT IS RESOLVED that the new agent for Domenico's Pizza & Restaurant, Inc., d/b/a Domenico's, located at 547 East Grand Avenue, is Nathan D. Lipps

Dated this 17th day of June 2013.

Charles M. Haynes, President
Beloit City Council

Attest:

Rebecca Houseman LeMire, City Clerk



**ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE
RECOMMENDATION**

TO: Beloit City Council

FROM: Alcohol Beverage License Control Committee

DATE: June 11, 2013

SUBJECT: Domenico's Pizza & Restaurant, Inc., 547 East Grand Ave.

The Alcohol Beverage License Control Committee recommends the Beloit City Council approve the Change of Agent at Domenico's to Nathan D. Lipps for license period beginning July 1, 2013.

Motion carried 4-0

Rebecca Houseman LeMire
City Clerk

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village City of Beloit County of Rock

The undersigned duly authorized officer(s)/members/managers of Domenicos Pizza & Restaurant, Inc.
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Domenicos Italian Ristorante
(trade name)

located at 547 E Grand Avenue Beloit, WI 53511

appoints Nathan Daniel Lipp
(name of appointed agent)

1105 Emerson St
(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 30 months

Place of residence last year 1105 Emerson St

For: Domenicos Pizza and Restaurant, Inc.
(name of corporation/organization/limited liability company)

By: [Signature]
(signature of Officer/Member/Manager)

And: _____
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Nathan Daniel Lipp, hereby accept this appointment as agent for the
(print/type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Nathan Lipp 4.28.13 Agent's age _____
(signature of agent) (date)
1105 Emerson St Beloit WI 53511 Date of birth _____
(home address of agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(date) (signature of proper local official) (town chair, village president, police chief)

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Lipps		Nathan		Daniel	
Home Address (street/route)		Post Office	City	State	Zip Code
1105 Emerson St		City of Beloit	Beloit	WI	53511
Home Phone Number		Age	Date of Birth	Place of Birth	
608 774 0062				Rochester, MN	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- Agent of Domenicos Pizzas, Restaurant Inc.
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 3 years
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)

3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending.

4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify. Domenicos Pizza and Restaurant Inc.
(Name, Location and Type of License/Permit)

5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify. 547 E Grand Beloit, WI (Rock)
(Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name <u>Domenicos</u>	Employer's Address <u>547 E Grand Ave</u>	Employed From <u>2009</u>	To <u>2013</u>
Employer's Name <u>Subway Restaurants</u>	Employer's Address <u>Kasson, MN</u>	Employed From <u>2001</u>	To <u>2009</u>

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 29th day of April, 2013
Jelena J. Ahrens
(Clerk/Notary Public)

Nathan Lipps
(Signature of Named Individual)

My commission expires 10-11-15



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Recycled Paper

Wisconsin Department of Revenue

RESOLUTION
AUTHORIZING THE CITY MANAGER TO APPLY FOR THE
NATIONAL CLEAN DIESEL GRANT
THROUGH THE LEONARDO ACADEMY THAT PROVIDES FOR THE
REDUCTION OF DIESEL EMISSION AND FUEL CONSUMPTION

WHEREAS, the Beloit City Council supports the development of cost saving innovation applications in renewable energy technology within the City of Beloit; and

WHEREAS, the Leonardo Academy is accepting grant applications that address the reduction of diesel emission and fuel consumption within city governments to be of mutual benefit; and

WHEREAS, the city has four plow trucks due for replacement; and

WHEREAS, the maximum grant amount is \$157,373.00 to offset the total replacement cost; and

WHEREAS, to maximize the emission reduction benefits of this opportunity, vehicles that perform a majority of their service within a two (2) mile radius of an interstate exit are strongly recommended to apply.

IT IS, THEREFORE, RESOLVED that the City Council of the City of Beloit, Rock County, Wisconsin, does hereby authorized the City Manager, or his designee, to apply for grants from the National Clean Diesel Funding Assistance through the Leonardo Academy that reduce diesel emission and fuel consumption.

Adopted this 17th day of June 2013.

City Council of the City of Beloit

Charles M. Haynes, Council President

Attest:

Rebecca Houseman LeMire, City Clerk

CITY OF БЕЛОIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Permission to apply for the National Clean Diesel Funding Assistance through the Leonardo Academy

Date: June 17, 2013

Presenter(s): Greg Boysen

Department(s): Public Works/Operations

Overview/Background Information:

The Leonardo Academy and the Wisconsin State Energy Office requested that the City of Beloit apply for the 2013 National Clean Diesel Funding Assistance Program. The city currently has four 2001 single axel plow trucks due for replacement that are eligible for this funding. The program supports the mission of the city's fleet program to accelerate the reduction of diesel emissions and improve fuel consumption.

Key Issues (maximum of 5):

1. The National Clean Diesel Funding Assistance Program eligible project types include replacement of 1996-2003 medium and heavy duty trucks.
2. The city has four 2001 plow trucks due for replacement.
3. The funding assistance program will cover up to 25% for vehicle replacement.
4. Priority funding is given to communities within two (2) miles of an interstate for maximum benefits.
5. The amount of the grant could be as much as \$157,373.00.

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-friendly municipality, focus on the sustainable stewardship of City resources, services and infrastructure; to protect both our built and natural environment and enhance the quality of life for current and future generations.
 - The opportunity to apply for the National Clean Diesel Funding Assistance Program allows fleet to focus on sustainable stewardship during the vehicle replacement process.

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
This assistance program will reduce our diesel emission and fuel consumption.
- Reduce dependence on chemicals and other manufacturing substances that accumulate in nature
This type of project has positive effect on our environment because it reduces our carbon footprint.
- Reduce dependence on activities that harm life sustaining eco-systems
The program will reduce the use of fossil fuels and diesel emission
- Meet the hierarchy of present and future human needs fairly and efficiently.
Reducing diesel emissions and fuel consumption promotes the sustainable use of natural resources.

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:

Staff recommends that the Council vote in favor of authorizing the City Manager to proceed with the grant application to the Leonardo Academy for the National Clean Diesel Assistance Program.

Fiscal Note/Budget Impact:

The city currently has four plow trucks due for replacement. Funding will reduce the overall cost.

RESOLUTION AUTHORIZING THE CITY OF БЕЛОIT TO APPLY FOR AND ENTER INTO A GRANT AGREEMENT FOR THE EDWARD BYRNE MEMORIAL LOCAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FY 2013 AND PARTNER WITH ROCK COUNTY THROUGH A REGIONAL MEMORANDUM OF UNDERSTANDING

WHEREAS, the City of Beloit is eligible for a local JAG grant to support local law enforcement programs against violent and persistent offenders; and

WHEREAS, the City of Beloit intends to use these funds to purchase equipment that will assist officers during crime investigations in the community; and

WHEREAS, the City of Beloit intends to use these funds to fund overtime expenses related to gun related crimes in the community; and

WHEREAS, the Beloit Police Department is required by the grantees to form a partnership with local jurisdictions not receiving funds; and

WHEREAS, the Rock County Sheriff's Department will administer the grant as part of the agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beloit authorizes the Beloit Police Department to pursue an Edward Byrne Memorial Local Justice Assistance Grant FY 2013, providing temporary funding to support the overtime needs related to gun related crime investigations and the purchase of equipment to assist officers during crime investigations.

BE IT FURTHER RESOLVED that the City Manager of the City of Beloit is hereby authorized to execute the attached grant agreement and is further authorized to execute such grant agreements in the future, provided they remain substantially unchanged, except for technical modifications and clarifications.

Adopted this 17th day of June, 2013.

City Council of the City of Beloit

Charles M. Haynes, President

Attest:

Rebecca Houseman LeMire, City Clerk
tdh/res/JAG Grant 2013=res=130607 1648 (cln) (13-1143)

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Resolution authorizing the police to apply for an Edward Byrne Memorial Justice Assistance (JAG FY 2013) grant and the City Manager to enter into a memorandum of understanding with Rock County to administer the grant.

Date: June 17, 2013

Presenter(s): William Tyler

Department(s): Police

Overview/Background Information:

Rock County law enforcement was recently notified of our eligibility for a non-competitive grant totaling \$38,310.00. The grant itself is for law enforcement programs related to enhancing law enforcement programs. The grant requires a normal memorandum of understanding between cooperating jurisdictions. Rock County did not receive grant money this year, but is willing to administer the grant for a share, as they have done so in past years. JAG legislation requires counties to remain a partner with local jurisdictions receiving funds and must be a signatory on a required memorandum of understanding. Beloit police and Janesville police are willing to share 15% of the grant for the year 2013 and 20% of the grant for the years 2014 & 2015 with the Rock County Sheriff's Department for its said administration. Beloit's share will be \$16,000 over the three-year grant period.

Key Issues (maximum of 5):

1. The grant is annual and non-competitive based on a local jurisdiction's crime reporting.
 2. The grant requires cooperation between the local municipality and county.
 3. The grant will provide funding for overtime for gun related crime investigations and equipment to assist officers while conducting crime investigations.
-

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

This grant conforms to the following goals:

1. Proactively partner with individuals and businesses to promote a safe and healthy community, minimize personal injury, prevent loss of life, and protect property and natural resources.
 2. Communicate and partner with other jurisdictions and organizations to coordinate effective and efficient service delivery and stimulate regional prosperity.
-

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
-

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:

Consent agenda. Approval of a resolution authorizing the Beloit Police Department to apply for a JAG FY 2013 grant and authorize the City Manager to enter into a MOU with Rock County.

Fiscal Note/Budget Impact:

There will be no financial impact to the general fund. No matching funds are required.

THE STATE OF WISCONSIN

KNOW ALL BY THESE PRESENT

COUNTY OF ROCK

INTERLOCAL AGREEMENT BETWEEN THE CITY OF БЕЛОIT,
WISCONSIN, THE CITY OF JANESVILLE, WISCONSIN
AND COUNTY OF ROCK, WISCONSIN

2013 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD (\$38,310)

This Agreement is made and entered into this ____ day of _____, 2013, by and between the County of Rock, acting by and through its governing body, the Rock County Board of Supervisors, hereinafter referred to as COUNTY, the City of Beloit, acting by and through its governing body, the City Council, hereinafter referred to as БЕЛОIT, and the City of Janesville, acting through its governing body, the City Council, hereinafter referred to as JANESVILLE, all of Rock County, State of Wisconsin.

WITNESSETH:

WHEREAS, this Agreement is made under the authority of Section 66.0301, Wis. Stats.; and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Agreement; and

WHEREAS, the COUNTY agrees to provide БЕЛОIT \$16,000 from the JAG award for the Crime Prevention/Equipment Procurement Program; and

WHEREAS, the COUNTY agrees to provide JANESVILLE \$16,500 from the JAG award for the Crime Prevention/Equipment Procurement Program; and

WHEREAS, БЕЛОIT, JANESVILLE, and the COUNTY believe it to be in their best interests to reallocate the JAG funds.

NOW, THEREFORE, the COUNTY, BELOIT and JANESVILLE agree as follows:

Section 1:

COUNTY agrees to pay BELOIT a total of \$16,000 of JAG funds. Payments will be made quarterly upon receipt of required program data and financial data.

COUNTY agrees to pay JANESVILLE a total of \$16,500 of JAG funds.

Section 2:

COUNTY agrees to use \$5,810 for the Crime Prevention/Equipment Procurement Program and its administration until the funds are exhausted.

Section 3:

BELOIT and JANESVILLE agree to provide COUNTY with program data and financial data required for reporting purposes by the last business day of each quarter until their programs are complete.

Section 4:

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Wisconsin Tort Claims Act.

Section 5:

Nothing in the performance of this Agreement shall impose any liability for claims against BELOIT other than claims for which liability may be imposed by the Wisconsin Tort Claims Act.

Section 6:

Nothing in the performance of this Agreement shall impose any liability for claims against JANESVILLE other than claims for which liability may be imposed by the Wisconsin Tort Act.

Section 7:

All parties to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other parties.

Section 8:

The parties to this Agreement do not intend for any other party to obtain a right by virtue of this Agreement.

Section 9:

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY OF BELOIT, WISCONSIN

CITY OF JANESVILLE, WISCONSIN

City Manager

City Manager

ATTEST:

ATTEST:

City Clerk

City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

City Attorney

City Attorney

COUNTY OF ROCK, WISCONSIN

J. Russell Podzilni, County Board Chair

ATTEST:

County Clerk

APPROVED AS TO FORM:

Corporation Counsel

June 17, 2013

**APPOINTMENT REVIEW COMMITTEE
REPORT TO CITY COUNCIL
APPOINTMENT RECOMMENDATION**

The undersigned Charles M. Haynes, duly elected President of the Beloit City Council, subject to confirmation by the Beloit City Council, does hereby appoint the following citizen members to the vacancies and terms indicated below, said appointments being pursuant to nominations made and approved by the Appointment Review Committee at the regular meeting held June 10, 2013:

Charles M. Haynes, President
Beloit City Council

Appointments

Alcohol Beverage License Control Committee

Ralph Berkley, 1010 Partridge Ave., for a term ending June 30, 2015

Board of Appeals

John R. Schroer, 2700 Fawn Ct. (replacing Robert Zibert) for a term ending May 31, 2016

James Wise, 844 Lincoln Ave. as an Alternate, for a term ending May 31, 2014

Equal Opportunities and Human Relations Commission

Incumbent **Matthew Finnegan** for a term ending June 30, 2016

Incumbent **Ricardo A. Valdez** for a term ending June 30, 2016

Municipal Library Board

Lori Dotson, 2650 Sharon Drive (replacing Lisa McKeve) for a term ending June 30, 2016

Incumbent **Samantha Johnson** for a term ending June 30, 2016

Incumbent **Barbara A. Milsap-Morrow** for a term ending June 30, 2016

PLEASE ANNOUNCE THE FOLLOWING VACANCIES

Alcohol Beverage License Control Committee (1 vacancy for resident)

Appointment Review Committee (2 vacancies for residents)

Board of Appeals (1 vacancy [Alternate] for resident)

Board of Ethics (1 vacancy for former City Councilor, 3 vacancies for residents)

Board of Review (1 vacancy [Alternate] for resident)

Business Improvement District (1 vacancy [Owner Occupant])

Community Development Authority (1 vacancy for Public Housing resident)

Equal Opportunities & Human Relations Commission (2 vacancies for residents)

Municipal Golf Committee (1 vacancy for youth representative)

Park, Recreation & Conservation Advisory Commission (1 vacancy for youth)

Plan Commission (2 vacancies for residents)

Traffic Review Committee (1 vacancy for resident)

**RESOLUTION APPROVING
THE CITY'S OFFER TO PURCHASE 150 DEPOT STREET
AND AUTHORIZING EXECUTION OF SAME**

WHEREAS, the City has acquired most of the land on the south side of Shirland Avenue between the river and the Subway restaurant; and

WHEREAS, those acquisitions included the prior Country Store West store/gas station, the railroad right of way and the Granary building; and

WHEREAS, structures remaining on the properties have been removed and the City needs to cap the site, particularly the gas station site; and

WHEREAS, 150 Depot Street is a vacant lot directly behind the prior Country Store West store/gas station site; and

WHEREAS, the owner of 150 Depot Street has indicated an interest in selling the vacant lot to the City for \$1,000; and

WHEREAS, acquisition of 150 Depot Street will tend to resolve drainage issues that could occur from capping the site.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beloit, Rock County, Wisconsin, hereby approves the City's attached Vacant Land Offer to Purchase 150 Depot Street from Grafft Investments, which said offer provides for a purchase price of \$1,000 and for the City to pay all normal closing costs.

BE IT FURTHER RESOLVED that the City Manager of the City of Beloit be, and he is hereby, authorized to execute the Vacant Land Offer to Purchase on behalf of the City of Beloit, as buyer, and to execute any other documents necessary to carry out the terms and conditions of the offer.

Adopted this 17th day of June, 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: Resolution approving the City's Offer to Purchase 150 Depot Street and authorizing execution of same.

Date: June 17, 2013

Presenter(s): Thomas R. Casper

Department(s): City Attorney

Overview/Background Information:

In recent years, the City has acquired most of the land on the south side of Shirland Avenue between the Rock River and the Subway restaurant. Those City acquisitions included the prior Country Store West store/gas station, the railroad right of way and the Granary building. Structures remaining on the properties have been removed and the City needs to cap the site, particularly the gas station site. 150 Depot Street is shown on the attached map and is a small lot directly behind the prior Country Store West store/gas station site. The owner of 150 Depot Street has indicated an interest in selling this vacant lot to the City for \$1,000. Acquisition of this lot will tend to resolve drainage issues that could occur from the capping if the City was not able to include 150 Depot Street in the project.

Key Issues (maximum of 5):

1. 150 Depot Street is a 2,510 square foot lot zoned CBD-2, Central Business District – Fringe. It is located directly behind the vacant lot where the Country Store West was located before it was demolished.
2. The City will obtain outright ownership of 150 Depot Street. Future plans for this site are to restore it to green space along with the 202 Shirland Avenue, the former location of the Country Store West. Ultimately, this could become part of the park complex for that area of Beloit and South Beloit generally referred to as "the Confluence."
3. The current assessment for 150 Depot Street is \$1,000. The City is proposing to pay \$1,000 plus normal closing costs.
4. The Plan Commission met on June 5, 2013 and voted 5-0 to recommend approval of the purchase of 150 Depot Street.

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.

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

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:

City Council consideration of the resolution authorizing the purchase of 150 Depot Street. Plan Commission and City staff recommend approval.

The City will expend approximately \$1,200 for the acquisition.

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: June 5, 2013

Agenda Item: 9

File Number: RPB-2013-08

Applicant: City of Beloit

Owner: James Grafft
Grafft Investments

Location: 150 Depot Street

Request Overview/Background Information:

In recent years the City has acquired most of the land on the south side of Shirland Avenue between the river and the Subway restaurant. Those City acquisitions included the prior Country Store West store/gas station, the railroad right of way and the Granary building. Structures remaining on the properties have been removed and the City needs to cap the site, particularly the gas station site. 150 Depot Street is shown on the attached map and is a small lot directly behind the prior Country Store West store/gas station site. The owner of 150 Depot Street has indicated an interest in selling this vacant lot to the City for \$1,000. Acquisition of this lot will tend to resolve drainage issues that could occur from the capping if the City was not able to include 150 Depot Street in the project.

Key Issues:

1. 150 Depot Street is a 2,510 square foot lot zoned CBD-2, Central Business District – Fringe. It is located directly behind the vacant lot where the Country Store West was located before it was demolished.
 2. The City will obtain outright ownership of 150 Depot Street. Future plans for this site are to restore it to green space along with the 202 Shirland Avenue, the former location of the Country Store West. Ultimately, this could become part of the park complex for that area of Beloit and South Beloit generally referred to as “the Confluence.”
 3. The current assessment for 150 Depot Street is \$1,000. The City is proposing to pay \$1,000 plus normal closing costs.
-

Consistency with Comprehensive Plan and Strategic Plan:

The City's Comprehensive Plan recommends Downtown uses for the subject property, and the CBD-2 zoning district classification is consistent with this recommendation.

Consideration of this request supports City of Beloit 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 purchase of 150 Depot Street.

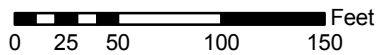
Fiscal Note/Budget Impact: N/A

Attachments: Location & Zoning Map and Offer to Purchase

Location & Zoning Map

150 Depot Street

RPB-2013-08



Legend

- Parcels
- Zoning District

Map prepared by: Julie Christensen

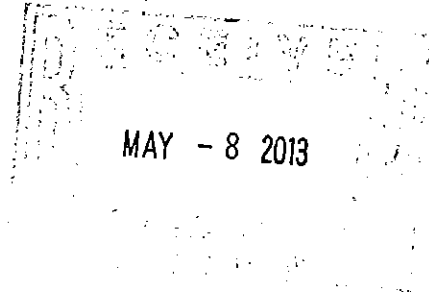
Date: May 2013

For: City of Beloit Planning & Building Services

Date of Aerial Photography: April 2011

PLANNING & BUILDING SERVICES DIVISION

James
Grafft



May 6, 2013

Michael F. Flesch, P.E.
Department of Public Works
2400 Springbrook Court
Beloit, WI 53511

Reference: 150 Depot Street

Dear Mr. Flesch,

Please find enclosed the signed copy of the vacant land offer to purchase. Please keep me advised on any developments.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Grafft", written in black ink.

James Grafft

3723 EDGEWOOD DRIVE JANESVILLE, WI 53545

608-752-6630 (HOME) 608-752-9441 (OFFICE) 608-752-3528 (FAX)

WB-13 VACANT LAND OFFER TO PURCHASE

1 **BROKER DRAFTING THIS OFFER ON** 4/25/2013 [DATE] IS XXXXXXXXXXXXXXXX (AGENT OF BUYER) XXXXXXXXXXXX **[STRIKE TWO]**
2 **[GENERAL PROVISIONS]** The Buyer, The City of Beloit
3 offers to purchase the Property known as [Street Address] 150 Depot St, Tax Parcel 1354-0015
4 in the City of Beloit, County of Rock
5 Wisconsin, (Insert additional description, if any, at lines 179 - 187 or attach as an addendum, line 188), on the following terms:
6 ■ **PURCHASE PRICE:** One Thousand Dollars and Zero cents Dollars (\$ 1,000.00)
7
8 ■ **EARNEST MONEY** of \$ N/A accompanies this Offer and earnest money of \$ N/A
9 will be paid within _____ days of acceptance.
10 ■ **THE BALANCE OF PURCHASE PRICE** will be paid in cash or equivalent at closing unless otherwise provided below.
11 ■ **ADDITIONAL ITEMS INCLUDED IN PURCHASE PRICE:** Seller shall include in the purchase price and transfer, free and clear of
12 encumbrances, all fixtures, as defined at lines 15 - 18 and as may be on the Property on the date of this Offer, unless excluded at line 14,
13 and the following additional items: N/A
14 ■ **ITEMS NOT INCLUDED IN THE PURCHASE PRICE:** N/A
15 A "Fixture" is defined as an item of property which is physically attached to or so closely associated with land so as to be treated as part
16 of the real estate, including, without limitation, physically attached items not easily removable without damage to the Property, items
17 specifically adapted to the Property, and items customarily treated as fixtures including but not limited to all: perennial crops; garden
18 bulbs; plants; shrubs and trees. CAUTION: Annual crops are not included in the purchase price unless otherwise agreed at line 13.
19 ■ **ZONING:** Seller represents that the Property is zoned CBD-2
20 **[ACCEPTANCE]** Acceptance occurs when all Buyers and Sellers have signed an identical copy of the Offer, including signatures on
21 separate but identical copies of the Offer. CAUTION: Deadlines in the Offer are commonly calculated from acceptance. Consider
22 whether short term deadlines running from acceptance provide adequate time for both binding acceptance and performance.
23 **[BINDING ACCEPTANCE]** This Offer is binding upon both Parties only if a copy of the accepted Offer is delivered to Buyer on or
24 before June 7, 2013. CAUTION: This Offer may be withdrawn prior to delivery of the accepted Offer.
25 **[DELIVERY OF DOCUMENTS AND WRITTEN NOTICES]** Unless otherwise stated in this Offer, delivery of documents and written notices
26 to a Party shall be effective only when accomplished by one of the methods specified at lines 27 - 36.
27 (1) By depositing the document or written notice postage or fees prepaid in the U.S. Mail or fees prepaid or charged to an account with
28 a commercial delivery service, addressed either to the Party, or to the Party's recipient for delivery designated at lines 30 or 32 (if any),
29 for delivery to the Party's delivery address at lines 31 or 33.
30 Seller's recipient for delivery (optional): Scott Schneider for City of Beloit
31 Seller's delivery address: 2400 Springbrook Court, Beloit, WI 53511
32 Buyer's recipient for delivery (optional): Grafft Investments
33 Buyer's delivery address: PO Box 8468 Janesville, WI 53547
34 (2) By giving the document or written notice personally to the Party or the Party's recipient for delivery if an individual is designated at lines 30 or 32.
35 (3) By fax transmission of the document or written notice to the following telephone number:
36 Buyer: (XXXXXXXXXX) XXXXXXXXXXXXXXXXXXXX Seller: (XXXXXXXXXX) XXXXXXXXXXXXXXXXXXXX
37 **[OCCUPANCY]** Occupancy of the entire Property shall be given to Buyer at time of closing unless otherwise provided in this Offer (lines
38 179 - 187 or in an addendum per line 188). Occupancy shall be given subject to tenant's rights, if any. Caution: Consider an agreement
39 which addresses responsibility for clearing the Property of personal property and debts, if applicable.
40 **[LEASED PROPERTY]** If Property is currently leased and lease(s) extend beyond closing, Seller shall assign Seller's rights under said
41 lease(s) and transfer all security deposits and prepaid rents thereunder to Buyer at closing. The terms of the (written) (oral) **[STRIKE ONE]**
42 lease(s), if any, are N/A
43 **[PLACE OF CLOSING]** This transaction is to be closed at the place designated by Buyer's mortgagee or Brabazon Title Co., Beloit, WI
44 no later than June 28, 2013 unless another date or place is agreed to in writing.
45 **[CLOSING PRORATIONS]** The following items shall be prorated at closing: real estate taxes, rents, private and municipal charges,
46 property owner's association assessments, fuel and N/A
47 Any income, taxes or expenses shall accrue to Seller, and be prorated, through the day prior to closing.
48 Net general real estate taxes shall be prorated based on (the net general real estate taxes for the current year, if known, otherwise on
49 the net general real estate taxes for the preceding year) (_____) **[STRIKE AND COMPLETE AS APPLICABLE]**
50 CAUTION: If proration on the basis of net general real estate taxes is not acceptable (for example, completed/pending
51 reassessment, changing mill rate, lottery credits), insert estimated annual tax or other formula for proration.
52 **[PROPERTY CONDITION PROVISIONS]**
53 ■ **PROPERTY CONDITION REPRESENTATIONS:** Seller represents to Buyer that as of the date of acceptance Seller has no notice
54 or knowledge of conditions affecting the Property or transaction (see below) other than those identified in Seller's Real Estate Condition
55 Report dated N/A, which was received by Buyer prior to Buyer signing this Offer and which is made a part of this Offer
56 by reference **[COMPLETE DATE OR STRIKE AS APPLICABLE]** and N/A
57
58 **[INSERT CONDITIONS NOT ALREADY INCLUDED IN THE CONDITION REPORT]**

59 A "condition affecting the Property or transaction" is defined as follows:

60 (a) planned or commenced public improvements which may result in special assessments or otherwise materially affect the Property
61 or the present use of the Property;

62 (b) completed or pending reassessment of the Property for property tax purposes;

63 (c) government agency or court order requiring repair, alteration or correction of any existing condition;

64 (d) any land division involving the subject Property, for which required state or local approvals had not been obtained;

65 (e) any portion of the Property being in a 100 year floodplain, a wetland or shoreland zoning area under local, state or federal laws;

66 (f) conditions constituting a significant health or safety hazard for occupants of Property;

67 (g) underground or aboveground storage tanks on the Property for storage of flammable or combustible liquids including but not limited to
68 gasoline and heating oil which are currently or which were previously located on the Property; *NOTE: Wis. Adm. Code, Chapter*
69 *Comm 10 contains registration and operation rules for such underground and aboveground storage tanks.*

70 (h) material violations of environmental laws or other laws or agreements regulating the use of the Property;

71 (i) high voltage electric (100 KV or greater) or steel natural gas transmission lines located on but not directly serving the Property;

72 (j) any portion of the Property being subject to, or in violation of, a Farmland Preservation Agreement under a County Farmland Preservation
73 Plan or enrolled in, or in violation of, a Forest Crop, Woodland Tax, Managed Forest, Conservation Reserve or comparable program;

74 (k) boundary disputes or material violation of fence laws (Wis. Stats. Chapter 90) which require the erection and maintenance of legal
75 fences between adjoining properties where one or both of the properties is used and occupied for farming or grazing purposes;

76 (l) wells on the Property required to be abandoned under state regulations (Wis. Adm. Code NR 112.26) but which are not abandoned;

77 (m) cisterns or septic tanks on the Property which are currently not servicing the Property;

78 (n) subsoil conditions which would significantly increase the cost of the development proposed at lines 271-272, if any, including, but not limited
79 to, subsurface foundations, organic or non-organic fill, dumpsites or containers on Property which contained or currently contain toxic or
80 hazardous materials, high groundwater, soil conditions (e.g. low load bearing capacity) or excessive rocks or rock formations on the Property;

81 (o) a lack of legal vehicular access to the Property from public roads;

82 (p) prior reimbursement for corrective action costs under the Agricultural Chemical Cleanup Program; (Wis. Stats. §94.73.)

83 (q) other conditions or occurrences which would significantly increase the cost of the development proposed at lines 271 to 272 or
84 reduce the value of the Property to a reasonable person with knowledge of the nature and scope of the condition or occurrence.

85 ■ **PROPERTY DIMENSIONS AND SURVEYS:** Buyer acknowledges that any land dimensions, total square footage/acreage figures,
86 or allocation of acreage information, provided to Buyer by Seller or by a broker, may be approximate because of rounding or other
87 reasons, unless verified by survey or other means. *CAUTION: Buyer should verify land dimensions, total square footage/acreage*
88 *figures or allocation of acreage information if material to Buyer's decision to purchase.*

89 ■ **ISSUES RELATED TO PROPERTY DEVELOPMENT:** WARNING: If Buyer contemplates developing Property for a use other than the
90 current use, there are a variety of issues which should be addressed to ensure the development or new use is feasible. Municipal and zoning
91 ordinances, recorded building and use restrictions, covenants and easements may prohibit certain improvements or uses and therefore should
92 be reviewed. Building permits, zoning variances, Architectural Control Committee approvals, estimates for utility hook-up expenses, special
93 assessments, charges for installation of roads or utilities, environmental audits, subsoil tests, or other development related fees may need
94 to be obtained or verified in order to determine the feasibility of development of, or a particular use for, a property. Optional contingencies
95 which allow Buyer to investigate certain of these issues can be found at lines 271 - 314 and Buyer may add contingencies as needed in
96 addenda (see line 188). Buyer should review any plans for development or use changes to determine what issues should be addressed
97 in these contingencies.

98 ■ **INSPECTIONS:** Seller agrees to allow Buyer's inspectors reasonable access to the Property upon reasonable notice if the inspections
99 are reasonably necessary to satisfy the contingencies in this Offer. Buyer agrees to promptly provide copies of all such inspection
100 reports to Seller, and to listing broker if Property is listed. Furthermore, Buyer agrees to promptly restore the Property to its original
101 condition after Buyer's inspections are completed, unless otherwise agreed in this Offer. An "inspection" is defined as an observation
102 of the Property which does not include testing of the Property, other than testing for leaking LP gas or natural gas used as a fuel source,
103 which are hereby authorized.

104 ■ **TESTING:** Except as otherwise provided, Seller's authorization for inspections does not authorize Buyer to conduct testing of the Property.
105 A "test" is defined as the taking of samples of materials such as soils, water, air or building materials from the Property and the laboratory
106 or other analysis of these materials. If Buyer requires testing, testing contingencies must be specifically provided for at lines 179 - 187 or
107 in an addendum per line 188. Note: Any contingency authorizing testing should specify the areas of the Property to be tested, the purpose
108 of the test, (e.g., to determine if environmental contamination is present), any limitations on Buyer's testing and any other material terms of
109 the contingency (e.g., Buyer's obligation to return the Property to its original condition). Seller acknowledges that certain inspections or tests
110 may detect environmental pollution which may be required to be reported to the Wisconsin Department of Natural Resources.

111 ■ **PRE-CLOSING INSPECTION:** At a reasonable time, pre-approved by Seller or Seller's agent, within 3 days before closing, Buyer shall
112 have the right to inspect the Property to determine that there has been no significant change in the condition of the Property, except for
113 changes approved by Buyer.

114 ■ **PROPERTY DAMAGE BETWEEN ACCEPTANCE AND CLOSING:** Seller shall maintain the Property until the earlier of closing or
115 occupancy of Buyer in materially the same condition as of the date of acceptance of this Offer, except for ordinary wear and tear. If, prior
116 to closing, the Property is damaged in an amount of not more than five percent (5%) of the selling price, Seller shall be obligated to repair
117 the Property and restore it to the same condition that it was on the day of this Offer. If the damage shall exceed such sum, Seller shall
118 promptly notify Buyer in writing of the damage and this Offer may be canceled at option of Buyer. Should Buyer elect to carry out this
119 Offer despite such damage, Buyer shall be entitled to the insurance proceeds relating to the damage to the Property, plus a credit towards
120 the purchase price equal to the amount of Seller's deductible on such policy. However, if this sale is financed by a land contract or a
121 mortgage to Seller, the insurance proceeds shall be held in trust for the sole purpose of restoring the Property.

122 ■ **FENCES** Wisconsin Statutes section 90.03 requires the owners of adjoining properties to keep and maintain legal fences in equal
123 shares where one or both of the properties is used and occupied for farming or grazing purposes. *CAUTION: Consider an agreement*
124 *addressing responsibility for fences if Property or adjoining land is used and occupied for farming or grazing purposes.*

125 ■ **DELIVERY/RECEIPT** Unless otherwise stated in this Offer, any signed document transmitted by facsimile machine (fax) shall be treated
126 in all manner and respects as an original document and the signature of any Party upon a document transmitted by fax shall be considered
127 an original signature. Personal delivery to, or actual receipt by, any named Buyer or Seller constitutes personal delivery to, or actual receipt
128 by Buyer or Seller. Once received, a notice cannot be withdrawn by the Party delivering the notice without the consent of the Party receiving
129 the notice. A Party may not unilaterally reinstate a contingency after a notice of a contingency waiver has been received by the other Party.
130 The delivery provisions in this Offer may be modified when appropriate (e.g., when mail delivery is not desirable (see lines 25 - 36)).
131 Buyer and Seller authorize the agents of Buyer and Seller to distribute copies of the Offer to Buyer's lender, appraisers, title insurance companies
132 and any other settlement service providers for the transaction as defined by the Real Estate Settlement Procedures Act (RESPA).

134 **TIME IS OF THE ESSENCE** "Time is of the Essence" as to: (1) earnest money payment(s); (2) binding acceptance; (3) occupancy; (4)
135 date of closing; (5) contingency deadlines **STRIKE AS APPLICABLE** and all other dates and deadlines in this Offer except:

136 _____ . If "Time is of the Essence"
137 applies to a date or deadline, failure to perform by the exact date or deadline is a breach of contract. If "Time is of the Essence" does
138 not apply to a date or deadline, then performance within a reasonable time of the date or deadline is allowed before a breach occurs.

139 **DATES AND DEADLINES** Deadlines expressed as a number of "days" from an event, such as acceptance, are calculated by excluding
140 the day the event occurred and by counting subsequent calendar days. The deadline expires at midnight on the last day. Deadlines
141 expressed as a specific number of "business days" exclude Saturdays, Sundays, any legal public holiday under Wisconsin or Federal
142 law, and other day designated by the President such that the postal service does not receive registered mail or make regular deliveries
143 on that day. Deadlines expressed as a specific number of "hours" from the occurrence of an event, such as receipt of a notice, are
144 calculated from the exact time of the event, and by counting 24 hours per calendar day. Deadlines expressed as a specific day of the
145 calendar year or as the day of a specific event, such as closing, expire at midnight of that day.

146 THE FINANCING CONTINGENCY PROVISIONS AT LINES 148 - 162 ARE A PART OF THIS OFFER IF LINE 148 IS MARKED,
147 SUCH AS WITH AN "X". THEY ARE NOT PART OF THIS OFFER IF LINE 148 IS MARKED N/A OR IS NOT MARKED.

148 **N/A** FINANCING CONTINGENCY: This Offer is contingent upon Buyer being able to obtain a
149 **INSERT LOAN PROGRAM OR SOURCE** first mortgage loan commitment as described below, within _____ days of acceptance of this
150 Offer. The financing selected shall be in an amount of not less than \$ _____ for a term of not less than _____ years,
151 amortized over not less than _____ years. Initial monthly payments of principal and interest shall not exceed \$ _____ .
152 Monthly payments may also include 1/12th of the estimated net annual real estate taxes, hazard insurance premiums, and private
153 mortgage insurance premiums. The mortgage may not include a prepayment premium. Buyer agrees to pay a loan fee not to exceed
154 _____ % of the loan. (Loan fee refers to discount points and/or loan origination fee, but DOES NOT include Buyer's other closing
155 costs.) If the purchase price under this Offer is modified, the financed amount, unless otherwise provided, shall be adjusted
156 to the same percentage of the purchase price as in this contingency and the monthly payments shall be adjusted as necessary to maintain
157 the term and amortization stated above. CHECK AND COMPLETE APPLICABLE FINANCING PROVISION AT LINE 158 OR 159.

158 **FIXED RATE FINANCING**: The annual rate of interest shall not exceed _____ %.

159 **ADJUSTABLE RATE FINANCING**: The initial annual interest rate shall not exceed _____ % . The initial interest rate shall
160 be fixed for _____ months, at which time the interest rate may be increased not more than _____ % per year. The maximum
161 interest rate during the mortgage term shall not exceed _____ % . Monthly payments of principal and interest may be adjusted
162 to reflect interest changes.

163 **LOAN COMMITMENT**: Buyer agrees to pay all customary financing costs (including closing fees), to apply for financing promptly, and
164 to provide evidence of application promptly upon request by Seller. If Buyer qualifies for the financing described in this Offer or other
165 financing acceptable to Buyer, Buyer agrees to deliver to Seller a copy of the written loan commitment no later than the deadline for loan
166 commitment at line 149. Buyer's delivery of a copy of any written loan commitment to Seller (even if subject to conditions) shall
167 satisfy the Buyer's financing contingency unless accompanied by a notice of unacceptability. CAUTION: BUYER, BUYER'S LENDER
168 AND AGENTS OF BUYER OR SELLER SHOULD NOT DELIVER A LOAN COMMITMENT TO SELLER WITHOUT BUYER'S PRIOR
169 APPROVAL OR UNLESS ACCOMPANIED BY A NOTICE OF UNACCEPTABILITY.

170 **SELLER TERMINATION RIGHTS**: If Buyer does not make timely delivery of said commitment, Seller may terminate this Offer if Seller
171 delivers a written notice of termination to Buyer prior to Seller's actual receipt of a copy of Buyer's written loan commitment.

172 **FINANCING UNAVAILABILITY**: If financing is not available on the terms stated in this Offer (and Buyer has not already delivered an
173 acceptable loan commitment for other financing to Seller), Buyer shall promptly deliver written notice to Seller of same including copies
174 of lender(s)' rejection letter(s) or other evidence of unavailability. Unless a specific loan source is named in this Offer, Seller shall then
175 have 10 days to give Buyer written notice of Seller's decision to finance this transaction on the same terms set forth in this Offer and this
176 Offer shall remain in full force and effect, with the time for closing extended accordingly. If Seller's notice is not timely given, this Offer shall
177 be null and void. Buyer authorizes Seller to obtain any credit information reasonably appropriate to determine Buyer's credit worthiness
178 for Seller financing.

179 **ADDITIONAL PROVISIONS/CONTINGENCIES**

180 Lot is being sold "As Is".
181 Before this offer can be considered binding, it must be approved by Beloit City Council and Beloit Plan Commission, as required.
182 _____
183 _____
184 _____
185 _____
186 _____
187 _____

188 **N/A** ADDENDA: The attached _____ is/are made part of this Offer.

189 **TITLE EVIDENCE**

190 **CONVEYANCE OF TITLE**: Upon payment of the purchase price, Seller shall convey the Property by warranty deed (or other
191 conveyance as provided herein) free and clear of all liens and encumbrances, except: municipal and zoning ordinances and
192 agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use
193 restrictions and covenants, general taxes levied in the year of closing and _____
194 _____

195 _____ (provided none of the foregoing prohibit present use of the Property), which constitutes merchantable title
196 for purposes of this transaction. Seller further agrees to complete and execute the documents necessary to record the conveyance.

197 ■ **FORM OF TITLE EVIDENCE:** Seller shall give evidence of title in the form of an owner's policy of title insurance in the amount of the
 198 purchase price on a current ALTA form issued by an insurer licensed to write title insurance in Wisconsin. **CAUTION: IF TITLE**
 199 **EVIDENCE WILL BE GIVEN BY ABSTRACT, STRIKE TITLE INSURANCE PROVISIONS AND INSERT ABSTRACT PROVISIONS.**
 200 ■ **PROVISION OF MERCHANTABLE TITLE:** Seller shall pay all costs of providing title evidence. For purposes of closing, title evidence
 201 shall be acceptable if the commitment for the required title insurance is delivered to Buyer's attorney or Buyer not less than 3 business
 202 days before closing, showing title to the Property as of a date no more than 15 days before delivery of such title evidence to be
 203 merchantable, subject only to liens which will be paid out of the proceeds of closing and standard title insurance requirements and
 204 exceptions, as appropriate. **CAUTION: BUYER SHOULD CONSIDER UPDATING THE EFFECTIVE DATE OF THE TITLE**
 205 **COMMITMENT PRIOR TO CLOSING OR A "GAP ENDORSEMENT" WHICH WOULD INSURE OVER LIENS FILED BETWEEN THE**
 206 **EFFECTIVE DATE OF THE COMMITMENT AND THE DATE THE DEED IS RECORDED.**

207 ■ **TITLE ACCEPTABLE FOR CLOSING:** If title is not acceptable for closing, Buyer shall notify Seller in writing of objections to title by
 208 the time set for closing. In such event, Seller shall have a reasonable time, but not exceeding 15 days, to remove the objections, and
 209 the time for closing shall be extended as necessary for this purpose. In the event that Seller is unable to remove said objections, Buyer
 210 shall have 5 days from receipt of notice thereof, to deliver written notice waiving the objections, and the time for closing shall be extended
 211 accordingly. If Buyer does not waive the objections, this Offer shall be null and void. Providing title evidence acceptable for closing does
 212 not extinguish Seller's obligations to give merchantable title to Buyer.

213 ■ **SPECIAL ASSESSMENTS:** Special assessments, if any, for work actually commenced or levied prior to date of this Offer shall be
 214 paid by Seller no later than closing. All other special assessments shall be paid by Buyer. **CAUTION: Consider a special agreement**
 215 **if area assessments, property owner's association assessments or other expenses are contemplated.** "Other expenses" are one-
 216 time charges or ongoing use fees for public improvements (other than those resulting in special assessments) relating to curb, gutter,
 217 street, sidewalk, sanitary and stormwater and storm sewer (including all sewer mains and hook-up and interceptor charges), parks, street
 218 lighting and street trees, and impact fees for other public facilities, as defined in Wis. Stat. § 66.55(1)(c) & (f).

219 **ENTIRE CONTRACT** This Offer, including any amendments to it, contains the entire agreement of the Buyer and Seller regarding the
 220 transaction. All prior negotiations and discussions have been merged into this Offer. This agreement binds and inures to the benefit of
 221 the Parties to this Offer and their successors in interest.

222 **DEFAULT**

223 Seller and Buyer each have the legal duty to use good faith and due diligence in completing the terms and conditions of this Offer. A
 224 material failure to perform any obligation under this Offer is a default which may subject the defaulting party to liability for damages or
 225 other legal remedies.

226 If Buyer defaults, Seller may:

- 227 (1) sue for specific performance and request the earnest money as partial payment of the purchase price; or
- 228 (2) terminate the Offer and have the option to: (a) request the earnest money as liquidated damages; or (b) direct Broker to return
 229 the earnest money and have the option to sue for actual damages.

230 If Seller defaults, Buyer may:

- 231 (1) sue for specific performance; or
- 232 (2) terminate the Offer and request the return of the earnest money, sue for actual damages, or both.

233 In addition, the Parties may seek any other remedies available in law or equity.

234 The Parties understand that the availability of any judicial remedy will depend upon the circumstances of the situation and the
 235 discretion of the courts. If either Party defaults, the Parties may renegotiate the Offer or seek nonjudicial dispute resolution instead of
 236 the remedies outlined above. By agreeing to binding arbitration, the Parties may lose the right to litigate in a court of law those disputes
 237 covered by the arbitration agreement.

238 **NOTE: IF ACCEPTED, THIS OFFER CAN CREATE A LEGALLY ENFORCEABLE CONTRACT. BOTH PARTIES SHOULD READ**
 239 **THIS DOCUMENT CAREFULLY. BROKERS MAY PROVIDE A GENERAL EXPLANATION OF THE PROVISIONS OF THE OFFER BUT**
 240 **ARE PROHIBITED BY LAW FROM GIVING ADVICE OR OPINIONS CONCERNING YOUR LEGAL RIGHTS UNDER THIS OFFER OR**
 241 **HOW TITLE SHOULD BE TAKEN AT CLOSING. AN ATTORNEY SHOULD BE CONSULTED IF LEGAL ADVICE IS NEEDED.**

242 **EARNEST MONEY**

243 ■ **HELD BY:** Unless otherwise agreed, earnest money shall be paid to and held in the trust account of the listing broker (buyer's agent
 244 if Property is not listed or seller if no broker is involved), until applied to purchase price or otherwise disbursed as provided in the Offer.
 245 **CAUTION: Should persons other than a broker hold earnest money, an escrow agreement should be drafted by the Parties**
 246 **or an attorney. If someone other than Buyer makes payment of earnest money, consider a special disbursement agreement.**

247 ■ **DISBURSEMENT:** If negotiations do not result in an accepted offer, the earnest money shall be promptly disbursed (after clearance
 248 from payor's depository institution if earnest money is paid by check) to the person(s) who paid the earnest money. At closing, earnest
 249 money shall be disbursed according to the closing statement. If this Offer does not close, the earnest money shall be disbursed according
 250 to a written disbursement agreement signed by all Parties to this Offer (Note: Wis. Adm. Code § RL 18.09(1)(b) provides that an offer
 251 to purchase is not a written disbursement agreement pursuant to which the broker may disburse). If said disbursement agreement has
 252 not been delivered to broker within 60 days after the date set for closing, broker may disburse the earnest money: (1) as directed by
 253 an attorney who has reviewed the transaction and does not represent Buyer or Seller; (2) into a court hearing a lawsuit involving the
 254 earnest money and all Parties to this Offer; (3) as directed by court order; or (4) any other disbursement required or allowed by law.
 255 Broker may retain legal services to direct disbursement per (1) or to file an interpleader action per (2) and broker may deduct from the
 256 earnest money any costs and reasonable attorneys fees, not to exceed \$250, prior to disbursement.

257 ■ **LEGAL RIGHTS/ACTION:** Broker's disbursement of earnest money does not determine the legal rights of the Parties in relation to this
 258 Offer. Buyer's or Seller's legal right to earnest money cannot be determined by broker. At least 30 days prior to disbursement per (1)
 259 or (4) above, broker shall send Buyer and Seller notice of the disbursement by certified mail. If Buyer or Seller disagree with broker's
 260 proposed disbursement, a lawsuit may be filed to obtain a court order regarding disbursement. Small Claims Court has jurisdiction over
 261 all earnest money disputes arising out of the sale of residential property with 1-4 dwelling units and certain other earnest money disputes.
 262 Buyer and Seller should consider consulting attorneys regarding their legal rights under this Offer in case of a dispute. Both Parties
 263 agree to hold the broker harmless from any liability for good faith disbursement of earnest money in accordance with this Offer or
 264 applicable Department of Regulation and Licensing regulations concerning earnest money. See Wis. Adm. Code Ch. RL 18. **NOTE:**
 265 **WISCONSIN LICENSE LAW PROHIBITS A BROKER FROM GIVING ADVICE OR OPINIONS CONCERNING THE LEGAL RIGHTS**
 266 **OR OBLIGATIONS OF PARTIES TO A TRANSACTION OR THE LEGAL EFFECT OF A SPECIFIC CONTRACT OR CONVEYANCE.**
 267 **AN ATTORNEY SHOULD BE CONSULTED IF LEGAL ADVICE IS REQUIRED.**

269 OPTIONAL PROVISIONS: THE PARAGRAPHS AT LINES 271 - 314 WHICH ARE PRECEDED BY A BOX ARE A PART OF THIS OFFER IF
270 MARKED, SUCH AS WITH AN "X". THEY ARE NOT PART OF THIS OFFER IF MARKED N/A OR ARE LEFT BLANK.

271 PROPOSED USE CONTINGENCY: Buyer is purchasing the property for the purpose of: _____

272 This Offer is contingent upon Buyer obtaining the following:
273 Written evidence at (Buyer's) (Seller's) [STRIKE ONE] expense from a qualified soils expert that the Property is free of any subsoil
274 condition which would make the proposed development impossible or significantly increase the costs of such development.

275 Written evidence at (Buyer's) (Seller's) [STRIKE ONE] expense from a certified soils tester or other qualified expert that indicates that
276 the Property's soils at locations selected by Buyer and all other conditions which must be approved to obtain a permit for an acceptable private
277 septic system for: _____ [insert proposed use of Property; e.g., three

278 bedroom single family home] meet applicable codes in effect as of the date of this offer. An acceptable system includes all systems approved
279 for use by the State for the type of property identified at line 277. An acceptable system does not include a holding tank, privy, composting
280 toilet or chemical toilet or other systems (e.g. mound system) excluded in additional provisions or an addendum per lines 179 - 188.

281 Copies at (Buyer's) (Seller's) [STRIKE ONE] expense of all public and private easements, covenants and restrictions affecting the
282 Property and a written determination by a qualified independent third party that none of these prohibit or significantly delay or increase
283 the costs of the proposed use or development identified at lines 271 to 272.

284 Permits, approvals and licenses, as appropriate, or the final discretionary action by the granting authority prior to the issuance
285 of such permits, approvals and licenses at (Buyer's) (Seller's) [STRIKE ONE] expense for the following items related to the proposed
286 development _____

287 Written evidence at (Buyer's) (Seller's) [STRIKE ONE] expense that the following utility connections are located as follows (e.g.,
288 on the Property, at the lot line across the street, etc.): electricity _____; gas _____; sewer
289 _____; water _____; telephone _____; other _____

290 This proposed use contingency shall be deemed satisfied unless Buyer within _____ days of acceptance delivers
291 written notice to Seller specifying those items of this contingency which cannot be satisfied and written evidence substantiating why each
292 specific item included in Buyer's notice cannot be satisfied.

293 MAP OF THE PROPERTY: This Offer is contingent upon (Buyer obtaining) (Seller providing) [STRIKE ONE] a map of the Property prepared
294 by a registered land surveyor, within _____ days of acceptance, at (Buyer's) (Seller's) [STRIKE ONE] expense. The map shall identify the legal
295 description of the Property, the Property's boundaries and dimensions, visible encroachments upon the Property, the location of improvements,
296 if any, and: _____

297 [STRIKE AND COMPLETE AS APPLICABLE] Additional map features
298 which may be added include, but are not limited to: specifying how current the map must be; staking of all corners of the Property; identifying
299 dedicated and apparent street, lot dimensions, total acreage or square footage, easements or rights-of-way. CAUTION: Consider the cost
300 and the need for map features before selecting them. The map shall show no significant encroachment(s) or any information materially
301 inconsistent with any prior representations to Buyer. This contingency shall be deemed satisfied unless Buyer, within five days of the earlier
302 of: 1) Buyer's receipt of the map, or 2) the deadline for delivery of said map, delivers to Seller, and to listing broker if Property is listed, a copy
303 of the map and a written notice which identifies the significant encroachment or the information materially inconsistent with prior representations.

304 INSPECTION CONTINGENCY: This Offer is contingent upon a qualified independent inspector(s) conducting an inspection(s), at
305 Buyer's expense, of the Property and _____

306 which discloses no defects as defined below. This contingency shall be deemed satisfied
307 unless Buyer within _____ days of acceptance delivers to Seller, and to listing broker if Property is listed, a copy of the inspector's
308 written inspection report and a written notice listing the defects identified in the report to which Buyer objects. This Offer shall be null and
309 void upon timely delivery of the above notice and report. CAUTION: A proposed amendment will not satisfy this notice requirement.
310 Buyer shall order the inspection and be responsible for all costs of inspection, including any inspections required by lender or follow-up to
311 inspection. Note: This contingency only authorizes inspections, not testing, see lines 98 to 110. For the purposes of this contingency a defect
312 is defined as any condition of the Property which constitutes a significant threat to the health or safety of persons who occupy or use the
313 Property or gives evidence of any material use, storage or disposal of hazardous or toxic substances on the Property. Defects do not include
314 conditions the nature and extent of which Buyer had actual knowledge or written notice before signing this Offer.

315 This Offer was drafted on 4/25/2013 [date] by [Licensee and Firm] Scott Schneider, City of Beloit Project Engineer

316 (X) _____
317 Buyer's Signature ▲ Print Name Here: ► Social Security No. or FEIN ▲ Date ▲

318 (X) _____
319 Buyer's Signature ▲ Print Name Here: ► Social Security No. or FEIN ▲ Date ▲

320 EARNEST MONEY RECEIPT Broker acknowledges receipt of earnest money as per line 8 of the above Offer. (See lines 242 - 267)

321 Broker (By)
322 SELLER ACCEPTS THIS OFFER. THE WARRANTIES, REPRESENTATIONS AND COVENANTS MADE IN THIS OFFER SURVIVE CLOSING AND
323 THE CONVEYANCE OF THE PROPERTY. SELLER AGREES TO CONVEY THE PROPERTY ON THE TERMS AND CONDITIONS AS SET FORTH
324 HEREIN AND ACKNOWLEDGES RECEIPT OF A COPY OF THIS OFFER.

325 (X) _____
326 Seller's Signature ▲ Print Name Here: ► Social Security No. or FEIN ▲ Date ▲

327 (X) _____
328 Seller's Signature ▲ Print Name Here: ► Social Security No. or FEIN ▲ Date ▲

329 This Offer was presented to Seller by _____ on _____, at _____ a.m./p.m.

330 THIS OFFER IS REJECTED _____ THIS OFFER IS COUNTERED [See attached counter] _____
331 Seller Initials ▲ Date ▲ Seller Initials ▲ Date ▲

**RESOLUTION ADOPTING THE
MEMORANDUM OF UNDERSTANDING REGARDING SELLER'S
BROKERAGE COMMISSION**

WHEREAS, The City of Beloit, Greater Beloit Economic Development Corporation (GBEDC), and the Community Development Authority (CDA) jointly own a majority of the land in the Gateway Business Park with additional land being owned exclusively by the City of Beloit in the Gateway and Willowbrook Business Parks; and

WHEREAS, the Gateway Business Park is a Mixed-Use park with land zoned and/or planned for Multi-Family, Industrial, and Commercial development and the land in the Willowbrook Business Park is zoned for Industrial Development; and

WHEREAS, the partners involved in the Gateway Business Park are desirous to sell this publicly owned land to promote capital investment, home development and job creation; and

WHEREAS, the partners have not entered into a brokerage contract to market and sell the land; and

WHEREAS, the partners understand the need to provide compensation to brokers who assist in land transactions that go to closing; and

WHEREAS, due to possible land write downs for incentives actual final sale amounts at closing may be substantially less than the original asking price; therefore the Memorandum of Understanding will set the sales commission for brokers who successfully close deals at 6 percent of the published asking price; and

WHEREAS, the Executive Committee of the Greater Beloit Economic Development Corporation has approved a Resolution supporting the proposed Statement of Policy and Memorandum of Understanding (MOU).

THEREFORE, BE IT RESOLVED, that the City Council of the City of Beloit adopts the Memorandum of Understanding Regarding Sellers Brokerage Commissions.

BE IT FURTHER RESOLVED, that the City Manager of the City of Beloit be, and he is hereby, authorized to execute any documents necessary to meet the terms and conditions set forth in the Memorandum of Understanding attached hereto.

Adopted at Beloit, Wisconsin, this 17th day of June 2013.

BELOIT CITY COUNCIL

Charles Haynes, Council President

Attest:

Rebecca Houseman LeMire, City Clerk

CITY OF БЕЛОIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Resolution adopting the Memorandum of Understanding Regarding Sellers Brokerage Commission.

Date: June 17, 2013

Presenter(s): Andrew Janke

Department(s): Economic Development

Overview/Background Information: The City of Beloit, the Beloit Community Development Authority (CDA), and the Greater Beloit Economic Development Corporation (GBEDC) jointly own a majority of the land in the Gateway Business Park with additional land being owned exclusively by the City of Beloit in the Gateway and Willowbrook Business Parks. Prior to the end of 2012 these entities were also in partnership with MLG who held exclusive brokerage rights on the land owned by the partners. Since the termination of partners relationship with MLG the GBEDC and the City have marketed the property on the partners behalf.

Recognizing that in the future there exists a possibility that a licensed broker may become involved in a land transaction; and further, to encourage broker participation, the partners recognize that an appropriate incentive needs to be offered to brokers. Therefore, the attached Statement of Policy and Memorandum of Understanding sets forth the conditions under which the City would provide a commission to a broker involved in a land transaction of any of the publicly owned lands outlined in the document.

Key Issues (maximum of 5):

1. For a broker to be eligible to receive a commission they must be appropriately licensed and sign the MOU prior to a closing.
2. When a broker assisted transaction closes, the broker will receive a commission of 6% of the lands asking price. If the actual sales price is reduced to create a development incentive the commission will remain at 6% of the lands asking price. These prices vary by location and zoning classification and are outlined in Exhibit C.
3. The MOU will be in effect from the time a broker signs it until July 31, 2018. Either party can terminate a MOU upon 30 days advanced notice, however, the City may not terminate the agreement if there is any "pending transaction."
4. The City Milton has approved a similar agreement and the City of Janesville will also be considering a similar agreement at its June 24th meeting. Later this summer Rock County 5.0 will conduct a joint marketing event to promote available publicly owned lands in Rock County and encourage commercial brokers to execute the MOU for Beloit, Janesville, and Milton.
5. On June 6, 2013 the GBEDC Executive Committee approved a Resolution endorsing the proposed Policy and MOU. (See attached)

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

Approval of this resolution would focus and support sustainable stewardship of City resources.

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 Development** occurring in these planned development will not negatively impact any wetlands or wildlife.
- **Meet the hierarchy of present and future human needs fairly and efficiently.** Sale and development of land has the potential to create jobs and wealth in the community.

Action required/Recommendation:

Staff recommends approval of the resolution.

Fiscal Note/Budget Impact:

Proceeds from any sales in the Gateway Business Park would be allocated to TID # 10 and any proceeds from sales in the Willowbrook Business Park would be allocated to TID # 8.

MEMORANDUM OF UNDERSTANDING REGARDING SELLER'S BROKERAGE COMMISSION

STATEMENT OF POLICY

The development of publicly owned property within the City of Beloit is often the product of a successful public-private partnership. The terms and conditions outlined in this Memorandum of Understanding (hereinafter "MOU") are intended to govern public-owned land transactions between the City of Beloit, as seller, and brokers in broker assisted sales. The parcels covered by this MOU are generally industrial, commercial/office or multi-family and are mostly located within or adjacent to the Gateway Business Park and have frontage or visibility to I-39/90. Since the City of Beloit may choose to incentivize certain projects through below market sales of publicly owned property, this MOU will protect brokers' commissions for those brokers bringing transactions to the City of Beloit's attention which result in successful closings. The City of Beloit's marketing efforts will generally involve the Greater Beloit Economic Development Corporation (hereinafter "GBEDC"). It is the intent of the City of Beloit to incentivize regional brokers to become actively involved with the opportunities hereunder.

MEMORANDUM OF UNDERSTANDING

NOW COMES the City of Beloit (hereinafter "City") and _____ (hereinafter "Broker")
and, in consideration of the mutual obligations herein, agree as follows:

1. The City hereby offers for sale certain of the parcels shown on Exhibits A and B attached hereto and described further herein at the "asking" prices set out in Exhibit C attached hereto. The parcels eligible for this MOU include all of those listed on Exhibit A in blue hatch marks and identified as "C-1 Office District – 19.74 Acres Total," in solid orange and identified as "Vacant & Buildable Multi-Family Land – 15.18 Acres Total," in green hatch marks and identified as "Vacant & Buildable Industrial Land – 284.86 Acres Total" and Lot 1 Willowbrook Business Park as shown on Exhibit B. The parcels offered herein as available for sale are subject to change from time to time by the City and the Broker should confirm the availability of any parcel of interest.

2. Any real estate Broker appropriately licensed to conduct business in the state of Wisconsin shall be able to sell (under terms and conditions approved by the City) and receive a commission upon a successful closing on any of the above properties; provided that the Broker otherwise meets the terms and conditions herein. Brokers eligible for commission shall be paid said commission by the City at closing in the amount of six percent (6%) of the gross listing price for the property sold, regardless of the actual or "incentivized" sales price.

3. This MOU shall be effective from the date of execution hereof until July 31, 2018, unless earlier terminated. Either party may terminate this MOU upon 30 days advanced written notice to the other; provided, however, that the City may not terminate the agreement as to any "pending transaction." A "pending transaction" shall be defined as any offer submitted by a Broker to the City prior to, or within 60 days after, the City's delivery to the Broker of a notice to terminate this MOU; provided such offer is accepted by the City.

4. The undersigned Broker agrees to communicate and coordinate with the GBEDC for the purposes of coordinating government licenses or permits needed by the buyer and maximizing business development incentives.

5. The undersigned Broker understands and agrees that the City will continue to market the subject property, including marketing through the GBEDC.

6. The City reserves the right to accept or reject any Broker procured offers and shall have the sole discretion to determine the acceptability, suitability and sufficiency of any such offer at its sole discretion, including any proposed end use of the property. Should the City either reject an offer or should an accepted offer fail to close, the Broker shall be entitled to a full commission at closing on any subsequent sale by the City to the same buyer where such sale arises from an offer accepted within 12 months of the original offer rejection or the scheduled closing date for the failed closing; provided the Broker is otherwise in compliance with the terms and conditions herein.

7. The undersigned Broker understands and agrees that any sales agreements hereunder are subject to the formal approval by resolution of the City Council of the City of Beloit.

8. The undersigned Broker agrees to disclose any conflicts of interest, including, without limitation, contracts or agreements, between the Broker and the buyer. In such cases, the Broker must make full disclosure to the City and in no case will the City pay any portion of a buyer's commission to Broker. In no event will the City pay any Broker commission in excess of six percent (6%) of the gross listing price.

9. The undersigned Broker acknowledges and agrees that the City may enter similar or identical MOU's with other Brokers as to the same properties and further understands and agrees that this MOU gives the Broker no exclusive rights.

10. The undersigned Broker understands and agrees that this MOU imposes no affirmative marketing obligations upon the Broker, although the City does hereby grant the Broker the right to market the property as the Broker sees fit including utilization of regional listing services.

Dated this _____ day of _____, 20_____.

CITY OF BELOIT

NAME, Broker

By: _____
Larry N. Arft, City Manager

By: _____
(signature)

ATTEST:







(print name)

By: _____
Rebecca Houseman LeMire, City Clerk

Its _____
(print title)

tdh/files/13-1107/MOU=130531 1325 (c1n)

TID 10

-  C-1 Office District - 19.74 Acres Total
-  Vacant & Buildable Multi-Family Land - 15.18 Acres Total
-  Vacant & Buildable Industrial Land - 284.86 Acres Total
-  Public / Utility - 34.68 Acres Total
-  Sold and/or Developed - 164.16 Acres Total
-  Sold Undeveloped - 88.04 Acres Total

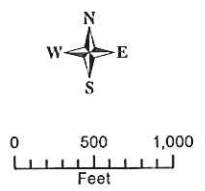
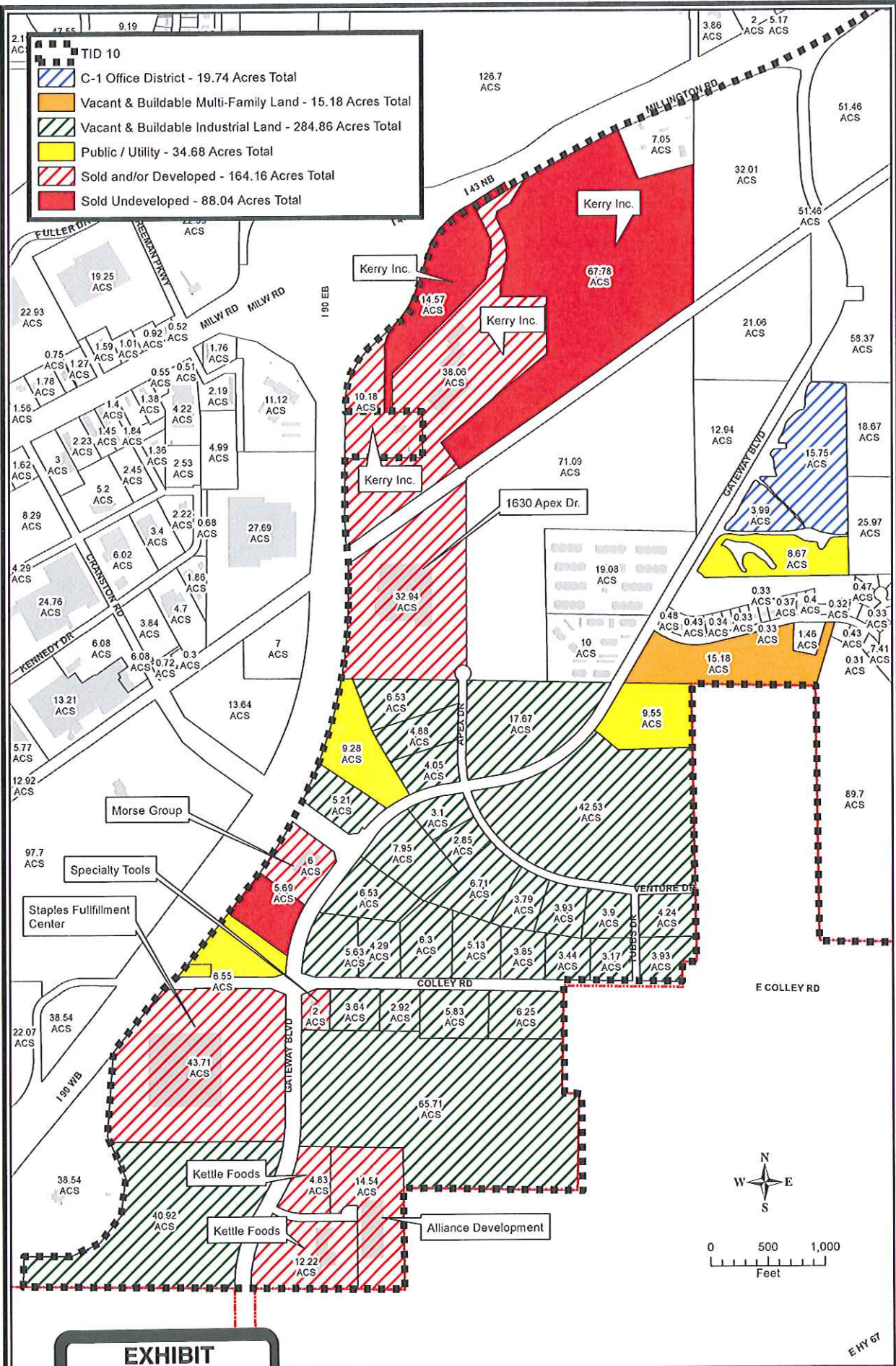


EXHIBIT
A

GATEWAY BUSINESS PARK

LOT #1 WILLOWBROOK BUSINESS PARK




CONTACT PERSON:	ANDREW L. JANKE, CPM 100 STATE STREET BELOIT, WI 53511 608-364-6748 jankea@ci.beloit.wi.us	SANITARY SEWER SIZE:	12"
PARCEL NUMBER:	2314-0900	STORM SEWER SIZE:	18"
ADDRESS:	2401 Stateline Rd.	(CITY OF BELOIT)	
ACREAGE:	31.5578	ELECTRIC POWER:	12.4KV
SQUARE FOOTAGE:	1,374,652	(ALLIANT)	MUST BE EXTENDED FROM WILLOWBROOK RD.
CSM NUMBER:	CSM V13 PGS 268-270	ECONOMIC DEVELOPMENT TAX CREDITS:	YES
DISTANCE TO INTERCHANGE:	HWY 75 0.5 MILES I-39/90 1.1 MILES	GAS:	115 psi
ZONING:	M-2	(ALLIANT)	MUST BE EXTENDED FROM WILLOWBROOK RD.
TID #:	8	PROTECTIVE COVENANTS:	NO
WATER LINE SIZE:	12"	**PRICE:	\$25,000/ACRE
(ALLIANT)		**PRICE MAY BE NEGOTIABLE DEPENDING ON THE ECONOMIC IMPACT OF PROPOSED PROJECT.	
DRAWN BY:	KEITH HOUSTON		
DATE:	1/7/2010	 WWW.CI.BELOIT.WI.US	

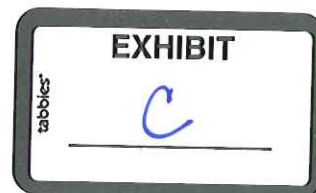


Exhibit C

PRICING STRUCTURE

Description	Price per Acre
Lot #1 Willowbrook Park	\$25,000
Gateway Business Park Industrial Sites	
- with frontage or visibility on I-90/I-39	\$35,000
- with no frontage or visibility on I-90/I-39	\$30,000
Gateway Business Park Multi-Family Sites	\$40,000
Gateway Business Park Commercial/Office	\$40,000

Note: The industrial and multi-family sites are fully improved and the multi-family site is zoned for up to 25 units. The commercial/office parcels have infrastructure to the lot lines.





**RESOLUTION ENDORSING THE
MEMORANDUM OF UNDERSTANDING REGARDING SELLERS
BROKERAGE COMMISSION**

WHEREAS, The City of Beloit, Greater Beloit Economic Development Corporation (GBEDC), and the Community Development Authority (CDA) jointly own a majority of the land in the Gateway Business Park with additional land being owned exclusively by the City of Beloit in the Gateway and Willowbrook Business Parks, and

WHEREAS, the Gateway Business Park is a Mixed-Use park with land zoned and/or planned for Multi-Family, Industrial, and Commercial development and the land in the Willowbrook Business Park is zoned for Industrial Development, and

WHEREAS, the partners involved in the Gateway Business Park are desirous to sell this publicly owned land to promote capital investment, home development and job creation, and

WHEREAS, the partners have not entered into a brokerage contract to market and sell the land, and

WHEREAS, the Partners understand the need to provide compensation to brokers who assist in land transactions that go to closing, and

WHEREAS, due to possible land write downs for incentives actual final sale amounts at closing may be less than the actual asking that the sales commission being offered to brokers who successfully close deals will be 6 percent of the asking price, and

WHEREAS, the Executive Committee of the Greater Beloit Economic Development Corporation endorses the proposed the Statement of Policy and Memorandum of Understanding (MOU)





greater
Beloitworks

THEREFORE, BE IT RESOLVED, that the Greater Beloit Economic Development Corporation respectfully recommends that the City Council of the City of Beloit. adopts the Memorandum of Understanding Regarding Sellers Brokerage Commission.


Adopted this 6th day of June 2013.

**GREATER BELOIT ECONOMIC
DEVELOPMENT CORPORATION:**



Joe Stadelman, Chair

ATTEST:



Andrew Janke, Executive Director



**RESOLUTION
APPROVING AN INTERGOVERNMENTAL AGREEMENT
WITH THE SCHOOL DISTRICT OF БЕЛОIT
FOR PROVISION OF ADULT SCHOOL CROSSING GUARDS**

The City Council of the City of Beloit, Rock County, Wisconsin, hereby resolves that the attached “Intergovernmental Agreement Regarding Adult School Crossing Guards” be, and it is hereby, approved.

BE IT FURTHER RESOLVED that the City Manager of the City of Beloit be, and he is hereby, authorized to execute the agreement on behalf of the City of Beloit.

Adopted this 17th day of June 2013.

City Council of the City of Beloit

Charles M. Haynes, President

Attest:

Rebecca Houseman LeMire, City Clerk

CITY OF БЕЛОIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Resolution approving an intergovernmental agreement with the School District of Beloit for provision of adult school crossing guards.

Date: June 17, 2013

Presenter(s): William Tyler

Department(s): Police

Overview/Background Information:

The two year agreement for crossing guards has expired and this action will renew our agreement until 2015. This agreement is a continuation of the collaborative efforts of the City and School District keeping the community's children safe walking near schools. The agreement remains consistent with the previous contract.

Key Issues (maximum of 5):

1. The local municipal government is responsible for providing for the safe movement of students near the schools.
 2. The School District of Beloit has agreed to manage the crossing guards.
 3. The new agreement does not increase our financial commitment more than what we have been providing the last two years.
-

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

1. Proactively partner with individuals and businesses to promote a safe and healthy community, minimize personal injury, prevent loss of life, and protect property and natural resources.
 2. Communicate and partner with other jurisdictions and organizations to coordinate effective and efficient service delivery and stimulate regional prosperity.
-

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
-

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 City Manager to execute the agreement on behalf of the City of Beloit.

Fiscal Note/Budget Impact:

The agreement caps the total expense for the next two years to a maximum of \$47,000 annually. This is a similar amount the City was billed for the 2011-2013 school years.

INTERGOVERNMENTAL AGREEMENT
REGARDING ADULT SCHOOL CROSSING GUARDS

WHEREAS, the School District of Beloit currently appoints adult school crossing guards; and

WHEREAS, section 120.13(31), Wis. Stats., authorizes the School Board of the School District of Beloit to adopt a resolution, subject to approval of the Beloit City Council, to provide for the appointment of adult school crossing guards; and

WHEREAS, the School Board of the School District of Beloit has adopted a resolution providing for appointment of adult school crossing guards by the School District of Beloit and the Beloit City Council has approved that resolution; and

WHEREAS, the City of Beloit and the School District of Beloit agree that it is in the best financial interest of the citizens of Beloit that the School District appoint the adult school crossing guards for the protection of persons crossing streets and highways in the vicinity of the schools; and

WHEREAS, the parties have agreed that the School District will appoint adult school crossing guards on the following terms and conditions.

NOW, THEREFORE, the City of Beloit, a Wisconsin municipal corporation, (hereinafter “City”) and the School District of Beloit (hereinafter “School District”) hereby enter into this Intergovernmental Agreement pursuant to section 66.0301, Wis. Stats.

1. **Appointment of Employment of Crossing Guards.** The School District agrees, pursuant to section 120.13(31), Wis. Stats., to appoint and to employ sufficient adult crossing guards to serve the needs of persons crossing streets and highways in the vicinity of the schools

in the School District. The School District shall be responsible for supervision of the adult school crossing guards.

2. **Training and Placement of Crossing Guards.** The School District agrees to provide training to all crossing guard persons so that they will have a thorough knowledge of their assignment and safety related job skills. The School District shall also determine the placement and assign the crossing guard to their respective locations. The City, through its police department, agrees to provide such traffic statistics as the School District requests.

3. **Uniforms and Equipment.** The City agrees to provide all school crossing guard personnel with necessary uniforms and equipment required for performance of their duties.

4. **Payment from the City to the School District.** The City agrees to reimburse the School District for the local share of the cost of providing adult school crossing services. The City shall be required to reimburse the School District only for those services performed by the School District employees in their role as adult school crossing guards.

<u>Estimated Cost</u>	<u>FY 2013-2014</u>	<u>FY 2014-2015</u>
Fall	\$22,500	\$22,500
Spring	\$22,500	\$22,500

In no case shall the City's reimbursement during either of the fiscal years set out above exceed the amount of \$47,000 annually.

5. **Billings.** The School District shall bill the City for the actual cost of providing crossing guard services as follows:

<u>Date of Bill</u>	<u>For Services/Costs Rendered From</u>
12/31/13	07/01/13 to 12/31/13
06/30/14	01/01/14 to 06/30/14
12/31/14	07/01/14 to 12/31/14
06/30/15	01/01/15 to 06/30/15

The bill shall be itemized showing the location of each school crossing guard, the number of hours worked at each location and the amount of wages and benefits paid to each crossing guard for services performed.

6. **Term of Contract.** The term of this contract shall commence on July 1, 2013 and shall end on June 30, 2015.

7. **Indemnity.** Each party agrees to be responsible for their own negligent acts, errors or omissions in the performance of this Agreement, without waiving any governmental immunity available to the City and without waiving any defenses of the Parties and any of their respective successors and/or assigns under Wisconsin law. The provisions of this Paragraph are solely for the benefit of the Parties hereto and any of their respective successors and/or assigns and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

Dated this _____ day of _____, 2013.

CITY OF BELOIT

By: _____
Larry N. Arft, City Manager

ATTEST:

By: _____
Rebecca Houseman LeMire, City Clerk

APPROVED AS TO FORM:

By: _____
Thomas R. Casper, City Attorney

I hereby certify that sufficient funds have been provided to pay the liability that the City may incur hereunder.

By: _____
Paul York, City Comptroller

tdh/files/13-1138/Crossing Guard IGA=130530 1336 (cln)

SCHOOL DISTRICT OF BELOIT

By: _____
Steve McNeal, Superintendent

ATTEST:

By: _____
(signature)

(print name)

Its _____
(print title)