



**AGENDA
BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, July 1, 2013**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Proclamation recognizing July as **Park and Recreation Month** (Ramsey)
4. PUBLIC HEARINGS
 - a. Resolution authorizing 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 a R-1B, Single-family Residential District, for the property located at 920 Keeler Avenue (Christensen)
Plan Commission recommendation for approval 4-0
5. CITIZENS PARTICIPATION
6. CONSENT AGENDA

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

 - a. Approval of the **Minutes** of the Regular Meeting of June 17, 2013 (LeMire)
 - b. Resolution awarding **Public Works Contract C13-02**, Sixth Street Resurfacing (Boysen)
7. ORDINANCES – none
8. APPOINTMENTS – none
9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS
10. CITY MANAGER'S PRESENTATION
 - a. Annual **Fireworks Safety Presentation** (Liggett)
11. REPORTS FROM BOARD AND CITY OFFICERS
 - a. 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.

- b. Resolution approving the **2012-2016 Parks, Open Space & Recreation Plan** (Ramsey) Plan Commission recommendation for approval 4-0
Parks, Recreation, and Conservation Advisory Commission recommendation for approval 5-0
(See www.ci.beloit.wi.us to review the Plan in its entirety)
- c. Resolution amending the **2013 Capital Budget** for the Installation of Sewer and Water in the Gateway Business Park (Boysen)
- d. Resolution authorizing the City Manager to enter into a **Cooperative Agreement** with the Ho-Chunk Nation for the Colley Road and Willowbrook Road Tiger Grant Project (Boysen)
- e. Resolution amending the **2013 Capital Budget** for the Tiger Grant Project, 30% Design (Boysen)
- f. Resolution approving a **Contract** with Jewell Associates Engineers, Inc. for Tiger Grant Project 30% Design Engineering (Boysen)

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 26, 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.

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including here in Beloit, Wisconsin; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, Beloit, Wisconsin recognizes the benefits derived from parks and recreation resources.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF БЕЛОIT does hereby proclaim the month of July as "**PARK AND RECREATION MONTH**" in the City of Beloit,

Presented this 1st day of July 2013.

City Council of the City of Beloit

Charles M. Haynes, President

Attest:

Rebecca Houseman LeMire

RESOLUTION

AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A CONVERSION FROM ONE LEGAL NONCONFORMING USE TO ANOTHER NONCONFORMING USE IN AN R-1B, SINGLE-FAMILY RESIDENTIAL DISTRICT, FOR THE PROPERTY LOCATED AT 920 KEELER AVENUE

WHEREAS, the application of Kenneth West for a Conditional Use Permit to allow a conversion from one legal nonconforming use to another nonconforming use in an R-1B, Single-Family Residential District, for the property located at 920 Keeler Avenue, 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 conversion from one legal nonconforming use to another nonconforming use in an R-1B, Single-Family Residential District, for the following described premises:

West 66 feet of Lot 11, Block 1 of Hackett's Fourth Addition to the City of Beloit, County of Rock, State of Wisconsin (a/k/a 920 Keeler Avenue). Said parcel contains .11 acre, 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. If the nonconforming use is discontinued for twelve months, all future use of the property shall conform to the ordinance.
2. This Conditional Use Permit authorizes the Zoning Officer to sign wholesale dealer license application, which will allow the storage and wholesale sales of used vehicles for the property at 920 Keeler Avenue.
3. Only passenger vehicles shall be stored on the subject property.
4. "Junk Vehicles," as defined by Section 7.23 of the Property Maintenance Code, and recreational vehicles (e.g., campers, trailers, or motor homes, etc.) shall not be stored on the subject property.
5. Passenger vehicles shall not be repaired on the subject property nor shall the exchange of vehicle mechanical parts occur on the subject property.
6. The applicant shall not store more than eight passenger vehicles on the subject property at a time.
7. The retail sales of used vehicles to the public is expressly prohibited.
8. The applicant shall obtain a Business Permit from the Water Resources Division prior to establishing the conditional use.
9. The business may only operate between the hours of 8:00 AM to 9:00 PM.
10. Existing signs may remain, but no additional signs are allowed.
11. 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 1st day of July 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 920 Keeler Avenue

Date: July 1, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Kenneth West has filed an application for a Conditional Use Permit to allow a conversion from one legal nonconforming use to another nonconforming use in an R-1B, Single-Family Residential District and WPO, Wellhead Protection Overlay District, for the property located at 920 Keeler Avenue.

Key Issues (maximum of 5):

- Currently, Mr. West possesses a retail wholesale license from the state, which allows him to sell cars to the public and other licensed dealerships. However, the license is associated with 1263 Park Avenue, which is immediately west of the subject property, and has been used in conjunction with the subject property to operate his dealership business since the 1990s.
 - Mr. West has sold the Park Avenue property to the tenants on a land contract, and will no longer be able to use the Park Avenue address for renewing his retail wholesale license when it expires in September.
 - Mr. West would like to apply for a wholesale dealer license, using the subject property as his permanent business location. The wholesale dealer license only allows the purchase and sale of used vehicles to licensed dealers. The application for the license requires the signature of a zoning official to verify that the property complies with all local regulations, which is the impetus for this conditional use request.
 - Mr. West has indicated that the subject property will be used for storing used passenger vehicles to sell to other licensed dealerships. He has estimated storing between 6-8 vehicles on the subject property at any given time.
 - Planning staff and the Plan Commission are recommending several conditions of approval to ensure that this proposed change in use will have a lesser negative impact upon the neighborhood.
 - The Plan Commission reviewed this item on June 19, 2013 and voted unanimously (4-0) to recommend approval of the Conditional Use Permit, subject to eleven 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 & Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: June 19, 2013

Agenda Item: 3

File Number: CU-2013-07

Applicant: Kenneth B. West

Owner: Kenneth B. West

Location: 920 Keeler Avenue

Existing Zoning: R-1B, Single-Family Residential District & WPO, Wellhead Protection Overlay District

Existing Land Use: Passenger Vehicle Storage

Parcel Size: .11 acres

Request Overview/Background Information:

Kenneth West has filed an application for a Conditional Use Permit to allow a conversion from one legal nonconforming use to another nonconforming use in an R-1B, Single-Family Residential District and WPO, Wellhead Protection Overlay District, for the property located at 920 Keeler Avenue. The subject property is currently being used to store and sell used passenger vehicles to the public and other licensed dealerships. The applicant has proposed to store used vehicles on the subject property and sell them only to licensed dealerships. The subject property became legal nonconforming when the Zoning Ordinance and Official Map were updated in 1999, changing the zoning classification from commercial to residential.

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: R-1B, Single-Family Residential District & WPO; Single-Family Dwellings
- South: R-1B, Single-Family Residential District & WPO; Single-Family Dwellings
- East: R-1B, Single-Family Residential District & WPO; Single-Family Dwellings
- West: C-2, Neighborhood Commercial & WPO; Auto Body Shop (Robertson's Auto Body)

According to the Zoning Ordinance, a legal nonconforming use may be changed to another nonconforming use only when the City Council determines that the new use will have a **lesser negative impact** upon the neighborhood than the existing use. Such a change requires a Conditional Use Permit. The justification for requiring a Conditional Use Permit is to allow the City Council to impose conditions it deems necessary to reduce or minimize any potential adverse effects on surrounding properties.

Key Issues:

- Currently, Mr. West possesses a retail wholesale license from the state, which allows him to sell cars to the public and other licensed dealerships. However, the license is associated with 1263 Park Avenue, which is immediately west of the subject property, and has been used in conjunction with the subject property to operate his dealership business since the 1990s.
- Mr. West has sold the Park Avenue property to the tenants on a land contract, and will no longer be able to use the Park Avenue address for renewing his retail wholesale license when it expires in September.
- Mr. West would like to apply for a wholesale dealer license, using the subject property as his permanent business location. The wholesale dealer license only allows the purchase and sale of used vehicles to licensed dealers. The application for the license requires the signature of a zoning official to verify that the property complies with all local regulations, which is the impetus for this conditional use request.
- Mr. West has indicated that the subject property will be used for storing used passenger vehicles to sell to other licensed dealerships. He has estimated storing between six and eight vehicles on the subject property at any given time. Planning staff recommends limiting the number of stored passenger vehicles to eight to prevent the appearance of a cluttered junk yard near a residential neighborhood.
- The vehicles will be repaired off-site before being stored on the subject property. No specific business hours are proposed for this operation as Mr. West is the sole proprietor with no employees. Unidentified business hours may be out of sync with activity patterns of the neighborhood, which could be problematic. The business should operate during reasonable business hours that correspond with the activity patterns of the neighborhood.
- The subject property contains a 528 square foot commercial storage garage and a paved off-street parking lot.
- Planning staff is concerned about the potential for "junk vehicles," as defined by Section 7.23 of the Property Maintenance Code, and recreational vehicles (e.g. campers, trailers, or motor homes, etc.) being stored on the subject property. The storage of these types of vehicles may cause detriment to nearby properties and create an eyesore in the neighborhood.
- In addition, the applicant has two signs affixed to the fence enclosing the lot. Signs are not permitted in single-family residential districts. However, the existing signs may remain but additional signs will not be allowed.

- Public facilities and infrastructure exist in this area. However, the property is not connected to municipal services.
- The Water Resources Division reviewed the proposed conditional use and was concerned about vehicle repairs and the exchange of vehicle mechanical parts occurring on site, since the property is located in a WPO district, and such activity is closely related to prohibited uses within the overlay district. The Division recommends that a condition be added to prohibit the repair of vehicles on site and the exchanging of vehicle mechanical parts.
- Other city review agents had no comments or concerns regarding the proposed conditional use.
- The public and nearby neighbors were notified of the proposed conditional use. Planning staff did not receive any comments or concerns about the proposed conditional 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;*
 - Subject to certain conditions, the proposed conditional use at this location will not endanger the public health, safety, morals, comfort, or general welfare. Mr. West has operated his business from this location since the 1990s in good faith and has not caused any detriment to fall upon the 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;*
 - The proposed conditional use will not negatively impact the enjoyment of surrounding properties. However, staff is concerned about the business hours since the subject property is adjacent to a residential neighborhood. Therefore, staff recommends business hours that are reasonable and that will be in harmony with the activity patterns of the neighborhood.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - The proposed conditional use will not diminish or impair property values within the neighborhood. However, if junk vehicles or recreational vehicles are stored on the subject property, property values may be diminished as a result. Therefore, staff is recommending a condition that prohibits the storage of these types of vehicles on the subject property.
- d. *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
 - The surrounding area is already developed, and the conditional use will not impede any future redevelopment.
- 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 applicant has not proposed any exterior or site layout changes. The subject property's existing architectural design and site layout will not cause depreciation in property values.
- 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 local roads but is not connected to city water or sewer. However, city water and sewer are available in the area if connection is required in the future.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
 - The proposed conditional use will not generate traffic congestion.
- h. *Whether the conditional use will comply with all applicable regulations of this chapter (the Zoning Ordinance).*
 - The conditional use will comply will all other applicable regulations of the Zoning Ordinance.

- Planning staff believes that the proposed conditional use, subject to certain conditions, will have a lesser negative impact upon the neighborhood than the retail sales of used cars that previously operated on this property.

Consistency with Comprehensive Plan and Strategic Plan:

The City's Comprehensive Plan recommends Single-Family Residential uses of this property and surrounding properties. The underlying zoning classification (R-1B, Single-Family Residential) is consistent with the Comprehensive Plan.

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 a conversion from one legal nonconforming use to another nonconforming use in an R-1B, Single-Family Residential District and WPO, Wellhead Protection Overlay District, for the property located at 920 Keeler Avenue, based on the above Findings of Fact and subject to the following conditions:

1. **If the nonconforming use is discontinued for twelve months, all future use of the property shall conform to the ordinance.**
2. This Conditional Use Permit authorizes the Zoning Officer to sign wholesale dealer license application, which will allow the storage and wholesale sales of used vehicles for the property located at 920 Keeler Avenue.
3. Only passenger vehicles shall be stored on the subject property.
4. "Junk Vehicles," as defined by Section 7.23 of the Property Maintenance Code, and recreational vehicles (e.g., campers, trailers, or motor homes, etc.) shall not be stored on the subject property.
5. Passenger vehicles shall not be repaired on the subject property nor shall the exchange of vehicle mechanical parts occur on the subject property.
6. The applicant shall not store more than eight passenger vehicles on the subject property at a time.
7. The retail sales of used vehicles to the public is expressly prohibited.
8. The applicant shall obtain a Business Permit from the Water Resources Division prior to establishing the conditional use.
9. The business may only operate between the hours of 8:00 AM to 9:00 PM.
10. Existing signs may remain, but no additional signs are allowed.
11. 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 Photos, Application, State License Application, Notice, and Mailing List.

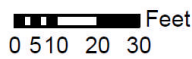
Location & Zoning Map

920 Keeler Avenue

CU-2013-07



1 inch = 40 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



4.a CU-2013-07, Ken West, 920 Keeler Avenue, Council Report Avenue

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-2013-07

1. Address of subject property: 920 Keeler Ave. Beloit WI 53511
2. Legal description: West 66 feet, Lot 11, Block 1, Hacketts Fourth Addition
If property has not been subdivided, attach a copy of the complete legal description from deed.
Property dimensions are: 66 feet by 70.5 feet = 4,653 square feet.
If more than two acres, give area in acres: N/A acres.
3. Tax Parcel Number(s): 1256-0085
4. Owner of record: Kenneth B. West Phone: 608-290-5988
2440 Heather Terrace Beloit WI 53511
(Address) (City) (State) (Zip)
5. Applicant's Name: Kenneth B. West
2440 Heather Terrace Beloit WI 53511
(Address) (City) (State) (Zip)
608-290-5988 / 608-290-5988 / N/A
(Office Phone #) (Cell Phone #) (E-mail Address)
6. All existing use(s) on this property are: Storage of Autos to be transported to a Wholesale Dealer's Auction
7. **THE FOLLOWING ACTION IS REQUESTED:**
A Conditional Use Permit for: Wisconsin Wholesale License in a (p) Grandfathered B-5 Zoning District.
8. All the proposed use(s) for this property will be:
Principal use: To be able to obtain a Wisconsin Wholesale Dealer License and for the storage of automobiles that are to be
Secondary use: sold at a Wholesale Auction.
- NO RETAIL SALES -
Accessory use: Please see attached forms & pictures from the City of Beloit.

9. Project timetable: Start date: _____ Completion date: _____

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.

Kenneth B. West / KENNETH B. WEST / 5-3-13
 (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: \$275.00 Meeting date: June 5, 2013

No. of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____

Application accepted by: Michael D. Lofton # _____ Date: 5/3/13

State License Application

MOTOR VEHICLE WHOLESALER TWO YEAR LICENSE APPLICATION

MV2860 7/2004 Ch. 218 Wis. Stats.

Wisconsin Department of Transportation
Dealer Section
P. O. Box 7909
Madison, WI 53707-7909

Submit in duplicate. Amending Current License Information

FOR OFFICE USE ONLY	
Issued	Expires

Legal Name	Area Code - Telephone Number 608 290-5988	Dealer License Number
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Trade Name(s) or DBAs	Federal Employer Identification Number
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Street Address or RFD 920 Keeler Ave	Post Office Box Number	City Beloit	State Wis	Zip Code 53511	County where business located Rock
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Mailing Address - If Different from Business Address
2440 Heather Ter Beloit Wis 53511

Type of Vehicles to be Sold <input type="checkbox"/> Autos <input type="checkbox"/> Trucks <input type="checkbox"/> Motorcycles	Business Entity <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Association <input type="checkbox"/> Corporation <input type="checkbox"/> LLC	If Corporation or LLC, Date Licensed in Wisconsin	<input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Name: State of Incorporation or Organization
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Name and Title of Owner, Partners, Association Members, Corporation Officers and Shareholders, LLC Managers and Members
Complete an Entity/Owner Statement (Form MV2844) for each individual listed.

Kenneth B. West

Was there a licensed dealer at this same location previously this year? <input type="checkbox"/> No <input type="checkbox"/> Yes, Name dealer _____ Have you, as an individual and your above-named firm, been licensed as a dealer before? <input type="checkbox"/> No <input type="checkbox"/> Yes, Same location? <input type="checkbox"/> No <input type="checkbox"/> Yes Has your motor vehicle dealer license ever been denied, suspended or revoked? <input type="checkbox"/> No <input type="checkbox"/> Yes, When and what state? _____ Are you licensed as a motor vehicle salvage dealer at same location? <input type="checkbox"/> No <input type="checkbox"/> Yes, Give license number _____	Will your wholesaler license be used to operate a motor vehicle salvage pool in accordance with s.218.50 Wis. Stats.? <input type="checkbox"/> Yes <input type="checkbox"/> No Complete ONE of the following (whichever applicable): Is business real estate owned by: Owner of sole proprietorship <input type="checkbox"/> YES <input type="checkbox"/> NO One partner of partnership <input type="checkbox"/> YES <input type="checkbox"/> NO Corporate dealership <input type="checkbox"/> YES <input type="checkbox"/> NO LLC <input type="checkbox"/> YES <input type="checkbox"/> NO If no, send copy of lease.
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Number of vehicles sold wholesale in last 12 month period AUTOS TRUCKS MOTORCYCLES OTHERS (specify)	Dealer License (Required fee).....\$40.00 Representative License(s).... Number _____ x \$8.00 Wisconsin Buyer's License(s)....Number _____ x \$12.00 Buyer ID Card(s)..... Number _____ x \$12.00 Dealer License Plates Required.....First 2 plates = \$150.00 Number of additional plates _____ @ \$10.00 List letters of all missing plates _____
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License Numbers of Additional Dealerships Completely describe other business, if any, engaged in by your firm - Same location? <input type="checkbox"/> No <input type="checkbox"/> Yes	Replacement License Plates for lost, damaged, or illegible plates.....each plate \$2.00 CHECK PAYABLE TO: REGISTRATION FEE TRUST \$ _____
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I, the undersigned, certify under penalty of s.345.17 Wisconsin Statutes, that: (1) A lease agreement covering at least the licensing year has been executed, if premises are not owned by applicant, and; (2) The answers and statements on this application are true and correct to the best of my knowledge.

See reverse side.

X _____
(Authorized Dealership Agent, Title) (Date)

**Following Applies To First-time Dealer Applicant Or Application For Amended License
Because of Business Relocation or Ownership Change**

Proper local officials must sign below, BEFORE submitting this application. All applicants complete section A.
If business is located in a township, complete both sections A and B.

Attention Zoning Authorities: The requirements for a motor vehicle wholesaler/distributor are as follows:

1. A permanent building, not a tent or temporary stand.
2. An office within the building.
3. An outdoor vehicle display lot for at least one vehicle adjacent to the building or all vehicles kept indoors.
4. An exterior sign with business name as it will appear on the license certificate and any other name used to do business under. The lettering of the sign must be a minimum of 4 inches high, unless smaller dimensions are required by local zoning or sign ordinance.
5. A sign posted on or adjacent to the entrance door describing business hours. The sign must also include a notice that sales are restricted to dealers only.

Section A

1. Operation of this dealer business at the location(s) stated on the reverse side is in accordance with local zoning regulation.	
_____	X _____
(Print Name)	(Signature)
_____	_____
(Official Title)	(Municipality)
2. Check one box and sign below:	
<input type="checkbox"/> A local permit or license is required and has been issued.	
<input type="checkbox"/> A local permit or license is not required.	
_____	X _____
(Print Name)	(Signature)
_____	_____
(Official Title)	(Municipality)

Section B

County Zoning Approval - required only if business is located in a township.	
Operation of this dealer business at the location(s) stated on the reverse side is in accordance with local zoning regulation.	
_____	X _____
(Print Name)	(Signature)
_____	_____
(Official Title)	(County)

If business address on reverse side does not include a specific street number, furnish directions to your business location, including highway numbers or letters and distances.

ENTITY/OWNER STATEMENT

MV2844 11/2000

Wisconsin Department of Transportation
Dealer Section
4802 Sheboygan Ave.
P.O. Box 7909
Madison, WI 53707-7909
608-266-1425

NOTE: Complete one form for EACH owner, partner, corporate officer, shareholder of 10% or more of a corporation, association member, Limited Liability Company - LLC member or LLC manager.

Legal Business Name

Business / Your Position - Check all that apply.

- Sole Proprietor
 Partnership
 Corporation
 Limited Liability Company
 Association
 Officer
 Manager
 Shareholder
 Member

What percentage of the business, stock in the corporation, or interest in the LLC do you own?

Your Full Legal Name

Residence Address: Street or RFD, City, State, Zip Code

Area Code - Telephone Number, Residence

Birth Date

Driver License Number

Social Security Number or Federal Employer Identification Number

Provide complete answers to the following questions.

List any other business in which you are engaged.

List any ownership interests in other dealerships.

Have you ever been licensed as a dealer in Wisconsin?

No Yes - Year Last Licensed:

Have you ever been, or are you currently licensed as a dealer in another state?

No Yes - Give State and Year Last Licensed:

Has your dealer license ever been denied, suspended or revoked?

No Yes - Give State and Year:

Have you every been convicted of a crime?

No Yes - List date, state, charge and court; continue on back if needed.

Are any criminal charges pending against you?

No Yes - List date, state, charge and court; continue on back if needed.

List any former names by which you were known.

False statements on this application are punishable by law and may result in denial, suspension or revocation of your dealer license. The undersigned states that she or he is owner, partner, officer, association member, LLC member or LLC manager of the facility named on this application and that the answers contained in this application are true.

(Applicant Signature)

(Date)



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:

Kenneth West has filed an application for a Conditional Use Permit to allow a conversion from one legal nonconforming use to another nonconforming use in an R-1B, Single-Family Residential District, for property located at:

920 Keeler Avenue.

The subject property is currently used to store passenger vehicles. The applicant has proposed to store used vehicles on the subject property and sell them to licensed dealerships.

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 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.

ROBERTO AYALA
1244 HARRISON AVE
BELOIT, WI 53511

SALVADOR Z & CHRISTINE
SANCHEZ
2112 ROOSEVELT AVE
BELOIT, WI 53511

TEAM JENISCH ENTERPRISES
INC
P O BOX 665
BLOOMINGDALE, IL 60108

JULIETA PEREZ
1254 HARRISON AVE
BELOIT, WI 53511

DENNIS & ROSE MULCAHY
1255 PARK AVE
BELOIT, WI 53511

JOSE ZAMORA
1261 HARRISON AVE
BELOIT, WI 535114541

ERSEY LEE EDMOND
1260 HARRISON AVE
BELOIT, WI 535114542

RAMONA RODRIQUEZ
3916 W GREENLEAF
LINCOLNWOOD, IL 60712

CHARLI STEWART
25 PLUM TREE VLG
BELOIT, WI 53511

AMPARO SERRANO
935 KEELER AVE
BELOIT, WI 53511

RICHARD K & KATHLEEN M
PONCE
476 CHEVRON CT
ROCKTON, IL 61072

DANNIE E & JOEANN EVANS
2311 BOULDER CT
BELOIT, WI 53511

MARVIN MILNER
P O BOX 1161
BELOIT, WI 535121161

TOMMIE G & MARY L RUCKER
(LE)
1129 HARRISON AVE
BELOIT, WI 53511

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

AUTO MAT OF BELOIT INC
P O BOX 4
BELOIT, WI 535120004



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
Monday, June 17, 2013

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

1. The meeting was called to order at 7:02 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Beloit Public Library Business Manager Jennifer Laatz introduced the new **Beloit Public Library Director**, Nate Deprey. Mr. Deprey stated that he is excited to work with the Council.
4. PUBLIC HEARINGS
 - a. Community Development Director Julie Christensen presented 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. It was noted that the Plan Commission recommended approval 5-0. Councilor Haynes opened and closed the public hearing without participation. Councilor De Forest made a motion to adopt the resolution, and Council Kincaid seconded. The motion carries 6-0. File 8597
 - b. Ms. Christensen presented a 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. It was noted that the Plan Commission recommended approval 5-0. Ms. Christensen stated that this request is from First National Bank to build a stand-alone 50-foot tall tower adjacent to the building at this location. She indicated that one resident attended the Plan Commission meeting and spoke in opposition to the tower. Councilor Haynes opened the public hearing.
 - Jacob Bradt, representing Entre Computer Solutions and First National Bank, said that he is working with staff to determine the feasibility of located the needed antennae on an existing water tower. He said that constructing the tower at 2600 Cranston Road would be the worst case scenario.Councilor Haynes closed the public hearing. Councilor Luebke made a motion to adopt the resolution, and Councilor Spreitzer seconded. Councilor De Forest asked about siting on the City's water tower, and Public Works Director Greg Boysen stated that staff is reviewing the possibility and has to make sure that an additional antennae will not negatively impact the existing lease-holders on the tower. Councilor De Forest asked Ms. Christensen about who received a public notice regarding this land use action, and Ms. Christensen stated that staff sent notices to the owners of property within 150 feet of the subject property as required by the City's Zoning Ordinance. Mr. Bradt stated that he should know if the water tower may be used by the end of the week. Councilor De Forest made a motion to lay the item over until the next Council meeting, and Councilor Spreitzer seconded. The motion carried 5-1, with Councilor Luebke voting in opposition to laying the item over. File 7948
 - c. Ms. Christensen presented a 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. The Plan Commission recommended approval 5-0. Ms. Christensen said that the property owner has requested this zoning change to accommodate an electronic variable messaging sign (EVM), which is prohibited

in the C-1 district and permitted in C-2. She said that the request is consistent with the City's Comprehensive Plan and that staff has recommended approval. Councilor Haynes opened and closed the public hearing without participation. Councilor De Forest made a motion to suspend the rules and offer a second reading of the ordinance. Councilor Spreitzer seconded, and the motion carried 5-1 with Councilor Van De Bogart voting in opposition. On the merits of the ordinance, Councilor De Forest moved to enact. Councilor Spreitzer seconded. Councilor Van De Bogart said that he will be voting against this because he is concerned about traffic safety. He said that electronic signs add another layer of visual distraction for drivers who should be focused on the road. Councilor Spreitzer said that this is a land use decision and that the Comprehensive Plan shows that this area is appropriate for neighborhood commercial uses. Councilor Haynes asked if the City has authority in regulating electronic signs. Ms. Christensen stated that the sign will not be allowed to flash or blink and that the message may only change once every five seconds. The applicant, Pastor Clifton White, said that the Church would like to use the sign to advertise various events on the property and would like the convenience of changing the sign's message electronically. The motion carried by a vote of 4-2 with Councilors Kincaid and Van De Bogart voting in opposition. File 8598 Ordinance 3492

5. CITIZENS PARTICIPATION – none

6. CONSENT AGENDA

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

- a. The **Minutes** of the Regular Meeting of June 3, 2013, were approved.
- c. The 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, was adopted. File 8590
- d. The 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, was adopted. File 8590
- e. The 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, was adopted. File 8590
- f. The 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 was adopted. File 8599
- g. The 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** was adopted. File 7947
- b. Councilor De Forest requested that the Brian Ramsey, Director of Parks and Leisure Services, be present at the Council meeting when the **Parks, Open Space & Recreation Plan 2012-2016** is presented to explain the recommendations. Councilor Spreitzer made a motion to refer the Plan to the Plan Commission. Councilor Luebke seconded, and the motion carried 6-0. File 6180

7. ORDINANCES – none

8. APPOINTMENTS

President Haynes announced the openings and submitted the following appointments to the City Committees, Boards, and Commissions for approval. The appointments were approved on a motion by Councilor Van De Bogart and a second by Councilor Spreitzer. The motion carried 6-0.

- a. **Alcohol Beverage License Control Committee:** Ralph Berkley for a term ending June 30, 2015. File 6145

- b. **Board of Appeals:** John R. Schroer for a term ending May 31, 2016, and James Wise, Alternate, for a term ending May 31, 2014. File 6130
- c. **Equal Opportunities and Human Relations Commission:** Matthew Finnegan and Ricardo A. Valdez for terms ending June 30, 2016. File 7465
- d. **Municipal Library Board:** Lori Dotson, Samantha Johnson, and Barbara A. Milsap-Morrow for terms ending June 30, 2016. File 5991

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor De Forest welcomed Mr. Deprey to Beloit and to the Library and thanked library staff for their work while the Director position was vacant. She said that she attended the Beloit School District's summer meal kick-off event and reminded the public of the free meals available throughout the summer.
- Councilor Van De Bogart reminded the public to drive safely.
- Councilor Kincaid said that the public should bicycle safely and that he entered a piece of art into the Plein Air Exhibit.
- Councilor Luebke said that it has been nice to be at the Farmers Market on Saturday mornings and see all that Beloit has to offer.
- Councilor Haynes said that he went to Plein Air Exhibit and was impressed with the amazing paintings.

10. CITY MANAGER'S PRESENTATION – none

11. REPORTS FROM BOARD AND CITY OFFICERS

- a. City Attorney Tom Casper presented a resolution approving the City's **Offer to Purchase** 150 Depot Street and authorizing the execution of the same. It was noted that the Plan Commission recommended approval 5-0. Mr. Casper stated that the acquisition of this property completes the City's plan to acquire the area known as the confluence. Councilor Van De Bogart made a motion to adopt the resolution, and Councilor Luebke seconded. The motion carried 6-0. File 8596
- b. Economic Development Director Andrew Janke presented a resolution adopting the **Memorandum of Understanding** regarding Seller's Brokerage Commission in the Gateway and Willowbrook Business Parks. Councilor Luebke asked why this is beneficial for the City, and Mr. Janke stated that the City may give away land for a development project. He said that this agreement will ensure that a broker would still receive a commission, which may encourage brokers to show the City's land to clients. Mr. Janke explained that, without a commission, a broker may not have any incentive to show clients the City's land. City Manager Larry Arft said that the City does not have a broker and that commissions will not be split. He said that this deal will give a commission to the broker of record who makes initial contact with the City based on the asking price, not the purchase price. The motion carried 6-0. File 7938/7358
- c. Police Captain William Tyler presented a resolution approving an **Intergovernmental Agreement** with the School District of Beloit for provision of Adult School Crossing Guards. He said that the agreement is identical to the previous agreement and that it does not have any additional financial implications. Councilor Luebke made a motion to adopt the resolution, and Councilor Van De Bogart seconded. Councilor Van De Bogart asked who determines where crossing guards are located, and Captain Tyler said that the School District makes that decision unless there are financial implications. He said in that case, the Police Department and the School District will come to an agreement. Councilor De Forest asked if the reconfiguration of some of the schools will impact this plan, and Captain Tyler said that the School District and the Police Department will work together to accommodate any changes needed because of new buildings and traffic patterns. The motion carried 6-0. File 7749

12. At 8:00 p.m., Councilor De Forest made a motion to adjourn the meeting, and Councilor Spreitzer seconded. The motion carried 6-0.

Rebecca Houseman LeMire, City Clerk

www.ci.beloit.wi.us

Date approved by Council:

**RESOLUTION
AWARDING PUBLIC WORKS CONTRACT C13-02
SIXTH STREET RESURFACING**

WHEREAS, the adopted capital improvements budget for 2013 provided funding and an appropriation for the maintenance of City Streets and Parking Lots, and;

WHEREAS, project design and construction bid specifications were developed by the City Engineer and distributed to qualified contractors, and;

WHEREAS, the project will resurface Sixth Street between Liberty Avenue and Maple Avenue, and;

WHEREAS, one competitive bid was received, the low bid being from Rock Road, Companies Inc., and;

WHEREAS, Rock Road Companies, Inc. is a qualified bidder, therefore,

IT IS RESOLVED, that Contract C13-02, Sixth Street Resurfacing, be, and hereby is, awarded to Rock Road Companies Inc., Janesville, Wisconsin, in the following amounts:

Rock Road Companies, Inc.
P.O. Box 1779
Janesville, WI 53547

Rock Road Companies, Inc. Base Bid	\$ 342,837.06
<u>Allowance for Change Orders and/or Extra Work</u>	<u>\$ 51,162.94</u>
TOTAL PROJECT COST	\$ 394,000.00

AND IT IS FURTHER RESOLVED, that the amount of \$394,000.00, be, and hereby is, funded as follows:

P2902187-5514-2012	Street Maintenance	\$ 218,600.00
P4506326-5515-2012	Sixth Street Resurfacing	\$ 95,900.00
P2902187-5514-2013	Street Maintenance	\$ 79,500.00
TOTAL		\$ 394,000.00

Dated at Beloit, Wisconsin this 1st day of July 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: Award of Construction Contract for C13-02, Sixth Street Resurfacing

Date: July 1, 2013

Presenter(s): Gregory Boysen, Public Works Director

Department(s): Public Works/Engineering

Overview/Background Information:

This project will resurface Sixth Street between Liberty Avenue and Maple Avenue. Spot curb & gutter repairs along with manhole adjustments and new striping is also included.

Key Issues (maximum of 5):

1. One (1) bid was received for this project. The low bid of \$342,837.06 was from Rock Road Companies, Inc. and is 13.3% more than the engineer's estimate of \$302,592.40.
2. Rock Road Companies, Inc. is considered a responsible bidder for this project.
3. The costs for this project are as follows: \$342,837.06 for construction, \$51,162.94 for Change Orders or extra work, for a total of \$394,000.00.
4. No properties will be special assessed for this project.

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

1. **Develop a high quality community through the responsible stewardship and enhancement of City resources to further Beloit's resurgence as a gem of the Rock River Valley.**
 - This project will enhance the quality of life in Beloit by improving the appearance and quality of Sixth Street while lowering maintenance costs.

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**
The improved pavement meets the present and future human needs by extending the life of the pavement, and reducing pavement maintenance.

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:

The Engineering Division recommends awarding this Public Works Contract to Rock Road Companies, Inc. in the amount of \$342,837.06.

Fiscal Note/Budget Impact:

Funding for this project is a combination of 2013 CIP funding for Sixth Street and Street Maintenance funds.

CITY OF BELOIT

DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch, City Engineer

FROM: Jason Dupuis, Transportation Engineer (ext. 6735)

DATE: June 21, 2013

SUBJECT: Bid Results for Contract C13-02
Sixth Street Resurfacing

Pursuant to advertisements placed June 6 and 13, 2013, bids were received until 10:00 a.m. on June 21, 2013 for the Sixth Street Resurfacing project. A tabulation of bids is attached.

Two were received for this project as follows:

1. Rock Road Companies, Inc.	Janesville, WI	\$ 342,837.06	*Low Bid*
2. <i>Engineer's Estimate</i>		\$ 302,592.40	+ 13.3%

Upon review of the Contractor's Proof of Responsibility Statement, Rock Road Companies, Inc. is determined to be a responsible bidder.

I recommend that the contract be awarded to Rock Road Companies, Inc. of Janesville, WI. The following is a breakdown of the proposed project cost:

COSTS

Rock Road Companies, Inc. Base Bid	\$ 342,837.06
Allowance for Change Orders and/or Extra Work	\$ <u>51,162.94</u>
TOTAL PROJECT COST	\$ 394,000.00

PROJECT INFORMATION

This project will resurface Sixth Street between Liberty Avenue and Maple Avenue. Spot curb & gutter repairs along with manhole adjustments and new striping is also included.



**6th Street Resurfacing
C13-02**

BID DATE: 6/20/2013

10:00 AM

Bid Tabulation

ITEM NO.	BID ITEMS DESCRIPTION	CONTRACT		ENGINEER'S ESTIMATE		ROCK ROAD COS., INC.	
		QUANTITY		UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
REMOVALS AND EROSION CONTROL							
1	Remove Concrete Surface Milling	10303	SY	\$3.00	\$30,909.00	\$3.00	\$30,909.00
2	Remove Asphaltic Surface Milling	4186	SY	\$3.00	\$12,558.00	\$2.96	\$12,390.56
3	Remove Asphaltic Surface Butt Joint	90	SY	\$20.00	\$1,800.00	\$15.00	\$1,350.00
4	Removing Curb & Gutter	756	LF	\$4.00	\$3,024.00	\$8.00	\$6,048.00
5	Removing Concrete Driveway	135	SY	\$5.00	\$675.00	\$7.00	\$945.00
6	Removing Concrete Sidewalk	568	SY	\$4.00	\$2,272.00	\$6.00	\$3,408.00
7	Sawing	100	LF	\$2.00	\$200.00	\$2.00	\$200.00
8	Common Excavation	100	CY	\$10.00	\$1,000.00	\$16.50	\$1,650.00
ROADWAY							
9	HMA Pavement, Type E-0.3, Binder	1700	TON	\$55.00	\$93,500.00	\$57.00	\$96,900.00
10	HMA Pavement, Type E-0.3, Surface	1700	TON	\$55.00	\$93,500.00	\$57.00	\$96,900.00
11	Base Aggregate, Dense, 1 1/4-inch	200	TON	\$15.00	\$3,000.00	\$17.00	\$3,400.00
12	Select Crushed Material, 3-inch	20	TON	\$15.00	\$300.00	\$21.00	\$420.00
13	Concrete Curb & Gutter. 30-inch, Type L	756	LF	\$12.00	\$9,072.00	\$23.00	\$17,388.00
14	Concrete Sidewalk, 4-inch	568	SF	\$4.00	\$2,272.00	\$4.25	\$2,414.00
15	Concrete Driveway, 6-Inch	191	SF	\$20.00	\$3,820.00	\$5.25	\$1,002.75
16	Curb Repair-Bridge	25	LF	\$35.00	\$875.00	\$83.00	\$2,075.00
17	Temporary Pavement Marking, Tape	10000	LF	\$1.00	\$10,000.00	\$1.25	\$12,500.00
18	Pavement Marking, Skip-Dash, 4-inch, Epoxy	2830	LF	\$0.85	\$2,405.50	\$0.50	\$1,415.00
19	Pavement Marking, Centerline Yellow, 4-inch, Epoxy	4954	LF	\$0.85	\$4,210.90	\$0.50	\$2,477.00
20	Pavement Marking, Stop Bar, 24-inch, Epoxy	97	SF	\$7.00	\$679.00	\$7.75	\$751.75
21	Pavement Marking, Epoxy, Symbols	2	EA	\$180.00	\$360.00	\$235.00	\$470.00
22	Pavement Marking, Epoxy, Words	1	EA	\$220.00	\$220.00	\$258.00	\$258.00
23	Pavement Marking, Crosswalk, 6-inch, Epoxy	388	LF	\$5.00	\$1,940.00	\$5.00	\$1,940.00
24	Adjust Inlet Casting with up to 12" of New Adjusting Rings	12	EA	\$250.00	\$3,000.00	\$500.00	\$6,000.00
25	New Inlet, Type 3	1	EA	\$1,000.00	\$1,000.00	\$2,400.00	\$2,400.00
26	Supply and Install Neenah R-1710 MH Casting & Type "B" Lid and up to 12" of New Adjusting Rings	27	EA	\$500.00	\$13,500.00	\$975.00	\$26,325.00
27	Seed Lawn restoration	300	SY	\$5.00	\$1,500.00	\$6.00	\$1,800.00
28	Traffic Control Complete	1	LS	\$4,000.00	\$4,000.00	\$8,300.00	\$8,300.00
29	Finish Roadway	1	LS	\$1,000.00	\$1,000.00	\$800.00	\$800.00
TOTAL PROPOSAL					\$302,592.40	\$342,837.06	

2013 Fireworks Season

Fire Chief Brad Liggett
Beloit Fire Department

Fireworks Right or Privilege?

- Regulated by Wis. Stat. 167.10(2)
- Local Ordinance 14.03
- Common Sense
- Safety
- Citizenship
- Celebrating Patriotism

Beloit More Restrictive Than Statute

- No sale or possession by minors
- No permit fireworks allowed to be used in the city
- Sale of permit fireworks only allowed from a secure area

Illegal Sales

- Permit Fireworks
- Show Fire Works
- Report Illegal Sales



Beloit 4th of July Show

- Only Sparklers are permitted at the public viewing area of a public fireworks show
- Bring comfortable chairs
- Bring yard games for the kids
- Be courteous to your fellow show patrons
- Be patient with traffic
- Pick up your trash and keep our city beautiful

Helpful Label Hints

- Look for this label...
- Typical Not Universal



– Caution = Legal

CAUTION
EMITS SHOWERS OF SPARKS
USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT HOLD IN HAND. PLACE ON LEVEL SURFACE. LIGHT FUSE AND GET AWAY.

– Warning = Illegal



Legal Without Permit

Sparklers

Not exceeding 36 inches in length



Stationary Sparkling Cones & Fountains



Toy Snakes & Smoke Bombs



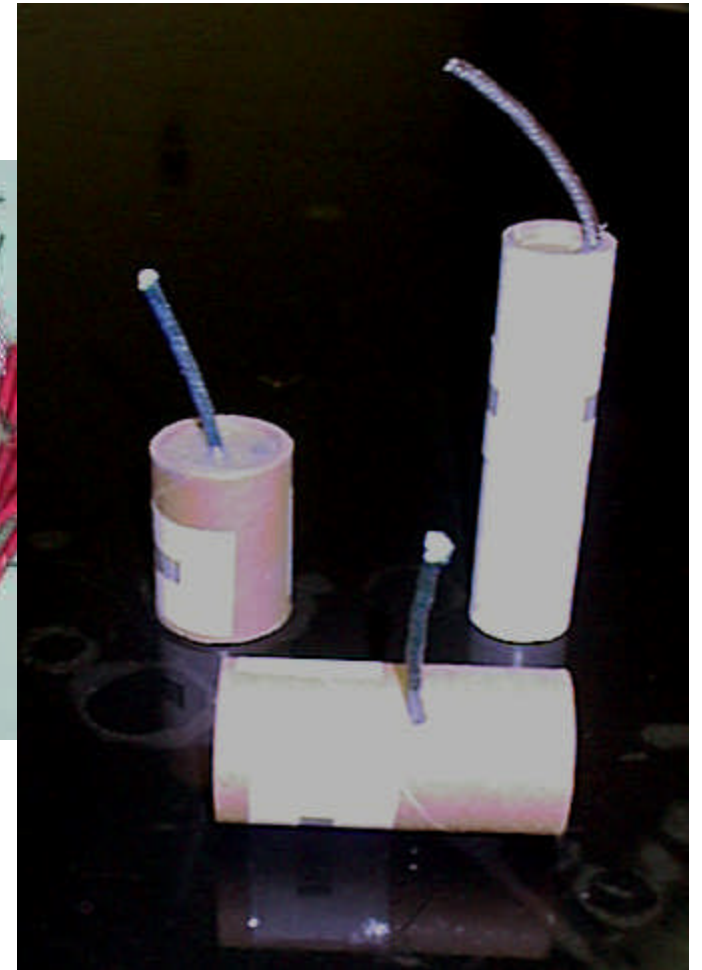
Caps, Noisemakers, & Confetti Poppers



Illegal in Beloit!!

Illegal without Permit in Wisconsin

If It Blows Up, Its Illegal!!



If It Goes Up, Its Illegal!



Spins Above Ground, Its Illegal!!



If you chose to use Fireworks...

- Open air hard flat surface
- No loose clothing
- Wear shoes not sandals
- Don't hold them in your hand
- Don't use them on or near things that can burn
- Wear safety glasses
- Ignite only one device at a time
- Never allow children to light them



If you chose to use Fireworks...

- Use a long tip lighter or long punk to ignite
- Don't stand over the firework
- NO ALCOHOL USE
- Don't disassemble the firework
- Don't make your own or alter consumer fireworks
- Don't handle or try to light duds soak them in water and discard the next morning
- Have water available to put out a fire if it should occur
- Never aim fireworks at anyone

If you chose to use Fireworks...

- Respect your neighborhood avoid shooting after 10pm
- Remember not everyone likes fireworks including pets
- Clean Up the Mess - Allow a cool down time pick up your trash the next morning



Sparklers Not So sane

- Burn 1800-3000 Degrees
- 16% of all fireworks injuries
- 57% of fireworks injuries in children under 5
- Should be placed into the ground and ignited not carried by a child.

Questions

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 1st day of July 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.

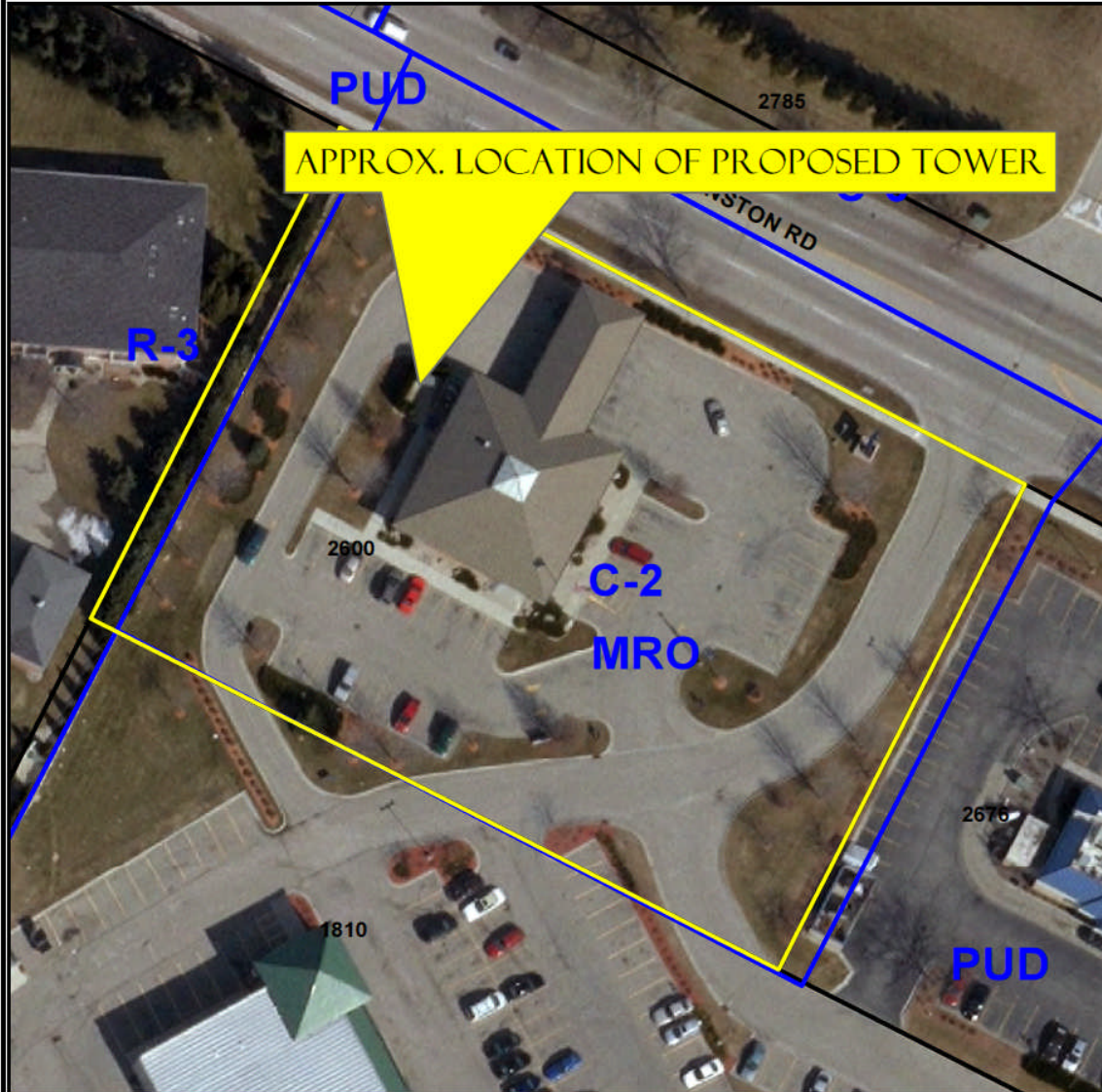
Fiscal Note/Budget Impact: N/A

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

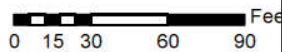
Location & Zoning Map

2600 Cranston Road

CU-2013-09



1 inch = 57 feet

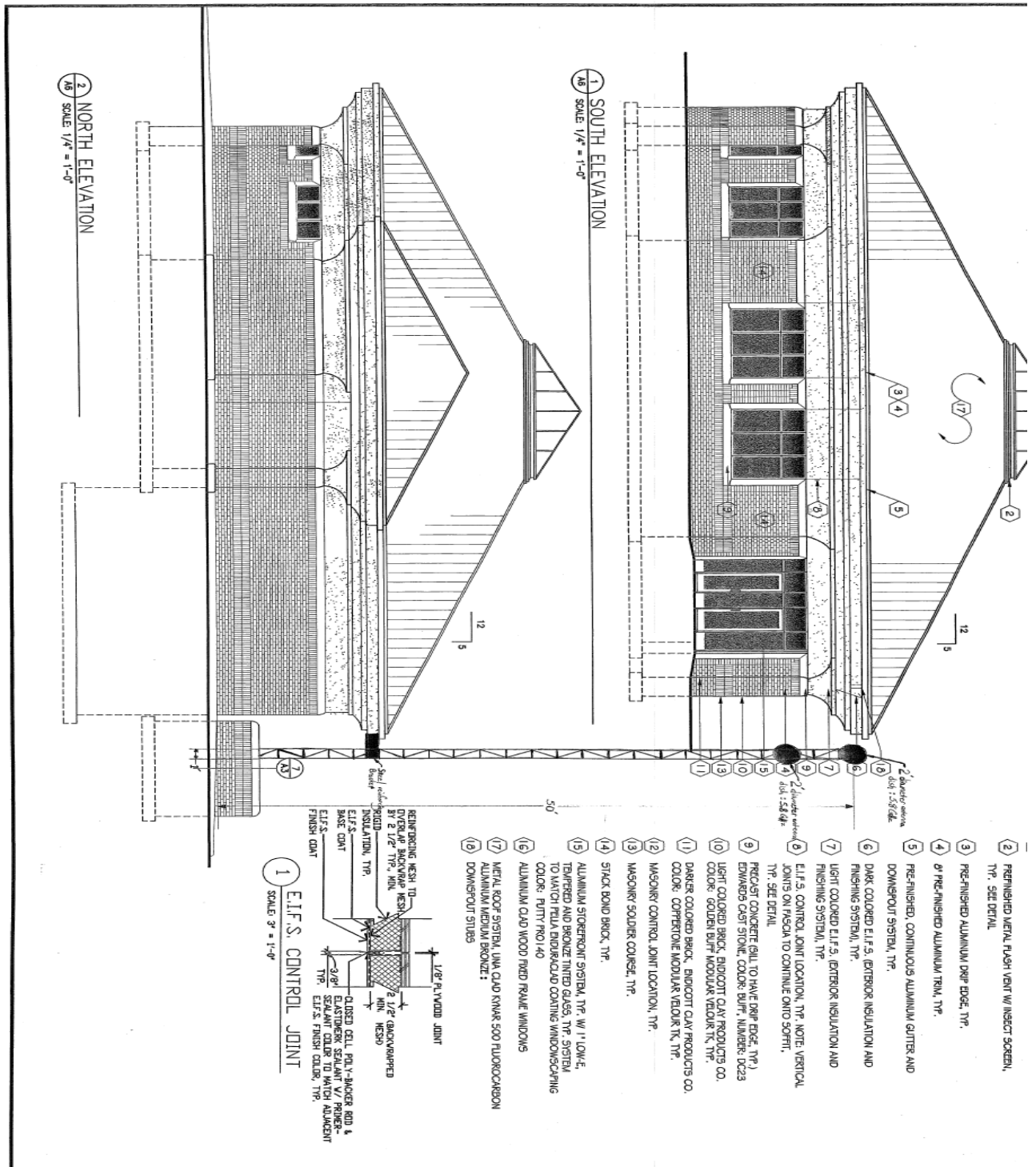


Legend	
	Zoning District
	Parcels

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

Architectural Elevation



A6	PROJ. NO. 9910	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)

05/30/2013 07:43



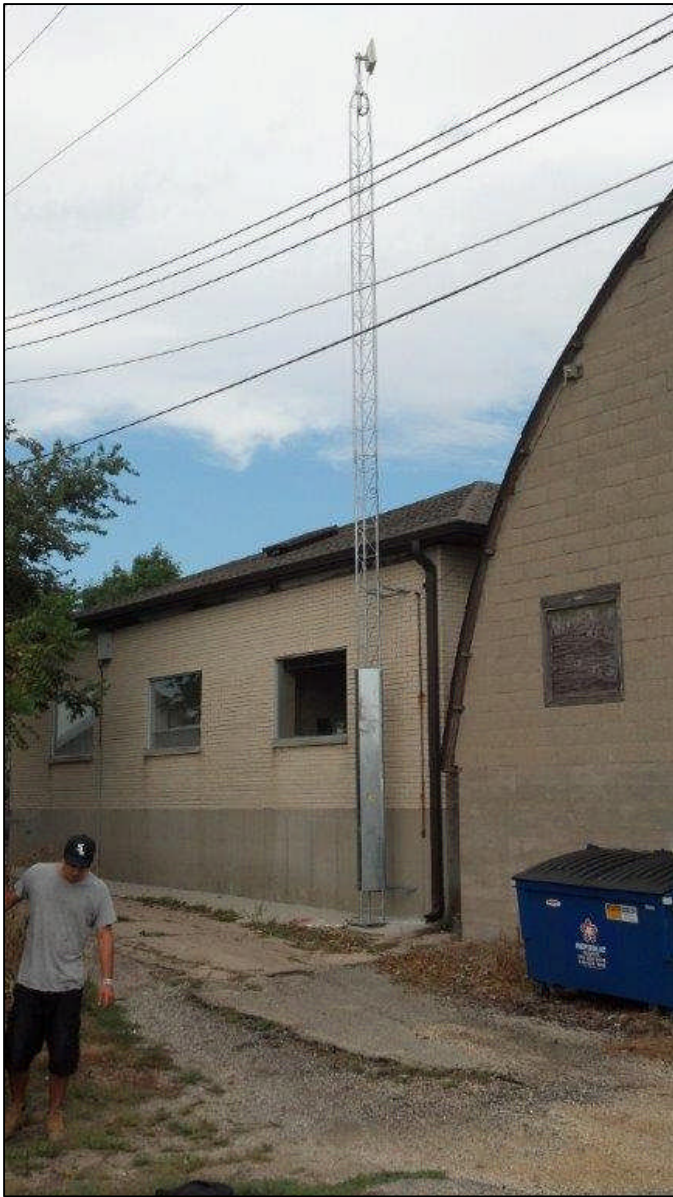
Proposed Tower Location
(North Side View)

05/30/2013 07:41



Proposed Tower Location
(West Side View)

05/30/2013 07:40



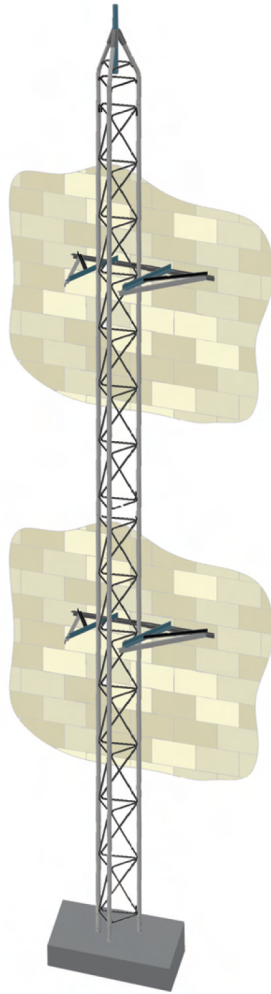
**Examples of
Proposed Tower**



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. Madison 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>
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

RESOLUTION
APPROVING THE PARKS, OPEN SPACE & RECREATION PLAN

WHEREAS, the 2012-2016 Parks, Open Space & Recreation Plan is an update to the 2006-2010 Parks and Open Space Plan and has been prepared in compliance with the guidelines set by the Wisconsin Department of Natural Resources for parks plans, and

WHEREAS, the 2012-2016 Parks, Open Space & Recreation Plan has had significant public participation through the use of mailed, e-mailed, and telephone surveys, public meetings, and a Delphi Committee, and

WHEREAS, the plan provides detailed information on community demographics, current services, and the needs of the community, and

WHEREAS, the plan provides a comprehensive Site Inventory and Analysis of all City parks and Capital Improvement Recommendations for each park, and

WHEREAS, the plan provides goals and objectives for the next five years for parks, open space, and recreation, and

WHEREAS, both the City Plan Commission and City Parks, Recreation & Conservation Advisory Commission after review and discussion recommended approval of the proposed plan.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council of the City of Beloit, Rock County, Wisconsin does hereby approve the 2012-2016 Parks, Open Space, and Recreation Plan and directs that it is the principle guide used when improving our existing parks and planning for future parks.

Adopted this 1st day of July 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: Review and consideration of the Parks, Open Space & Recreation Plan, 2012 - 2016

Date: July 1, 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:

- The Plan Commission reviewed this item on June 19, 2013 and voted unanimously (4-0) to recommend approval of the 2012-2016 Parks, Open Space & Recreation Plan.
- The plan includes an analysis of community demographics, including population characteristics and the history of the Parks and Leisure Services Division.
- A Site Inventory and Analysis of all of the City Parks is included in the plan. The parks are divided into two types: developed parks and special use parks & natural areas. There are four types of developed parks: pocket parks, neighborhood parks, community parks, and regional parks. The City currently includes 455.7 acres of developed parks and 444.3 acres of special use parks and natural areas for a total of 900 acres of parkland. The plan indicates that although we have an adequate amount of parkland, there needs to be a more comprehensive plan for park improvements. The plan also indicates that there is a need to improve ADA accessibility in our parks.
- This plan also includes Community Needs which were identified through a variety of means. Surveys were mailed and e-mailed to a random sample of Beloit residents. Telephone surveys and a focus group were also conducted as part of this planning process. Finally, a Park Board visioning session was held as well as a staff visioning session. There were also two public meetings during the planning process to gather public input.
- Based on the results of the surveys, focus group, and visioning sessions, Administrative, Park & Facility, and Recreation Program goals were identified. An implementation timeline was prepared for each strategic goal identified, and a Quality of Service Scorecard was prepared which prioritizes parks.
- Finally, Capital Improvement Recommendations were prepared for each park, with a graphic provided which illustrates these proposed improvements.
- The Appendix of the document includes a copy of the Needs Assessment Survey itself and a list of the open ended responses from the survey,
- A link to the plan is available from the City's homepage under the "What's Happening" section.

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** – This plan provides a comprehensive analysis of the parks and recreation system and proposes ways to meet the parks and recreation needs of the citizens of the Greater Beloit area.

Action required/Recommendation:

- City Council consideration and action on the proposed Resolution

Fiscal Note/Budget Impact:

- The plan identifies Capital Improvements for each park facility.

Attachments: Resolution and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: June 19, 2013

Agenda Item: 5

File Number: RPB-2013-05

Applicant: City of Beloit Parks and Leisure Services Division

Owner: N/A

Location: City-wide

Request 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:

- The plan includes an analysis of community demographics, including population characteristics and the history of the Parks and Leisure Services Division.
- A Site Inventory and Analysis of all of the City Parks is included in the plan. The parks are divided into two types: developed parks and special use parks & natural areas. There are four types of developed parks: pocket parks, neighborhood parks, community parks, and regional parks. The City currently includes 455.7 acres of developed parks and 444.3 acres of special use parks and natural areas for a total of 900 acres of parkland. The plan indicates that although we have an adequate amount of parkland, there needs to be a more comprehensive plan for park improvements. The plan also indicates that there is a need to improve ADA accessibility in our parks.
- This plan also includes Community Needs which were identified through a variety of means. Surveys were mailed and e-mailed to a random sample of Beloit residents. Telephone surveys and a focus group were also conducted as part of this planning process. Finally, a Park Board visioning session was held as well as a staff visioning session. There were also two public meetings during the planning process to gather public input.
- Based on the results of the surveys, focus group, and visioning sessions, Administrative, Park & Facility, and Recreation Program goals were identified. An implementation timeline was prepared for each strategic goal identified, and a Quality of Service Scorecard was prepared which prioritizes parks.
- Finally, Capital Improvement Recommendations were prepared for each park, with a graphic provided which illustrates these proposed improvements.
- The Appendix of the document includes a copy of the Needs Assessment Survey itself and a list of the open ended responses from the survey,
- A link to the plan is available from the City's homepage under the "What's Happening" section.

Consistency with Comprehensive Plan and Strategic Plan:

- 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** – This plan provides a comprehensive analysis of the parks and recreation system and proposes ways to meet the parks and recreation needs of the citizens of the Greater Beloit area.

Staff Recommendation:

The Planning & Building Services Division recommends **approval** of the 2012-2016 Parks, Open Space & Recreation Plan.

Fiscal Note/Budget Impact:

The plan identifies Capital Improvements for each park facility.

Attachments: 2012-2016 Parks, Open Space & Recreation Plan

PARKS, OPEN SPACE & RECREATION PLAN 2012-2016 SUMMARY



*Prepared by:
Brian Ramsey, Director of Parks & Leisure Services*

PARKS, OPEN SPACE & RECREATION PLAN 2012-2016

- Purpose:
 - 1.) Update & revise previous plan (2006-2010).
 - 2.) Prepare plan in accordance with guidelines that will make the plan certifiable by the State of Wisconsin DNR and qualify for future grant funding.
 - 3.) Conduct a needs assessment study of community Parks & Recreation programs.

PLAN CREATED BY:

DESIGN PERSPECTIVES

1280 Iroquois Avenue

Suite 110

Naperville, IL 60563

630/428-3134

Tod Stanton, ASLA, President



PARKS, OPEN SPACE & RECREATION PLAN 2012-2016



- **New Format:**

- 1.) Introduction, a statement of overall philosophy of Parks & Recreation Service Delivery.
- 2.) Community Demographics.
- 3.) Review of current services.
- 4.) Review the needs of the community.
- 5.) Goals & objectives for the next five (5) years.
- 6.) Plan implementation.

PARKS, OPEN SPACE & RECREATION PLAN 2012-2016

Highlight of Survey Results

- 583 responses exceed goal of 500 returns.
- 77% indicated familiar or very familiar with Division.
- 87% of respondents were satisfied or very satisfied with parks & facilities.
- 95% of respondents were satisfied or very satisfied with recreation services.



PARKS, OPEN SPACE & RECREATION PLAN 2012-2016



More Survey Results

Most popular amenities:

- 64% Walking Trails
- 63% Benches
- 62% Lagoon
- 49% Park Shelters
- 48% Concessions
- 42% Krueger Pool
- 35% Paddle Boats

PARKS, OPEN SPACE & RECREATION PLAN 2012-2016

More Survey Results

Top three (3) Parks:

- Riverside Park
- Telfer Park
- Big Hill Park



PARKS, OPEN SPACE & RECREATION PLAN 2012-2016

PARKS SITE INVENTORY

Scored & rated each
park site and its
amenities:

- Excellent
- Good
- Fair
- Poor
- Very Poor



PARKS, OPEN SPACE & RECREATION PLAN 2012-2016

New - Park Matrix:

- 14 Pocket Parks
- 16 Neighborhood Parks
- 4 Community Parks
- 1 Regional Park
- 7 Special Use Areas
- 7 Natural Areas
- 924.4 Acres of Parkland



PARKS, OPEN SPACE & RECREATION PLAN 2012-2016

Quality of Service Scorecard:

- Level of Service
- Cost
- Impact
- Score

RESULTS:

1. Determines priorities
2. Development of Capital Improvement Plan
3. Implementation of Services





THANK YOU

THE BENEFITS OF PARKS & RECREATION ARE ENDLESS...!

**A RESOLUTION
AMENDING THE 2013 CAPITAL BUDGET FOR THE
INSTALATION OF SEWER AND WATER IN THE GATEWAY
BUSINESS PARK**

WHEREAS, the City adopted the 2013 Capital Budget on November 5, 2012; and,

WHEREAS, Corporate Contractors Inc.(CCI) has requested sewer and water service to the corner of Gateway Boulevard and Townhall Road ; and

WHEREAS, this location is in TID 10 and public infrastructure is to be installed as a TID expense; and

WHEREAS, adequate fund balance is available in TID 10 to fund this project at an estimated to cost \$675,500.

NOW, THEREFORE, BE IT RESOLVED the 2013 Capital Budget of the City of Beloit is hereby amended to add the project to install sewer and water service in the Gateway Business Park.

FUNDING SOURCES:

<u>Fund Balance from TID 10</u>	
P5008388-4999-2013	(\$419,007)
<u>2009 Lease Revenue Bonds for TID 10</u>	
P5008388-5526-2009	<u>(\$256,493)</u>
Total	<u>(\$675,500)</u>

EXPENDITURES:	<u>Original</u>	<u>Amended</u>	<u>Difference</u>
<u>Gateway Sewer and Water Extension</u>			
P5008388-5240-2013 Contracted Services	\$0	\$ 93,000	\$ 93,000
P5008388-5240-2013 Real Estate	\$0	\$ 22,500	\$ 22,500
P5008388-5258-2013 In house Engineering	\$0	\$ 27,000	\$ 27,000
P5008388-5523-2013 Sanitary Sewer	\$0	\$196,000	\$196,000
P5008388-5525-2013 Water Service	\$0	\$337,000	<u>\$337,000</u>
Total			<u>\$675,500</u>

Dated at Beloit, Wisconsin, this 1st day of July 2013.

Charles M. Haynes, Council President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Resolution amending the 2013 Capital Budget for the installation of Sewer and Water in the Gateway Business Park

Date: July 1, 2013

Presenter(s): Greg Boysen, Public Works Director **Department(s):** Public Works/Engineering

Overview/Background Information:

A letter from Corporate Contractors Inc. (CCI) has been received requesting the sewer and water extension(See attached letter) to serve their proposed new office at the corner of Townhall Road and Gateway Boulevard. A budget amendment authorizing the installation as funded project is needed to proceed.

Key Issues (maximum of 5):

1. A letter from CCI requesting the sewer and water extension is attached.
2. Installation will most likely not be completed in the timeframe requested due to easement acquisition and DNR approvals that are required for this project.
3. The estimated project costs are \$675,500 which includes design and construction engineering, easement acquisition, and construction costs.
4. This project is in TID 10, Gateway and fund balance is available for the project without borrowing.
5. This extension also provides sewer and water to an additional 56 acre parcel which makes that parcel more likely to develop too.

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

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

This project will provide City Sewer and Water to currently un-served area of the City. It will provide safe water and appropriate disposal of waste water.

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**
The installation of this gravity sewer and City water to serve a current business that does not have these will protect the health and welfare of the employees for years to come and help preserve the environment from contaminants.

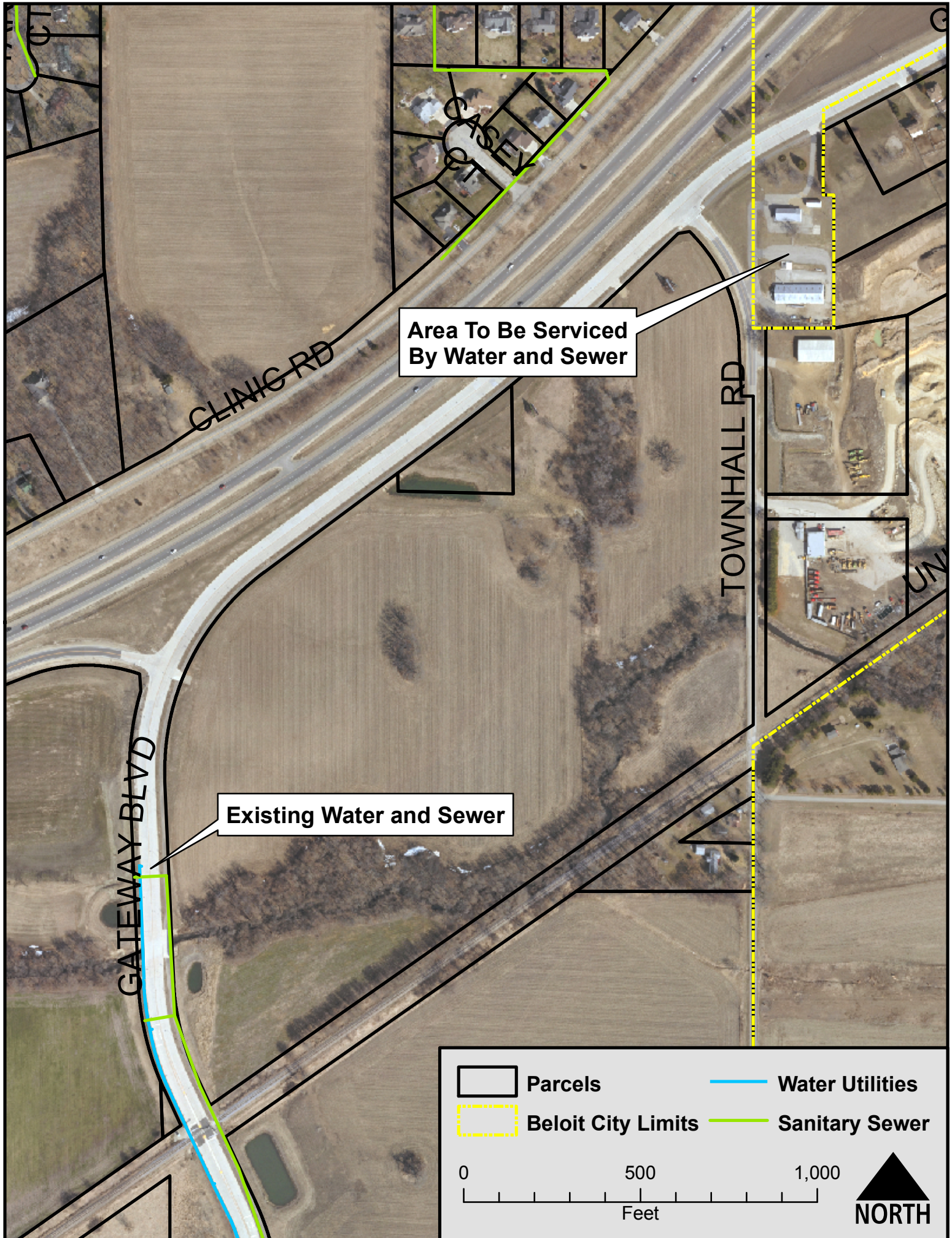
If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space.

Action required/Recommendation:

The Engineering Division of Public Works recommends the approval of the budget amendment.

Fiscal Note/Budget Impact:

Fund balance in TID 10 is available for this project. No borrowing will be required.



CLINIC RD

GATEWAY BLVD

CASEY CT

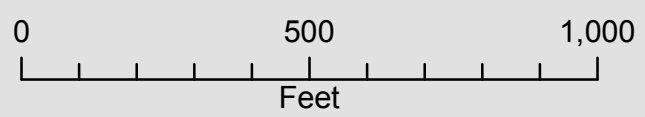
TOWNHALL RD

UNV

Area To Be Serviced By Water and Sewer

Existing Water and Sewer

- Parcels
- Beloit City Limits
- Water Utilities
- Sanitary Sewer



**RESOLUTION AUTHORIZING THE CITY MANAGER TO
ENTER INTO A COOPERATIVE AGREEMENT
WITH THE HO-CHUNK NATION
FOR THE COLLEY ROAD AND WILLOWBROOK ROAD
TIGER GRANT PROJECT**

WHEREAS, the City of Beloit entered into an Intergovernmental Agreement with the Ho-Chunk Nation on March 5, 2012; and

WHEREAS, the City of Beloit entered into a Land Purchase Agreement with the Ho-Chunk Nation of February 18, 2013; and

WHEREAS, the City of Beloit approved a resolution of support for infrastructure improvements with the Ho-Chunk Nation on May 5, 2013; and

WHEREAS, the City of Beloit and the Ho-Chunk Nation have jointly applied for a TIGER Grant from the U.S. Department of Transportation to help fund the needed infrastructure improvements in the proposed casino area; and

WHEREAS, the project shall involve the reconstruction or improvements of Colley Road and Willowbrook Road. The Tribe will contribute \$1,900,000.00 of Tribal Transportation Program funds to the project (\$1,530,000.00 for construction and \$370,000.00 for engineering, Arch. / Env. and Right of Way) unless additional funds become available and approved by the Ho-Chunk Nation President.; and

WHEREAS, the TIGER Grant application requires that the design of the project be 30% completed by September 30, 2013 to be considered for the Grant Award; and

WHEREAS, Jewell Associates Engineers, Inc. prepared the TIGER Grant application for the Ho-Chunk Nation and is knowledgeable of the proposed infrastructure improvements requested in the grant and has worked with the Ho-Chunk Nation in the past; and

WHEREAS, the short timeline for completing the 30% design of the infrastructure improvements requires selecting a firm familiar with the infrastructure improvements and the ability to complete the design work in the time allowed; and

WHEREAS, it is mutually agreed that both Ho-Chunk Nation and the City of Beloit will benefit from proposed street improvements made in the Beloit area; and

WHEREAS, it is mutually agreed that this Cooperative Agreement forms the basis for the design, real estate acquisition, utility relocation and capacity expansion of Colley Road and Willowbrook Road for the TIGER Grant Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beloit, Rock County, Wisconsin, does hereby authorize the City Manager to execute the attached "Cooperative Agreement: 05-2013, Colley Road and Willowbrook Road TIGER Grant Project" with the Ho-Chunk Nation and to do all other things necessary to implement the provisions therein.

Dated at Beloit, Wisconsin, this 1st day of July, 2013.

City Council of the City of Beloit

Charles M. Haynes, President

ATTEST:

Rebecca Houseman LeMire, City Clerk
130627 1024 (cln)

CITY OF БЕЛОIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: A Resolution authorizing the City Manager to enter into a Cooperative Agreement with the Ho-Chunk Nation for the Colley Road and Willowbrook Road TIGER Grant Project.

Date: July 1, 2013

Presenter(s): Greg Boysen, Public Works Director

Department(s): Public Works

Overview/Background Information: The City of Beloit and the Ho-Chunk Nation have applied for a TIGER (Transportation Investment Generating Economic Recovery) Grant for the capacity expansion of Colley Road and Willowbrook Road. This agreement provides a mechanism for the Ho-Chunk Nation to participate with the City for the local funding requirements of these improvements through the use of Tribal Transportation Program funds. Colley Road will be improved from Willowbrook Road to Gateway Boulevard to a four lane urban section. Willowbrook Road will be improved to a four lane urban section from Stateline Road to Milwaukee Road.

Key Issues (maximum of 5):

1. The agreement allows for \$1,900,000 of Tribal Transportation Program funding for the TIGER Grant project. Of which \$370,000 is available for engineering.
 2. A requirement of the TIGER Grant is for 30% engineering to be completed prior to grant award which is in September 2013.
 3. This agreement must be approved prior to executing a Design Services Contract for the 30% engineering for the TIGER Grant project to assure Tribal funding is available.
-

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

1. **As an eco-municipality, focus on the sustainable stewardship of City resources, services and infrastructure; to protect both our built and natural environment and enhance the quality of life for current and future generations.** This project will complete the city's infrastructure needs for the casino with little to no local funding being required..
-

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:

The Public Works Department recommends approving the Cooperative Agreement with the Ho-Chunk Nation for the Colley Road and Willowbrook Road TIGER Grant Project.

Fiscal Note/Budget Impact:

Little to no city funds will be required for this project. The TIGER Grant local match is to be met from Ho-Chunk contributions.

COOPERATIVE AGREEMENT NUMBER: 05-2013

City of Beloit, Wisconsin

Colley Road and Willowbrook Road TIGER Grant Project

This AGREEMENT made and entered into by and between City of Beloit, a duly incorporated city in the State of Wisconsin (hereinafter referred to as the "City"), and the Ho-Chunk Nation (hereinafter referred to as the "Tribe").

SCOPE OF THE AGREEMENT: To establish a mechanism for the Tribe to participate with the City for the reconstruction or improvements to Colley Road and Willowbrook Road.

WITNESSETH:

WHEREAS, in the City of Beloit, there are routes designated as Colley Road and Willowbrook Road serving the residents of the Tribe and the City; and

WHEREAS, the Bureau of Indian Affairs (hereinafter referred to as the "Bureau") has Ho-Chunk Nation Tribal Transportation Program Funds for the Colley Road and Willowbrook Road projects which received approval by the Federal Highway Administration (FHWA) on the Tribe's amended Transportation Improvement Program (TIP) for fiscal Year 2013; and

WHEREAS, the Bureau is required to enforce the Buy Indian Act, 25 U.S.C. 47, for all funds made available to the Bureau for the Tribal Transportation Program (TTP) as provided pursuant to Moving Ahead for Progress in the 21st Century (MAP 21); and

WHEREAS, the City does not have sufficient funding for the complete project costs of the Colley Road and Willowbrook Road projects; and

WHEREAS, the City and the Tribe have agreed to share the local match costs; and

WHEREAS, the City is completely responsible for the design and construction of the project; and

WHEREAS, the City is responsible for maintenance of said road.

IT IS, THEREFORE, MUTUALLY AGREED AS FOLLOWS:

ARTICLE I - ENGINEERING DESIGN, PLANS, SPECIFICATIONS, AND SUPPLEMENTAL SPECIFICATIONS BY THE CITY

Section A. Engineering Services

The City will ensure completion of engineering services, subject to available funding, including design, project plans, written specifications and development of an itemized project estimate based on the current edition utilized by the State of Wisconsin for the following:

- A. American Association of State Highway and Transportation Officials (AASHTO): A Policy of Geometric Design of Highway and Streets, or Wisconsin DOT Highway Design Criteria.
- B. Manual on Uniform Traffic Control Devices (MUTCD) or approved State manual.
- C. State of Wisconsin Standard Specifications for Construction and Supplemental Specifications.
- D. FHWA Construction Manual or Wisconsin DOT equivalent.

The City will obtain all necessary Archaeological and Environmental clearances, required Rights of Way and permits, and fulfill public involvement requirements, as specified by local, state, and federal laws for projects utilizing local and state government funding, and Federal Highway Trust Funds, along with any additional requirements from the State of Wisconsin DOT, prior to soliciting the construction portion of this project. The City shall contact the Bureau of Indian Affairs Environmental Specialist at 715-682-4527 to coordinate environmental and historical clearances.

When complete, the plans and specifications will be attached hereto as Exhibit A, and shall become part of this Cooperative Agreement.

Section B. Construction, Construction Engineering and Testing

The City will take full responsibility for the construction, construction engineering and testing, subject to available funding. All requirements of the construction contract will meet or exceed applicable regulations and the requirements of the TIGER Grant. The contractor must adhere to the Ho-Chunk Nation Tribal Employment Rights Office (TERO) requirements. The 2% TERO fee will be assessed only to the Tribe's contribution.

ARTICLE II – ADMINISTRATION

Section A. Notification

Prior to commencement of construction, the Tribe will provide the City with the name(s) and contact information of the individual(s) who shall be designated as the Tribal Representative(s) for all purposes under this Agreement. Unless notified otherwise Jon Schrader, Brett Blackdeer, Ted Walczak and Ron Poppie will be the Tribal Representatives for this project.

The City will inform at least one of the Tribe's representatives on the following: unforeseen problems, current project status (quarterly), archaeological clearances, environmental clearances, right-of-way clearances, final plan approval, award of construction contract, substantial completion of project (95%), and project completion. The City will provide the Tribe with a complete set of signed plans. The City will provide to the Tribe a revised schedule of the Estimated Cost once the contract for construction is awarded.

In the event that a change occurs that is not within the original scope of this Agreement, the City will immediately notify at least one of the Tribe's representatives or in the event that unresolved problems should occur that prevent the successful completion of this project, the City will immediately notify at least one of the Tribe's representatives.

Section B. Indian Preference

Part 1. Prime Contractor

Indian Preference for prime contractor shall take precedence over other socioeconomic program requirements that are established by Title 23 U.S.C., section 140, Equal Employment Opportunity requirements, the State or local ordinances.

Part 2. Indian Preference Contract Clause

The City will implement into all contracts for this project the following language for Indian Preference:

Indian Preference. The contractor agrees to give preference to Indians who can perform the work required, and to the extent feasible consistent with training opportunities, regardless of age (subject to existing laws and regulations), sex, religion, or tribal affiliation, for training and employment opportunities under this contract. The contractor also agrees to give preference to Indian organizations and Indian owned economic enterprises in the awarding of any subcontracts consistent with the efficient performance of this contract. The contractor shall maintain and provide to the Tribal Employment Rights Office such records as are necessary to indicate compliance with this paragraph.

ARTICLE III – SCOPE OF PROJECT

The project shall involve the reconstruction or improvements of Colley Road and Willowbrook Road. The specific scope of the project in terms of lineal mileage and cost will be determined by the City and the Tribe prior to construction. In no event will the Tribe be obligated to contribute more than \$1,900,000.00 of Tribal Transportation Program funds to the project (\$1,530,000.00 for construction and \$370,000.00 for engineering, Arch. /Env. and Right of Way) unless additional funds become available and approved by the Ho-Chunk Nation President.

ARTICLE IV – ACCEPTANCE OF WORK

Section A. Payment

The Tribe will accept itemized partial payment estimates for construction and engineering deliverables for the project. The Tribe will approve the payment estimates and make payments to the City up to the amount obligated for local match and engineering by this Agreement. Payments shall be tendered not later than 45 days after receipt of the invoice.

Section B. Inspection

The Tribe will perform timely inspections of the project. The Tribe will immediately notify the City in writing concerning any defects or problems observed. The Tribe in conjunction with the City has final authority on the acceptance of work and materials for the project.

Section C. Final Acceptance

The City will invite the Bureau to attend final inspection, and will provide the Bureau with an itemized over run/under run statement, and any documentation used by the FHWA, State or City accepting the completed project from the Prime Contractor.

ARTICLE V – COMPLETION OF THE COOPERATIVE AGREEMENT

The City shall be responsible for all acts and functions necessary to cause the fulfillment of this Agreement by October 31, 2015.

ARTICLE VI – FUNDING

If the City or the Tribe should withdraw from the project due to a lack of full or partial funding or an unsuccessful TIGER Grant application, this Agreement may be terminated by any party and a new agreement can be negotiated. The Ho-Chunk Nation shall contribute \$1,900,000.00 of TTP funds towards the project; the balance of the local match will be contributed by the City.

The Bureau reserves the right to perform an audit on the project upon completion.

ARTICLE VII – MAINTENANCE

The City will perform maintenance of project upon completion as required by Title 23, U.S.C., Highways, section 116, and as required by the State of Wisconsin DOT.

ARTICLE VIII – CLAIMS

Nothing in this Agreement shall affect, modify, diminish or otherwise impair the sovereign immunity from suit enjoyed by the Tribe; or authorize or require the termination of any existing trust responsibility of the United States with respect to Indian people.

All employees of the City and all persons employed by the City in the performance of all functions of this cooperative agreement shall not be considered employees of the Tribe. All claims that arise under the Workers Compensation Act of the State of Wisconsin on behalf of the employees while so engaged and all claims made by any third parties as a consequence of any act or omission on the part of the employees while so engaged on any engineering, construction or services provided as covered under this Agreement shall in no way be the obligation or responsibility of the Tribe.

ARTICLE IX – AGREEMENT APPROVAL

Section A. Approval

Before this Agreement shall become binding and effective, it shall be approved by the Ho-Chunk Nation and receive approval of such City Officers as the law may provide.

Section B. Changes

Any change that causes a deviation from this Agreement must be agreed to by all parties in *Section A. Approval*, and must be attached to this Agreement by addendum.

IN TESTIMONY, WHEREOF, the parties have duly executed this Agreement by their duly authorized officer(s).

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 there are sufficient funds available to pay the liability incurred by the City of Beloit pursuant to this agreement.

By: _____
Paul York, City Comptroller

130625 1636 (cln) (99-1240)

HO-CHUNK NATION

By: _____
Jon Greendeer, President

(print name)

Its _____
(print title)

ATTEST:

By: _____
(signature)

(print name)

Its _____
(print title)

**A RESOLUTION
AMENDING THE 2013 CAPITAL BUDGET FOR THE
TIGER GRANT PROJECT, 30% DESIGN**

WHEREAS, the City adopted the 2013 Capital Budget on November 5, 2012; and

WHEREAS, subsequent to adoption of said budget, the City of Beloit and the Ho-Chunk Nation jointly applied for a Transportation Investment Generating Economic Recovery Grant (TIGER Grant) from the U.S. Department of Transportation; and

WHEREAS, the TIGER Grant application requires that the design of the project be 30% completed by September 30, 2013 to be considered for the Grant Award; and

WHEREAS, the Ho-Chunk Nation will contribute \$370,000 for engineering as noted in the Cooperative Agreement between the Ho-Chunk Nation and the City of Beloit; and

WHEREAS, the Ho-Chunk Nation will contribute an additional \$1,530,000 toward the local match requirements for the street improvements covered by the TIGER Grant as required by the Cooperative Agreement with the Ho-Chunk Nation for the Colley Road and Willowbrook Road TIGER Grant Project; such contributions will be in addition to the \$2,000,000 infrastructure fee payable to the City pursuant to the March 5, 2012 Intergovernmental Agreement which provides for such payment upon approval of the fee to trust application by the Nation.

NOW, THEREFORE, BE IT RESOLVED that the 2013 capital budget of the City of Beloit is hereby amended to add the project for the 30% design of the TIGER Grant project to serve the future Casino and the Community at large with improved streets.

FUNDING SOURCES:

FUNDING:

P2903294-4390 Ho-Chunk Contributions	<u>(\$370,000)</u>
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Total	<u>(\$370,000)</u>
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EXPENDITURES:

	<u>Original</u>	<u>Amended</u>	<u>Difference</u>
<u>TIGER Grant Street Improvements</u>			
P2903294-5240-2013 - Contracted Services	\$0	\$ 370,000	<u>\$ 370,000</u>

Total	<u>\$370,000</u>
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Dated at Beloit, Wisconsin, this 1st day of July, 2013.

Charles M. Haynes, Council President

ATTEST:

Rebecca Houseman LeMire, City Clerk
130625 1518 (cln)

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: A Resolution Amending the 2013 Capital Budget for the TIGER Grant 30% Design

Date: July 1, 2013

Presenter(s): Greg Boysen, Public Works Director

Department(s): Public Works

Overview/Background Information:

The City of Beloit and the Ho-Chunk Nation have applied for a TIGER (Transportation Investment Generating Economic Recovery) Grant from the U.S. Department of Transportation. Colley Road from Willowbrook Road to Gateway Boulevard and Willowbrook Road from Staline Road to Milwaukee Road will be improved to four lane urban sections with this grant. The 2013 Capital Budget must be amended to include funding for the 30% design of this project for the TIGER Grant so that design contracts may be executed and the design work completed before September 30, 2013.

Key Issues (maximum of 5):

1. The City of Beloit and the Ho-Chunk Nation have jointly applied for a TIGER Grant from the U.S. Department of Transportation.
2. The TIGER Grant application requires that the design of the project be 30% completed by September 30, 2013 to be considered for the Grant Award.
3. The Ho-Chunk Nation will contribute \$370,000 for engineering as noted in the Cooperative Agreement between the Ho-Chunk Nation and the City of Beloit.
4. The balance of the Design and Construction budget for the TIGER Grant will be added to the 2014 Budget once the Grant is received.

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

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

This project will provide improved access to the proposed casino site and allow for the smooth movement of vehicles with the increased traffic the casino will generate.

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:

The Department of Public Works recommends the approval of the budget amendment.

Fiscal Note/Budget Impact:

No borrowing will be required. The Ho-Chunk Nation will provide the needed funds as a reimbursement to the City as outlined in the Cooperative Agreement for the TIGER Grant.

**A RESOLUTION
APPROVING A CONTRACT WITH JEWELL
ASSOCIATES ENGINEERS, INC. FOR TIGER GRANT
PROJECT 30% DESIGN ENGINEERING SERVICES**

WHEREAS, the City of Beloit entered into an Intergovernmental Agreement with the Ho-Chunk Nation on March 5, 2012; and

WHEREAS, the City of Beloit entered into a Land Purchase Agreement with the Ho-Chunk Nation of February 18, 2013; and

WHEREAS, the City of Beloit approved a resolution of support for infrastructure improvements with the Ho-Chunk Nation on May 5, 2013; and

WHEREAS, the City of Beloit and the Ho-Chunk Nation have jointly applied for a TIGER Grant from the U.S. Department of Transportation to help fund the needed infrastructure improvements in the proposed casino area; and

WHEREAS, the Ho-Chunk Nation will contribute \$370,000 for engineering as noted in the Cooperative Agreement between the Ho-Chunk Nation and the City of Beloit; and

WHEREAS, the TIGER Grant application requires that the design of the project be 30% completed by September 30, 2013 to be considered for the Grant Award; and

WHEREAS, Jewell Associates Engineers, Inc. prepared the TIGER Grant application for the Ho-Chunk Nation and is knowledgeable of the proposed infrastructure improvements requested in the grant and has worked with the Ho-Chunk Nation in the past; and

WHEREAS, the short timeline for completing the 30% design of the infrastructure improvements requires selecting a firm familiar with the infrastructure improvements and the ability to complete the design work in the time allowed.

NOW, THEREFORE, BE IT RESOLVED that the City Manager is authorized to execute the attached Engineering Services Contract with Jewell Associates Engineers, Inc. and to do all other things necessary to effectuate the purposes hereof.

Dated at Beloit, Wisconsin, this 1st day of July, 2013.

Charles M. Haynes, Council President

ATTEST:

Rebecca Houseman LeMire, City Clerk
130625 1140 (cln)

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: A Resolution approving a contract with Jewell Associates Engineers, Inc. for the TIGER Grant project 30% design engineering services.

Date: July 1, 2013

Presenter(s): Greg Boysen, Public Works Director **Department(s):** Public Works

Overview/Background Information: The City of Beloit and the Ho-Chunk Nation have jointly applied for a TIGER (Transportation Investment Generating Economic Recovery) Grant from the US Department of Transportation. Colley Road from Willowbrook Road to Gateway Boulevard and Willowbrook Road from Stateline Road to Milwaukee Road will be improved with capacity expansion with this grant.

Key Issues (maximum of 5):

1. The Ho-Chunk Nation will contribute \$370,000 for engineering as noted in the Cooperative Agreement between the Ho-Chunk Nation and the City of Beloit.
2. The TIGER Grant application requires that the design of the project be 30% completed by September 30, 2013 to be considered for the Grant Award.
3. Jewell Associates Engineers, Inc. prepared the TIGER Grant application for the Ho-Chunk Nation and is knowledgeable of the proposed infrastructure improvements requested in the grant and has worked with the Ho-Chunk Nation in the past.
4. The short timeline for completing the 30% design of the infrastructure improvements requires selecting a firm familiar with the infrastructure improvements and the ability to complete the design work in the time allowed.
5. Jewell Associates Engineers, Inc. is located in Spring Green, Wisconsin and will be using Battermans Engineering in Beloit for a portion of the design work.

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

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

This project will provide improved access to the proposed casino site and allow for the smooth movement of vehicles with the increased traffic the casino will generate.

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:

The Department of Public Works recommends the approval of the resolution approving Jewel Associates Engineers, Inc. as the design consultant for the TIGER Grant Project 30% design.

Fiscal Note/Budget Impact:

No borrowing will be required. The Ho-Chunk Nation will provide the needed funds as a reimbursement to the City as outlined in the Cooperative Agreement for the TIGER Grant.



July 1, 2013

ENGINEERING SERVICES CONTRACT

This is an Engineering Services Contract (Contract) between the City of Beloit (Client or City) and Jewell Associates Engineers, Inc. (Jewell or Consultant). The Consultant will provide Engineering Services to the Client.

SCOPE OF SERVICES:

This contract is for Engineering and Surveying services for the development of 30% design plans for Willowbrook Road from State Line Road to Milwaukee Road and East Colley Road from Willowbrook Road to Gateway Boulevard. Work to complete the plan to the 30% stage is defined as follows:

- **Administration / Coordination:**
 - Project development and coordination
 - Negotiations with clients and sub-consultants
 - Contract administration
 - Project coordination
 - Project management

- **Survey / Data Collection / Staking:**
 - Establish project control and benchmarks
 - Topo survey, utility survey, invert dips
 - Willowbrook Road (State Line Road to Milwaukee Road)
 - Colley Road (Willowbrook Road to Gateway Blvd)
 - Willowbrook Road/Milwaukee Road Intersection (500' each way along Milwaukee Road)
 - Willowbrook Road/Colley Road Intersection
 - Willowbrook Road/Stateline Road Intersection (500' in all directions)
 - Transit Center
 - Structure and Hydraulic Survey
 - Bridge over Spring Brook Creek
 - Upstream/downstream structure data/cross sections for hydraulic analysis
 - Wetland delineation flag survey
 - Geotechnical boring layout and staking

- **Engineering**

Preliminary (30%) Roadway Design:

- Willowbrook Road/State Line Road Intersection (2 lane roundabout)
- Willowbrook Road (State Line Road to south casino entrance)
 - Add lane to east edge of existing roadway
- Willowbrook Road, South casino entrance (2 lane roundabout)
- Willowbrook Road, South casino entrance to East Colley Road intersection
 - Add lane to east edge of existing roadway
- Willowbrook Road at East Colley Road (2 lane roundabout)
- Willowbrook Road to Milwaukee Road
 - Conversion of 2 lane to 4 lane street on existing alignment
 - Development of structure for crossing Springbrook creek
- Willowbrook at Milwaukee Road (traffic light controlled intersection)
- East Colley Road from Willowbrook Road to Gateway Boulevard
 - Conversion of 2 lane to 4 lane street on mostly existing alignment
 - Reconstruction of curves to meet current City of Beloit standards
 - Develop cross-section of East Colley Road under I-39 bridge
 - Develop main intersection for entrance to casino
 - Maintain turn lanes for Staples Fullfillment Center

For all sections of roadway the following items apply:

- Bicycle and Pedestrian Accommodations per TRANS 75
- Preliminary Plans to include:
 - Preliminary alignments
 - Preliminary profiles
 - Typical Sections
 - Preliminary Intersection Details
 - Plan/Profile
 - Cross Sections
 - Decorative street lighting
 - Suggested pavement markings
 - Intersection details
 - ❖ Roundabout
 - ❖ Traffic control lights
 - ❖ Roadway drainage
 - ❖ Stormwater Management Facilities

- **Soils and Subsurface Investigations**

- Standard soil auger borings: Perform seventeen (13) soil borings.
- Thirteen pavement borings are proposed to a depth of 10' each.
- Soil sample interval will be every 2.5' intervals in the top 10'.

- **Design Reports**

- Soils Report
- Pavement Design Report
- Transportation Management Plan
- Design Study Report
- Feasibility Study for Roundabouts
- Traffic Signal Study
- Hazardous Materials Report
- 106 Report
- Encroachment Report (If encroachments are found)

- **Environmental Documentation**

Due to the capacity expansion of both Willowbrook and East Colley, it is anticipated that the Environmental Document for this project will be an Environmental Assessment (EA). All work will be completed to the requirements of the FHWA guidelines for Environmental reviews. The document will include at least the following:

- Environmental Impact – Air Quality
- Environmental Impact – Archaeology
- Environmental Impact – Contaminated Sites
- Environmental Impact – Storm Water Management
- Environmental Impact – Documents
- Environmental Impact – Erosion Control
- Environmental Impact – History
- Environmental Impact – Sound Quality
- Environmental Impact – Species/Habitat
- Environmental Impact – Wetlands/Waterways
- Preparation of FONSI (Finding of No Significant Impact)

- **Agency/Railroad Coordination**

- Coordination with Railroad for the proposed Willowbrook Road Crossing.
- Prepare all documentation in anticipation of OCR Hearing if necessary.
- Corps of Engineers
- State Line Area Transportation Study (SLATS)
- Indian Affairs (Tribe notification and BIA / Ho-Chunk Coordination)

- **Utility Coordination**

- Initial project coordination letter
- Early Utility Coordination meeting
- ANR Pipeline Coordination at Colley Road and Willowbrook Road

- **Right of Way**
 - Preparation of Transportation Project Plat to (60%) stage for entire corridor (Willowbrook Road and Colley Road)
 - Provide 40 title searches (estimated)
 - Does not include individual legal descriptions

- **Transit Coordination**
 - Preliminary Design of Bus Facility Expansion
 - On-site meeting with Management and Staff
 - Specifications for Additional Rolling Stock
 - Geometrics for Roundabouts, and feasibility of use at Casino site

- **Public Involvement**
 - Local Officials Meeting prior to PIM
 - Public Informational Meeting
 - Preparation of all displays
 - News Release for City placement in local media outlets
 - Property owner / official mailings and notifications
 - Arrange accommodations for the meeting

- **Meetings**
 - 30% Plan Review Meeting
 - Environmental Coordination Meeting
 - Scoping Meeting
 - Field Review Meetings as needed
 - Miscellaneous Meetings for Coordination
 - Project development/design progress meetings as needed

Services not set forth above are specifically excluded from the scope of the Consultant's services and the Consultant assumes no responsibility to provide such services unless an agreement for Additional Services is made and appended to this Contract.

SCHEDULE:

This Agreement is based upon the following anticipated schedule.

Start of Work: June 17, 2013

Completion Date: September 30, 2013. This completion date may be adjusted in order to provide information to the City or Ho-Chunk Nation to respond to TIGER grant requirements.

Due to the nature of this project, an immediate response to begin work is essential. Jewell realizes that the start date of June 17, 2013 is prior to authorization by the City of Beloit to begin

work and Jewell agrees that all work beginning prior to the authorization to do so by the City of Beloit, is at risk by Jewell and any sub-consultants of Jewell.

ADDRESS CONFIRMATION:

Client's Billing Address is:

City of Beloit
Public Works Department
c/o Gregory Boysen, P.E.
2400 Springbrook Court
Beloit, WI 53511

The telephone number where the Client can be reached is (608) 364-6693 and the Client's e-mail address is Boyseng@ci.beloit.wi.us.

(If any of the above contact information is incorrect, please cross out the incorrect information and write in the correct information.) The client agrees to notify the Consultant if any contact information changes.

COMPENSATION:

1. Total compensation for services under this Contract shall be a lump sum fee of \$370,000. Fees and costs shall be adjusted as required to achieve conformance with the TIGER Grant referred to below.

Jewell Associates Engineers Inc. will provide preparation of environmental documents, preliminary design for the roadway, bridge, roundabouts, traffic light controlled intersections, coordination with Ho-Chunk, BIA, FHWA, and other agencies as needed for a lump sum cost of \$204,431.71.

Sub-consultants:

- R.H. Batterman & Co., Inc.
 - Survey, Utility Coordination, Water and Sewer preliminary design, platting, roadway design (State Line Road to South Roundabout entrance to the Casino) and meetings for a lump sum cost not to exceed \$151,063.29.
- Nummelin Testing
 - Geotechnical Drilling and Report for a lump sum of \$8,905.00
- CCRG Environmental Services
 - Historic and Archeological Investigations for a lump sum of \$1,250.00
- Taylor Conservation Services LLC.
 - Wetland Delineation and investigation for entire corridor for a lump sum of \$2,350.00.

- Hanson Design Services LLC.
 - Electrical preliminary design for street lighting and traffic light control for a lump sum of \$2,000.00.
- 2. The City of Beloit shall provide traffic control for soil boring operations completed by Nummelin Testing. Nummelin shall give the City three (3) working days notice of their testing schedule.
- 3. Jewell Associates Engineers, Inc. shall submit invoices monthly for Services and payment is due within 30 days.

TIGER Grant Project Agreement:

Attached hereto and incorporated herein as Exhibit A is Cooperative Agreement Number 05-2013 (herein “Cooperative Agreement”) between the City of Beloit and the Ho-Chunk Nation regarding Colley Road and Willowbrook Road TIGER Grant Project. Consultant expressly affirms it will fully comply with all terms and conditions of said Cooperative Agreement and that the terms and conditions thereof shall take precedence over any provisions herein to the extent they differ. It is agreed that all fees and costs shall be calculated and adjusted as required in order to achieve the TIGER Grant requirement of 30% engineering completion being funded pursuant to said TIGER Grant and the Cooperative Agreement

NON-DISCRIMINATION:

The Consultant shall not discriminate against any qualified employee or qualified applicant for employment because of race, color, national origin, ancestry, religion, age, marital status, disability, sex, or sexual orientation. In the event any portion of this Contract is sublet by the Consultant, said Consultant shall include in such subcontract, a provision prohibiting the subcontractor from discrimination against any qualified employee or qualified applicant for employment because of race, color, national origin, ancestry, religion, age, marital status, disability, sex or sexual orientation. This provision is inserted herein in compliance with Section 1.09 of the Code of General Ordinances of the City of Beloit, and shall be interpreted so as to carry out the intent of said ordinance.

AFFIRMATIVE ACTION:

The Consultant agrees to adopt an affirmative action plan to increase in Consultant's partners, associates and employees, the representation and number of underrepresented groups which have been victims of employment discrimination in all of Consultant's departments, job classifications and salary categories. The Consultant agrees to include the same provision in its subcontracts and to require its subcontractors to include the same provision in their subcontracts. This provision is inserted herein in compliance with Section 1.09 of the Code of General Ordinances of the City of Beloit, and shall be interpreted so as to carry out the intent of that ordinance.

TERMINATION:

This contract may be terminated at any time upon seven (7) calendar days' written notice by either party should the other party fail to perform its obligations hereunder or should the TIGER Grant application not be fully approved and funded. In the event of termination for any reason whatsoever, the Client shall pay the Consultant for all services rendered to the date of termination, and all reimbursable expenses incurred prior to termination subject to the extent of such funds being available under the Cooperative Agreement. Failure of Client to make payments when due shall be cause for suspension of services, or ultimately termination, unless and until Consultant has been paid in full all amounts due.

STANDARD OF CARE:

The standard of care for all professional services performed or furnished by the Consultant under this Contract will be the skill and care used by members of the Consultant's profession practicing under similar circumstances at the same time and in the same locality. The Consultant makes no further warranties, express or implied, under this Contract or otherwise, in connection with Consultant's services.

INFORMATION PROVIDED BY OTHERS:

The Client shall furnish, at the Client's expense, all information, requirements, reports, data, surveys and instructions required by this Contract. The Consultant may use such information in performing its services and is entitled to rely upon the accuracy and completeness thereof.

TIMELINESS OF PERFORMANCE/DELAYS:

The Consultant will perform services under this Contract with reasonable diligence and expediency consistent with sound professional practices. The Client agrees that the Consultant is not responsible for damages arising directly or indirectly from any delays for causes beyond the Consultant's control. For purposes of this Contract, such causes include, but are not limited to, strikes or other labor disputes; severe weather disruptions or other natural disasters; failure of any government agency to act in a timely manner, provided said delay is not due to the Consultant; failure of performance by the Client or the Client's contractors or consultants; or discovery of any hazardous substances or differing site conditions. If the delays resulting from any such causes increase the cost or time required by the Consultant to perform its services in an orderly and efficient manner, the Consultant shall be entitled to an equitable adjustment in schedule and/or compensation, as mutually agreed to in advance and in writing by the parties, recognizing that such agreement may require approval of the City Council of Beloit and/or the Ho-Chunk Nation.

ATTORNEY'S FEES:

In the event of any litigation arising or related to this Contract or the services provided hereunder, the prevailing party shall be entitled to recover from the non-prevailing party all reasonable costs incurred, including staff time, court costs, attorney's fees, and all other related expenses in such litigation.

CONSEQUENTIAL DAMAGES:

Notwithstanding any other provision of this Contract, and to the fullest extent permitted by law, neither the Client nor the Consultant, their respective officers, directors, partners, employees, contractors or subconsultants, shall be liable to the other or shall make any claim for incidental, indirect or consequential damages arising out of or connected in any way to the project or to this Contract. This mutual waiver of consequential damages shall include, but is not limited to, loss of use, loss of profit, loss of business, loss of income, loss of reputation or any other consequential damages that either party may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict or implied warranty.

INDEMNIFICATION:

The Consultant shall indemnify and hold the City, its officers, agents and employees harmless from any and all claims, including claims for damages to property, personal injury, consequential and incidental damages, loss of income or revenue, costs and expenses, including reasonable attorneys’ fees, arising out of any acts or omissions of the Consultant, its employees, agents and subcontractors during the performance of this Contract.

SAFETY RULES AND REGULATIONS:

The Consultant shall initiate, maintain and supervise all safety programs connected with the performance of this Contract. The Consultant shall also take reasonable safety precautions to prevent damage to property and injury to persons on or adjacent to the work site. The Consultant shall comply with all applicable laws, ordinances, rules, regulations and orders of any public authority having jurisdiction over the work site and the persons at the site. The Consultant shall pay all claims for property damage or personal injury caused by the Consultant or, its employees, agents or subcontractors.

INSURANCE:

The Consultant shall, at Consultant’s expense, procure the following insurance policies from insurance companies licensed to do business in the State of Wisconsin, with Best’s ratings of no less than "A," in amounts and coverages not less than hereinafter set forth. All insurance companies and required endorsements shall be approved by the City prior to execution of this Contract. The Consultant shall also require all subcontractors to procure identical insurance coverages to those required of the Consultant herein.

1. Commercial General Public Liability Insurance:

The **Consultant** shall procure a Commercial General Liability policy with the following standard limits:

General Aggregate Limit (other than Products/Completed Operations)	\$2,000,000
Products/Completed Operations Aggregate Limit	\$2,000,000
Personal & Advertising Injury Limit	\$1,000,000
Each Occurrence Limit	\$1,000,000
Fire Damage Limit/Any One Fire	N/A

The Commercial General Liability policy will include protection for:

- (a) Bodily Injury and Property Damage Liability arising from premises operations, products and completed operations.
- (b) Contract Liability coverage for this Contract and related contracts, including subcontracts.
- (c) Coverage for bodily injury or personal injury inflicted by one **Contractor** employee upon another.

2. Worker's Compensation and Employers' Liability Policy:

The **Consultant** shall provide a Worker's Compensation policy with Employers' Liability coverage from a carrier licensed in Wisconsin providing standard limits.

3. Commercial Automobile Liability Insurance:

The **Consultant** shall provide Commercial Automobile Liability insurance covering all vehicles and equipment used by the **Consultant** in the performance of this Contract and all operators thereof in the amount of \$1,000,000. The policy should cover:

- (a) All owned, non-owned or hired vehicles.
- (b) Uninsured/Underinsured Motorist Liability coverage at full policy limits.
- (c) Cross-suits.
- (d) Bodily injury and property damage for the transportation of mobile equipment by a vehicle used by the Consultant in the performance of this Contract.
- (e) Coverage for injuries caused by fellow employees.
- (f) Contractual liability coverage for this Contract and related contracts, including subcontracts.

4. Certificate of Insurance:

The Consultant shall provide the City with a certificate of insurance coverage required by this Contract. The certificate shall name the City as an additional insured and shall provide that the policies of insurance shall not be canceled or altered without thirty (30) days prior written notice to the City. Said duty to notify the City of cancellation or alteration must be provided without any qualification or limitation. Such certificates shall be kept current for the duration of this agreement or during any further period of time wherein the Consultant is under any duty of performance hereunder. The City shall be named as an additional insured on the general liability and automobile policies specified above and shall have the right to receive copies of all of the policies and endorsements thereto provided for herein upon reasonable demand therefore during the term of this agreement and for one year after its expiration.

WORK IN PROGRESS:

The City shall not be liable for any loss or damage that may happen to the Consultant's work, or any part thereof, prior to completion.

OWNERSHIP OF INSTRUMENTS OF SERVICE:

All reports, drawings, specifications, computer files, field data, notes and other documents and instruments prepared by the Consultant as instruments of service shall remain the property of the Consultant, other than contract deliverables, which shall become the property of the City upon delivery. The Consultant shall retain all common law, statutory and other reserved rights, including the copyright thereto. The Consultant grants the Client a license to use instruments of the Consultant's service for the purpose of constructing, occupying, and maintaining the Project. Reuse or modification of any such documents by the Client or by others acting through the Client, without the Consultant's written permission, shall be at Client's sole risk, and Client agrees to indemnify and hold Consultant harmless from all claims, damages and expenses, including attorney's fees, arising out of such unauthorized reuse or modification.

DELIVERY OF ELECTRONIC FILES:

In accepting and utilizing any drawings, reports and data on any form of electronic media generated and furnished by the Consultant, the Client agrees that all such electronic files are instruments of service of the Consultant, who shall be deemed the author, and shall retain all common law, statutory law and other rights, including copyrights.

Electronic files are furnished by the Consultant to the Client solely for the convenience of the Client. In the event of a conflict between the signed construction documents prepared by the Consultant and electronic files, the signed or sealed hard-copy construction documents shall govern.

The Client agrees not to transfer these electronic files to others without the prior written consent of the Consultant. The Client further agrees to waive all claims against the Consultant resulting in any way from any unauthorized changes to or reuse of the electronic files for any other project by anyone other than the Consultant. In addition, the Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Consultant, its officers, directors, employees and subconsultants (collectively, Consultant) against all damages, liabilities or costs, including reasonable attorney's fees and defense costs, arising from any changes made by anyone other than the Consultant or from any reuse of the electronic files without the prior written consent of the Consultant.

Under no circumstances shall delivery of electronic files for use by the Client be deemed a sale by the Consultant, and the Consultant makes no warranties, either express or implied, of merchantability and fitness for any particular purpose. In no event shall the Consultant be liable for indirect or consequential damages as a result of the Client's use or reuse of the electronic files.

DISPUTE RESOLUTION:

Any claims or disputes between the Client and the Consultant arising out of the services to be provided by the Consultant or out of this Contract shall be submitted to nonbinding mediation unless the parties mutually agree otherwise.

OPINIONS OF COST:

Any opinions or estimates of probable construction cost prepared by the Consultant are based on the Consultant's professional judgment and experience. However, since the Consultant has no control over the cost of labor, materials, equipment or service furnished by others, over the contractor's methods of determining prices, or over competitive bidding or market conditions, the Consultant cannot and does not guaranty that proposals, bids, or actual construction cost will not vary from the Consultant's opinions or estimates of probably construction cost.

CITY OF BELOIT

NAME

By: _____
Larry N. Arft, City Manager

By: _____
(signature)

ATTEST:

(print name)

By: _____
Rebecca Houseman LeMire, City Clerk

Its _____
(print title)

APPROVED AS TO FORM:

ATTEST:

By: _____
Thomas R. Casper, City Attorney

By: _____
(signature)

I hereby certify that there are sufficient funds available to pay the liability incurred by the City of Beloit pursuant to this agreement.

(print name)

By: _____
Paul York, City Comptroller

Its _____
(print title)

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