



**PROCEEDINGS OF THE BELOIT CITY COUNCIL**  
**100 State Street, Beloit WI 53511**  
**Monday, September 16, 2013**

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

1. The meeting was called to order at 7:15 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
  - a. Vice President Mark Spreitzer presented a proclamation declaring September 2013 as **Campus Fire Safety Month** to Beloit Fire Chief Brad Liggett. Chief Liggett thanked the Council for the proclamation and said that September marks the beginning of the Department's fire safety and education program. File 7148
4. PUBLIC HEARINGS
  - a. Community Development Director Julie Christensen presented a resolution approving a **Conditional Use Permit** to allow vehicle repair in the C-3, Community Commercial District, for the property located at 1119 Broad Street. It was noted that the Plan Commission recommended approval 5-0. Ms. Christensen also noted that this property is located within the Wellhead Protection Overlay District. She stated that no one attended the public hearing at the Plan Commission meeting. President Haynes opened the public hearing.
    - Brad Lawver, representing the property owner, said that the owners are willing to meet the conditions. However, he said that replacement of the siding may not be brick and that he is concerned about removing the westernmost curb-cut and driveway apron because it may impact a neighboring business.City Manager Larry Arft suggested that the Council leave the siding matter to staff in the Architectural Review process. He said that the curb-cut may have a cross-access easement for the neighboring business. President Haynes closed the public hearing. Councilor Luebke made a motion to adopt the resolution, and Councilor Van De Bogart seconded. Councilor De Forest made a motion to amend condition #7 to replace the word "windows" with the word "siding." Councilor Spreitzer seconded, and the motion to amend carried 7-0. Councilor Spreitzer made a motion to amend condition #9 to add "unless there is a legal requirement to maintain the driveway." Councilor Van De Bogart seconded, and the motion to amend carried 7-0. Regarding the underlying resolution, President Haynes called the question, and the motion carried that the resolution be adopted as amended by a vote of 7-0. File 8609
5. CITIZENS PARTICIPATION – none
6. CONSENT AGENDA

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

  - a. The **Minutes** of the Regular and Special Meetings of September 3, 2013 were approved.

- b. The application for a **Conditional Use Permit** to allow an outdoor seating area and outdoor sales, possession and consumption of alcohol in a C-3, Community Commercial District, for the property located at 201 Short Street, was referred to the Plan Commission. File 8590/8447
- c. The application to amend a **Conditional Use Permit** to allow one additional room in an existing Boarding House in a C-3, Community Commercial District, for the property located at 622 Broad Street, was referred to the Plan Commission. File 8325
- d. The resolution approving a **Change of Agent** for The Cheese People of Beloit, located at 431 East Grand Avenue, from Jill Delise-Smith to Andrea Levine, was adopted. File 8590
- e. The resolution authorizing **Final Payment** of Public Works Contract C11-23, River Bend Shoreline Stabilization, was adopted. File 8530
- f. The resolution authorizing **Final Payment** of Public Works Contract C13-01, Bayliss Avenue Rehabilitation, was adopted. File 8589
- g. Public Works Director Greg Boysen presented a resolution awarding **Public Works Contract C13-16**, Post and Emerson Storm Sewer. Mr. Boysen said that while this project was not in the 2013 Capital Improvements Plan, there is funding available through other unused projects. He said that this project meets the standards required to use bond funding. Councilor Leavy made a motion to adopt the resolution, and Councilor Luebke seconded. Councilor De Forest asked how and why the project was selected. Mr. Boysen stated that CIP funds were earmarked for the storm water project at the golf course. He said that project is complete and the leftover funds are being used for this project. Mr. Boysen stated that this project is a priority because the area does not have storm sewers and was found not to function properly during storm events. Councilor De Forest asked why the bid came in higher than the estimate, and Mr. Boysen stated that staff used the previously stable price of concrete pavement for the estimate. He said that the cost has since increased significantly. The motion carried 7-0. File 8613

## 7. LICENSES

- a. Deputy City Attorney Elizabeth Krueger presented a resolution **Setting Return Date and Authorizing the Issuance of a Summons** for an Alcohol License Sanction Hearing for HRNS V Entertainment, d/b/a Adiktion, Jaime Hernandez, Agent, located at 1310 Cranston Road. She said that the hearing will take place on Monday, September 23, 2013, at 6:30 p.m. in the Forum, 100 State Street, Beloit, WI 53511. Councilor Van De Bogart made a motion to adopt the resolution. Councilor Leavy seconded, and the motion carried 7-0. File 8590

## 8. ORDINANCES

- a. Ms. Krueger presented a proposed Ordinance to create Section 15.03(4g) of the Code of General Ordinances of the City of Beloit pertaining to **Loitering on Public Property**. It was noted that ABLCC recommended approval 4-0. Ms. Krueger stated that this ordinance has been recommended by staff to remedy some of the loitering issues that have been occurring in City parking lots late at night on weekends. She said that this is the least expensive option to try to solve the problems. Mr. Krueger said that Section 15.03 addresses loitering and prowling on private property and that this ordinance would allow the Police Department to enforce the loitering prohibition in public parking lots while allowing sanctioned activities to continue. She indicated that all downtown businesses asked and the Downtown Beloit Association are all in favor of the ordinance. Councilor Luebke made a motion to suspend the rules and offer a second reading of the ordinance. Councilor Leavy seconded. De Forest said that the language is very broad and asked how the ordinance would be enforced. Mr. Krueger said that individuals would be asked to leave the premises, and if they refused, the Police could issue a citation. Councilor Van De Bogart said that he is concerned about the broad language and asked if this could allow the police to disburse groups who are congregating for other reasons. Ms. Krueger stated that this is similar language to the existing disorderly conduct ordinance, which has been upheld in court. She said that this ordinance does not take away any Constitutional right of any individual. Councilor Spreitzer said that he is concerned about the broad language and asked what a violation would look like. Ms. Krueger said that there would be a nexus between behavior and presence in a public area that would trigger the designation of loitering by the Police. Councilor Luebke said that this ordinance would give the Police a tool they did not have before and would help them protect the public safety. Councilor Kincaid asked how one would distinguish between a vagrant and loiterer, and Ms. Krueger stated that Beloit does have a population of homeless

individuals and that this would not ban them from public property. Councilors Spreitzer and De Forest said that they would prefer not suspending the rules during this meeting. Councilor Leavy said that this is a safety issue and that there is no reason for the Council to wait to take action. Councilor Haynes said that he has witnessed this appalling behavior in the third street parking lot and that it is unacceptable to let it continue. Councilor De Forest said that she supports the intent of the ordinance but that the Council has to balance that with infringing on people's freedoms. The motion to suspend the rules carried by a vote of 4-3, with Councilors De Forest, Kincaid, and Spreitzer voting in opposition.<sup>1</sup> On the merits of the ordinance, Councilor Leavy made a motion to enact and Councilor Luebke seconded. Councilor De Forest made a motion to amend Section 15.03(4g)(a)2. to strike the words "or annoyance" from the ordinance. Councilor Spreitzer seconded, and the motion carried by a vote of 4-3, with Councilors Haynes, Leavy, and Luebke voting in opposition. Councilor Spreitzer made a motion to amend Section 15.03(4g), (a), and (b) to remove "public property" language and replace with "public parking lots" only. Councilor De Forest seconded. Councilors Leavy, Haynes, Luebke, and Van De Bogart said that the language should remain unamended. Councilor De Forest asked about the impact on individuals' rights, and Ms. Krueger said that this ordinance will not limit any constitutionally-protected right. Councilor Spreitzer asked how this would impact a single person on public property, and Councilor Haynes said that a disturbance must be made. The motion failed 3-4, with Councilors Haynes, Leavy, Luebke, and Van De Bogart voting in opposition. Councilor De Forest stated that she supports the intent of the ordinance and has confidence in the City's Police Department but that she is concerned with protecting individual rights and freedoms. Councilor Haynes called the question, and the motion carried 6-1 by roll call vote, with Councilor Spreitzer voting in opposition. File 8590/7620

## 9. 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 Leavy and a second by Councilor De Forest. The motion carried 7-0.

- a. **Park, Recreation & Conservation Advisory Commission:** Keston Geistwalker, for a term ending September 30, 2015; Rebecca Charles (Youth representative), for a term ending September 14, 2014; and Mark Preuschl, for a term ending September 30, 2016. File 6145

## 10. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor De Forest said that she was pleased to attend ribbon-cuttings at the Rock River Scenic and Historic Route Designation from the State of Wisconsin and at Converse School. She said that she is proud of Beloiters for voting in favor of the referendum and supporting Beloit's schools. She said she also plans to attend the ribbon-cuttings at Merrill School on September 26<sup>th</sup> and at Robinson School on September 29<sup>th</sup>.
- Councilor Van De Bogart said that he enjoyed the Converse ribbon-cutting ceremony, the last Music at Harry's event, Heritage Days, and the events at Preservation Park.
- Councilor Kincaid said that the Converse ribbon-cutting was a sight to behold, and he plans to attend the other school ribbon-cutting events.
- Councilor Luebke said that he enjoyed all of the activities at Harry's Place and said that many people from the surrounding areas come here and marvel at our events and parks. He said that he attended the Rock River Scenic and Historic Route Designation and thanked Councilor De Forest for her work in bringing that designation to Beloit.
- Councilor Spreitzer said that this weekend is Beloit College Beloit Days 2013, which includes Homecoming and other activities.

## 11. CITY MANAGER'S PRESENTATION – none


## 12. REPORTS FROM BOARD AND CITY OFFICERS

- a. Mr. Boysen presented a resolution approving a **Lease Agreement** between the City of Beloit and the Beloit Youth Hockey Association (BYHA). Parks and Recreation Director Brian Ramsey said that this agreement is mutually beneficial for both organizations. Councilor Van De Bogart asked if there will be any unpleasant and costly surprises at the ice arena like there was in the past, and

Mr. Ramsey said that the City is maintaining the infrastructure and putting large improvements in the Capital program so that should not happen again. Councilor De Forest said that she is pleased to see the fiscal note on the staff report and that the BYHA has been a good partner. Councilor De Forest asked if there is enough free ice time for public skating, and Mr. Ramsey said that there is enough public ice time and that it is negotiated with BYHA annually. Councilor De Forest made a motion to adopt the resolution, and Councilor Luebke seconded. The motion carried 7-0. File 8091

- b. Ms. Christensen presented a resolution authorizing the City Manager to **Acquire Tax Delinquent Properties** from the Rock County Treasurer. Ms. Christensen said that staff is recommending the purchase and demolition of eight houses and the purchase and rehabilitation of one house from this list. She indicated that the total purchase cost of these nine houses is \$100,679.39. Councilor Leavy made a motion to adopt the resolution, and Councilor Spreitzer seconded. Councilor Haynes asked why 930 Euclid was not included on the list, and Ms. Christensen said that it would have been the next one to be purchased if the City had the resources. Councilor De Forest asked if the total cost included the demolition costs, and Ms. Christensen said that the demolition costs would be paid for in 2014 with new funds. Councilor Van De Bogart asked about the source of funding for this purchase, and Ms. Christensen answered that money is allocated in the Capital Improvements Budget annually for the acquisition and demolition of condemned properties. The motion carried 7-0. File 8102

13. At 8:52 p.m., Councilor Leavy made a motion to adjourn the meeting, and Councilor Spreitzer seconded. The motion carried 7-0.

  
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Rebecca Houseman LeMire, City Clerk

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Date approved by Council: October 7, 2013

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<sup>1</sup>Per Section 2.07(3)(a) of the City of Beloit Municipal Code, an action to suspend the rules and offer the first and second readings of an ordinance at the same meeting must be approved by a super majority of the City Council (5 members). Because only four members of the Council voted to suspend the rules, the subsequent actions to amend and enact the ordinance were out of order. However, a proper first reading of the ordinance was done, and the ordinance will be on the October 7, 2013 City Council meeting agenda for a second reading and possible enactment.