



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
Monday, October 7, 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 7:05 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Vice President Spreitzer presented a proclamation honoring Jay Norwood 'Ding' Darling and declaring October 21, 2013, as "**J.N. 'Ding' Darling Day**" to Samuel Koltinsky, on behalf of the Darling family. Mr. Koltinsky said that he is very happy to accept the proclamation and said that Ding's grandson is very proud of the honor. File 7148
 - b. Vice President Spreitzer presented a proclamation declaring October 6-12, 2013, as **National Fire Prevention Week** with the theme "Prevent Kitchen Fires!" to Beloit Fire Chief Brad Liggett. Chief Liggett thanked the Council for the proclamation. He said that the City's firefighters will be in schools throughout the week teaching fire safety and at local businesses encouraging work place fire safety. Chief Liggett encouraged the public to check their smoke detectors and change the battery twice each year; practice exit strategies; and maintain a kid-free zone around cooking areas. He invited the public to attend the Survive Alive Benefit at the Prairie Avenue Pizza Hut on October 10th. File 7148
4. PUBLIC HEARINGS
 - a. Community Development Director Julie Christensen presented a proposed Ordinance amending the City of Beloit **Comprehensive Plan** to change the future land use designation for the properties located at 2091 and 2105 Shopiere Road from Single-family Residential-Urban to Neighborhood Commercial. It was noted that the Plan Commission recommended approval of 2091 Shopiere Road only (5-0). Ms. Christensen said that neighborhood residents attended the Plan Commission meeting with a petition to exclude the property located at 2105 Shopiere Road from the application and that they did support the change at 2091 Shopiere Road. President Haynes opened the public hearing.
 - Dave Brown, 2905 Dartmouth Drive, Janesville, owner of 2091 Shopiere Road, said that changing the zoning of his property would allow him more flexibility in finding tenants for the commercial space.Councilor Haynes closed the public hearing. Councilor Van De Bogart made a motion to suspend the rules and offer a second reading of the ordinance. Councilor Luebke seconded. The motion carried 6-0. Councilor Kincaid made a motion to amend the ordinance to remove the property located at 2105 Shopiere Road from this action. Councilor Luebke seconded. Councilor De Forest said that amending the land use plan and rezoning a single property without a public purpose is considered spot zoning, and she encouraged the Council to deny the request. Councilor Spreitzer asked Ms. Christensen if this would be considered spot zoning, and Ms. Christensen said that the courts have determined that it has to be a public benefit not to be spot zoning. She stated that staff encouraged the applicant to include another property in the request so that spot zoning would not be an issue. Councilor Haynes said that the commercial use of this property has been established and that the neighborhood is supportive of the change in land use designation of 2091 Shopiere Road only. Councilor Haynes called the question regarding the

- amendment to exclude 2105 Shopiere Road, and the motion carried 6-0. Councilor Van De Bogart made a motion to enact the ordinance as amended, and Councilor Kincaid seconded. The motion carried 5-1, with Council De Forest voting in opposition. File 8026 Ordinance 3501
- b. Ms. Christensen presented a proposed Ordinance amending the **City of Beloit's Zoning Map** to change the zoning district classification of the properties located at 2091 and 2105 Shopiere Road from R-1B, Single-family Residential District, to C-2, Neighborhood Commercial District. It was noted that the Plan Commission recommended approval of the property located at 2091 Shopiere Road only (5-0). Councilor Haynes opened and closed the public hearing without participation. Councilor Luebke made a motion to amend the ordinance to exclude the property located at 2105 Shopiere Road, and Councilor Kincaid seconded. The motion carried 6-0. Councilor Spreitzer made a motion to suspend the rules and offer a second reading of the ordinance, and Councilor Luebke seconded. The motion carried 6-0. On the merits of the amended ordinance, Councilor Spreitzer made a motion to enact. Councilor Luebke seconded, and the motion carried 5-1, with Councilor De Forest voting in opposition. File 8026 Ordinance 3502
 - c. Ms. Christensen presented a resolution authorizing 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. It was noted that the Plan Commission recommended approval of an amended resolution (5-0). Ms. Christensen outlined the conditions as recommended by staff and the amendments recommended by the Plan Commission. Councilor Haynes opened and closed the public hearing without participation. Councilor De Forest made a motion to adopt the resolution as recommended by the Plan Commission, and Councilor Luebke seconded. The motion carried 6-0. File 8590/8447
 - d. Ms. Christensen presented a resolution authorizing an amendment to an existing **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. It was noted that the Plan Commission recommended approval 5-0. Councilor Haynes opened and closed the public hearing without participation. Councilor Luebke made a motion to adopt the resolution, and Councilor De Forest seconded. Councilor De Forest asked how many parking spaces are available for tenants, and Ms. Christensen said that there are eight, one for each room. Councilor Kincaid asked if the additional room meets the requirements of the building code, and Ms. Christensen stated that the applicant has not met with the City's building inspector yet. She said that if it is determined that the room cannot be added due to building code issues, then the project will not move forward. The motion carried 6-0. File 8325

5. CITIZENS PARTICIPATION – none

6. CONSENT AGENDA

Councilor Luebke made a motion to adopt the consent agenda, which consists of items 6.a. through 6.f. Councilor Van De Bogart seconded, and the motion carried that the Consent Agenda be accepted, approved, adopted, or referred and acted upon as required by state and local code by a vote of 6-0.

- a. The **Minutes** of the Regular and Special Meetings of September 16, 2013, and the Special Meeting of September 23, 2013, were approved.
- b. The application for a **Zoning Map Amendment** to change the zoning district classification of the properties located at 903 and 911 E. Grand Avenue from C-1, Office District, to C-2, Neighborhood Commercial District, was referred to the Plan Commission. File 8614
- c. The application for a **Conditional Use Permit** to allow auto repair in a CBD-2, Central Business District – Fringe, for the property located at 856 Fourth Street, was referred to the Plan Commission. File 8615
- d. The application for a **Planned Unit Development (PUD) – Master Land Use Plan** for the properties located 2850 and 2900 Milwaukee Road and 1865 Branigan Road, was referred to the Plan Commission. File 8616
- e. The application for a **Zoning Map Amendment** to change the zoning district classification of the properties located at 2850 and 2900 Milwaukee Road and 1865 Branigan Road from C-3,

Community Commercial District, to PUD, Planned Unit Development District, was referred to the Plan Commission. File 8616

- f. The application for a **Class "B" Beer and "Class B" Liquor License** for The Hideout, LLC, d/b/a The Hideout, Scott Murray, Owner and Agent, 1901 Liberty Avenue, was referred to the Alcohol Beverage License Control Committee. File 8590

7. ORDINANCES

- a. Deputy City Attorney Elizabeth Krueger presented the second reading of a proposed Substitute Amendment Ordinance #1 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. Councilor Luebke made a motion to enact the ordinance, and Councilor Van De Bogart seconded. Councilor De Forest said that she is concerned about the broad language of the ordinance. She made a motion to amend subsection (b) to strike the phrase "other place of assembly or public use." Councilor Spreitzer seconded the amendment. Councilor Luebke said that he does not support the amendment because he wants to give the police department the discretion to deal with the problems wherever they occur. Councilor Van De Bogart said that the police must be able to address the problems wherever and whenever they exist. Councilor Haynes called for a vote on the amendment, and the motion carried 4-2, with Councilors Luebke and Van De Bogart voting in opposition. Councilor Spreitzer made a motion to amend subsection (b) to include the language "in a manner prohibited by (a)." Councilor De Forest seconded. She stated that this is a critical amendment because it connects the two sections together without infringing on individual's rights. Councilor Luebke said that he is concerned about the amendments because they take away the discretion of the police department. Councilor Haynes called for a vote on the amendment, and the motion carried 4-2, with Councilors Luebke and Van De Bogart voting in opposition. On the merits of the ordinance, Councilor De Forest made a motion to enact. Councilor Kincaid seconded, and the motion carried 6-0. File 7620 Ordinance 3503

Councilor Haynes moved the agenda items under 11. to this point of the meeting, per the request of the City Manager.

11. REPORTS FROM BOARD AND CITY OFFICERS

- a. City Attorney Tom Casper presented a resolution authorizing a three-year extension for payment of outstanding special assessments against **Walnut Grove Plat I and Plat II**. Mr. Casper said that the previous deferral approved by the City Council will expire on January 31, 2014. He said that the City does not want these lots to go into foreclosure, and that the proposal resolution would authorize an extension until January 31, 2017. Councilor Van De Bogart made a motion to adopt the resolution, and Councilor Luebke seconded. Councilor Spreitzer asked about different interest rates for each of the two special assessments, and City Manager Larry Arft explained that these special assessments were issued at different times. He said that the rate for each subdivision is based on the original rate at which the City borrowed the money to pay for the improvements. The motion carried 6-0. File 8142
- b. Mr. Casper presented a resolution authorizing a three-year extension for payment of outstanding special assessments against **Deerfield Estates**. Mr. Casper explained that the resolution authorizes an extension until January 31, 2017. Councilor Luebke made a motion to adopt the resolution, and Councilor Kincaid seconded. The motion carried 6-0. File 7258
- c. Public Works Director Greg Boysen presented a resolution authorizing the City Manager to enter into a **Memorandum of Agreement** with the Wisconsin Department of Transportation, Turtle Township, Rock County, and the City of Beloit pertaining to the proposed improvement of Hart Road; and the use of Hart Road and CTH 'X' & 'S' for Incident Management and Congestion Management for IH 39/90. Mr. Boysen explained that this is part of the project that will widen I-39/90 and that Hart Road will remain a rural road with paved shoulders for bike and pedestrian use. He said that this project is 100 percent State-funded with no cost to the City. Councilor Van De Bogart made a motion to adopt the resolution, and Councilor De Forest seconded. The motion carried 6-0. File 8558

8. APPOINTMENTS – none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor De Forest encouraged the public to attend the Welty Fall Fest at the Welty Environmental Center, Beckman Mill Park, on Sunday, October 13th. She also thanked everyone for their support during a recent family illness.
- Councilor Van De Bogart said that October is National Mental Health Awareness Month, and he encouraged those individuals with mental health issues to seek available help.
- Councilor Luebke said that Tony Scodwell is returning to Beloit on October 12th to perform at Suds O'Hanahan's and encouraged the public to attend.
- Councilor Spreitzer said that he attended the Nelson Avenue Sharing Gardens Work Day over the weekend and said that there is another one in two weeks.
- Councilor Haynes said that he will attend the Wisconsin League of Municipalities annual conference to support City Manager Larry Arft, who will be appointed as the President of the organization.

10. CITY MANAGER'S PRESENTATION

- a. Mr. Arft and Finance and Administrative Services Director Paul York presented the proposed **2014 Operating, Library, and Capital Improvement Budgets**. It was noted that the entire budget is available for review at www.ci.beloit.wi.us. Mr. Arft said that the budget is balanced with minimal use of the City's fund balance and a minimal increase in taxes. He said that all existing City services are funded and staffing levels will remain the same in 2014. Mr. York said that the \$91.4 million budget represents an increase of less than ½ of a percent from 2013. He said that there is a workshop proposed on October 14th for the City Council to review the entire budget and that the workshop is open to the public. Councilor De Forest asked about the increase in expenditures in the Finance and Administration Department and the decrease in the Police and Fire Departments. Mr. York explained that the increase is due to the implementation of the pay and classification plan; merit, longevity, and cost of living increases; an increase in the Clerk's budget to account for four elections in 2014; funds for contract negotiations with the police, fire, and transit unions; and consulting work in the Information Technology Department. He explained that the decrease in the Police and Fire budgets is due to a decrease in the Wisconsin Retirement System contribution from the City. File 8618
- b. Councilor Luebke made a motion to schedule the **Council Budget Workshop** for 8:00 a.m. on Monday, October 14, 2013, in the Community Room at the Beloit Public Library. Councilor Spreitzer seconded, and the motion carried 6-0. File 8618

12. At 8:33 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: October 21, 2013