



AGENDA
BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Tuesday, January 21, 2014

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS – None
4. PUBLIC HEARINGS
 - a. Proposed **Zoning Text Amendment** to repeal and recreate Sections 9.1.1 and 9.1.2 and to amend Sections 9.1.4, 9.2.1(A), and 9.2.2(E) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit relating to nonconforming uses and structures (Christensen) Plan Commission recommendation for approval 6-0 First Reading, suspend rules for Second Reading
 - b. Proposed **Zoning Text Amendment** to create Section 5-102(a)(15) and to amend Section 5-103 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit relating to Public Lands and Institutions (PLI) District Uses and Standards (Christensen) Plan Commission recommendation for approval 6-0 First Reading, suspend rules for Second Reading
 - c. Proposed Ordinance amending the **Zoning District Map** of the City of Beloit to change the zoning district classification of the properties located at 1203, 1233, 1249, 1253, and 1257 Sixth Street from R-2, Two-family Residential District, to PLI, Public Lands and Institutions District, and the properties located at 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, and 1353 Sixth Street and 219 and 225 North Street from R-1B, Single-family Residential District, to PLI, Public Lands and Institutions District (School District of Beloit) (Christensen) Plan Commission recommendation for approval 6-0 First Reading, suspend rules for Second Reading
 - d. Resolution authorizing a **Conditional Use Permit** to allow Vehicle Repair in the C-3, Community Commercial District, for the property located at 1029 Fourth Street (Christensen) Plan Commission recommendation for approval 6-0
 - e. Resolution allocating **2010 Community Development Block Grant Funds** to Eligible Projects (Christensen) Community Development Authority recommendation for approval 5-0
 - f. **HOME Partnership Budget Amendment** (Christensen) *Application Withdrawn*
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 and Special Meetings of January 6, 2014 (LeMire)
- b. Resolution approving an **Amendment to the Class “B” Beer and Reserve “Class B” Liquor License** for Clancy Smith, d/b/a Rose’s Soulfood, located at 201 Short Street, for an Outdoor Premises Extension (LeMire) ABLCC recommendation for approval 4-0
- c. Resolution approving the **Appointment of a Corporation Agent** for HRNS V Entertainment, LLC, d/b/a Adiktion, located at 1310 Cranston Road, of Edgardo Garrido (LeMire) ABLCC recommendation for approval 5-0
- d. Resolution approving the **Final Payment** of Public Works Contract C13-05, Rock River Bank Protection (Boysen)

7. LICENSES

- a. Resolution approving a **Class “A” Beer and “Class A” Liquor License** for Olde Town Market, Inc., d/b/a Olde Town Market, located at 905 Henry Avenue, Akbir Kang, Agent (LeMire) ABLCC recommendation for denial 5-0

8. ORDINANCES – None

9. APPOINTMENTS

10. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

11. CITY MANAGER’S PRESENTATION – None

12. REPORTS FROM BOARD AND CITY OFFICERS

- a. Resolution approving settlement of **St. Croix/Bad River Band vs. City of Beloit Litigation** Case No. 2013-CV-498 (Casper)
- b. Resolution supporting alternates 2A or 2B for the reconstruction of the I-39/90 and I-43/WIS81 interchange as presented by the **Wisconsin Department of Transportation** (Arft)

13. 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: January 15, 2014
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.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE SECTIONS 9.1.1 AND 9.1.2 AND TO AMEND SECTIONS 9.1.4, 9.2.1(A), AND 9.2.2(E) OF THE ZONING ORDINANCE, CHAPTER 19 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT RELATING TO NONCONFORMING USES AND STRUCTURES.

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

Section 1. Section 9.1.1 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby repealed and recreated as follows:

9.1.1 NONCONFORMING USE. A use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance.

Section 2. Section 9.1.2 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby repealed and recreated as follows:

9.1.2 NONCONFORMING STRUCTURE. A dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance. Development regulations include setback, height, lot coverage, and side yard.

Section 3. Section 9.1.4 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

9.1.4 LEGAL NONCONFORMING USE. A nonconforming use that is permitted by law to continue after the adoption of a zoning ordinance prohibiting such use.

Section 4. Section 9.2.1(a) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

9.2.1 LEGAL NONCONFORMING USES.

(a) *State Statute Adopted.* Section 62.23(7)(h), Wis. Stats., regulating legal nonconforming uses is hereby adopted and incorporated herein by reference. No legal nonconforming use may be extended or continued except as provided in §62.23(7)(h), Wis. Stats.

Historic Note: Section 62.23(7)(h) of the Wisconsin Statutes currently reads as follows:

"Nonconforming uses. The continued lawful use of a building, premises, structure, or fixture existing at the time of the adoption or amendment of a zoning ordinance may not be prohibited although the use does not conform with the provisions of the ordinance. The nonconforming use may not be extended. The total structural repairs or alterations in such a nonconforming building, premises, structure, or fixture shall not during its life exceed 50 percent of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use. If the nonconforming use is discontinued for a period of 12 months, any future use of the building, premises, structure, or fixture shall conform to the ordinance."

Section 5. Section 9.2.2(e) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

9.2.2 LEGAL NONCONFORMING STRUCTURES.

- (e) Alteration, Restoration and Repair. If a legal nonconforming structure is damaged by fire, natural disaster or other cause, the structure may be restored or repaired.

Section 6. This ordinance shall take effect and be in force upon its passage and publication.

Adopted this _____ day of January, 2014.

BELOIT CITY COUNCIL

By: _____
Charles M. Haynes, Council President

ATTEST:

By: _____
Rebecca Houseman LeMire, City Clerk

PUBLISHED: _____
EFFECTIVE DATE: _____
01-611100-5231- _____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Ordinance Relating to Nonconforming Uses and Structures

Date: January 21, 2014

Presenter: Julie Christensen

Department:

Community Development

Overview/Background Information:

Planning staff has drafted and the City Attorney has reviewed an Ordinance to repeal and recreate Sections 9.1.1 and 9.1.2 and to amend Sections 9.1.4, 9.2.1(A), and 9.2.2(E) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, relating to nonconforming uses and structures.

Key Issues (maximum of 5):

- The attached Ordinance is a direct result of recent changes to the Wisconsin Statutes pertaining to nonconforming uses and structures.
- Sections 1 – 4 of the attached Ordinance will bring the Zoning Ordinance into compliance with the revised state statutes and eliminate redundancy by replacing and revising key definitions.
- Section 5 of the attached Ordinance includes the most substantive change, based upon 2011 Wisconsin Act 170. This change deals with legal nonconforming structures or “grandfathered” structures, which are existing structures that do not comply with development standards (e.g. setbacks, height, etc.). Prior to 2011 Wisconsin Act 170, the Zoning Ordinance limited the cost of repairs to a damaged nonconforming structure to 50% of its value, or 80% for historic structures. Accordingly, if the cost of repairs exceeded these limits, the structure could not be reconstructed on the same footprint, and would have to comply with current development standards. 2011 Wisconsin Act 170 effectively prohibited municipalities from imposing these limits. The attached Ordinance removes all of the limitations upon restoration and repair of a legal nonconforming structure.
- The Plan Commission reviewed this item on January 8, 2014 and voted unanimously (6-0) to recommend approval of this Zoning Text Amendment.

Consistency with Strategic Plan:

- 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 1st and 2nd readings of the proposed Ordinance

Fiscal Note/Budget Impact: N/A

Attachments: Ordinance and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: January 8, 2014

Agenda Item: 7

File Number: ZTA-2014-01

Request Overview/Background Information:

Planning staff has drafted and the City Attorney has reviewed an Ordinance to repeal and recreate Sections 9.1.1 and 9.1.2 and to amend Sections 9.1.4, 9.2.1(A), and 9.2.2(E) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, relating to nonconforming uses and structures.

Key Issues:

- The attached Ordinance is a direct result of recent changes to the Wisconsin Statutes pertaining to nonconforming uses and structures.
 - Sections 1 – 4 of the attached Ordinance will bring the Zoning Ordinance into compliance with the revised state statutes and eliminate redundancy by replacing and revising key definitions.
 - Section 5 of the attached Ordinance includes the most substantive change, based upon 2011 Wisconsin Act 170. This change deals with legal nonconforming structures or “grandfathered” structures, which are existing structures that do not comply with development standards (e.g. setbacks, height, etc.). Prior to 2011 Wisconsin Act 170, the Zoning Ordinance limited the cost of repairs to a damaged nonconforming structure to 50% of its value, or 80% for historic structures. Accordingly, if the cost of repairs exceeded these limits, the structure could not be reconstructed on the same footprint, and would have to comply with current development standards. 2011 Wisconsin Act 170 effectively prohibited municipalities from imposing these limits. The attached Ordinance removes all of the limitations upon restoration and repair of a legal nonconforming structure.
 - The attached Ordinance is being considered in accordance with the Zoning Text Amendment procedures contained in the Zoning Ordinance.
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Consistency with Strategic Plan:

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

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

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

Staff Recommendation:

The Planning & Building Services Division recommends **approval** of the attached Ordinance to repeal and recreate Sections 9.1.1 and 9.1.2 and to amend Sections 9.1.4, 9.2.1(A), and 9.2.2(E) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, relating to nonconforming uses and structures.

Fiscal Note/Budget Impact: N/A

Attachments: Public Notice and Proposed Ordinance



NOTICE TO THE PUBLIC

December 18, 2013

To Whom It May Concern:

The Beloit Plan Commission and City Council are considering an Ordinance to repeal and recreate Sections 9.1.1 and 9.1.2 and to amend Sections 9.1.4, 9.2.1(A), and 9.2.2(E) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, relating to nonconforming uses and structures.

The proposed Ordinance is a direct result of recent changes to the Wisconsin Statutes pertaining to nonconforming uses and structures. The proposed Ordinance eliminates redundancy by replacing and revising key definitions and removes all of the limitations upon restoration and repair of a legal nonconforming structure.

The following public hearings will be held regarding this proposed Ordinance:

City Plan Commission: Wednesday, January 8, 2014, 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: Tuesday, January 21, 2014, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.

We are interested in your opinion.

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

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

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE SECTIONS 9.1.1 AND 9.1.2 AND TO AMEND SECTIONS 9.1.4, 9.2.1(A), AND 9.2.2(E) OF THE ZONING ORDINANCE, CHAPTER 19 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT RELATING TO NONCONFORMING USES AND STRUCTURES.

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

Section 1. Section 9.1.1 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby repealed and recreated as follows:

9.1.1 NONCONFORMING USE. A use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance.

Section 2. Section 9.1.2 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby repealed and recreated as follows:

9.1.2 NONCONFORMING STRUCTURE. A dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance. Development regulations include setback, height, lot coverage, and side yard.

Section 3. Section 9.1.4 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

9.1.4 LEGAL NONCONFORMING USE. A nonconforming use ~~of land or a structure~~ that is permitted by law to continue after the adoption of a zoning ordinance prohibiting such use.

Section 4. Section 9.2.1(a) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

9.2.1 LEGAL NONCONFORMING USES.

- (a) *State Statute Adopted.* Section 62.23(7)(h), Wis. Stats., regulating legal nonconforming uses is hereby adopted and incorporated herein by reference. No legal nonconforming use may be extended or continued except as provided in §62.23(7)(h), Wis. Stats.

Historic Note: Section 62.23(7)(h) of the Wisconsin Statutes currently reads as follows:

"Nonconforming uses. The continued lawful use of a building, or premises, structure, or fixture existing at the time of the adoption or amendment of a zoning ordinance may not be continued ~~prohibited~~ although ~~such~~the use does not conform with the provisions of the ordinance. ~~Such~~The nonconforming use may not be extended. The total structural repairs or alterations in such a nonconforming building, premises, structure, or fixture shall not during its life exceed 50 per-cent of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use. If ~~such~~the nonconforming use is discontinued for a period of 12 months, any future use of the building, and premises, structure, or fixture shall conform to the ordinance."

Section 5. Section 9.2.2(e) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

9.2.2 LEGAL NONCONFORMING STRUCTURES.

(e) *Alteration, Restoration and Repair.* If a legal nonconforming structure is damaged by fire, natural disaster or other cause, the structure may be restored or repaired ~~if:~~

~~1. The structure conforms with all applicable provisions of the Zoning Code; or~~

~~2. The cost of restoration or repair does not exceed:~~

~~(a) In the case of a historic building, 80 percent of the assessed value of the nonconforming structure; or~~

~~(b) In the case of other nonconforming structures, 50 percent of the assessed value of the nonconforming structure.~~

~~If the cost of repairing the damage is less than 81 percent of the assessed value of an historic building or less than 51 percent of the assessed value of any other nonconforming structure, the structure may be restored to the condition that existed before the damage occurred, provided that the restoration is completed within 12 months of the date when the damage occurred. If the restoration work is not started within 3 months after the date that the damage occurred, the structure shall be removed.~~

~~The cost of normal maintenance and incidental repairs shall not be included in determining the cost of repairing damage to a legal noneonforming structure. Incidental repairs include repairs to plumbing, wiring, fixtures and walls, other than structural repairs to load bearing walls.~~

~~In this section, "historical building" has the meaning prescribed by §32.02 of the Code of General Ordinances of the City of Beloit.~~

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Section 6. This ordinance shall take effect and be in force upon its passage and publication.

Adopted this _____ day of January, 2014.

BELOIT CITY COUNCIL

By: _____
Charles M. Haynes, Council President

ATTEST:

By: _____
Rebecca Houseman LeMire, City Clerk

PUBLISHED: _____

EFFECTIVE DATE: _____

01-611100-5231-

Tdh/ord/9.1.1, 9.1.2, 9.1.4, 9.2.1(a), 9.2.2(e)=ord=131205 0930 (rdln)

ORDINANCE NO. _____

AN ORDINANCE TO CREATE SECTION 5-102(a)(15) AND TO AMEND SECTION 5-103 OF THE ZONING ORDINANCE, CHAPTER 19 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT RELATING TO PUBLIC LANDS AND INSTITUTIONS (PLI) DISTRICT USES AND STANDARDS

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

Section 1. Section 5-102(a)(15) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby created as follows:

5-102 ALLOWED USES.

a. Uses Permitted By-Right.

15. Day Care Centers and Community Services

Section 2. Section 5-103 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

5-103 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS. Development in the PLI district shall be subject to the Density/Intensity and Dimensional Standards applicable in the most restrictive adjacent district.

Section 3. This ordinance shall take effect and be in force upon its passage and publication.

Adopted this _____ day of January, 2014.

BELOIT CITY COUNCIL

By: _____
Charles M. Haynes, Council President

ATTEST:

By: _____
Rebecca Houseman LeMire, City Clerk

PUBLISHED: _____

EFFECTIVE DATE: _____

01-611100-5231- _____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Ordinance Relating to Public Lands & Institutions (PLI) District Uses and Standards

Date: January 21, 2014

Presenter: Julie Christensen

Department:

Community Development

Overview/Background Information:

Planning staff has drafted and the City Attorney has reviewed an Ordinance to create Section 5-102(a)(15) and to amend Section 5-103 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, relating to Public Lands & Institutions (PLI) district uses and standards.

Key Issues (maximum of 5):

- The PLI district is a special purpose district that is intended to accommodate major public and quasipublic uses (e.g. parks, churches, colleges, schools, etc.).
- Planning staff drafted the attached Ordinance in response to an emerging trend in the community involving the closure and/or consolidation of church buildings. Many of these church buildings or portions thereof remain vacant and underutilized. The attached Ordinance also legalizes all of the existing Day Care Centers and Community Services that are operated or sponsored by existing church congregations.
- Section 1 of the attached Ordinance adds Day Care Centers and Community Services to the list of uses that are permitted by-right in PLI districts. Planning staff has been contacted by different entities that would like to purchase or lease vacant space in church buildings to operate these compatible uses, which are currently prohibited under the existing PLI standards. Community Services are defined as “uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community, whether publicly or privately owned.” Examples include senior centers, community centers, youth clubs, and vocational training centers.
- Section 2 of the attached Ordinance simplifies the development standards in PLI districts by adopting the standards that are applicable in the most restrictive adjacent zoning district. Since PLI districts are intended to be part of the fabric of a given neighborhood, it is logical to adopt the neighborhood’s development standards. The most significant changes in Section 2 involve replacing the current minimum lot area and lot width standards, which are one acre and 100 feet, respectively. These standards are ill-equipped to deal with the subdivision of existing PLI lots, which are often smaller than one acre. Section 2 of the attached Ordinance adopts the minimum lot area and lot width standards in the most restrictive adjacent zoning district, which will ensure compatibility with the neighborhood.
- The Plan Commission reviewed this item on January 8, 2014 and voted unanimously (6-0) to recommend approval of this Zoning Text Amendment.

Consistency with Strategic Plan:

- 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 1st and 2nd readings of the proposed Ordinance

Fiscal Note/Budget Impact: N/A

Attachments: Ordinance and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: January 8, 2014

Agenda Item: 3

File Number: ZTA-2014-02

Request Overview/Background Information:

Planning staff has drafted and the City Attorney has reviewed an Ordinance to create Section 5-102(a)(15) and to amend Section 5-103 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, relating to Public Lands & Institutions (PLI) district uses and standards.

Key Issues:

- The PLI district is a special purpose district that is intended to accommodate major public and quasipublic uses (e.g. parks, churches, colleges, schools, etc.).
 - Planning staff drafted the attached Ordinance in response to an emerging trend in the community involving the closure and/or consolidation of church buildings. Many of these church buildings or portions thereof remain vacant and underutilized. The attached Ordinance also legalizes all of the existing Day Care Centers and Community Services that are operated or sponsored by existing church congregations.
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 - Section 2 of the attached Ordinance simplifies the development standards in PLI districts by adopting the standards that are applicable in the most restrictive adjacent zoning district. Since PLI districts are intended to be part of the fabric of a given neighborhood, it is logical to adopt the neighborhood’s development standards. The most significant changes in Section 2 involve replacing the current minimum lot area and lot width standards, which are one acre and 100 feet, respectively. These standards are ill-equipped to deal with the subdivision of existing PLI lots, which are often smaller than one acre. Section 2 of the attached Ordinance adopts the minimum lot area and lot width standards in the most restrictive adjacent zoning district, which will ensure compatibility with the neighborhood.
-

Consistency with Strategic Plan:

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

Sustainability:

- **Reduce dependence upon fossil fuels** – The attached Ordinance may reduce dependence upon fossil fuels by encouraging the adaptive reuse of existing institutional buildings, thereby capitalizing on the embodied energy in these structures and increasing the land use mix within existing neighborhoods.
 - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
 - **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
 - **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A
-

Staff Recommendation:

The Planning & Building Services Division recommends **approval** of the attached Ordinance to create Section 5-102(a)(15) and to amend Section 5-103 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, relating to Public Lands & Institutions (PLI) district uses and standards.

Fiscal Note/Budget Impact: N/A

Attachments: Public Notice and Proposed Ordinance



NOTICE TO THE PUBLIC

December 18, 2013

To Whom It May Concern:

The Beloit Plan Commission and City Council are considering an Ordinance to create Section 5-102(a)(15) and to amend Section 5-103 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, relating to Public Lands & Institutions (PLI) District Uses and Standards.

The PLI district is a special purpose district that is intended to accommodate major public and quasipublic uses. The proposed Ordinance adds Day Care Centers and Community Services to the list of uses that are permitted by-right in the PLI district. The proposed Ordinance also amends the development standards in the PLI district to match those in the most restrictive adjacent zoning district.

The following public hearings will be held regarding this proposed Ordinance:

City Plan Commission: Wednesday, January 8, 2014, 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: Tuesday, January 21, 2014, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.

We are interested in your opinion.

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

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

ORDINANCE NO. _____

AN ORDINANCE TO CREATE SECTION 5-102(a)(15) AND TO AMEND SECTION 5-103 OF THE ZONING ORDINANCE, CHAPTER 19 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT RELATING TO PUBLIC LANDS AND INSTITUTIONS (PLI) DISTRICT USES AND STANDARDS

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

Section 1. Section 5-102(a)(15) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby created as follows:

5-102 ALLOWED USES.

a. Uses Permitted By-Right.

15. Day Care Centers and Community Services

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Section 2. Section 5-103 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

5-103 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS. Development in the PLI district shall be subject to the ~~following~~ Density/Intensity and Dimensional Standards: applicable in the most restrictive adjacent district.

DEVELOPMENT STANDARD	PLI
Maximum Density (units/acre)	25.00
Minimum Lot Area (square feet)	43,560
Minimum Lot Width (feet)	100
Front Setback (feet)	Same as most restrictive adjacent district
Interior Side Setback (feet)	10 or at least 1/2 height of principal structure, whichever is greater
Street Side Setback (feet)	Same as most restrictive adjacent district
Rear Setback (feet)	30 or at least 1/2 height of principal structure, whichever is greater
Maximum Height (stories/feet)	7/80

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Section 3. This ordinance shall take effect and be in force upon its passage and publication.

Adopted this _____ day of January, 2014.

BELOIT CITY COUNCIL

By: _____
Charles M. Haynes, Council President

ATTEST:

By: _____
Rebecca Houseman LeMire, City Clerk

PUBLISHED: _____
EFFECTIVE DATE: _____
01-611100-5231- _____

ORDINANCE NO. _____

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

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

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

The following described land, also known as 1203, 1233, 1249, 1253, & 1257 Street, is hereby changed from R-2, Two-Family Residential District, to PLI, Public Lands & Institutions District:

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

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

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

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

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

The following described land, also known as 225 & 219 North Street and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street, is hereby changed from R-1B, Single-Family Residential District to PLI, Public Lands & Institutions District:

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

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

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

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

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

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

Part of Lot 17 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1333 Sixth Street, parcel number 12630210).

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

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

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

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

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

Adopted this 21st day of January 2014.

City Council of the City of Beloit

Charles M. Haynes, Council President

Attest:

Rebecca Houseman LeMire, City Clerk

Published this ____ day of _____, 2014

Effective this ____ day of _____, 2014

01-611100-5231-_____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Zoning Map Amendment Application for various properties near Beloit Memorial High School

Date: January 21, 2014

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

The School District of Beloit has submitted an application for a Zoning Map Amendment to change the zoning district classification from R-2, Two-Family Residential District, and R-1B, Single-Family Residential District to PLI, Public Lands & Institutions District, for the properties located at 225 & 219 North Street and 1203, 1233, 1249, 1253, 1257, 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street.

Key Issues (maximum of 5):

- This request is related to the proposed expansion of sports facilities at Beloit Memorial High School. On March 4, 2013, the City Council adopted an Ordinance amending the Future Land Use Map of the City's Comprehensive Plan to recommend Institutional & Community Services for the subject properties.
- The properties located at 1203, 1233, 1249, 1253, & 1257 Sixth Street are currently zoned R-2 and the properties located at 225 & 219 North Street and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street are currently zoned R-1B. All of the subject properties must be rezoned to PLI before the school grounds may be expanded as planned.
- The PLI district is a special purpose district that is intended to accommodate major public and quasi-public uses.
- Site Plan Review has not yet been done for the proposed expansion of Beloit Memorial High School.
- This application is being considered in accordance with the Zoning Map Amendment procedures contained in Section 2-300 of the Zoning Ordinance.
- The Plan Commission reviewed this item on January 8, 2014 and voted unanimously (6-0) to recommend approval of this Zoning Map Amendment.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan recommends Institutional & Community Service uses and a zoning district classification of PLI for the subject properties. This proposed Zoning Map Amendment is consistent with the Comprehensive Plan, as required by Section 66.1001(3) of Wisconsin Statutes.

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

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

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

Action required/Recommendation:

- City Council consideration and 1st and 2nd readings of the proposed Ordinance

Fiscal Note/Budget Impact: N/A

Attachments: Ordinance and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: January 8, 2014

Agenda Item: 6

File Number: ZMA-2013-10

Applicant: School District of Beloit

Owner: School District of Beloit

Location: 219 & 225 North Street;
1203, 1233, 1249, 1253, 1257, 1313,
1317, 1323, 1327, 1333, 1339, 1343,
1349 & 1353 Sixth Street

Current Zoning: R-2, Two-Family Residential & R-1B, SF Residential

Existing Land Use: Vacant Residential & **Total Area:** 3.0975 Acres

Proposed Zoning: PLI, Public Lands & Institutions District

Request Overview/Background Information:

The School District of Beloit has submitted an application for a Zoning Map Amendment to change the zoning district classification from R-2, Two-Family Residential District, and R-1B, Single-Family Residential District, to PLI, Public Lands & Institutions District, for the properties located at 225 & 219 North Street and 1203, 1233, 1249, 1253, 1257, 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street.

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

- North: R-1B, Single-Family Residential District; Residential
- South: R-2, Two-Family Residential District; Residential
- East: PLI, Public Lands & Institutions District; Beloit Memorial High School parking and recreation facilities
- West: R-1B & R-2; Residential

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

Key Issues:

- This request is related to the proposed expansion of sports facilities at Beloit Memorial High School. On March 4, 2013, the City Council adopted an Ordinance amending the Future Land Use Map of the City's Comprehensive Plan to recommend Institutional & Community Services for the subject properties.
- The properties located at 1203, 1233, 1249, 1253, & 1257 Sixth Street are currently zoned R-2 and the properties located at 219 & 225 North Street and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street are currently zoned R-1B. All of the subject properties must be rezoned to PLI before the school grounds may be expanded as planned.
- The PLI district is a special purpose district that is intended to accommodate major public and quasi-public uses.
- Planning staff mailed the attached Public Notice to the owners of nearby properties. As of this writing, no comments have been received.
- This application is being considered in accordance with the Zoning Map Amendment procedures contained in Section 2-300 of the Zoning Ordinance.
- **Findings of Fact** - Based on Section 2-304 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:
 - a. *The existing use of property within the general area of the subject property;*
 - There are residential uses surrounding this property. The proposed expanded PLI district is compatible with these existing uses and the proposed school grounds expansion is expected to have a positive impact upon the neighborhood.
 - b. *The zoning classification of property within the general area of the subject property;*
 - This request involves a proposed expansion of an existing PLI district, and will establish Sixth Street as the new western boundary of the district. While the 1200 block of Sixth Street is not fully occupied by the applicant, their goal is the gain ownership of these properties in the future. At that time, additional Zoning Map Amendments will be needed.

- c. *The suitability of the subject property for the uses permitted under the existing zoning classification; and*
- The subject properties are suitable for the uses permitted in the existing zoning classifications.
- d. *The trend of development and zoning map amendments in the general area of the subject property.*
- The subject properties are located within an established neighborhood that has experienced very little redevelopment activity during the past decade. However, Beloit Memorial High School has expanded their pool and is building new tennis courts.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan recommends Institutional & Community Service uses and a zoning district classification of PLI for the subject properties. This proposed Zoning Map Amendment is consistent with the Comprehensive Plan, as required by Section 66.1001(3) of Wisconsin Statutes.

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

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

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

Staff Recommendation:

Based upon the above Findings of Fact and the City's Comprehensive Plan, the Planning & Building Services Division recommends **approval** of a Zoning Map Amendment to change the zoning district classification from R-2, Two-Family Residential District, and R-1B, Single-Family Residential District to PLI, Public Lands & Institutions District, for the properties located at 219 & 225 North Street and 1203, 1233, 1249, 1253, 1257, 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street.

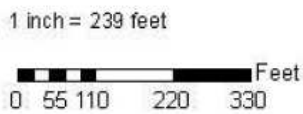
Fiscal Note/Budget Impact: N/A

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

Location & Zoning Map

Various Properties

ZMA-2013-10



Legend	
	COB Parcels
	Zoning District

Map prepared by: Stephanie Hummel
 Date: December 2013
 For: City of Beloit Planning & Building Services
 Date of Aerial Photography: March 2011

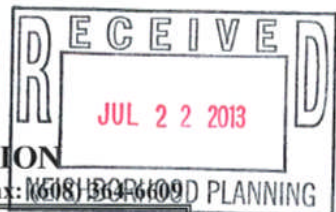
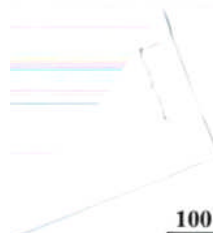
PLANNING & BUILDING SERVICES DIVISION



1300 Block of Sixth Street



View from current sports fields on Fourth Street looking west towards Sixth Street



CITY of BELOIT
PLANNING & BUILDING SERVICES DIVISION

100 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-6709

Zoning Map Amendment Application Form

(Please Type or Print) File No.: ZMA-2013-10

1. Address of subject property: 1203, 1233, 1249, 1253, 1257 Sixth St
2. Legal description: Lot: 219, 225 North St Block: 1313, 1317, 1323, 1327, 1333, 1339 Subdivision: 1343, 1349, 1353
(If property has not been subdivided, attach a copy of the complete legal description from deed.)
Property dimensions are: _____ feet by _____ feet = _____ square feet. Sixth St

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

3. Tax Parcel Number(s): 12630105, 12630110, 12640535, 12640615, 12640600, 12640598, 12640590, 12630190, 12630195, 12630200, 12630205, 12630210, 12630215, 12630220, 12630230, 12630235

4. Owner of record: School District of Beloit Phone: 608-361-4015
1633 Keeler Ave Beloit WI 53511
(Address) (City) (State) (Zip) 12630225

5. Applicant's Name: Janelle Maratz, Exec Dir of Business
1633 Keeler Ave Beloit WI 53511
(Address) (City) (State) (Zip)
608-361-4015 / _____ / jmaratz@sdbo.k12.wi.us
(Office Phone #) (Cell Phone #) (Email Address)

6. **THE FOLLOWING ACTION IS REQUESTED:**
Change zoning district classification from Single Family R to: Two Family Townhouse Institutional & Community Use
All existing uses on this property are: School Campus - Athletic Use

7. All the proposed uses for this property are:
Principal use(s): Athletic Use

Secondary use(s): School Campus Expansion

Accessory use(s): _____

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

(X) Owner

() Leasehold, Length of lease: _____

() Contractual, Nature of contract: _____

() Other, explain: _____

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

Name(s): Janelle Marotz Phone: 608-361-4015
1633 Keeler Ave Beloit WI 53511
(Address) (City) (State) (Zip)

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

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

Janelle Marotz (Signature of Owner) / Janelle Marotz (Print name) / 7-11-13 (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 Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant, and it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff		
Filing Fee: \$275.00	Amount Paid: <u>\$275.00</u>	Meeting Date: <u>Jan. 8, 2014</u> Sept. 4, 2013 Aug. 21, 2013
Number of notices: <u>67</u>	x mailing cost (\$0.50) = cost of mailing notices: \$ _____	
Application accepted by: <u>D. Draper</u>	Date: <u>7/22/10</u>	
Date Notice Published: _____	Date Notice Mailed: _____	



City of
BELOIT, Wisconsin
Division of Planning and Building Services

CITY HALL • 100 STATE STREET • BELOIT, WI 53511

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

www.ci.beloit.wi.us

Equal Opportunity Employer

NOTICE TO THE PUBLIC

December 20, 2013

To Whom It May Concern:

The School District of Beloit has submitted an application for a Zoning Map Amendment to change the zoning district classification from R-2, Two-Family Residential District, and R-1B, Single-Family Residential District, to PLI, Public Lands & Institutions District, for the properties located at:

225 & 219 North Street and 1203, 1233, 1249, 1253, 1257, 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street.

This request is related to the proposed expansion of sports facilities at Beloit Memorial High School. The properties located at 1203, 1233, 1249, 1253, & 1257 Sixth Street are currently zoned R-2 and the properties located at 225 & 219 North Street and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street are currently zoned R-1B. All of the subject properties must be rezoned to PLI before the school grounds may be expanded as planned.

The following public hearings will be held regarding this application:

City Plan Commission: Wednesday, January 8, 2014, 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: Tuesday, January 21, 2014, 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 Stephanie Hummel in the Planning & Building Services Division at (608) 364-6708 or hummels@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

TOMAS BARTLE
2032 FOREST AVE
BELOIT, WI 535114359

FLOYD & MARY SANDLIN
1145 BLUFF ST
BELOIT, WI 535114355

VOSS INVESTMENTS LLC
2566 RIVERSIDE DR
BELOIT, WI 53511

ROBERT LARKIN
1143 FIFTH ST
BELOIT, WI 53511

ALLYN CARLSON
N 7201 CHAPEL DR
WHITEWATER, WI 53190

EMIL E & SHELLEY M HEFTI
1149 SIXTH ST
BELOIT, WI 53511

TAD STORY
P O BOX 207
ROCKTON, IL 61072

JAMES R & DOROTHY R LOFTON
1215 CHAPIN ST
BELOIT, WI 53511

GATEWAY REDEVELOPMENT LLC
P O BOX 41
BELOIT, WI 53512

CLANCY SMITH
204 MIDDLE ST
BELOIT, WI 53511

JANET RODRIGUEZ
5933 LONGEST DR
SOUTH BELOIT, IL 61080

SANDRA MANNING BROWN
1127 RIDGEWAY ST
BELOIT, WI 53511

PAUL & RUTH GREENBERG
9751 W CTY RD H
BELOIT, WI 535118119

SCHOOL DISTRICT OF BELOIT
1633 KEELER AVE
BELOIT, WI 53511

GERARDO NAVA
2365 N RUTHERFORD
CHICAGO, IL 60707

SANTOS MARTINEZ PACHECO
259 MIDDLE ST
BELOIT, WI 53511

JONAHTON PALAZZOLO
1239 LA SALLE ST
BELOIT, WI 535114719

ANNA MAY GROVER
249 MIDDLE ST
BELOIT, WI 53511

JASON REBOUT
P O BOX 840
JANESVILLE, WI 53547

RJK PROPERTIES LLC
P O BOX 33
BELOIT, WI 535120033

DOUGLAS CASH
P O BOX 1317
BELOIT, WI 535121317

MARIA MARQUEZ
1217 SIXTH ST # B
BELOIT, WI 53511

DAVID & NANCY HEPLER
2150 MERRILL ST
BELOIT, WI 535114822

ELIAS & CELIA CARRANZA
7016 E CTY RD J
CLINTON, WI 53525

SHARON BRUUN
2210 E RIDGE RD
BELOIT, WI 53511

DICK WINGER
1044 OAK ST
BELOIT, WI 53511

JAMES FAUST
1229 SIXTH ST
BELOIT, WI 535114369

SHARON WILKINSON
1235 BLUFF ST
BELOIT, WI 535114361

HOSEY & NINA NICHOLS
914 HILLSIDE AVE #1
ANTIOCH, IL 60002

JOSEFA & JORGE MARQUEZ
1238 SIXTH ST
BELOIT, WI 53511

ELIAS RENTAL PROPERTIES LLC
7016 E CTY RD J
CLINTON, WI 53525

GONZALO OLIVARES CERVANTES
1241 BLUFF ST
BELOIT, WI 535110701

SCOTT COHEN
5722 N WAYNE AVE
CHICAGO, IL 60660

BIK WAN YUE
1841 GARFIELD AVE
BELOIT, WI 53511

CHAD M & MALINDA A STEFFA
1253 BLUFF ST
BELOIT, WI 53511

CHARLES L & LORENE A MYERS
1257 BLUFF ST
BELOIT, WI 535114361

DAVID HAY
246 NORTH ST
BELOIT, WI 535114271

JOSEPH & JEANETTE HANSEN
2516 CLIFCORN DR
BELOIT, WI 535115341

JOSEPH GERBER
2247 PARK AVE
BELOIT, WI 53511

BOUTELLE PROPERTIES LLC
703 PARK AVE
BELOIT, WI 53511

GENE BALIS
1307 BLUFF ST
BELOIT, WI 535114201

STEVEN EARLE
12039 GALLOWAY LN
CALEDONIA, IL 610119105

EDDIE W & KELLY JO JONES
1313 BLUFF ST
BELOIT, WI 535114201

BA DUONG
1314 SIXTH ST
BELOIT, WI 53511

CHERYL TERRILL
1317 BLUFF ST
BELOIT, WI 53511

KATHERINE OLMSTEAD
1318 SIXTH ST
BELOIT, WI 53511

JODY FRAUTSCHY
1323 BLUFF ST
BELOIT, WI 53511

CATHY WELLS
1324 SIXTH ST
BELOIT, WI 535114255

BEVERLY MILLER
1327 BLUFF ST
BELOIT, WI 535114201

Q & S PROPERTIES LLC
9027 N KLUG RD
MILTON, WI 53563

OCWEN LOAN SERVICING LLC
1100 VIRGINIA DR STE175
FORT WASHINGTON, PA 19034

CURTIS & GLENDA KNIGHT
1337 BLUFF ST
BELOIT, WI 535114201

DAVID LAMB
4321 W EAU CLAIRE RD
JANESVILLE, WI 535459712

LIZZIE GOLDEN
1343 BLUFF ST
BELOIT, WI 535114201

RUBEN RODRIGUEZ
1114 TENTH ST
BELOIT, WI 53511

JOSHUA R & KALEENA M KIRKPATRICK
264 OLYMPIAN BLVD
BELOIT, WI 53511

JAAS REAL ESTATE MANAGEMENT CO
P O BOX 1183
BELOIT, WI 535121183

KAUFMANN PROPERTIES LLC
601 ARTHUR AVE
RACINE, WI 53405

SALVADOR VELAZQUEZ
239 OLYMPIAN BLVD
BELOIT, WI 53511

GARY THURSTON
4739 E COLLEY RD
BELOIT, WI 53511

GREATER NEW HOPE BAPTIST CHRCH
207 OLYMPIAN BLVD
BELOIT, WI 535114252

JOAN RICE
923 WILLIAM ST
BELOIT, WI 53511

RODNEY & ELIZABETH NELSON
3515 WOODHALL DR
JANESVILLE, WI 535461811

PATRICIA HODGES
1421 SIXTH ST
BELOIT, WI 535114256

GILBERTO & ADELINA BUGARIN
2044 GLEN AVE
BELOIT, WI 53511

DONALD M & DEANNA M COLLINS
1121 BITTEL ST
BELOIT, WI 53511

GERALDINE DAVIS
1940 THOMAS ST
BELOIT, WI 53511

JUAN CARLOS DESALAS
210 TRUSH CT
BELOIT, WI 535114260

MARIE ERICKSON
204 TRUSH CT
BELOIT, WI 535114260

WILLIE BROWN
1426 SIXTH ST
BELOIT, WI 535114257

JOSEPH P & CATHY L SCHLUETER
1427 SIXTH ST
BELOIT, WI 53511

LOWELL HANSON
1305 POYDRAS ST
BELOIT, WI 53511

VALENTINA HOPP
7127 E CTY RD X
CLINTON, WI 53525

FOR HIM INC
P O BOX 41
BELOIT, WI 53512

JEAN A & PHILLIP L SR VAN LANDINGHAM
205 TRUSH CT
BELOIT, WI 53511

CABIN FEVER ENTERPRISE LLC
P O BOX 861
BELOIT, WI 535120861

RESOLUTION
AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW VEHICLE REPAIR IN
THE C-3, COMMUNITY COMMERCIAL DISTRICT,
FOR THE PROPERTY LOCATED AT 1029 FOURTH STREET

WHEREAS, the application of M&H Maintenance for a Conditional Use Permit to allow vehicle repair in the C-3, Community Commercial District, for the property located at 1029 Fourth Street, having been considered by the City Council of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Beloit, Rock County, Wisconsin does hereby grant a Conditional Use Permit to allow vehicle repair in the C-3, Community Commercial District, for the property located at 1029 Fourth Street in the City of Beloit, for the following described premises:

South ½ of Lot 16, Block 2 of Merrills Addition, all situated in the City of Beloit, County of Rock, State of Wisconsin (a/k/a 1029 Fourth Street). Said parcel contains 0.0992 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. This Conditional Use Permit authorizes vehicle repair within the existing building, but vehicle repair may not occur outside of the building.
2. Junk vehicles (as defined in Chapter 7) shall not be stored outside.
3. Vehicles may not be sold on site unless the applicant obtains an auto dealer's license from the State of Wisconsin.
4. A Plat of Survey shall be submitted to Planning Staff for review to move the northern property line a ~~minimum of 20 feet~~ to the north to incorporate the existing curb-cut onto the subject property. **The new lot line shall be 10 feet south of the house on the adjacent property.** This must be recorded with the Rock County Register of Deeds by March 1, 2014.
5. The applicant shall remove the adjacent fence and expand the asphalt to accommodate at least four (4) parking stalls by June 1, 2014. This will require Site Plan Review to be completed.
6. Following this expansion, the applicant shall stripe the lot in accordance with Section 8-113 of the Zoning Ordinance by June 1, 2014.
7. The applicant shall follow Landscaping and Green Space requirements in accordance with Section 34.21 of the Architectural Review and Landscape Code.
8. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Director of Planning & Building Services may approve minor changes administratively.

9. **Upon completion of the lot expansion, the applicant shall install a fence on the north, south, and east property lines. This fence material shall not be chain-link or chain-link with slats.**

Adopted this 21st day of January 2014.

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 1029 Fourth Street

Date: January 21, 2014

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

M&H Maintenance has filed an application for a Conditional Use Permit to allow vehicle repair in a C-3, Community Commercial District, for the property located at 1029 Fourth Street.

Key Issues (maximum of 5):

- This property is currently vacant. The applicant plans to rent the subject property and operate a full-scale repair shop. Vehicle repair is a conditional use in a C-3 district.
- For adequate parking and driveway space, the northern property line needs to be moved further north. This will allow for parking stalls along the northern property line with sufficient turning and driving space. This will also incorporate the existing curb cut into the subject property.
- The subject property includes a 787 square-foot building which includes one overhead door facing Fourth Street.
- According to Section 8-103 of the Zoning Ordinance, the subject property must include 4 off-street parking stalls per service bay. Planning staff is recommending a condition of approval that will require the applicant to stripe the parking stalls at the approved dimensions in the Zoning Ordinance.
- The Plan Commission reviewed this item on January 8, 2014, and voted unanimously (6-0) to recommend approval of the Conditional Use Permit, subject to 9 conditions of approval. Conditions amended & added by the Plan Commission are shown in redline format on the attached Resolution.

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: January 8, 2014

Agenda Item: 8

File Number: CU-2014-01

Applicant: M&H Maintenance

Owner: Beloit Body & Fender, LLC

Location: 1029 Fourth Street

Existing Zoning: C-3, Community
Commercial District

Existing Land Use: Vacant Building

Total Area: 0.0992 Acre

Request Overview/Background Information:

M&H Maintenance has filed an application for a Conditional Use Permit to allow vehicle repair in a C-3, Community Commercial District, for the property located at 1029 Fourth Street.

Key Issues:

- This property is currently vacant. The applicant plans to rent the subject property and operate a full-scale vehicle repair shop. Vehicle repair is a conditional use in a C-3 district.
- The attached **Location & Zoning Map** shows the location of the subject property and the underlying zoning of the surrounding area. The adjacent zoning and land uses are as follows:
 - North: C-3, Community Commercial District; Residential
 - South: C-3, Community Commercial District; Commercial (Vehicle Repair)
 - East: R-3, Low-Density Multi-Family Residential District; Residential
 - West: C-3, Community Commercial District; Vacant
- The subject property includes a 787 square-foot building which includes one overhead door facing Fourth Street.
- According to Section 8-103 of the Zoning Ordinance, the subject property must include 4 off-street parking stalls per service bay. Planning staff is recommending a condition of approval that will require the applicant to stripe the parking stalls at the approved dimensions in the Zoning Ordinance.
- The City's Review Agents have reviewed this application and have the following comments:
 - Fire Department noted that proper disposal and handling of waste oil and flammable liquids is necessary for this use.
 - Engineering is requiring space to turn around on site as to negate backing out onto Fourth Street. They are also requiring the driveway to be on the subject property as it is currently on the lot to the north, 1035 Fourth Street. This lot is also owned by Beloit Body & Fender, LLC.
 - No other comments or concerns were submitted.
- The attached Public Notice was sent to nine nearby property owners. Staff has not received any comments or concerns.
- A landscape strip will be required between the subject property and Fourth Street.
- For adequate parking and driveway space, the northern property line needs to be moved further north. This will allow for parking stalls along the northern property line with sufficient turning and driving space. This will also incorporate the existing curb cut into the subject property.
- **Findings of Fact**

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

- a. *Whether the establishment, maintenance, or operation of the conditional use will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;*
 - Subject to certain conditions of approval, the proposed conditional use will not be detrimental to or endanger public health, safety, or welfare.
- 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 use is compatible with the surrounding property uses.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - The occupancy and improvement of the subject property is expected to have a positive impact upon property values in the area.
- 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 conditional use will not impede nearby development, so long as the site is repaired/upgraded as recommended by staff.

- e. *Whether the exterior architectural design or site layout of the proposed conditional use is so dissimilar or otherwise incompatible with existing or proposed development in the immediate neighborhood that it will cause a depreciation in property values;*
 - The proposed site layout and landscaping changes will be a positive enhancement of the site. No changes have been proposed for the building at this time. Planning staff will review any future exterior alterations during the Architectural Review process to ensure compatibility with the neighborhood.
- f. *Whether adequate utilities, access roads, drainage or other necessary facilities will be available to serve the proposed use at the time of its occupancy or use;*
 - Adequate facilities and infrastructure are available to serve the conditional use.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
 - Subject to conditions of approval, the existing street network is capable of handling any additional traffic generated by the conditional use.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
 - The conditional use will comply with all other applicable regulations of the Zoning Ordinance.

Consistency with Comprehensive Plan and Strategic Plan:

The City's Comprehensive Plan recommends Planned Mixed Use for the subject property, which is intended to guide the future redevelopment of this corridor. Consideration of this request supports City of Beloit Strategic Goal #5.

Sustainability:

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

Staff Recommendation:

The Planning & Building Services Division recommends **approval** of a Conditional Use Permit to allow vehicle repair in the C-3, Community Commercial District, for the property located at 1029 Fourth Street, based on the above Findings of Fact and subject to the following conditions:

1. This Conditional Use Permit authorizes vehicle repair within the existing building, but vehicle repair may not occur outside of the building.
2. Junk vehicles (as defined in Chapter 7) shall not be stored outside.
3. Vehicles may not be sold on site unless the applicant obtains an auto dealer's license from the State of Wisconsin.
4. A Plat of Survey shall be submitted to Planning Staff for review to move the northern property line a minimum of 20 feet to the north to incorporate the existing curb-cut onto the subject property. This must be recorded with the Rock County Register of Deeds by March 1, 2014.
5. The applicant shall remove the adjacent fence and expand the asphalt to accommodate at least four (4) parking stalls by June 1, 2014. This will require Site Plan Review to be completed.
6. Following this expansion, the applicant shall stripe the lot in accordance with Section 8-113 of the Zoning Ordinance by June 1, 2014.
7. The applicant shall follow Landscaping and Green Space requirements in accordance with Section 34.21 of the Architectural Review and Landscape Code.
8. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Director of Planning & Building Services may approve minor changes administratively.

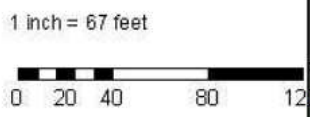
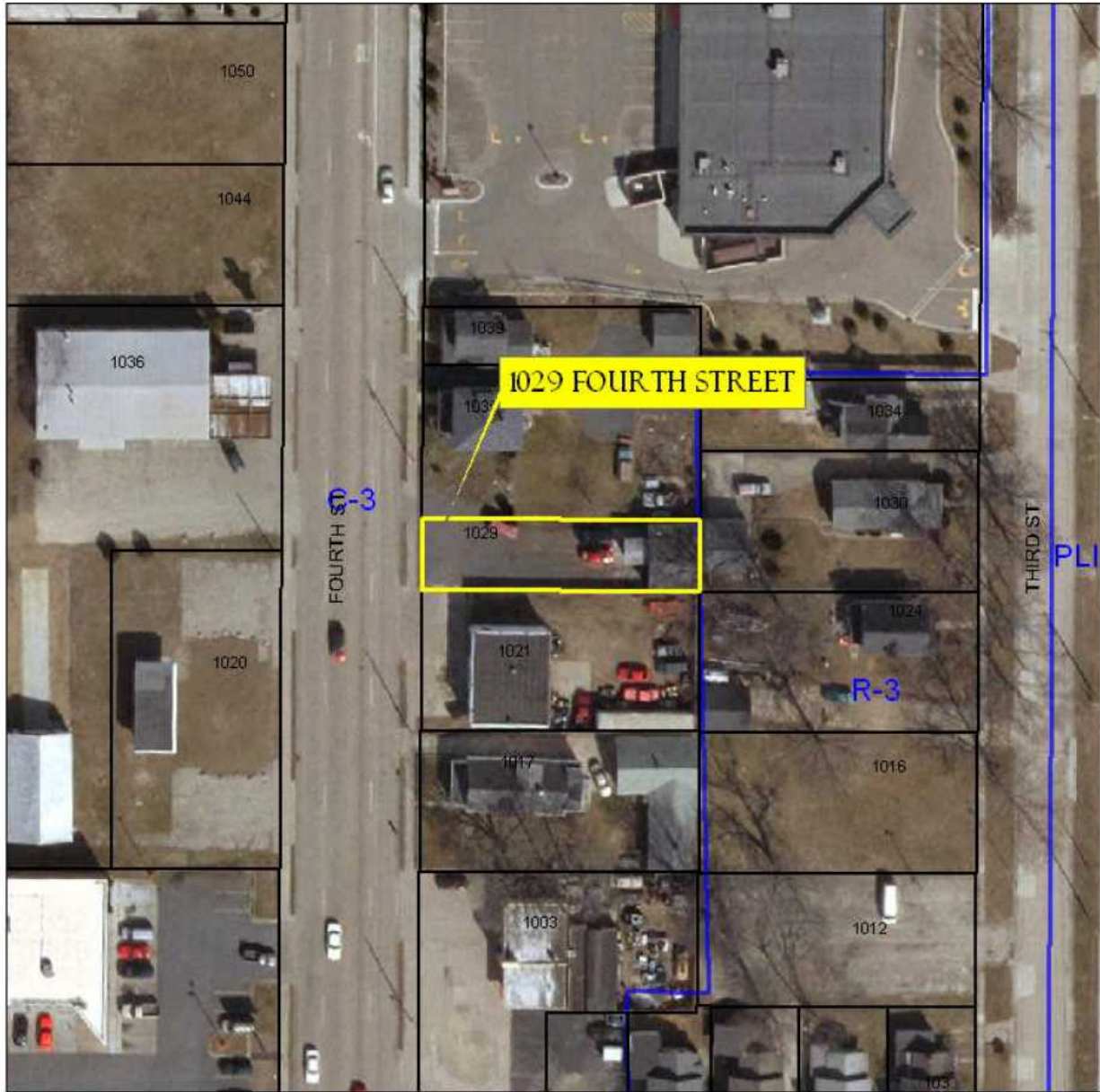
Fiscal Note/Budget Impact: N/A

Attachments: Location & Zoning Map, Photos, Application, Site Sketch, Public Notice, and Mailing List.

Location & Zoning Map

1029 Fourth Street

CU-2014-01



Legend

- COB Parcels
- Zoning District

Map prepared by: Stephanie Hummel
Date: December 2013
For: City of Beloit Planning & Building Services
Date of Aerial Photography: March 2011

PLANNING & BUILDING SERVICES DIVISION



Looking East from Fourth Street



Proposed New Northern Property Line

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-2014-01

1. Address of subject property: 1029 4TH ST.

2. Legal description: 5'12L 1682 Merrills Add.

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: .0992 acres.

3. Tax Parcel Number(s): 13511145 C-3

4. Owner of record: Beloit Badi & Family LLC Phone: _____

958 4TH ST
(Address) (City) (State) (Zip)

5. Applicant's Name: M & H Maintenance

1029 4TH ST
(Address) (City) (State) (Zip)

(815) 509 0906 / _____
(Office Phone #) (Cell Phone #) (E-mail Address)

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

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

A Conditional Use Permit for: vehicle repair
_____ in a(n) C-3 Zoning District.

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

Principal use: vehicle repair.

Secondary use: n/a.

Accessory use: _____

9. Project timetable: Start date: ASAP 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: month to month
- () 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.

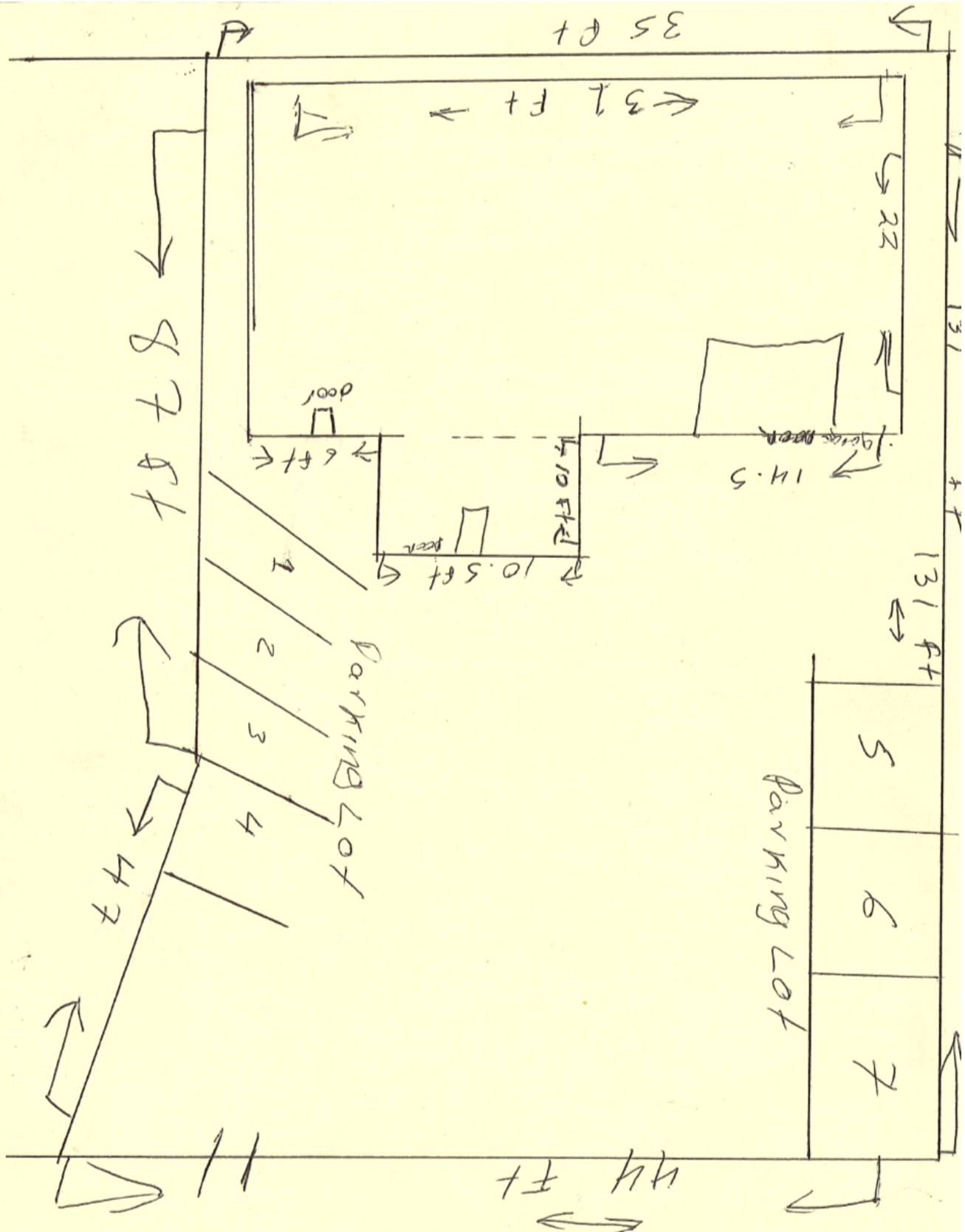
[Signature] | GLEICHNER | 12-3-13
 (Signature of Owner) (Print name) (Date)

Maggeleno | Maggeleno | 12/3/13
 (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: \$275.00	Amount paid: <u>275.00</u>	Meeting date: <u>1/8/14</u>
No. of notices: _____	x mailing cost (\$0.50) =	cost of mailing notices: \$ _____
Application accepted by: <u>[Signature]</u>		Date: <u>12/3/13</u>



1029 4th St



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

December 20, 2013

To Whom It May Concern:

M&H Maintenance has filed an application for a Conditional Use Permit to allow vehicle repair in a C-3, Community Commercial District, for the property located at:

1029 Fourth Street.

This property is currently vacant. The applicant plans to rent the subject property and operate a full-scale repair shop. The applicant has not proposed any changes to the building or site.

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

City Plan Commission: Wednesday, January 8, 2014, 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: Tuesday, January 21, 2014, 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 Stephanie Hummel in the Planning & Building Services Division at (608) 364-6708 or hummels@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

LIGHTHOUSE FELLOWSHIP CHURCH
110 MERRILL ST
BELOIT, WI 53511

DEPT 8088 AUTOZONE INC #653
P O BOX 2198
MEMPHIS, TN 381012198

DAVID GLEICHNER
958 FOURTH ST
BELOIT, WI 535116441

VICTOR CARR
3945 PLYMOUTH CHURCH RD
BELOIT, WI 53511

BELOIT BODY & FENDER LLC
958 FOURTH ST
BELOIT, WI 53511

JOSEPH C & JEANETTE E HANSEN
2516 CLIFCORN DR
BELOIT, WI 53511

MICHAEL GONZALEZ
3002 NYE SCHOOL RD
BELOIT, WI 53511

CYNTHIA BROWN
1541 GRANT ST
BELOIT, WI 53511

CVS SCP 2009-C32-081 LLC
ONE CVS DR
WOONSOCKET, RI 02895

**RESOLUTION
REALLOCATING 2010 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
TO ELIGIBLE PROJECTS**

WHEREAS, the City of Beloit is required to spend its dollars in a timely manner, and

WHEREAS, the Economic Development Loan Program has \$40,312.95 in grant funds which cannot be used until the income earned by the program is spent, and

WHEREAS, the Economic Development Loan Program has more than \$200,000 in program income and is therefore unable to spend this grant dollars in a timely manner, and

WHEREAS, the City has identified two eligible projects, DBA's rental assistance program and the demolition and/or rehabilitation of houses on the 422 Bluff Street site, which could use these funds in a timely manner, and

WHEREAS, these projects would be consistent with the City's Consolidated Plan.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Beloit, Rock County, Wisconsin, allocates \$29,000 to the DBA's rental assistance program and \$11,312.95 to demolish and/or rehabilitate the houses at 422 Bluff Street.

Adopted this 21st day of January 2014.

BELOIT CITY COUNCIL

Charles M. Haynes, Council President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Reallocation of Unspent CDBG funds

Date: January 21, 2014

Presenter(s): Julie Christensen

Department: Community Development Authority

Overview/Background Information:

The City of Beloit is required to spend its CDBG funds in a timely manner. HUD has provided a new on-line system which alerts us when funds are not being expended in a timely manner. They have flagged the 2010 CDBG funds awarded to the Economic Development Loan Fund as not being spent in a timely manner, and they have given us a limited time to reallocate the funds.

Key Issues (maximum of 5):

1. The 2010 grant funds remaining in the Economic Development Loan fund total \$40,312.95. More than \$200,000 in program income remains in this program, so there are adequate funds to make additional loans to eligible businesses.
2. City staff suggested two projects for this funding: the DBA's rental assistance program and the demolition and/or rehabilitation of 422 Bluff Street.
3. DBA's Rental Assistance Program: This program provides \$500/month for a period of up to six months to a new business that locates in the DBA's Business Improvement District (see attached map). The businesses would create job opportunities for low to moderate-income individuals. The DBA currently has \$6,000 committed to the program and would like to expand the program. It would be used as an incentive to get businesses to move downtown (see attached CDBG application). They are requesting \$29,000.
4. The City has an interest in using the remaining \$11,312.95 for the demolition and/or rehabilitation of the houses on the 422 Bluff Street site. This is a property which was purchased from Rock County through the tax foreclosure process. It is located in the historic district and contains two houses. The property is zoned single-family residential, and the houses have been vacant for years, so at a minimum, we would have to demolish one of the houses. We are currently in the process of evaluating the buildings, but would like to use the CDBG funds on this project (see attached photos and map).
5. Both recommended projects are eligible CDBG activities, meet one of the three national objectives, and are consistent with the City's Consolidated Plan.
6. A notice was published in the Beloit Daily News announcing the 30-day review period and the date of the public hearing.

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 - Apply sound, sustainable practices to promote a high quality community through historic preservation, community revitalization and new development.

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** – Not applicable
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – Not Applicable
- **Reduce dependence on activities that harm life sustaining eco-systems** – Not Applicable
- **Meet the hierarchy of present and future human needs fairly and efficiently** – Both of the recommended projects would meet the needs of Beloit's low to moderate income population.

Action required/Recommendation:

Act on resolution reallocating the \$40,312.95 in unspent 2010 CDBG dollars.

Fiscal Note/Budget Impact:

No budgetary impact.

Attachments:

Business Improvement District Map, DBA CDBG application, and Photos and Map of 422 Bluff Street

Photos of 422 Bluff Street and 310 Euclid Avenue

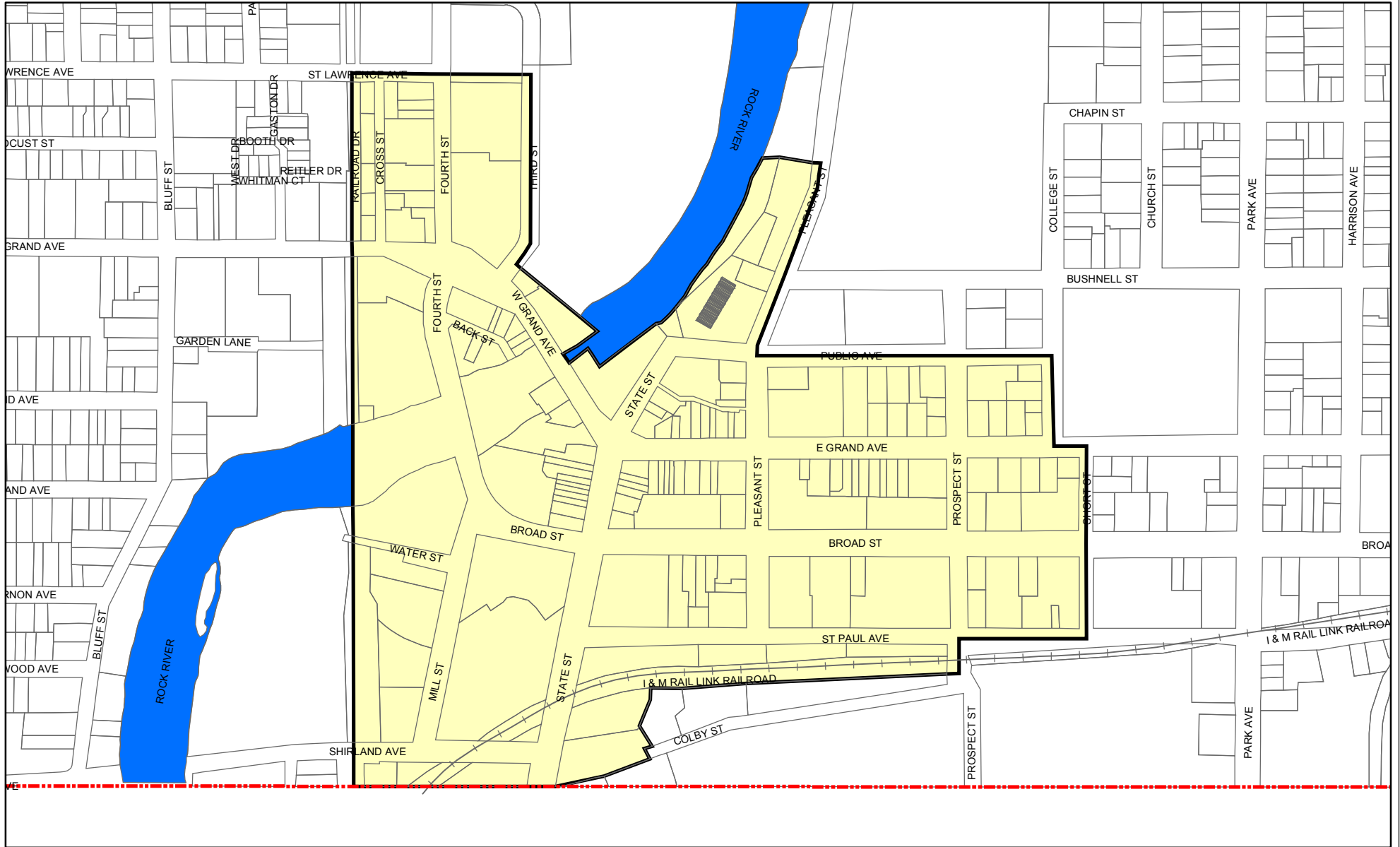
422 Bluff Street



310 Euclid Avenue

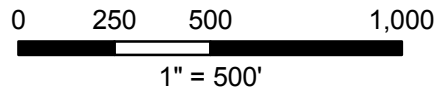


Business Improvement District



Legend

- Business Improvement District
- City Limits



THIS MAP IS INTENDED TO BE AN INVENTORY OF REAL PROPERTY FOUND WITHIN THE CORPORATE LIMITS OF THE CITY OF BELOIT AND TO CREATE A GRAPHIC DISPLAY OF THAT REAL PROPERTY. ALTHOUGH THE MAP WAS COMPILED FROM PUBLIC RECORDS SUCH AS DEEDS, PLATS AND CSMS THE CITY OF BELOIT MAKES NO WARRANTY, WHETHER EXPRESS OR IMPLIED, THAT THE DIMENSIONS OF THE PROPERTIES AND OTHER DATA SHOWN ON THE MAP ARE ACCURATE. ANYONE WHO WISHES TO DETERMINE THE EXACT LOCATION OF ANY PROPERTY BOUNDARY SHOULD CONSULT WITH A TITLE COMPANY OR SURVEYOR FOR PRECISE INFORMATION. THIS MAP IS UPDATED ON AN ONGOING BASIS, BUT MAY NOT INCLUDE ALL RECENT CHANGES IN PROPERTY BOUNDARIES.

Drawn by: Kirby Benz
Engineering Division
September 14, 2004

General Applicant and Project Information

Name of Project:	<u>Rental Assistance Program</u>
Amount Requested:	<u>\$29,000</u>
Name of Organization or Agency:	<u>Downtown Beloit Association</u>
Address:	<u>500 Public Ave.</u>
City, State, Zip:	<u>Beloit, WI 53511</u>
Phone:	<u>608-365-0150</u>
Fax:	<u>608-365-6850</u>
Executive Director/Chairperson:	<u>Shauna El-Amin</u>
E-mail Address:	<u>shauna@downtownbeloit.com</u>
Contact Person:	<u>Shauna El-Amin</u>
E-mail Address:	<u>shauna@downtownbeloit.com</u>
Legal Status:	<input checked="" type="checkbox"/> Private, Non-Profit
	<input type="checkbox"/> Municipal Department

Attach the following information with your application.

1. Members of your governing board and their City of residence
Attached-see DBA Board 2013.
2. Name and title of key staff members and their responsibilities
Attached-see DBA Board 2013.
3. A copy of your latest audit if one was completed (include only **one** copy of the audit)
Attached-see Beloit BID FS.
4. Name and phone number of the person responsible for your accounting, the accounting software package used, and a description of your agency's experience in handling accounting records for a grant-funded program.
Margaret Janke, MEJ Accounting, 608-365-9573
MEJ Accounting uses Quickbooks.

Project Type

1. Please select the type of project you are requesting funding for – **Please check all that apply:**

Public Services - Includes labor, supplies, and materials including but not limited to those concerned with:

- Employment
- Education
- Crime prevention
- Recreational needs
- Drug abuse
- Energy conservation
- Fair housing counseling
- Senior Services
- Youth Services
- Homebuyer down payment assistance
- Other Eligible Activity (List below):

Housing Rehabilitation: This includes labor, materials, and other costs related to rehabilitating houses:

Property Acquisition: Acquisition of property for any public purpose which meets one of the national objectives.

Demolition: Clearance, demolition or removal of buildings and improvements, including movement of structures to other sites.

Code Enforcement: Costs incurred for inspection for code violations and enforcement of codes in deteriorating or deteriorated areas.

Commercial or Industrial Rehabilitation: The acquisition, construction, rehabilitation or installation of commercial or industrial buildings, structures and other real property equipment and improvements, including railroad spurs or similar extensions.

Micro-enterprise Assistance: The provision of assistance to businesses having five or fewer employees.

Planning: Costs of data gathering, studies, analysis, and preparation of plans and the identification of actions that will implement such plans.

Public Facilities and Improvements: Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements.

Special Economic Development Activities: Provision of assistance to a private for-profit business and economic development services related to the provision of assistance.

Fair Housing: Provision of fair housing service and fair housing enforcement, education and outreach.

2. **Briefly explain how your proposed project fits into the category selected above.**

The goal of the Rental Assistance Program is to encourage entrepreneurs to open a new venture or expand their current business with a new Downtown Beloit location. Downtown Beloit is looking for unique, feasible businesses with the ability to appeal to the community.

National Objectives

To be eligible for funding, the project and/or activity you are requesting funding for **must** address **one national objective**.

1. The project or activity described in this application directly benefits low- and moderate-income persons (please check all that apply)

_____ The project meets the needs of low- and moderate-income persons. At least 51 percent of the participants or beneficiaries of the program must meet the low- and moderate-income guidelines listed in Appendix A.

_____ The project is located in a low- and moderate-income area. In this case, the project must meet the needs of the residents of one of the areas identified on the map in Appendix B. Typical activities funded are streets improvements, water and sewer lines, parks, and other public facilities.

_____ The project meets the needs of one of the following specific groups of people (low-mod limited clientele): abused children, elderly persons, battered spouses, homeless persons, severely disabled persons, illiterate adults, persons living with AIDS and migrant farm workers

_____ This project provides housing assistance to low- and moderate income households. Fundable activities include housing rehabilitation, acquisition of property for housing, and homeownership assistance.

 X This project creates or retains jobs for low- and moderate-income persons.

_____ The project described eliminates specific instances of blight or physical decay. The only activities to be funded under this category are acquisition, demolition or rehabilitation of buildings.

2. Explain how your program will address the national objective checked above.

The Rental Assistance Program is aimed at new businesses that want to open in Downtown Beloit, within the Business Improvement District. This would stimulate new investment and create new employment opportunities including for low- and moderate-income persons.

Agency and Project Summary

1. Briefly describe your agency:

The Downtown Beloit Association is designated a Wisconsin Main Street Organization committed to encourage and support Beloit's thriving downtown community through economic restructuring, design, historic preservation, streetscape care, promotion and organization.

2. Summarize the project for which you are requesting funding. What will the project / activity do or accomplish? What is the purpose of the project?

The purpose of the Rental Assistance Program is to provide relocated, expanding, or start-up businesses with an incentive to locate in Downtown Beloit. Essentially, we would like to offer \$500 per month for six months to a new business that locates in Downtown Beloit's Business Improvement District. Currently, we have a total of \$6,000 committed to the program and have four application already received. We would like to be able to serve more businesses to incentivize new growth and investment.

Project Beneficiaries

1. Specify the population to be served by this proposal. Provide a brief description of the potential recipients including age, ethnicity, gender, income levels, and any other relevant characteristics.

The target population is LMI's that are hired or retained.

2. What is the geographic area to be served (attach a map if the project is not City-wide)?

This is a Business Improvement District program. Attached-see Business Improvement District 2014 Final.

3. What services will be provided? What is the plan of action to be carried out?

The DBA Executive Director will work with applicants to ensure that all applications are complete and make recommendations to the DBA Economic Restructuring Committee to make final approvals. Once the applicant is approved, staff will process the Rental Assistance Program Agreement and process all draw requests. Staff will be directly involved in collection and reporting activities.

4. How will you track beneficiaries' data (income)?

Data will be collected annually via HUD approved job creation survey documents.

5. Describe what is unique about this program or project. Explain how this does not duplicate services currently provided or fills a gap currently unavailable in the City of Beloit.

Currently, there are no other grant dollars to offer relocating or new Downtown Beloit businesses. We have façade and sign grants to offer at minimal amounts. The City of Beloit has loan programs to offer to those who qualify.

6. Will you provide on-going case management to the people served by your program or project? If yes, how will you provide this on-going case management?

The DBA will track all payments given during the grant process. If the business does not remain open for two years, there is a repayment of loan process that the DBA staff will track.

Project Beneficiaries (Continued)

7. How will you verify and document City of Beloit residency and U.S. legal status of your beneficiaries?

The target audience will be residents of the Greater Beloit area that are seeking to establish or expand businesses into Downtown Beloit. Our target populations will put emphasis on minority, women-owned, and physically challenged individuals. Of particular interest will be their ability to create jobs for individuals that are considered “low- to moderate-income” (LMI) individuals.

The businesses will be selected by their formal applications reviewed by the Downtown Beloit Association’s Economic Restructuring Committee and tested for their ability to develop or expand a viable business employing Beloit citizens.

8. Estimate the number of individuals or households you expect to **directly** serve with the CDBG funds you are requesting.

Total number of recipients up to 13
(households, housing units, jobs)

Total low- and moderate-income recipients up to 13
(households, housing units, jobs)

9. Provide data on the number of people served by your program in the following table.

Household Type	Client Statistics		
	Last Year	This Year to Date	Next Year Projected
Households, 81-100% CMI			
Households, 51-80% CMI			
Households, 31-50% CMI			
Households, 0-30% CMI			
Total			13
<i>Race</i>			
<i>Single Race and Ethnicity</i>			
White (Hispanic)			
White (Non-Hispanic)			
Black/African American (Hispanic)			
Black/African American (Non-Hispanic)			
Asian (Hispanic)			
<i>Asian (Non-Hispanic)</i>			
American Indian/Alaska Native (Hispanic)			
Am. Indian/Alaska Native (Non-Hispanic)			
Native Hawaiian/Other Pacific Islander (Hispanic)			
Native Hawaiian/Other Pacific Islander (Non-Hispanic)			
<i>Multi-Race and Ethnicity</i>			
American Indian/Alaska Native and White (Hispanic)			
American Indian / Alaska Native and White (Non-Hispanic)			
Asian and White (Hispanic)			
Asian and White (Non-Hispanic)			
Black/African American and White (Hispanic)			
Black/African American and White (Non-Hispanic)			
American Indian/Alaska Native & Black/African American (Hispanic)			
American Indian/Alaska Native & Black/African American (Non-Hispanic)			
All Other Races (Hispanic)			
All Other Races (Non-Hispanic)			
TOTAL ALL RACES & ETHNICITY			13
Households with Children Under 18			
Households with Handicapped/Disabled Persons			
Households with Elderly (62+)			
Households with Male Head of Household			
Households with Female Head of Household			

CMI = County Median Income Adjusted for Household Size (See Attached Chart in Appendix A)

2014 CDBG Project Budget

1. Use the table below to show how you propose to use 2014 CDBG funds for this project.

Project Information

<i>Type of Expenditure</i>	<i>Budget</i>
Direct Wages/Salaries/Fringes	
Direct Program Expenses	
Other-Grant Program	<i>\$29,000.00</i>
TOTAL*	<i>\$29,000.00</i>

* **TOTAL** must match total request for 2014 CDBG.

2. If using the funds for wages/salaries, please list the names and titles of the people you will be paying.

NA

3. Please provide detail on the remaining budget items.

Funds will be used to fund grant program and given directly to the property owner.

4. Please provide **the budget for the ENTIRE PROGRAM in the box below**. Include CDBG and **ALL OTHER sources of revenue** for the program.

Support and Revenue	Last Year's Actual	Current Year's Budget	Next Year's Proposed
Community Development Block Grant (CDBG)			\$29,000.00
Contributions			
Foundations & Venture Grants			
Special Events			
Legacies & Bequests (unrestricted)			
Collected through local member units			
Contributed by Assoc. Organizations			
Other Government Fees & Grants			
Stateline United Way			
All other United Ways			
Membership Dues			
Program Service Fees			
Sales-Materials, Services			
Sales to the Public/Product Sales			
Investment Income			
Misc. Revenue (not otherwise listed)			
Total Support and Revenue	\$	\$	\$29,000.00
Expenses			
Salaries			
Employee Benefits			
Payroll Taxes			
Professional Fees			
Supplies			
Telephone			
Postage			
Occupancy (building, grounds, utilities)			
Equipment Rental & Maintenance			
Printing, Art Work, Publications			
Mileage for Staff			
Conferences, Conventions, Meetings			
Agency Dues			
Awards, Grants, & Individual Assistance			\$29,000.00
Officers & Directors Liability Insurance			
Misc. Expenses (not otherwise listed)			
Total Expenses (Before Depreciation)			\$29,000.00
(Deficit) or Excess (Revenue - Expenses)			\$0.00
Depreciation			
Payment to National Organization			

Objectives (Purpose)

1. State the objectives your program will accomplish during the 2014 program year. Objectives must be specific, concrete, and measurable and address short-term accomplishments. Please describe the overall program objectives which will be used to evaluate the program. What do you intend to accomplish and/or achieve through this project?

The objective of the program is to encourage small business development by providing grants to small businesses and entrepreneurs that complement Downtown Beloit.

2. Explain how your project positively impacts the City. What is the outcome of your project? Outcomes must be concrete and measurable.

The program will be evaluated against the successful ability to provide funds to new businesses locating in Downtown Beloit that will create or retain jobs in the area. Ideally, up to 13 grants and 13 jobs will be created if all money is granted out.

Timetable

Complete the timetable below to indicate how the program will accomplish the previously stated objectives during the funding cycle. **Applicants must identify the number of people to be served each quarter.**

Quarter 1 (January 1 – March 31, 2014)

The goal is to give out all funds as soon as possible, so a reasonable goal is to sign 4 Rental Assistance Program Agreements in this period which would open 4 new businesses and create 4 new jobs to the area.

Quarter 2 (April 1 – June 20, 2014)

The goal is to give out all funds as soon as possible, so a reasonable goal is to sign 4 Rental Assistance Program Agreements in this period which would open 4 new businesses and create 4 new jobs to the area.

Quarter 3 (July 1 – September 30, 2014)

The goal is to give out all funds as soon as possible, so a reasonable goal is to sign 4 Rental Assistance Program Agreements in this period which would open 4 new businesses and create 4 new jobs to the area.

Quarter 4 (October 1 – December 31, 2014)

The goal is to give out all funds as soon as possible, so a reasonable goal is to sign 1 Rental Assistance Program Agreements in this period which would open 1 new business and create 1 new job to the area.

APPENDIX A

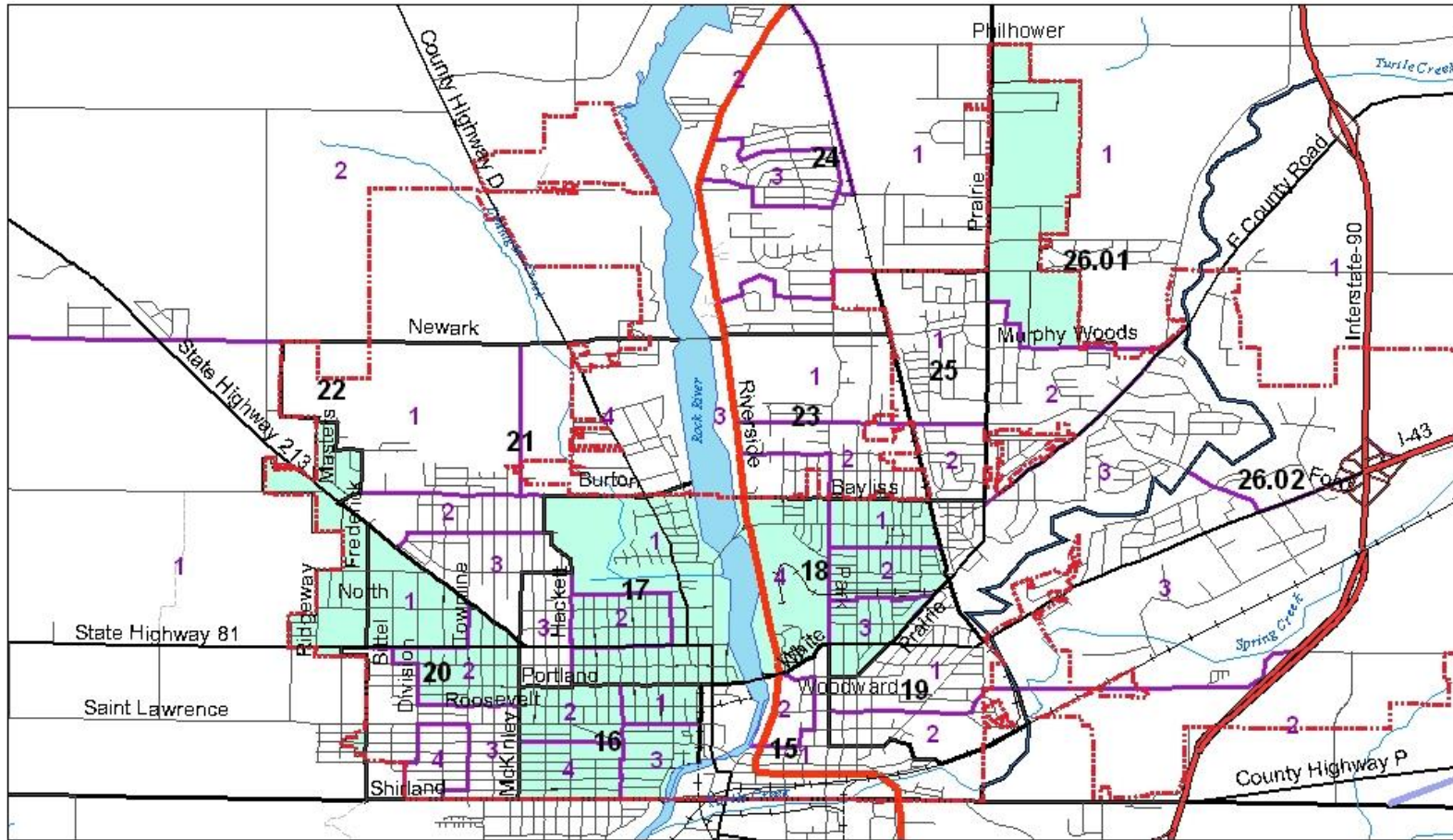
MAXIMUM HOUSEHOLD INCOME LIMITS (as of December 11, 2012)

Size of Household	0 – 30% CMI Extremely Low Income	31 – 50% CMI Very Low Income	51 – 80% CMI Low Income
1-Person Household	\$13,100	\$21,800	\$34,850
2-Person Household	\$14,950	\$24,900	\$39,800
3-Person Household	\$16,800	\$28,000	\$44,800
4-Person Household	\$18,650	\$31,100	\$49,750
5-Person Household	\$20,150	\$33,600	\$53,750
6-Person Household	\$21,650	\$36,100	\$57,750
7-Person Household	\$23,150	\$38,600	\$61,700
8-Person Household	\$24,650	\$41,100	\$65,700

CMI – County Median Income Adjusted for Household Size

APPENDIX B

2000 HUD - Defined Low to Moderate - Income Areas

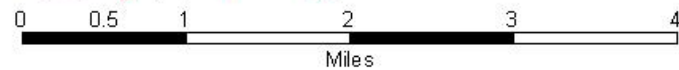


Legend

- 2000 HUD Defined Low to Moderate Income Areas
- 2000 Census Block Groups
- 2000 Census Tracts

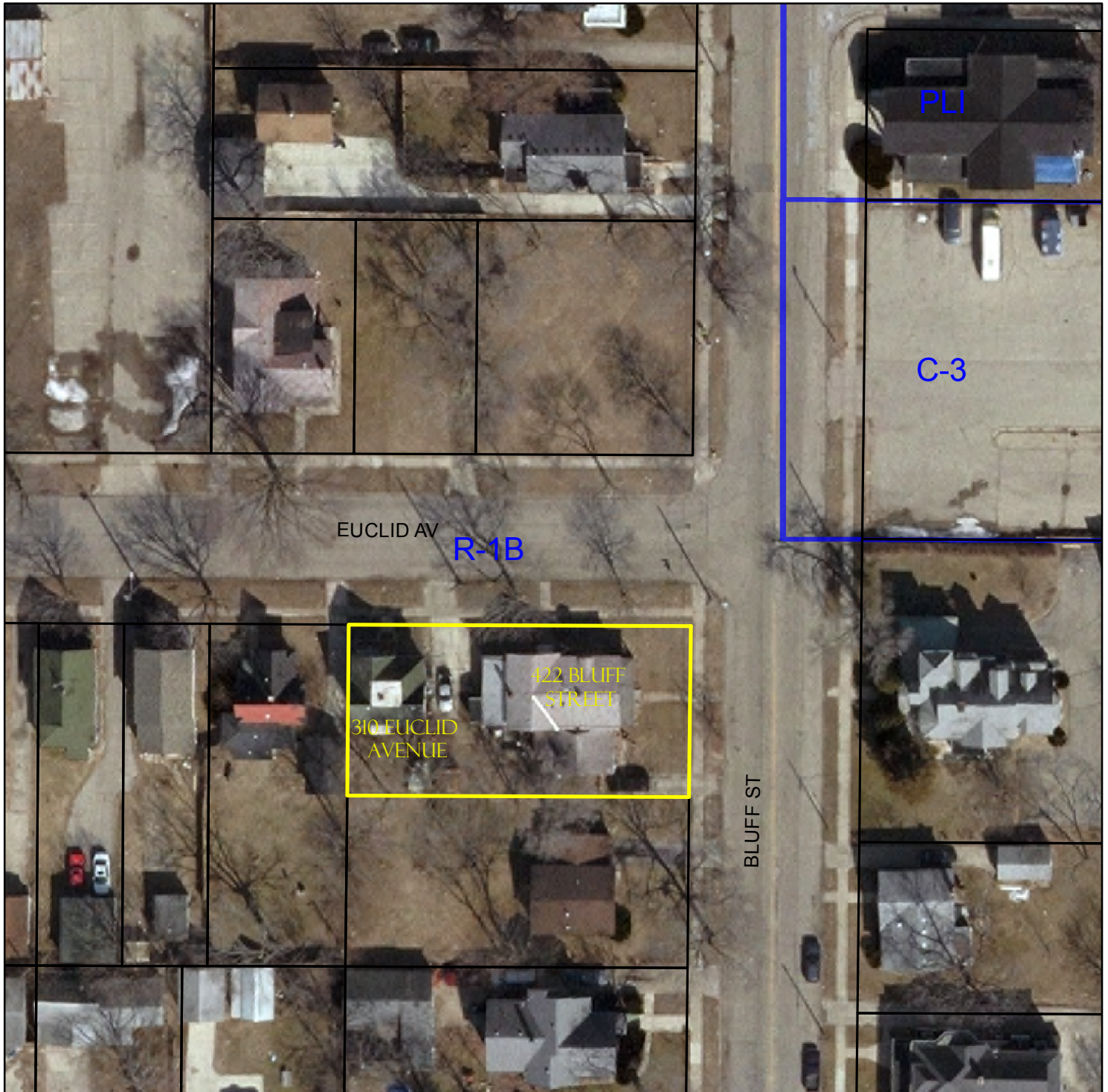


THIS MAP IS PROVIDED BY AN ELECTRONIC COPY OF A PUBLIC PROPERTY INFORMATION SYSTEM. THE CITY OF BELOIT, WISCONSIN, DOES NOT WARRANT THE ACCURACY, COMPLETENESS, OR TIMELINESS OF THE INFORMATION. THE CITY OF BELOIT, WISCONSIN, DOES NOT ASSUME ANY LIABILITY FOR DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS INFORMATION. THE CITY OF BELOIT, WISCONSIN, DOES NOT WARRANT THE ACCURACY, COMPLETENESS, OR TIMELINESS OF THE INFORMATION. THE CITY OF BELOIT, WISCONSIN, DOES NOT ASSUME ANY LIABILITY FOR DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS INFORMATION.

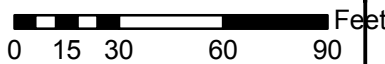


Location & Zoning Map

422 Bluff Street / 310 Euclid Avenue



1 inch = 55 feet



Legend

- COB Parcels
- Zoning District

Map prepared by: Julie Christensen
Date: December 2013
For: City of Beloit Planning & Building Services
Date of Aerial Photography: March 2011

COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Public Hearing on the allocation of HOME CHDO funds and City HOME funds

Date: January 21, 2014

Presenter(s): Julie Christensen

Department: Community Development Authority

Overview/Background Information:

In July 2001, the City of Beloit, Rock County and City of Janesville formed the Rock County HOME Consortium. This allows us to receive HOME funds directly from the Department of Housing and Urban Development (HUD) similar to CDBG.

Key Issues (maximum of 5):

1. According to HOME Investment Partnership Program guidelines, 15 percent of the HOME funds must be allocated to a Community Housing Development Organization (CHDO). In this HOME agreement, it was determined that this 15 percent would be allocated to a CHDO in Beloit. This agreement also established that the City of Beloit would receive 19 percent of the Consortium dollars awarded.
2. For 2012, 2013 and 2014, we have not allocated the CHDO funds to an agency. At a minimum, the allocation for the 2012 and 2013 CHDO dollars have to be completed this year. There is \$60,738.30 in 2012 CHDO funds and \$65,866.20 in 2013 CHDO funds that must be spent in 2014. We are still evaluating the possibility of completing a project on the 422 Bluff Street site. However, new information on the structures has been discovered which needs to be shared with the Landmarks Commission and Community Development Authority before the City Council can take action on this item. Therefore, there will be no action taken on this item tonight.
3. This item was already noticed as a public hearing before the new information came forward. Therefore, I request that you hold the public hearing so that anyone who is interested can give their input on how these funds should be spent.

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 - Apply sound, sustainable practices to promote a high quality community through historic preservation, community revitalization and new development.

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** – Not applicable
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** –

Not Applicable

- **Reduce dependence on activities that harm life sustaining eco-systems** – Not Applicable
- **Meet the hierarchy of present and future human needs fairly and efficiently** – The HOME dollars should be used to complete projects which meet the needs of Beloit residents.

Action required/Recommendation:

No action required.

Fiscal Note/Budget Impact:

The City's HOME funds are required to be allocated to eligible projects or we risk losing the funds

Attachments:

None



PROCEEDINGS OF THE BELOIT CITY COUNCIL

Special Meeting

100 State Street, Beloit, WI 53511

Monday, January 6, 2014

Presiding: Charles Haynes

Present: Sheila De Forest, Chuck Kincaid, Kevin D. Leavy (arrived at 6:02 p.m.), David F. Luebke, Mark Spreitzer, and James E. Van De Bogart

Absent: None

1. President Haynes called the meeting to order at 5:36 p.m. in the 4th Floor City Manager's Conference Room at City Hall.
2. Councilor Luebke made a motion to adjourn into closed session pursuant to Wis. Stat. 19.85(1)(e) to discuss **possible acquisition of real estate**. Councilor De Forest seconded. The motion carried, and the Council adjourned into closed session at 5:37 p.m.
3. At 6:06 p.m., Councilor Luebke made a motion to adjourn the closed session meeting and reconvene in open session. Councilor Kincaid seconded, and the motion carried.
4. Councilor Luebke made a motion to adopt the **Resolution Authorizing Acquisition of Hexter-Long Parcels**. Councilor Van De Bogart seconded, and the motion carried. File 7938/8089
5. At 6:10 p.m., Councilor Spreitzer made a motion to adjourn the meeting. Councilor Kincaid seconded, and the motion carried.

Rebecca Houseman LeMire, City Clerk

www.ci.beloit.wi.us

Date Approved by Council:



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
Monday, January 6, 2014

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

1. The meeting was called to order at 7:00 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS – none
4. PUBLIC HEARINGS
 - a. Community Development Director Julie Christensen presented a proposed ordinance amending the City of Beloit **Comprehensive Plan** to change the future land use designation of the properties located at 2508, 2554, 2570, and 2600 Milwaukee Road from Community Commercial to Institutional and Community Service for the School District of Beloit's intermediate school project. It was noted that the Plan Commission recommended approval 5-0. Councilor Haynes opened and closed the public hearing without participation. Councilor Van De Bogart made a motion to suspend rules and offer a second reading of the ordinance. Councilor Luebke seconded, and the motion carried 7-0. On the merits of the ordinance, Councilor Kincaid made a motion to enact, and Councilor Leavy seconded. Councilor De Forest asked why 2508 Milwaukee Road is included in the Comprehensive Plan Amendment but not the Zoning Map Amendment. Ms. Christensen said that the change in the Comprehensive Plan would allow the change in zoning in the future if the school district planned to acquire the property. She also said that if the property remains a single-family residence, the zoning would remain the same. The motion carried 7-0. File 8624 Ordinance 3514
 - b. Ms. Christensen presented a proposed ordinance amending the City of Beloit **Zoning District Map** to change the zoning district classification of the properties located at 2554, 2570, and 2600 Milwaukee Road from C-1, Office District, to PLI, Public Lands and Institutions District, for the School District of Beloit intermediate school project. It was noted that the Plan Commission recommended approval 5-0. Councilor Haynes opened and closed the public hearing without participation. Councilor Leavy made a motion to suspend the rules and offer a second reading of the ordinance, and Councilor Spreitzer seconded. The motion carried 7-0. On the merits of the ordinance, Councilor Spreitzer made a motion to enact. Councilor Leavy seconded, and the motion carried 7-0. File 8624 Ordinance 3515
 - c. Ms. Christensen presented a resolution authorizing a **Conditional Use Permit** to allow Office and Health Club uses in an M-2, General Manufacturing District, for the properties located at 601, 605, 645, 655 and 701 Third Street. It was noted that the Plan Commission recommended approval 5-0. Councilor Haynes opened the public hearing.
 - Mark Membrino, 655 Third Street, on behalf of Hendricks Commercial Properties, said that he is able to answer any questions about the conditional use permit or the development in general.Councilor Haynes closed the public hearing. Councilor Van De Bogart made a motion to adopt the resolution, and Councilor Luebke seconded. Councilor De Forest asked if the Board of Appeals knew about the proposed office and health club uses when they approved the variance to the flood plain ordinance. Ms. Christensen said that the same plans were presented as part of the variance process. Councilor De Forest asked if the Fire Department could require a wider private road through the project if needed, and Ms. Christensen said that they could do so during the site plan review process. The motion carried 7-0. File 8074

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.h. 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 December 16, 2013, were approved.
- b. An application for a **Class “A” Beer and “Class A” Liquor License** for Olde Town Market, Inc., d/b/a Olde Town Market, located at 905 Henry Avenue, Akbir Kang, Agent, was referred to the ABLCC. File 8590
- c. A proposed **Zoning Text Amendment** to repeal and recreate Sections 9.1.1 and 9.1.2 and to amend Sections 9.1.4, 9.2.1(A), and 9.2.2(E) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit relating to nonconforming uses and structures, was referred to the Plan Commission. File 7724
- d. A proposed **Zoning Text Amendment** to create Section 5-102(a)(15) and to amend Section 5-103 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit relating to PLI, Public Lands and Institutions District, uses and standards, was referred to the Plan Commission. File 7724
- e. An application for a **Conditional Use Permit** to allow an auto repair use in a C-3, Community Commercial District, for the property located at 1029 Fourth Street, was referred to the Plan Commission. File 8628
- f. An application for a **Zoning Map Amendment** to change the zoning district classification of the properties located at 1203, 1233, 1249, 1253, and 1257 Sixth Street from R-2, Two-family Residential District, to PLI, Public Lands and Institutions District, and the properties located at 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, and 1353 Sixth Street and 225 and 219 North Street from R-1B, Single-family Residential District, to PLI, Public Lands and Institutions District for the School District of Beloit, was referred to the Plan Commission. File 8247
- g. A resolution **Combining Polling Places** for the Spring Primary Election on February 18, 2014 (if primary is necessary) was adopted. File 6384
- h. A resolution approving the **Final Payment** of Public Works Contract C13-14, Shirland Bridge Seal, was adopted. File 8607

7. ORDINANCES

- a. Public Works Director Greg Boysen presented a proposed Ordinance to amend Part J of Section III of the Index of Special Locations, Section 13.02 of the Code of General Ordinances of the City of Beloit, Relating to **Parking of Vehicles on the near side of Highways adjacent to Schoolhouses** (Gaston School) for a second reading. Councilor Kincaid made a motion to enact the ordinance, and Councilor De Forest seconded. The motion carried 7-0. File 7791 Ordinance 8607

8. APPOINTMENTS – none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor De Forest welcomed the students in the audience and encouraged them to be involved in local government. She said that she is glad that the City has decided to reinstate the “Memory of #23” decals on the police squad cars.
- Councilor Leavy asked the City Manager to recognize the Beloit Memorial High School teachers who require that students attend City Council meetings.
- Councilor Haynes thanked everyone for making it to the meeting tonight despite the cold weather.

10. CITY MANAGER’S PRESENTATION – none

11. REPORTS FROM BOARD AND CITY OFFICERS

- a. Councilor Haynes presented a resolution approving **Compensation Adjustments** for the City Manager for the Calendar Year 2014. Councilor Haynes said that the City Council provided a performance review to the City Manager prior to the last City Council meeting. He said that the Council agreed to provide a three percent salary increase based on his longevity. Councilor Luebke made a motion to adopt the resolution, and Councilor Kincaid seconded. Councilor Leavy said that Mr. Arft is an advocate for the City and has built positive relationships with the business community during his 10 years with the City. Councilor Leavy thanked Mr. Arft for his dedication, and Councilors Van De Bogart and Luebke echoed those sentiments. Councilor Luebke said that Mr. Arft's management and leadership have benefited the City's reputation. Councilor Spreitzer said that this salary increase celebrates a ten-year longevity milestone. The motion carried 6-1, with Councilor De Forest voting in opposition. File 6427
 - b. Beloit Transit System Director Michelle Gavin presented a resolution authorizing changes to the **2014 Schedule of "Beloit/Janesville Express" Transit Fares** for the City of Beloit, Wisconsin. She said that the City of Janesville has increased the fares for the Beloit/Janesville Express and that the City of Beloit must now consider following suit to provide consistency in fare collection. Councilor De Forest made a motion to adopt the resolution, and Councilor Leavy seconded. Councilor De Forest said that she was disappointed to see the increase in fares and asked about the rationale. Ms. Gavin explained that the other public sector entities that pay for this service are under the same financial obligations and stress as the City of Beloit. She said that this increase will allow the end users of the service to pay for the service. The motion carried 7-0. File 8618
12. At 7:26 p.m., Councilor De Forest made a motion to adjourn the meeting, and Councilor Spreitzer seconded. The motion carried 7-0.

Rebecca Houseman LeMire, City Clerk

www.ci.beloit.wi.us

Date approved by Council:

RESOLUTION
APPROVING AN AMENDMENT TO THE CLASS “B” BEER AND RESERVE “CLASS B” LIQUOR LICENSE FOR CLANCY L. SMITH, D/B/A ROSE’S SOULFOOD, FOR AN OUTDOOR PREMISES EXTENSION

WHEREAS, an application has been received to amend the licensed premise description on the alcohol license application for Clancy L. Smith, d/b/a Rose’s Soulfood, 201 Short Street; and

WHEREAS, the Alcohol Beverage License Control Committee recommended approval of the amendment for the purpose of adding an outdoor seating area to the existing licensed premise; and

WHEREAS, the City Council has approved a Conditional Use Permit for this premises with appropriate conditions, and the Permit becomes effective once all conditions have been met.

NOW, THEREFORE, BE IT RESOLVED that the amendment to the licensed premise description is hereby approved and the applicant is authorized to amend the alcohol application currently on file in the City Clerk’s Office to include the area of the outdoor premise extension.

Dated this 21st day of January 2014.

Charles M. Haynes, City Council President

Attest:

Rebecca Houseman LeMire, City Clerk



ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE
RECOMMENDATION

TO: Beloit City Council
FROM: Alcohol Beverage License Control Committee
DATE: January 14, 2014
SUBJECT: Rose's Soulfood, Clancy L. Smith

The Alcohol Beverage License Control Committee recommends the Beloit City Council approve the application for an amendment to the Class "B" Beer and Reserve "Class B" Liquor License of Rose's Soulfood, 201 Short Street to add an outdoor premise extension.

Motion carried 4-0.

Rebecca Houseman LeMire
City Clerk



City of
BELOIT, Wisconsin

City Clerk
100 State Street, Beloit, WI 53511
Ph: 608-364-6680; Fax: 608-364-6649

**APPLICATION FOR AMENDMENT OF "CLASS B" FERMENTED MALT BEVERAGE & INTOXICATING LIQUOR LICENSE
OUTSIDE PREMISES EXTENSION**

Name of Licensed Premises: Rose's Soulfood

Address: 201 Short St.

Applicant's Name: Clancy Smith

Phone Numbers – business and personal: 815-389 8086

Purpose for requesting the outside extension:
Alcohol, food, smoking outside in designated area.

Detailed description of outside extension – include detailed drawing with dimensions:
See drawing attached (See CUP file)

Signature of Applicant: [Signature]

Date of Application: 10-14-13

1. ABLCC meeting date: 11/12/13 Tuesday 4:00pm Note: Applicant must be present.
2. City Council Agenda item for approval. Date: 11/18/2013 Monday 7:00pm
(Applicant is encouraged to be present).
3. Applicant amends application at City Clerk's Office after Council approval.
Date of amendment: _____.

LeMire, Rebecca

From: Hummel, Stephanie
Sent: Tuesday, October 15, 2013 8:26 AM
To: LeMire, Rebecca
Subject: RE: Rose's Site Plan
Attachments: Rose's Site Plans.pdf

Hi, Rebecca.

I've attached the latest version of the site plan for Rose's. The fence surrounding the seating area will be 4' in height, not 5' as indicated on the plan.

Thank You,

Stephanie Hummel

Planner
City of Beloit
100 State Street
Beloit, WI 53511
Ph: (608) 364-6708
Fx: (608) 364-6609
hummels@ci.beloit.wi.us

From: Pennington, Drew
Sent: Tuesday, October 15, 2013 7:40 AM
To: Hummel, Stephanie
Cc: LeMire, Rebecca
Subject: Rose's Site Plan

Stephanie:
Please email the final version of Rose's site plan for their outdoor seating area to Rebecca. Thank you.

Drew

Drew Pennington
Director of Planning and Building Services
City of Beloit
100 State Street
Beloit, WI 53511
Phone: (608) 364-6711
Fax: (608) 364-6609
penningtond@ci.beloit.wi.us

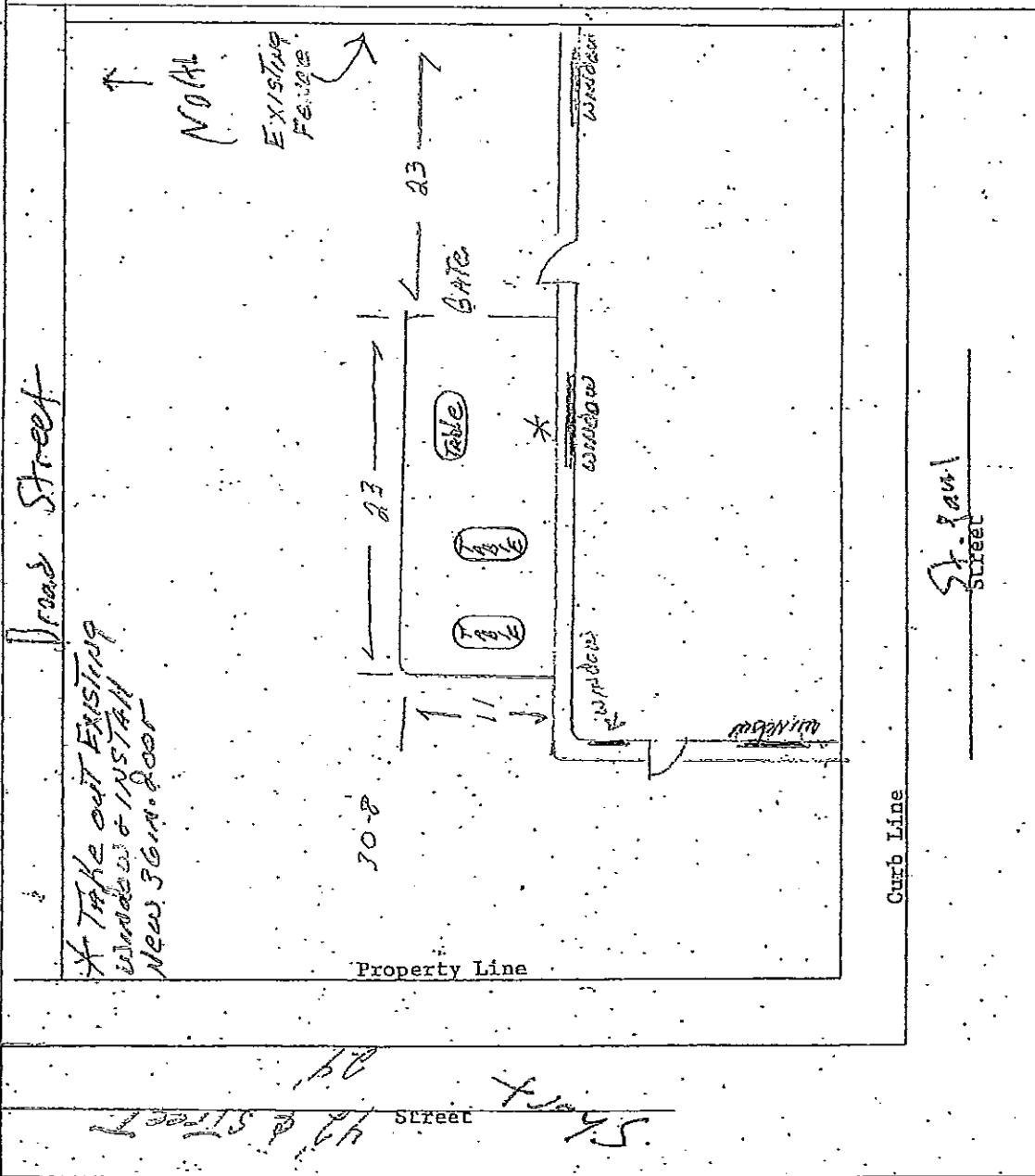
PLOT PLAN

Street Address _____
Lot _____ Block _____ Subdivision _____
 Interior Lot Corner Lot Thru Lot

Show The Following

- 1. All Existing & Proposed Buildings
- 2. All Lot Dimensions
- 3. All Yard Dimensions
- 4. Building Dimensions
- 5. Location of Drive & Opening Width at Curb
- 6. Elevation of Curb at Lot Corners extended
- 7. Finish Grade At Lot Corners
- 8. Finish Grade At Building Corners
- 9. North Arrow
- 10. Elevation at top of Foundation Wall.

fence location
 type & height
 # of posts / cha
 Door

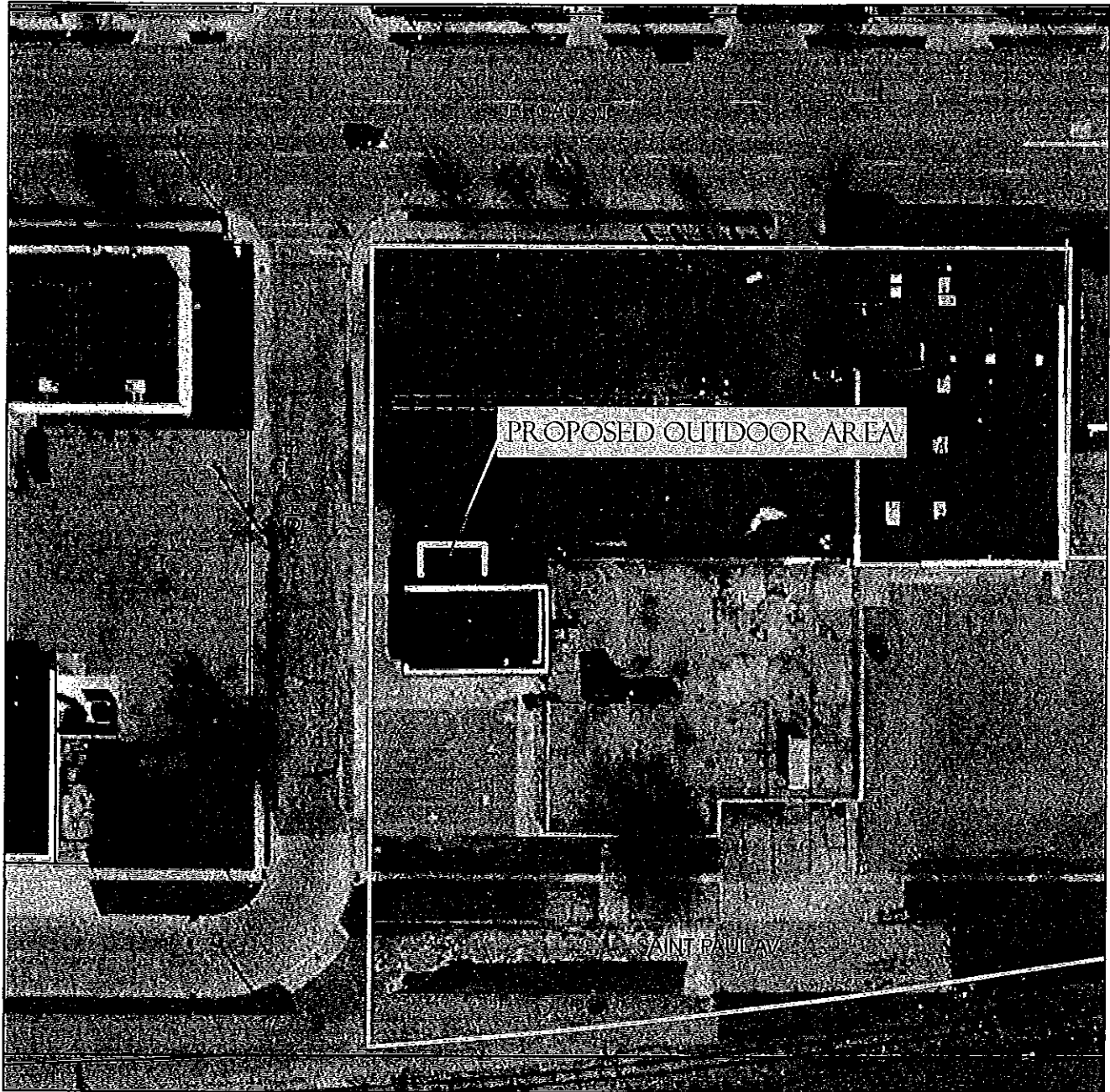


Fence Type Wood
 APPROX. 5' TALL

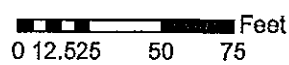
Location & Zoning Map

201 Short Street



CU-2013-15



1 inch = 60 feet



Legend

-  COB Parcels
-  Zoning District

Map prepared by: Stephanie Hummel
Date: September 2013
For: City of Beloit Planning & Building Services
Date of Aerial Photography: March 2011

PLANNING & BUILDING SERVICES DIVISION

FILE#8401/8497
MAY 17 2010
CITY OF БЕЛОIT
CITY CLERK

RESOLUTION
AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A DRIVE-IN USE AND AN OUTDOOR SEATING AREA IN A C-3, COMMUNITY COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED AT 201 SHORT STREET (822 BROAD STREET)

WHEREAS, the application of Anita Pertecote for a Conditional Use Permit to allow a drive-in use and an outdoor seating area in a C-3, Community Commercial District, for the property located at 201 Short Street (822 Broad Street), having been considered by the City Council of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Beloit, Rock County, Wisconsin does hereby grant a Conditional Use Permit to allow a drive-in use and an outdoor seating area in a C-3, Community Commercial District, for the property located at 201 Short Street (822 Broad Street) in the City of Beloit, for the following described premises:

LOTS 1, 2, 3, 4, 5, 6, & W 1/3 L 12, LOTS 13, 14, 15, & 16, ALL IN B 52 ORIGINAL PLAT, AND THAT VACATED PART OF ST PAUL AVE ADJACENT, ALL SITUATED IN THE CITY OF БЕЛОIT, COUNTY OF ROCK, STATE OF WISCONSIN (A/K/A 201 SHORT STREET/822 BROAD STREET). SAID PARCEL CONTAINS 1.5380 ACRES, MORE OR LESS.

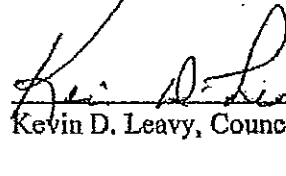
As a condition of granting the Conditional Use Permit, the City Council does hereby stipulate the following conditions and restrictions upon the Conditional Use, which are hereby deemed necessary for the public interest:

1. This Conditional Use Permit authorizes a pick-up window and a fenced outdoor seating area consisting of four tables and sixteen chairs.
2. The conditional uses may not be established until all of the following conditions are satisfied.
3. Patrons may only access the outdoor seating area by entering through the building.
4. A detailed ingress/egress plan shall be reviewed and approved by staff prior to issuance of a fence permit.
5. Prior to installation of the grill, the proposed grill area shall be inspected and approved by the Beloit Fire Department. The Fire Department may require certain elements including clearance, suppression systems, exit pathways, and more.
6. The maximum capacity of the outdoor seating area shall be twenty (20) persons. This maximum capacity shall be posted inside the building and within the outdoor seating area. The door leading to the outdoor seating area shall be marked as an exit.
7. The outdoor seating area shall include an emergency exit. The door or gate shall be at least three (3) feet wide and a clear path between the building door and the emergency exit shall be maintained.
8. The applicant shall provide a visible and/or audible fire alarm within the outdoor seating area.

9. In order to use the drive-through window, the applicant shall implement exit option #2, as long as the drive-through area is appropriately striped to indicate no parking in the area. A detailed vehicle ingress/egress plan must be reviewed and approved by the Planning Division prior to any work.
10. The continuous Short Street curb cut to the south of the building shall be narrowed into one driveway that is thirty-four (34) feet in width. The remainder of the curb cut shall be restored to curb.
11. The northernmost Short Street driveway (near Broad Street) shall be closed and restored to curb. At least four parking stalls near the western property line shall be removed to allow internal vehicle circulation.
12. The remaining Short Street driveway to the north of the building shall be realigned to match the existing East-West drive aisle.
13. All dumpsters and recycling containers shall be enclosed in accordance with the Architectural Review and Landscaping Code.
14. Music may not be played in the outdoor seating area after 10:00 PM.
15. 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 Community Development 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.
16. A concrete barrier shall be required on the west side of the outdoor grilling area to protect the area due to safety concerns.

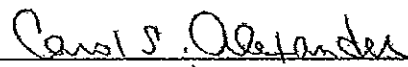
Adopted this 17th day of May, 2010.

BELOIT CITY COUNCIL



Kevin D. Leavy, Council President

ATTEST:



Carol S. Alexander, WCPC/MMC, City Clerk

**RESOLUTION
APPROVING THE APPOINTMENT OF A CORPORATION AGENT FOR AN
ALCOHOL BEVERAGE LICENSE**

WHEREAS, HRNS V Entertainment, LLC, d/b/a Adiktion, located at 1310 Cranston Road, does not currently have an Agent; and

WHEREAS, HRNS V Entertainment, LLC, has requested that Edgardo Garrido be appointed as the Agent for Adiktion; and

WHEREAS, the Alcohol Beverage License Control Committee has recommended the appointment of Edgardo Garrido as the Agent.

NOW, THEREFORE, BE IT RESOLVED that the Agent for HRNS V Entertainment, LLC, d/b/a Adiktion, located at 1310 Cranston Road, is Edgardo Garrido.

Dated this 21st day of January 2014.

Charles M. Haynes, President
Beloit City Council

Attest:

Rebecca Houseman LeMire, City Clerk



ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE
RECOMMENDATION

TO: Beloit City Council
FROM: Alcohol Beverage License Control Committee
DATE: January 14, 2014
SUBJECT: Change of Agent, Adiktion, 1310 Cranston Road

The Alcohol Beverage License Control Committee recommends the Beloit City Council approve the Change of Agent to Edgardo Garrido at HRNS V Entertainment, d/b/a Adiktion, 1310 Cranston Road.

Motion carried 5-0.

Rebecca Houseman LeMire
City Clerk

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

Submit to municipal clerk.

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

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

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

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

located at 1310 Cranston rd Beloit WI 53511

appoints Edgardo Garrido
(name of appointed agent)
2506 N PONTIAC DR, JANESVILLE WI
(home address of appointed agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 1 yr

Place of residence last year 401 W MILWAUKEE ST JANESVILLE WI 53545

For: RESTAURANT "LA AZTECA"
(name of corporation/organization/limited liability company)

By: Edgardo Garrido
(signature of Officer/Member/Manager)

And: Edgardo Garrido
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Edgardo Garrido
(print/type agent's name), hereby accept this appointment as agent for the

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

Edgardo Garrido 01-03-14 Agent's age _____
(signature of agent) (date)

2506 N PONTIAC DR, JANESVILLE WI Date of birth _____
(home address of agent)

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

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

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

Original

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name) Garrido		(first name) Edgarde		(middle name)	
Home Address (street/route) 2506 N PONTIAC DR		Post Office	City JANESVILLE	State WI	Zip Code 53546
Home Phone Number 608 201 2051		Age	Date of Birth	Place of Birth	

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

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

which is making application for an alcohol beverage license.

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

- How long have you continuously resided in Wisconsin prior to this date? 17 years
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. Restaurante La Azteca
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. Beer 401 W Milwaukee Janesville
(Name of Wholesale Licensee or Permittee) (Address By City and County)
- Named individual must list in chronological order last two employers.

Employer's Name LA AZTECA	Employer's Address 401 W MILWAUKEE JANESVILLE	Employed From 2013	To present
Employer's Name	Employer's Address	Employed From	To

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

Subscribed and sworn to before me

this 30 day of December, 2013 / January 3, 2014

Nicole D Davis
(Clerk/Notary Public)

Edgarde Garrido Morales
(Signature of Named Individual)

My commission expires 8/18/17

NICOLE D. DAVIS
Notary Public
State of Wisconsin



HRNS V Entertainment

Julian Valencia

JAN 3 2014 PM 4:35

1310 Cranston rd.

Beloit WI, 53511

847-445-2640

January 3, 2014

Judith A. Elson

Deputy City Clerk

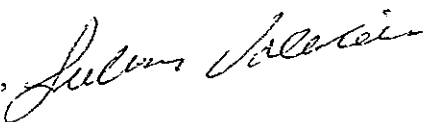
100 State Street

Beloit, WI 53511

To whom it may concern,

HRNS V Entertainment the corporate officer from the Adikt ion will like to appoint Edgardo Garrido as the new alcohol agent.

I appreciate the city of Beloit in this matter.

Sincerely, 

Julian Valencia

RESOLUTION
AUTHORIZING FINAL PAYMENT OF PUBLIC WORKS CONTRACT C13-05
Rock River Bank Protection

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

WHEREAS, This project restored and protected eroded shoreline areas with rip rap, river vista points, and native plantings along the east bank of the Rock River between Turtle Point and the Hendricks Bridge and also around the Lagoon; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City of Beloit City Council that Corporate Contractors, Inc. be paid \$37,064.59 as the final payment for Public Works Contract C13-05 Rock River Bank Protection as recommended by the City Engineer.

Dated at Beloit, Wisconsin, this 21st day of January 2014.

BELOIT CITY COUNCIL

Charles M. Haynes, President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Final Payment for Contract C13-05, Rock River Bank Protection

Date: January 21, 2014

Presenter(s): Gregory Boysen, P.E.

Department(s): Public Works/ Engineering

Overview/Background Information:

This project restored and protected eroded shoreline areas with rip rap, river vista points, and native plantings along the east bank of the Rock River between Turtle Point and the Hendricks Bridge and also around the Lagoon.

Key Issues (maximum of 5):

1. The requirements of the contract have been completed to the satisfaction of the City.
2. The awarded contract amount was \$ 441,426.67
Quantity increases and change orders \$ 65,156.94
Net payment due contractor \$ 506,583.61
3. The City Engineer, City Attorney, and Director of Accounting recommend that a final payment be made to Corporate Contractors, Inc. in the amount of \$37,064.59.

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 welcomes visitors and promotes the beauty of Riverside Park to enhance tourism.

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 project welcomes visitors and promotes the beauty of Riverside Park to enhance tourism.

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

Action required/Recommendation:


Approval of the Resolution authorizing the Final Payment.

Fiscal Note/Budget Impact:

Funds are available. This project is funded through the Community Development Block Grant - Emergency Assistance Program as a result of the 2008 flood. The City is reimbursed for 100% of the project cost. All payments are required to be made by January 30, 2014 in order to be eligible for reimbursement under the grant.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch

FROM: Andy Hill, Project Engineer 

DATE: December 9, 2013

SUBJECT: Final Payment Contract C13-05
Rock River Bank Protection

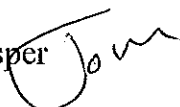
The work on this project was completed on November 5, 2013. I have inspected the work and find it to be satisfactory and in compliance with the requirements of the contract. The contractor has asked for final payment. The project was inspected by city staff. The final payment quantities have been approved by the contractor.

The original contract amount was for \$441,426.67, and the final contract amount is \$506,583.61. The increase in cost was primarily due to an increase in the lawn area restored. A detailed variance report is attached. Payments to date under this contract total \$469,519.02.

Therefore, I recommend a final payment in the amount of \$37,064.59 be made to Corporate Contractors, Inc.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Andy Hill

FROM: Thomas R. Casper 

DATE: January 6, 2014

SUBJECT: **Final Payment Public Works Contract C13-05**
Corporate Contractors, Inc.
Rock River Bank Protection

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

/tdh
encs.

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

WHEREAS, an application has been received for a Class "A" Beer and "Class A" Liquor License for Olde Town Market, Inc., d/b/a Olde Town Market, located at 905 Henry Avenue, Akbir Kang, Agent; and

WHEREAS, the Alcohol Beverage License Control Committee recommended denial of this Class "A" Beer and "Class A" Liquor License at the meeting on January 14, 2014 by a vote of 5-0.

NOW, THEREFORE, BE IT RESOLVED that the Class "A" Beer and "Class A" Liquor License for Olde Town Market, Inc., d/b/a Olde Town Market, located at 905 Henry Avenue, Akbir Kang, Agent, is hereby approved.

Dated this 21st day of January 2014.

Charles M. Haynes, Council President

Attest:

Rebecca Houseman LeMire, City Clerk



**ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE
RECOMMENDATION**

TO: Beloit City Council
FROM: Alcohol Beverage License Control Committee
DATE: January 14, 2014
SUBJECT: Olde Towne Market, 905 Henry Avenue

At the meeting on January 14, 2014, the Alcohol Beverage License Control Committee unanimously recommended that the Beloit City Council deny the application for the new Class "A" Beer and "Class A" Liquor License for Olde Town Market, Inc., d/b/a Olde Town Market, located at 905 Henry Avenue, Akbir Kang, Agent.

The ABLCC recommended denial of this license based on opposition from the Merrill Revitalization Group, as represented by Rory Owens, and the history of adverse effects of the sale of alcohol in the Merrill neighborhood.

The motion to recommend denial carried 5-0.

Rebecca Houseman LeMire
City Clerk

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning 20
 ending 6-30 20 14

TO THE GOVERNING BODY of the: Town of }
 Village of }
 City of }

County of Rock Aldermanic Dist. No. _____ (if required by ordinance)

1. The named INDIVIDUAL PARTNERSHIP LIMITED LIABILITY COMPANY
 CORPORATION/NONPROFIT ORGANIZATION.

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Olde Town Market Inc

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

	Title	Name	Home Address	Post Office & Zip Code
President/Member	<u>OWNER</u>	<u>SEAN CHIRWA</u>	<u>7372 W. RIDGE LN</u>	<u>CHESTER VALLEY IL 61016</u>
Vice President/Member				
Secretary/Member				
Treasurer/Member				
Agent	<u>Akbar Kang</u>	<u>27104 Kadlec DR #9</u>	<u>Beloit WI</u>	<u>53511</u>
Directors/Managers				

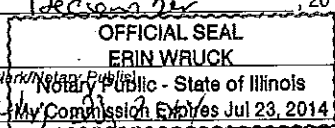
3. Trade Name Olde Town Market Business Phone Number 319-572-4667
 4. Address of Premises 905 HENRY AVE BELoit Post Office & Zip Code WI 53511


5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
8. (a) Corporate/limited liability company applicants only: Insert state WI and date _____ of registration.
 (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
 (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No
- (NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Main sales room

10. Legal description (omit if street address is given above): _____
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
 (b) If yes, under what name was license issued? _____
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] Yes No
13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] Yes No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME
 this 7 day of December 20 13

 My commission expires Jul 23, 2014


 (Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

 (Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

 (Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK			
Date received and filed with municipal clerk <u>12-5-13</u>	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number Issued	

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

Submit to municipal clerk.

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

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

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

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

OLDE TOWN MARKET

located at 905 HENRY AVE ^(trade name) BELOIT WI 53511

appoints Akhir Kang
(name of appointed agent)

2704 KADLEC DR #9 BELOIT WI 53511
(home address of appointed agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 2 years

Place of residence last year Wisconsin

For: OLDE TOWN MARKET
(name of corporation/organization/limited liability company)

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

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

ACCEPTANCE BY AGENT

I, Akhir Kang, hereby accept this appointment as agent for the
(print type agent's name)

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

[Signature] 11-27-13
(signature of agent) (date) Agent's age _____

2704 Kadlec DR #9, Beloit WI 53511
(home address of agent) Date of birth _____

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

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

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

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name) CHITNA		(first name) SEAN		(middle name) SINGH	
Home Address (street/route) 7372 W. RIDGE LN		Post Office	City CHERRY VALLEY	State IL	Zip Code 61016
Home Phone Number 319-572-4667		Age	Date of Birth	Place of Birth	

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

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- QSS of OLDE TOWN MARKET

(Officer/Director/Member/Manager/Agent)

(Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

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

- How long have you continuously resided in Wisconsin prior to this date? 0
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. _____
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. _____
(Name of Wholesale Licensee or Permittee) (Address By City and County)
- Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
X SARoil 1	Burlington, Iowa	2005	2007 Current
X Hidden Valley Ranch	Chicago	2001	2005

Self Employed - Beloit City 1888 Shopier Rd Beloit 2011 Current

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

Subscribed and sworn to before me

this 27 day of November, 2013

Peeyo Crowley
(Clerk/Notary Public)

[Signature]
(Signature of Named Individual)

My commission expires 6/5/16



Printed on Recycled Paper

Wisconsin Department of Revenue

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Kang		Arbic		Kaur	
Home Address (street/route)		Post Office	City	State	Zip Code
2764 Kadlec Dr #9			Beloit	WI	53511
Home Phone Number		Age	Date of Birth	Place of Birth	
319-572-9432					

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

Applying for an alcohol beverage license as an individual.

A member of a partnership which is making application for an alcohol beverage license.

Agent of Agent of OLDE town Market
(Office/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

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

- How long have you continuously resided in Wisconsin prior to this date? 2 years
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify. Provel Seven Inc, 1888 Shopiere Rd Beloit, Alcohol
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify.
(Name of Wholesale Licensee or Permittee) (Address By City and County)

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

Employer's Name	Employer's Address	Employed From	To
Whole Foods Market	Roseville CA 95678	Nov 2008	Feb 2010
Johns Incredible pizza	Roseville CA 95678	March 2008	Nov 2008

Beloit, Ct 90 1888 Shopiere, Beloit 2011 - Current

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

Subscribed and sworn to before me

this 27 day of November, 2013
Peggy Crocker
(Clerk/Notary Public)

[Signature]
(Signature of Named Individual)

My commission expires 6/15/16



Printed on Recycled Paper

January 21, 2014

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

The undersigned Charles M. Haynes, duly elected President of the Beloit City Council, subject to confirmation by the Beloit City Council, does hereby appoint the following citizen members to the vacancies and terms indicated below, said appointments being pursuant to nominations made and approved by the Appointment Review Committee at the regular meeting held January 13, 2014:

Charles M. Haynes, President
Beloit City Council

Appointments

Board of Ethics

Terese Tann, 1336 Ninth Street (replacing Mary Biester) for a term ending December 31, 2015

Business Improvement District/Downtown Beloit Association

Malinda Obershaw, Beloit Daily News, 149 State Street (replacing Peter Gabriele as Owner Occupant) for a term expiring December 31, 2016

Incumbent **Elaine Ribarich** (Owner Occupant) for a term expiring December 31, 2016

Incumbent **Mary Widder** (Resident at Large) for a term expiring December 31, 2016

Incumbent **Ramiro Vargas** (Owner Occupant) for a term expiring December 31, 2016

PLEASE ANNOUNCE THE FOLLOWING VACANCIES

Appointment Review Committee (2 vacancies for residents)

Board of Appeals (2 vacancies [Alternate] for resident)

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

Board of Review (2 vacancies [Alternate] for residents)

Community Development Authority (2 vacancies for residents)

Equal Opportunities Commission (1 vacancy for resident)

Municipal Golf Committee (1 vacancy for youth, 1 vacancy for resident)

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

Plan Commission (1 vacancy for resident)

Traffic Review Committee (2 vacancies for residents)

**RESOLUTION APPROVING SETTLEMENT OF
ST. CROIX/BAD RIVER BAND v. CITY OF БЕLOIT LITIGATION,
CASE NO. 2013-CV-498**

WHEREAS, on April 18, 2013, the St. Croix Chippewa Indians of Wisconsin (“St. Croix”) and the Bad River Band of Lake Superior Tribe of Chippewa Indians of Wisconsin (“Bad River Band”) (collectively, the “Plaintiffs” or the “Tribes”) sued the City of Beloit (“City”) in Rock County Circuit Court; and

WHEREAS, said litigation demanded that the Court grant the Plaintiffs either specific performance of the prior Option Agreement dated April 11, 2001, (“IGA”) or, in the alternative, money damages; and

WHEREAS, the Option Agreement subject to the litigation was entered between the City and the Plaintiffs on March 5, 2009, and said option provided that the Plaintiffs could only acquire the land for purposes “supportive of and consistent with the gaming operations as described in said Intergovernmental Agreement [dated April 11, 2001];” and

WHEREAS, the Intergovernmental Agreement limited the gaming operations to the specifically identified “Trust Parcel” immediately east and adjacent to the lands described in the Option Agreement; and

WHEREAS, the Tribes’ fee-to-trust application for said Trust Parcel was denied by the federal government on January 13, 2009, and the Tribes never appealed said denial nor attempted to amend or re-file such application; and

WHEREAS, the Tribes lost site control of the adjacent Trust Parcel when their former development partner, Kurt Carlson, sold the Trust Parcel to the Ho-Chunk Nation (“Nation”) on October 29, 2009; and

WHEREAS, the litigation has involved extensive briefing and eventually required the Nation to file its motion for the purposes of establishing its status as a necessary and indispensable party to the litigation; and

WHEREAS, a hearing was held before Rock County Circuit Court Judge Barbara McCrory on October 17, 2013 at which time the Court agreed with the assertions of the City and the Nation that the Nation was in fact a necessary and indispensable party but also a party who could not be involuntarily joined in the litigation because of the Nation’s sovereign immunity and the Court therefore dismissed the Plaintiff’s claim for specific performance; and

WHEREAS, at the same hearing the Court continued in place a temporary restraining order preventing the City from transferring the option land to the Nation pending further hearing of the Court; and

WHEREAS, the Plaintiffs approached the City shortly after the ruling by the Circuit Court requesting settlement discussions; and

WHEREAS, the Plaintiffs had previously paid the City \$46,000 in option payments and the parties have agreed to settle the litigation with a payment by the City to the Plaintiffs of \$50,000; and

WHEREAS, such settlement will include a dismissal by the Plaintiffs of all pending litigation and an agreement by the Plaintiffs that the Tribes will undertake no further litigation or engage in other activities that could interfere with any off-reservation gaming project in the City of Beloit.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beloit, Rock County, Wisconsin, hereby approves the attached settlement agreement.

BE IT FURTHER RESOLVED that the City Manager of the City of Beloit be, and he is hereby, authorized to execute said settlement agreement and any other documents necessary to carry out the terms and conditions of said settlement agreement.

Adopted this 21st day of January, 2014.

City Council of the City of Beloit

Charles M. Haynes, President

Attest:

Rebecca Houseman LeMire, City Clerk

Tdh/res/casino(Chippewa settlement=res=140114 1427 (cln) (99-1240)

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Settlement of pending litigation by St. Croix Chippewa Indians of Wisconsin and Bad River Band of Lake Superior Tribe of Chippewa Indians of Wisconsin v. City of Beloit

Date: January 21, 2014

Presenter(s): Larry N. Arft / Thomas R. Casper

Department(s): City Manager / City Attorney

Overview/Background Information:

The City of Beloit ("City") entered an Option Agreement for property known as Parcel 10 with the St. Croix Chippewa Indians of Wisconsin ("St. Croix") and the Bad River Band of Lake Superior Tribe of Chippewa Indians of Wisconsin ("Bad River Band") (collectively, the "Plaintiffs" or the "Tribes") on March 5, 2009. Parcel 10 lies generally at the southeast corner of Willowbrook and Colley Roads and immediately to the west of a parcel commonly known as the "Trust Parcel." Among other things, the Option Agreement provided that the Tribes could only acquire Parcel 10 for purposes "supportive of and consistent with the gaming operations as described in said Intergovernmental Agreement on the adjoining Trust Parcel." The Intergovernmental Agreement had been entered into in 2001 between the City and the Tribes and described the gaming operations as being allowed only on the Trust Parcel and to be operated by the Tribes.

Ultimately the Tribes lost site control of the Trust Parcel when their prior development partner, Kurt Carlson, sold the Trust Parcel to the Ho-Chunk Nation ("Nation"). In addition, the fee-to-trust application by the Tribes was denied in a final decision by the Department of Interior on January 13, 2009 and the Tribes never appealed said denial nor attempted to amend or re-file the fee-to-trust application. When the Tribes attempted to exercise the option in December of 2012, the City took the position that they could not do so since they would not be acquiring the land for purposes "supportive of and consistent with the gaming operations" as described in the Intergovernmental Agreement.

The Tribes sued the City on April 18, 2013 in Rock County Circuit Court under Case No. 2013-CV-498. The Plaintiffs' lawsuit demanded that the Court order specific performance, whereby the City would be forced to transfer Parcel 10 to the Plaintiffs and in the alternative requested money damages. The City filed an answer and briefs strongly disputing that the Plaintiffs were entitled to any of the relief they requested and also asserting that the Nation would be a necessary and indispensable party to the litigation. After extensive briefing and discovery, the Court conducted a motion hearing on October 17, 2013. By that point the Ho-Chunk Nation had filed a Motion for Limited Intervention arguing that they were a necessary and indispensable party in the litigation and would not waive their sovereign immunity nor consent to be joined in the action.

At the motion hearing on October 17, 2013, Rock County Circuit Court Judge Barbara McCrory ruled in favor of the Nation and the City and found that the Nation was a necessary and indispensable party but could not be voluntarily joined because of their sovereign immunity. Judge McCrory therefore dismissed the Plaintiffs' claim for specific performance but allowed an earlier temporary restraining order to remain in place preventing the City from closing on its Land Contract with the Nation on Parcel 10. Further proceedings were scheduled regarding that issue and the remaining claim of money damages.

Shortly after the October 17, 2013 hearing, the Plaintiffs contacted the City requesting an opportunity to discuss settlement. The City had made a counterclaim against the Plaintiffs for its legal fees pursuant to option language providing that any party breaching the option would be liable for such fees, but the City was cognizant of the fact that the Plaintiffs had paid the City \$46,000 in option payments and that continuing the litigation would be costly with no guarantee of a successful outcome despite the strength of the City's position as evidenced by the Court's ruling on October 17, 2013.

The parties have agreed to a settlement whereby the City would pay the Plaintiffs the total sum of \$50,000 in return for a complete dismissal of all pending claims and a further agreement that the Tribes will not file, or threaten to file, any suit, claim or proceeding of any type in any court, with any public official, or before any regulatory bodies seeking to challenge, obstruct, delay, or otherwise impede any City of Beloit Indian gaming project, including any fee-to-trust application or the federal or state approval process relating thereto. Because of the uncertainty of continued litigation and the comprehensive release of rights to future litigation or other actions that might interfere with the Beloit casino project, the settlement is in the best interest of the City.

Reports and Presentations to Council

Topic: Settlement of pending litigation by *St. Croix and Bad River Chippewa v. City of Beloit*

Date: January 21, 2014

Page 2

Key Issues (maximum of 5):

Approve settlement providing for a \$50,000 payment by the City to Plaintiffs in return for the dismissal and global release described above.

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

Consideration of this request supports strategic Goal #1.

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

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

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

Action required/Recommendation:

City Council consideration and adoption of the attached resolution.

Fiscal Note/Budget Impact:

The settlement will require the City to reimburse the \$46,000 previously received from the Plaintiffs plus an additional \$4,000.

Attachments:

Resolution and draft settlement document.

**RESOLUTION
SUPPORTING ALTERNATES 2A OR 2B
FOR THE RECONSTRUCTION OF THE I-39/90 AND I-43/WIS 81
INTERCHANGE AS PRESENTED BY
THE WISCONSIN DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Wisconsin Department of Transportation has initiated the Interstate Highway 39/90 and Interstate Highway 43/WIS 81 Study, which in addition to other scheduled improvements, would reconstruct the existing cloverleaf interchange to be reconfigured into a free flow interchange for interstate to interstate movements; and

WHEREAS, the Wisconsin Department of Transportation and their design consultants have identified five (5) potential options for the reconfiguration of the interchange as of December, 2013; and

WHEREAS, Alternative 2, which included an Option A and an Option B, would result in reconfiguration of the Interstate Interchange, including free flow lanes, but also extend Milwaukee Road (Hwy. 81) as a four-lane arterial road to intersect with the existing Gateway Blvd., east of the Interstate Highway; and

WHEREAS, Alternative 2 would result in southbound Interstate Highway 43 traffic exiting at what is now known as the Hart Road interchange, and Interstate 39/90 would have a full interchange near its' current location on Milwaukee Road, resulting in no significant reduction in traffic exiting the interstate highways in Beloit; and

WHEREAS, this alignment would better facilitate traffic movement in and out of the City's new Gateway Business Park and provide better linkages to the highway commercial district, which includes a number of hotels and restaurants and is located on the west side of the Interstate Highway; and

WHEREAS, Alternative 2, both options A and B, will also result in enhancing local traffic and improving connectivity between the east and west sides of the Interstate, further enhancing economic development opportunities near the Interstate interchange; and

WHEREAS, the City staff and the City Council have reviewed all of the alternatives and find Alternative 2, either options A or B, to be in the best long term interest of the City and wish to ensure that the Interstate reconstruction provides for enhancements to the City's local circulation system, as well as the safe movement of through traffic on the Interstate highway.

NOW THEREFORE BE IT RESOLVED, that the City Council finds Alternative 2, either options A or B, to be in the best interest of the City and encourages the Wisconsin Department of Transportation to focus additional study upon those options to select the Alternative 2 alignment, which is most cost effective, provides the safest, most efficient design alignment and minimizes inconvenience and traffic disruptions during construction.

BE IT FURTHER RESOLVED, that the City further encourages the Wisconsin Department of Transportation to complete the environmental study, preliminary design, and right-of-way acquisition needed for the project as soon as possible so the project can be let for construction bids at the earliest opportunity.

Adopted this 21st day of January 2014.

Charles M. Haynes, President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF БЕЛОIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Resolution supporting Alternates 2A OR 2B for the reconstruction of the I-39/90 and I-43/WIS 81 interchange as presented by the Wisconsin Department OF Transportation

Date: January 21, 2014

Presenter(s): Greg Boysen

Department(s): Public Works/ Engineering

Overview/Background Information:

The Wisconsin Department of Transportation has initiated the Interstate Highway 39/90 and Interstate Highway 43/WIS 81 Study, which in addition to other scheduled improvements, would reconstruct the existing cloverleaf interchange to be reconfigured into a free flow interchange for interstate to interstate movements.

Key Issues (maximum of 5):

1. The Wisconsin Department of Transportation and their design consultants have identified five (5) potential options for the reconfiguration of the interchange as of December, 2013.
2. Alternative 2, which included an Option A and an Option B, would result in reconfiguration of the Interstate Interchange, including free flow lanes, but also extend Milwaukee Road (Hwy. 81) as a four-lane arterial road to intersect with the existing Gateway Blvd., east of the Interstate Highway.
3. Alternative 2 would result in southbound Interstate Highway 43 traffic exiting at what is now known as the Hart Road interchange, and Interstate 39/90 would have a full interchange near its' current location on Milwaukee Road, resulting in no significant reduction in traffic exiting the interstate highways in Beloit.
4. Alternative 2, both options A and B, will also result in enhancing local traffic and improving connectivity between the east and west sides of the Interstate, further enhancing economic development opportunities near the Interstate interchange.
5. Engineering staff have reviewed all of the alternatives and find Alternative 2, either options A or B, to be in the best long term interest of the City and wish to ensure that the Interstate reconstruction provides for enhancements to the City's local circulation system, as well as the safe movement of through traffic on the Interstate highway.

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.**

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.):

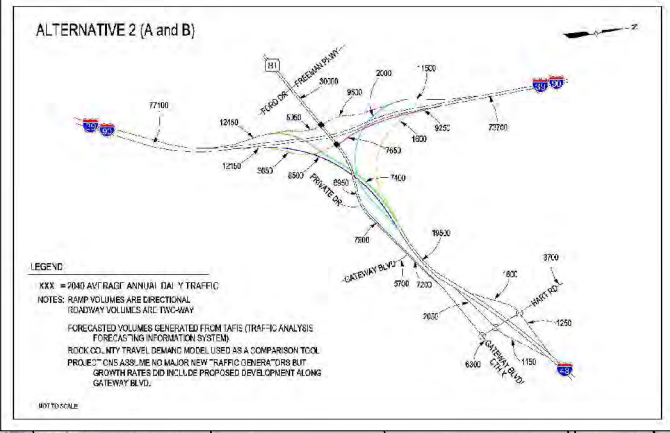
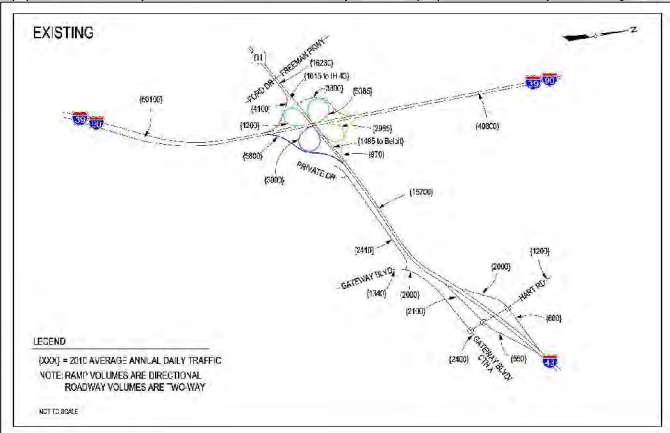
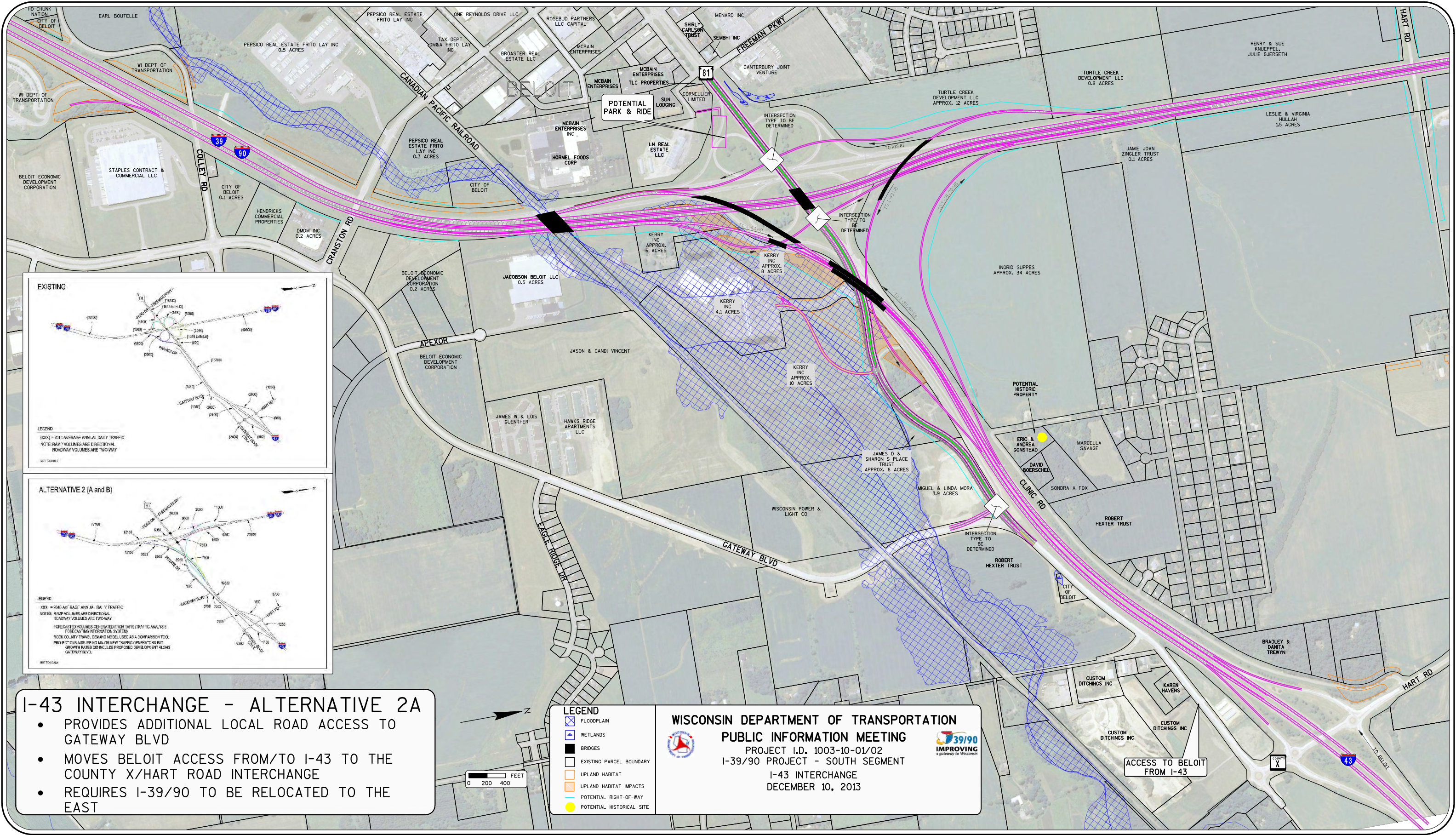
- **Reduce dependence upon fossil fuels**
N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**
N/A
- **Reduce dependence on activities that harm life sustaining eco-systems**
N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently**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

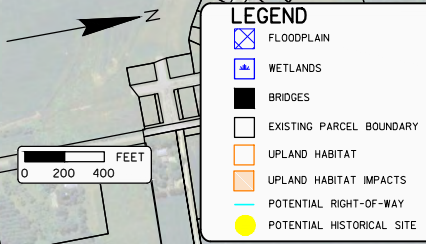
Action required/Recommendation:

The Engineering Division recommends approval of the attached resolution.

Fiscal Note/Budget Impact:



- I-43 INTERCHANGE - ALTERNATIVE 2A**
- PROVIDES ADDITIONAL LOCAL ROAD ACCESS TO GATEWAY BLVD
 - MOVES БЕЛОИТ ACCESS FROM/TO I-43 TO THE COUNTY X/HART ROAD INTERCHANGE
 - REQUIRES I-39/90 TO BE RELOCATED TO THE EAST



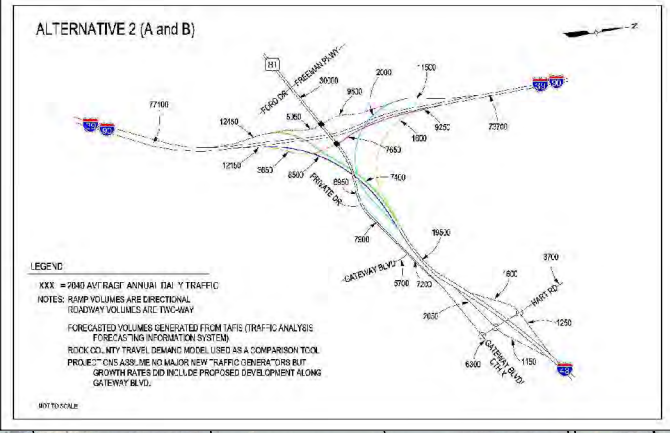
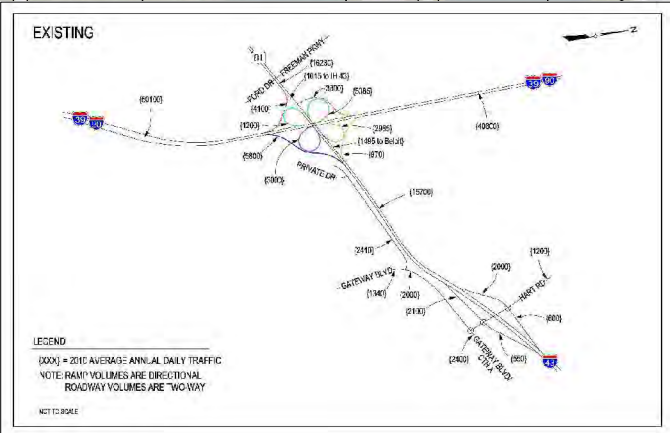
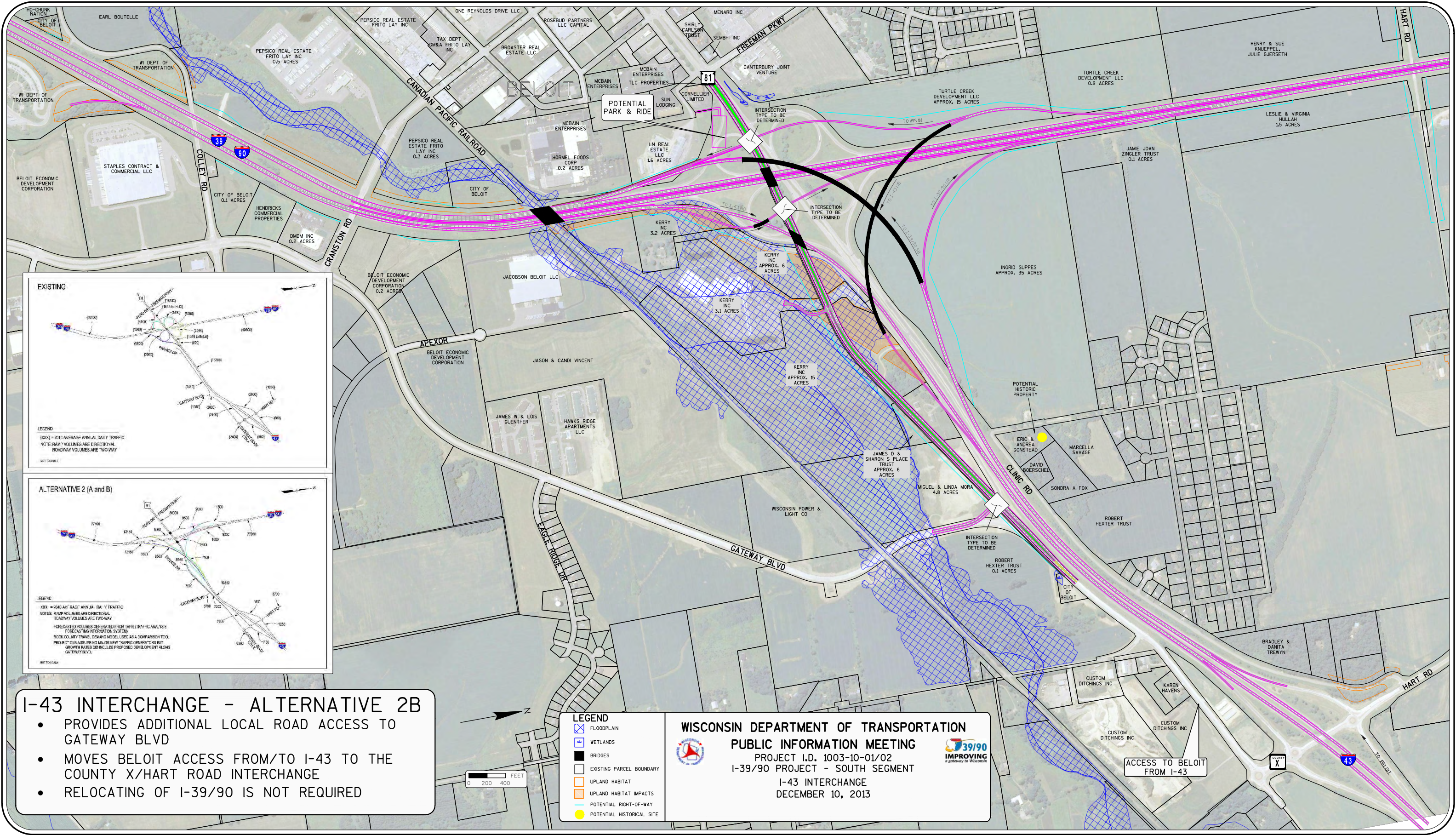
WISCONSIN DEPARTMENT OF TRANSPORTATION

PUBLIC INFORMATION MEETING

PROJECT I.D. 1003-10-01/02
 I-39/90 PROJECT - SOUTH SEGMENT
 I-43 INTERCHANGE
 DECEMBER 10, 2013

39/90
 IMPROVING
 a gateway to Wisconsin

ACCESS TO БЕЛОИТ FROM I-43



- I-43 INTERCHANGE - ALTERNATIVE 2B**
- PROVIDES ADDITIONAL LOCAL ROAD ACCESS TO GATEWAY BLVD
 - MOVES БЕЛОИТ ACCESS FROM/TO I-43 TO THE COUNTY X/HART ROAD INTERCHANGE
 - RELOCATING OF I-39/90 IS NOT REQUIRED



- LEGEND**
- FLOODPLAIN
 - WETLANDS
 - BRIDGES
 - EXISTING PARCEL BOUNDARY
 - UPLAND HABITAT
 - UPLAND HABITAT IMPACTS
 - POTENTIAL RIGHT-OF-WAY
 - POTENTIAL HISTORICAL SITE

WISCONSIN DEPARTMENT OF TRANSPORTATION
PUBLIC INFORMATION MEETING
 PROJECT I.D. 1003-10-01/02
 I-39/90 PROJECT - SOUTH SEGMENT
 I-43 INTERCHANGE
 DECEMBER 10, 2013



ACCESS TO БЕЛОИТ FROM I-43

