



**PROCEEDINGS OF THE BELOIT CITY COUNCIL**  
**100 State Street, Beloit WI 53511**  
**Tuesday, January 21, 2014**

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

1. The meeting was called to order at 7:04 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 **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. It was noted that the Plan Commission recommended approval 6-0. Councilor Haynes opened and closed the public hearing without participation. Councilor Spreitzer made a motion to suspend the rules and offer a second reading of the ordinance. Councilor Luebke seconded, and the motion carried 6-0. On the merits, Councilor Spreitzer made a motion to enact the ordinance. Councilor Kincaid seconded, and the motion carried 6-0. Ordinance 3517 File 7724
  - b. Ms. Christensen presented 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 Public Lands and Institutions (PLI) District Uses and Standards. It was noted that the Plan Commission recommended approval 6-0. Councilor Haynes opened and closed the public hearing without participation. Councilor Van De Bogart made a motion to suspend the rules and offer a second reading of the ordinance. Councilor Luebke seconded, and the motion carried 6-0. On the merits, Councilor De Forest made a motion to enact the ordinance. Councilor Spreitzer seconded, and the motion carried 6-0. Ordinance 3518 File 7724
  - c. Ms. Christensen presented a proposed Ordinance amending the **Zoning District Map** of the City of Beloit to change the zoning district classification of the 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, for the School District of Beloit. It was noted that the Plan Commission recommended approval 6-0. Councilor Haynes opened and closed the public hearing without participation. Councilor Spreitzer made a motion to suspend the rules and offer a second reading of the ordinance. Councilor De Forest seconded, and the motion carried 6-0. On the merits, Councilor Kincaid made a motion to enact the ordinance. Councilor Spreitzer seconded, and the motion carried 6-0. Ordinance 3519 File 8247
  - d. Ms. Christensen presented a 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. It was noted that the Plan Commission recommended approval 6-0. Ms. Christensen noted that staff recommended several conditions including moving a lot line, providing the required four off-street parking spaces, and complying with the landscape ordinance. She said that the Plan Commission requested that the applicant submit a revised site plan, which she provided to the Council. Councilor Haynes opened the public hearing:

- David Gleichsner, 859 Milwaukee Road, said that he owns the property at 1029 Fourth Street. He said that he has been working on Fourth Street for 35 years and that he does not think that a fence or landscape strip should be required.

Councilor Haynes closed the public hearing. Councilor Spreitzer made a motion to adopt the resolution, and Councilor Luebke seconded. Councilor De Forest asked Mr. Gleichsner about his opposition to the fencing, and he said that a fence would confine the property and that CVS does not have a fence. Councilor De Forest asked about his opposition to the landscape strip, and Mr. Gleichsner said that it would make plowing more difficult and that it is unnecessary. Councilor Kincaid noted that there is an existing fence along the south property line and asked on which property it is located. Mr. Gleichsner stated that it is located on the property to the south and that property owner signed a document stating that he would give Mr. Gleichsner notice if he removes the fence. Ms. Christensen stated that staff requested the north property line be moved to accommodate parking spaces and to allow customers to turn around without backing out onto Fourth Street. She stated that the Conditional Use process allows the City Council to correct nonconforming properties developed under previous code requirements. Ms. Christensen stated that the Plan Commission requested the fence to screen the residential use to the north from this vehicle repair use. Councilor Luebke made a motion to remove Condition #9 and modify Condition #5 to remove the fence requirements. Councilor De Forest seconded. Councilor Kincaid said that the Plan Commission was insistent on the landscaping requirements because of the adjacent residences and said that this is an opportunity to better the area. The motion to amend the resolution carried 5-1, with Councilor Kincaid voting in opposition. The motion to adopt the resolution as amended carried 5-1, with Councilor Kincaid voting in opposition. File 8628

- e. Ms. Christensen presented a resolution allocating **2010 Community Development Block Grant Funds** to Eligible Projects. It was noted that the Community Development Authority recommended approval 5-0. Ms. Christensen stated that the funds would be split between the demolition and/or rehabilitation of a historic property and the Downtown Beloit Association's Business Assistance Program. Councilor Haynes opened and closed the public hearing without participation. Councilor Luebke made a motion to adopt the resolution, and Councilor Spreitzer seconded. Councilor De Forest asked how the rental assistance would benefit those with low to moderate income, and Ms. Christensen stated that the businesses that benefits from this program are required to create jobs for people with low to moderate income. Councilor Spreitzer asked if the number of jobs created was pro-rated, and DBA Executive Director Shauna El-Amin said that each business would have to do its share of job creation. The motion carried 6-0. File 8424
- f. Councilor Haynes stated that the application for the **HOME Partnership Budget Amendment** had been withdrawn. File 8503

## 5. CITIZENS PARTICIPATION

- Tom Finley, 1740 E. Ridge Road, requested that the City Council support option #1 regarding the proposed interstate realignment. He said that option #2 moves the entrance to Beloit east to Hart Road, which will be detrimental to the casual business on Milwaukee Road.
- Brad Lawver, 711 Azalea Terrace, said that he is representing the Milwaukee Road Business Association and requested that the Council not take action on the resolution regarding the interstate realignment until the business group can meet with the City Manager to discuss the options at the end of the month. He said that he is concerned about the casual traffic, the proposed interstate signage, and any roundabouts.

## 6. CONSENT AGENDA

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

- a. The **Minutes** of the Regular and Special Meetings of January 6, 2014, were approved.
- b. The 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, was adopted. File 8590
- d. The resolution approving the **Final Payment** of Public Works Contract C13-05, Rock River Bank Protection, was adopted. File 8602

- c. City Clerk Rebecca Houseman LeMire presented a 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. It was noted that the ABLCC recommended approval 5-0. Councilor Spreitzer made a motion to adopt the resolution, and Councilor Luebke seconded. Councilor De Forest asked Mr. Garrido how he will be purchasing alcohol, and, through a translator, Mr. Garrido stated that he would work with the distributors to purchase the correct amount. Councilor De Forest asked if he understood that he cannot purchase alcohol from a retail liquor store if he runs out, and Mr. Garrido stated that he understands. Councilor Luebke said that Mr. Garrido has a liquor license for his business in Janesville and must understand the correct procedures. Councilor Spreitzer asked Mr. Garrido how long he must keep receipts, and Mr. Garrido answered that he would keep them for three years. Councilor Van De Bogart said that there have been issues in the past at this location with regard to noise and crowd control. He asked how Mr. Garrido intends to stay ahead of the problems, and Mr. Garrido stated that he has installed more cameras and will hire additional security guards. Councilor De Forest said that she would like to see the publications from the Department of Revenue regarding alcohol laws translated into Spanish. The motion to adopt the resolution carried 5-1, with Councilor Spreitzer voting in opposition. File 8590

## 7. LICENSES

- a. Ms. LeMire presented 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. It was noted that the ABLCC recommended denial 5-0. Councilor Spreitzer made a motion to adopt the resolution, and the Councilor Luebke seconded. Councilor De Forest asked the Council to deny the license based on the opposition of the neighborhood and the ABLCC's negative recommendation. The motion to adopt the resolution failed 0-6. File 8590

## 8. ORDINANCES – none

## 9. APPOINTMENTS

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

- a. **Board of Ethics:** Terese Tann for a term ending December 31, 2015. File 6049  
b. **Business Improvement District (Downtown Beloit Association):** Malinda Obershaw, Beloit Daily News, for a term ending December 31, 2016; Elaine Ribarich for a term ending December 31, 2016; Mary Widder for a term ending December 31, 2016; and Ramiro Vargas for a term ending December 31, 2016. File 6716

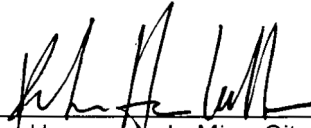
## 10. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor De Forest said that she enjoyed attending several events in the area to commemorate Dr. Martin Luther King, Jr. Day.
- Councilor Van De Bogart encouraged the public to attend and volunteer at the upcoming Beloit International Film Festival.
- Councilor Luebke said that he attended the Dr. Martin Luther King, Jr. Day celebration at Blackhawk Technical College.
- Councilor Spreitzer said that he attended several Dr. Martin Luther King, Jr. Day events, and he recognized the two students who spoke at the convocation ceremony at Beloit College. He encouraged the public to attend the upcoming Winterfest events.

## 11. CITY MANAGER'S PRESENTATION – none

## 12. REPORTS FROM BOARD AND CITY OFFICERS

- a. City Attorney Tom Casper presented a resolution approving the settlement of **St. Croix/Bad River Band vs. City of Beloit Litigation** Case No. 2013-CV-498. He presented the agreement, which includes a \$50,000 payment to the St. Croix and Bad River Band and noted that \$46,000 of the total is repayment of money paid to the City over the past several years to maintain the option to purchase the land. Mr. Casper said that the agreement bars the parties from doing anything to tie up this project for 6 years after approval of the project. Councilor Luebke made a motion to adopt the resolution, and Councilor Van De Bogart seconded. The motion carried 6-0. File 7850
  - b. City Manager Larry Arft presented a 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**. He said that this resolution represented two years of study and monthly meetings with the Department of Transportation. Mr. Arft indicated that the City requested to extend Milwaukee Road to meet with Gateway Boulevard and that this option is far more beneficial to the City than option 1. He said that the City is committed to working with the I-90 business corridor group. Councilor Van De Bogart made a motion to adopt the resolution, and Councilor Luebke seconded. Councilor Van De Bogart said that this is an opportunity to build infrastructure for the next 50 years. Councilor Haynes said that the DOT wants the City Council to make a recommendation within the next couple of weeks and that the casual traffic represents only a small percentage of the people using the services along Milwaukee Road. Councilor De Forest made a motion to lay this item over until the next meeting. The motion failed due to lack of a second. Councilor De Forest made a motion to add a recital to the resolution reaffirming the City's commitment to the continued vitality of the businesses along Milwaukee Road and the Gateway Business area and indicating that the City will continue to communicate with businesses in both areas to forward recommendations regarding signage and issues of interest to local businesses to state and federal agencies. Councilor Spreitzer seconded, and the motion carried 6-0. The motion to adopt the resolution as amended carried 6-0. File 8630
13. At 8:58 p.m., Councilor Van De Bogart made a motion to adjourn the meeting, and Councilor De Forest seconded. The motion carried 6-0.

  
\_\_\_\_\_  
Rebecca Houseman LeMire, City Clerk

[www.ci.beloit.wi.us](http://www.ci.beloit.wi.us)

Date approved by Council: 02-03-14