



**NOTICE AND AGENDA**

**Special Meeting**

Monday, March 9, 2015

6:30 p.m.

The Forum

City Hall – 100 State Street

Beloit, WI 53511

CALL OF MEETING OF CITY OF BELOIT COUNCIL  
CITY OF BELOIT, WISCONSIN

**NOTICE IS HEREBY GIVEN** that in accordance with Section 2.02(3) of the City of Beloit Municipal Code of Ordinances, a Special Meeting of the City Council of the City of Beloit, Rock County, Wisconsin, is being called.

1. Roll Call
2. Resolution appointing **Board of Directors and Officers for the Gateway Business Park Association** (Janke)
3. Resolution appointing the **Review Board for the Gateway Business Park Association** (Janke)
4. Discussion of a proposal from the City of Janesville to provide **Solid Waste Disposal Services** for the City of Beloit (current contract expires September 30, 2015) (Boysen)
5. Adjournment

Larry N. Arft, City Manager

Dated: March 4, 2015  
Rebecca Houseman LeMire  
City Clerk  
[www.beloitwi.gov](http://www.beloitwi.gov)

**RESOLUTION APPOINTING BOARD OF DIRECTORS  
AND OFFICERS FOR THE GATEWAY BUSINESS PARK ASSOCIATION**

**WHEREAS**, in October, 2000 the City of Beloit, the Community Development Authority (CDA), the Greater Beloit Economic Development Corporation (GBEDC), and MLG Investments 2000 LLC (MLG) entered into a Development Agreement which led to the establishment of the Gateway Business Park; and

**WHEREAS**, on December 17, 2012 the City, the CDA, the GBEDC, and MLG entered into a Sixth Amendment to the Development Agreement, wherein the City assumed all of MLG's rights and authority under the Declaration of Protective Covenants, including being named as the Declarant of said Covenants; and

**WHEREAS**, the City, as the Declarant, has the authority to name a Board of Directors, Officers, and Review Board of The Gateway Business Park Association; and

**WHEREAS**, the City desires to name the following membership to the five-member Board of Directors:

- The City Manager of the City of Beloit, or designee
- Chairperson of the Greater Beloit Economic Development Association, or designee
- Secretary/Treasurer of the Greater Beloit Economic Development Association, or designee
- Economic Development Director of the City of Beloit, or designee
- A Gateway Business Park Property Owner, or designee

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Beloit, Rock County, Wisconsin, hereby resolves that the five-member Board of Directors of The Gateway Business Park Association shall be comprised of the following members:

- The City Manager for the City of Beloit, or designee
- Chairperson of the Greater Beloit Economic Development Association, or designee
- Secretary/Treasurer of the Greater Beloit Economic Development Association, or designee
- Economic Development Director of the City of Beloit, or designee
- A Gateway Business Park Property Owner, or designee

**BE IT FURTHER RESOLVED** that Board of Directors is vested with the authority to do or perform any and all such acts or duties provided for said Board in the *Declaration of Protective Covenants* for Gateway Business Park and the *Bylaws of The Gateway Business Park Association, Inc.*, and to do any and all such acts that carry out the purpose of the Association including, but not limited to, the election of officers and the revision of bylaws or articles of incorporation to address any necessary revisions to the reflect the change of the Declarant from MLG to the City.

**BE IT FURTHER RESOLVED** that notwithstanding the appointment of the above-named members, that the City reserves unto itself all rights and responsibilities of the Declarant as outlined in the *Declaration of Protective Covenants* for Gateway Business Park.

Adopted this 9th day of March 2015.

**City Council of the City of Beloit**

**Attest:**

\_\_\_\_\_  
Mark Spreitzer, President

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

# CITY OF BELOIT

## REPORT AND PRESENTATION TO CITY COUNCIL



**Topic:** Resolution appointing Board of Directors, Officers and Review Board members for The Gateway Business Park Association

**Date:** March 9, 2015

**Presenter(s):** Andrew Janke

**Department(s):** Economic Development

**Overview/Background Information:** In October, 2000 the City of Beloit, the Community Development Authority (CDA), the Greater Beloit Economic Development Corporation (GBEDC), and MLG Investments 2000 LLC (MLG) entered into a Development Agreement which led to the establishment of the Gateway Business Park. On December 17, 2012 the City, the CDA, the GBEDC, and MLG entered into a Sixth Amendment to the Development Agreement, wherein the City assumed all of MLG's rights and authorities under the *Declaration of Protective Covenants*. The *Declaration of Protective Covenants* were established by MLG and recorded with the Rock County Register of Deeds Office in May 2001. The assignment of rights in December 2012 established the City as the Declarant of the Covenants. As the Declarant, the City has the right to designate the Gateway Business Park Board of Directors, its officers and the Review Board. The purpose of the proposed resolutions is to formally establish those entities.

### **Board of Directors**

As council is aware, the City assumed the MLG's rights in December 2012. It is now necessary and prudent to establish a new Board of Directors. Staff proposes that the following membership be named to the Board of Directors and authorize to those members to manage the affairs of the Association:

- The City Manager for the City of Beloit, or designee
- Chairperson of the Greater Beloit Economic Development Association, or designee
- Secretary/Treasurer of the Greater Beloit Economic Development Association, or designee
- Economic Development Director of the City of Beloit, or designee
- A Gateway Business Park Property Owner, or designee

Currently, the offices are held by Larry Arft, Jeff Klett, Brian Anderson, Andrew Janke, and Rob Gerbitz of Hendricks Commercial Properties. If approved, the Board of Directors is planning an initial meeting the week of March 9.

### **Review Board**

The *Declaration of Protective Covenants* requires the designation of a Gateway Business Park Review Board. The Review Board is responsible for reviewing all site plans for possible development within the Gateway Business Park to ensure that such plans are in conformity with the protective covenants placed on the land. As necessary, decisions related to requests for waivers or variances are determined by the Review Board. Because the City has assumed MLG's rights and responsibilities as the Declarant, the City must name membership to a Review Board to perform the duties required by the *Declaration of Protective Covenants*. Staff proposes the following membership be named to the Gateway Business Park Review Board:

- The City Manager for the City of Beloit, or designee
- The President of the Beloit City Council, or designee
- The Community Development Director, or designee

Currently, the offices are held by Larry Arft, Mark Spreitzer, and Julie Christensen. If approved, the Review Board is planning an initial meeting the week of March 9.

### **Key Issues**

1. The City of Beloit has been assigned the rights as Declarant of *the Declaration of Protective Covenants* to the Gateway Business Park.
2. As the Declarant, it is necessary and prudent for the City to establish a five-member Board of Directors that will manage the affairs of The Gateway Business Park Association, Inc.
3. As the Declarant, it is necessary and prudent for the City to establish a three-member Gateway Business Park Review Board that will manage the plan review and approval matters for the Association.

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**Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):** The continued development and management of the Gateway Business Park supports Goal #2 of the City of Beloit's Strategic Plan since it will result in the creation of new jobs and will leverage new private investment.

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

- **Reduce dependence upon fossil fuels** N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently**  
The resolution will support the continued development of the Gateway Business Park and therefore will not contribute to urban sprawl and no new public infrastructure will need to be extended.

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**Action required/Recommendation:** Staff recommends approval of the Resolutions.

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**Fiscal Note/Budget Impact:** None

**RESOLUTION APPOINTING THE GATEWAY BUSINESS PARK  
REVIEW BOARD FOR THE GATEWAY BUSINESS PARK ASSOCIATION**

**WHEREAS**, in October, 2000 the City of Beloit, the Community Development Authority (CDA), the Greater Beloit Economic Development Corporation (GBEDC), and MLG Investments 2000 LLC (MLG) entered into a Development Agreement which led to the establishment of the Gateway Business Park; and

**WHEREAS**, on December 17, 2012 the City, the CDA, the GBEDC, and MLG entered into a Sixth Amendment to the Development Agreement, wherein the City assumed all of MLG's rights and authority under the Declaration of Protective Covenants, including being named as the Declarant of said Covenants; and

**WHEREAS**, the City, as the Declarant, has the authority to name a Board of Directors, Officers, and Review Board of The Gateway Business Park Association; and

**WHEREAS**, the City desires to name the following membership to the three-member Review Board:

- The City Manager for the City of Beloit, or designee
- The President of the Beloit City Council, or designee
- The Community Development Director, or designee

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Beloit, Rock County, Wisconsin, hereby resolves that the three-member Review Board of The Gateway Business Park Association shall be comprised of the following members:

- The City Manager for the City of Beloit, or designee
- The President of the Beloit City Council, or designee
- The Community Development Director, or designee

**BE IT FURTHER RESOLVED** that Review Board is vested with the authority to do or perform any and all such acts or duties provided for said Board in the *Declaration of Protective Covenants* for Gateway Business Park and the *Bylaws of The Gateway Business Park Association, Inc.*, and to do any and all such acts that carry out the purpose of the Association including, but not limited to, the election of officers and the establishment of any rules of operation or other guidelines necessary to carry out its duties.

**BE IT FURTHER RESOLVED** that notwithstanding the appointment of the above-named members, that the City reserves unto itself all rights and responsibilities of the Declarant as outlined in the *Declaration of Protective Covenants* for Gateway Business Park.

Adopted this 9th day of March 2015.

**City Council of the City of Beloit**

**Attest:**

\_\_\_\_\_  
Mark Spreitzer, President

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Rebecca Houseman LeMire, City Clerk

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Janesville Intergovernmental Landfill Service Agreement Proposal

**Date:** March 9, 2015

**Presenter(s):** Greg Boysen

**Department(s):** Public Works

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**Overview/Background Information:**

The City's current landfill service agreement, which has a ten year term, is set to expire on September 30, 2015. The City of Janesville has proposed the cities enter into an intergovernmental agreement (IGA) to dispose of solid waste generated by our residential solid waste program and the wastewater treatment plant. Based upon Janesville's proposal it is projected that the City of Beloit would realize a savings of \$186,944.00 in the first five years of the agreement compared to our current rate. Further savings could come from reduced operational costs due to Janesville's close proximity to Beloit. (For additional information, see attached 3/3/2015 memorandum from G. Boysen to L. Arft RE: "Janesville Intergovernmental Landfill Service Agreement Proposal")

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**Key Issues (maximum of 5):**

- The current landfill contract with Mallard Ridge Landfill is set to expire on September 30, 2015
- The City of Janesville has proposed an intergovernmental agreement to dispose of municipal solid waste and wastewater grit and dewatered sludge.
- The proposal provides for a favorable disposal rate that offers considerable savings over the next five years, and provides for an option of extending the contract for five additional years.
- Operational costs could be reduced due to the close proximity of the Janesville Landfill compared to other regional landfills.
- Public works staff recommends that council authorize the development of an intergovernmental agreement which would require council's adoption of a resolution to waive the normal bidding process and allow for the approval of an intergovernmental agreement with the City of Janesville to dispose of municipal solid waste.

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

This agreement will help to further bolster the intergovernmental relationship that Janesville and Beloit have already formed while providing economic value to our residents.

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**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  
Fuel costs would be reduced due to the close proximity of the Janesville Landfill.
- 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.  
Provides for efficient and sustainable municipal solid waste removal.

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**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:**

At this time, public works staff recommends that the City Council authorize the development of an intergovernmental agreement with the City of Janesville to dispose of municipal solid waste.

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**Fiscal Note/Budget Impact:**

Projected savings over the next five years is \$186,944.

Memorandum

To: Larry Arft, City Manager

From: Gregory Boysen, P.E, Public Works Director

Subject: Janesville Intergovernmental Landfill Service Agreement Proposal

Date: March 3, 2015

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### **Background**

On October 1, 2005, the City entered into a ten (10) year contract with Mallard Ridge Landfill to dispose of municipal solid waste and wastewater treatment plant grit and dewatered sludge. This agreement is set to expire on September 30, 2015. Currently, the City is paying Mallard Ridge Landfill \$32.68 per ton. This includes a \$13.00 landfill tax imposed by the State of Wisconsin.

Department staff has been evaluating alternative landfill arrangements given the upcoming expiration of the current landfill contract. Anticipated future costs for the region's landfills are identified in Attachment A. The Dane County cost comparison in Attachment A is based upon a recently established public agency contract with the City of Madison. For analytical purposes, the Mallard Ridge cost tabulation assumes our current rate per ton will remain constant over the next five (5) years.

### **Janesville Intergovernmental Landfill Service Agreement Proposal**


On March 2, 2015, Janesville City Manager, Mark Freitag, sent a letter proposing the cities enter into an intergovernmental agreement (IGA) to dispose of solid waste generated by our residential program and the wastewater treatment plant (Attachment B). After factoring in the data proposed in the letter, it would be fiscally desirable to entertain an IGA with the City of Janesville.

Conservatively, the City could realize a savings of \$186,944.00 in the first five (5) years of the agreement compared to our current rate, assuming the rates for Mallard Ridge remain constant. Further savings could come from Janesville's close proximity to Beloit. The Janesville landfill is roughly half the distance from Beloit compared to the Mallard Ridge Landfill (Roundtrip of 27 miles vs. 53.2 miles).

I feel that if we were to put out a Request for Proposal, our current disposal rate would likely increase. Mr. Freitag also stated that Janesville would, "likely refrain from submitting a proposal if Beloit chooses to issue a Request for Proposal." An IGA would further bolster the cooperative relationships already formed between Janesville and Beloit. Furthermore, economic stability for a local landfill is beneficial for Beloit. This will tend to keep the solid waste landfill market more competitive by helping to maintain the supply of landfill options. The economic value achieved through this type of cooperative agreement would be a "win-win" for both communities.

**Recommendation**

It is recommended that the City of Beloit proceed to develop an (IGA) with the City of Janesville to dispose of residential solid waste and material from the wastewater treatment plant at the Janesville landfill. Any action of the City Council that is needed to authorize the development of the involved Beloit/Janesville intergovernmental agreement is requested.

  
Gregory Boysen, P.E.  
Public Works Director



## City of Janesville Landfill Five Year Savings

2016			
	\$/Ton	Tons	Total
Janesville	\$28.00	10,160	\$284,480.00
Mallard	\$32.68	10,160	\$332,028.80
Dane Co.	\$50.00	10,160	\$508,000.00
		<b>Savings</b>	<b>\$47,548.80</b>

2017			
	\$/Ton	Tons	Total
Janesville	\$28.50	10,160	\$289,560.00
Mallard	\$32.68	10,160	\$332,028.80
Dane Co.	\$50.00	10,160	\$508,000.00
		<b>Savings</b>	<b>\$42,468.80</b>

2018			
	\$/Ton	Tons	Total
Janesville	\$29.00	10,160	\$294,640.00
Mallard	\$32.68	10,160	\$332,028.80
Dane Co.	\$50.00	10,160	\$508,000.00
		<b>Savings</b>	<b>\$37,388.80</b>

2019			
	\$/Ton	Tons	Total
Janesville	\$29.50	10,160	\$299,720.00
Mallard	\$32.68	10,160	\$332,028.80
Dane Co.	\$50.00	10,160	\$508,000.00
		<b>Savings</b>	<b>\$32,308.80</b>

2020			
	\$/Ton	Tons	Total
Janesville	\$30.00	10,160	\$304,800.00
Mallard	\$32.68	10,160	\$332,028.80
Dane Co.	\$50.00	10,160	\$508,000.00
		<b>Savings</b>	<b>\$27,228.80</b>

**Total Savings Over Five (5) Years      \$186,944.00**

Note: Mallard Ridge and Dane County were calculated based on current rates and assume that rates will remain constant. The tonnage figure was derived from the total amount of municipal solid waste taken to the landfill in 2014.

**Attachment B**



**CITY OF JANESVILLE**  
*Wisconsin's Park Place*

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March 2, 2015

Mr. Larry Arft, City Manager  
City of Beloit  
100 State Street  
Beloit, WI 53511

Dear Mr. Arft:

The City of Janesville is pleased to offer the City of Beloit the following base rates, terms and conditions for disposal of Beloit's residential solid waste and wastewater treatment plant grit and dewatered sludge:

- \$15.00 per ton from date of contract signing through December 31, 2016
- \$15.50 per ton in calendar year 2017
- \$16.00 per ton in calendar year 2018
- \$16.50 per ton in calendar year 2019
- \$17.00 per ton in calendar year 2020
- Beyond 2020, annual increases in base rates would be tied to a CPI index of mutual agreement.
- Any and all WDNR tonnage fees, surcharges and taxes would pass through to the City of Beloit. Those fees are currently \$13.00 per ton.
- Janesville's preference is a 5 year term with a provision for 5 year extension, and with the CPI indexing beyond 2020.

Given the sensitivity inherent in entering into a bidding competition against privately owned landfills, the City of Janesville is likely to refrain from submitting a proposal if Beloit chooses to issue a Request for Proposals.

Both communities have worked diligently to assemble information and discuss a potential intergovernmental agreement to dispose of Beloit's waste at the City of Janesville landfill. I believe we have offered Beloit a good deal and our staff is committed to providing excellent service. An intergovernmental agreement will build upon previous cooperative efforts between the two communities, and provide economic value for residents as well. This is a "win-win" for both communities.

Please let me know if you require any additional information.

Thank you for your consideration. I look forward to your positive response.

Sincerely,

Mark A. Freitag  
City Manager

CITY MANAGER'S OFFICE