



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, June 15, 2015

Presiding: Charles Haynes
Present: Sheila De Forest, Regina Hendrix, Ana Kelly, Chuck Kincaid, David Luebke and Marilyn Sloniker
Absent: None

1. The meeting was called to order at 7:00 p.m. in the Forum at Beloit City Hall by President Haynes.
 2. PLEDGE OF ALLEGIANCE
 3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Vice-President Sheila De Forest read the Proclamation recognizing July as **Park and Recreation Month**. File 7148
 4. PUBLIC HEARING
 - a. Community Development Director Julie Christensen presented a resolution authorizing a **Conditional Use Permit** to allow a temporary outdoor seating area and temporary outdoor sales, possession, and consumption of alcohol in a C-2, Neighborhood Commercial District, for property located at 1180 Madison Road doing business as "Alibi Bar & Grill". It was noted that Plan Commission recommended approval 5-0. Ms. Christensen explained the following key points:
 - Approval of the Conditional Use Permit request would allow the applicant to host an annual customer appreciation celebration on one day in the month of July and would be indefinite and future events would not require renewals.
 - The applicant has submitted a site plan showing the location of the proposed stage area for a live band and the location of the snow fence enclosure. The snow fence will enclose the entire parking lot in order to denote the event area and to ensure alcohol is not consumed outside of the property limits.
 - The event will feature a live band and will likely generate higher-than-average noise levels. The applicant must obey the noise ordinance in Section 15.10 of the Municipal Code and not generate unreasonable sound levels that will disturb residents in the vicinity.
 - The owners of The Alibi currently have permission to use the adjacent surface parking lot owned by Schultz Power equipment event patrons to park.
 - The applicant currently has a Conditional Use Permit and license that allows alcohol service, possession, and consumption on the small patio area. In order to serve alcohol outside during the event, the license needs to be amended to allow for the temporary sale of alcohol outside of the patio area.
- President Haynes opened the public hearing.
- James Faragher, 2796 East Ridge Road, spoke in support of the Conditional Use and said that he believed the applicants understand the conditions and said that it will be a very nice event. President Haynes closed the public hearing.
- Councilors Luebke and Kelly moved approval of the resolution. Councilor Luebke spoke in full support. Councilor De Forest explained that although she has no issues with the Alibi Bar & Grill itself, she is voting in opposition due to State Statute §125.68(3) prohibiting the issuance of a "Class B" license for premises which is located less than 300 feet from the main entrance of any church, although she is aware of the council's right to waive the prohibition. She further explained that because the church registered a written objection that she was going to honor their request. Councilor De Forest requested a roll call vote. Motion carried by a vote of 4-2-1 with Councilors

Hendrix, Kelly, Haynes and Luebke voting in favor, Councilors De Forest and Sloniker voting against and Councilor Kincaid abstained. File 8222

5. CITIZEN PARTICIPATION

- a. Jerry Sveum, 2234 Pow Wow Trail, Beloit Fine Art Incubator, President made an announcement on behalf of the Beloit Fine Art Incubator (BFAI). He said that the O.V. Shaffer retrospective show opens July 3, 2015 and the event will increase recognition of the people of the culture in this area. Mr. Shaffer's work can be found in Beloit at Riverside Park, Ironworks Park and the Hendricks Bridge. The Beloit Fine Arts Incubator (BFAI) and the Beloit College Wright Art Museum will be presenting simultaneous exhibits of the work of artist, O.V. (Verne) Shaffer during the month of July, 2015. He said that both galleries are calling for loaned pieces from private Shaffer art owners for the month-long exhibits, many of the privately-owned Shaffer pieces were commissioned as gifts to celebrate birthdays, anniversaries and other special life events. He said these retrospective exhibits of Shaffer's art will span many decades and will be part of a series of projects designed to celebrate Verne's long and prolific career in the Beloit area and the most exciting part is that the community will be involved in the exhibits. He said that Mr. Shaffer, 86, will have a large role in planning and installing these once-in-a-lifetime exhibits. He said other components of this celebration of Shaffer's art will include a "Local Road Trip" and a "State Road Trip" to view the more than 80 public sculptures created by Shaffer for hospitals, schools, libraries and other public buildings in Beloit, Janesville and twelve other cities in Wisconsin. The "Road Trip" maps will combine technology with art, incorporating the use of QR codes to connect the viewer to You Tube via a smart phone to see and hear Verne talking about the piece they're viewing. The same technology is being used to develop a "talking book" of Shaffer's art.

6. CONSENT AGENDA

Councilor De Forest asked to have item 6.b. removed from the consent agenda. Councilors Luebke and Sloniker made a motion to adopt the Consent Agenda items 6.a. and 6.c. and 6.d. through 6.h. Motion carried. The Consent Agenda is accepted, approved, adopted or referred and acted upon as required by state and local code by a vote of 7-0.

- a. The **Minutes** of the regular meeting of June 1st and special meeting of June 4, 2015 were approved.
 - c. A Resolution approving an amendment to the **Class "B" Beer and Reserve "Class B" Liquor License** for Lucy's #7 Burger Bar, LLC, located at 430 East Grand Avenue, Suite 102, Emily Hopper, Agent, for an Outdoor Premises Extension was approved. File 8688
 - d. A Resolution approving **Change of Agent** for Wal-Mart Stores East, LP, d/b/a Wal-Mart Supercenter #2532, located at 2785 Milwaukee Road, from Michael A. Lane, Jr. to Leah R. Wampole was approved. File 8645
 - e. A Resolution approving **Change of Agent** for Rockford Pizza, LLC, d/b/a Pizza Hut, located at 2787 Prairie Avenue, from Juan Mendoza Ochoa to Elliott Stubbendick was approved. File 8645
 - f. A Resolution approving **Class "B" Beer and "Class B" Liquor License** renewal for Rockford Pizza, LLC, d/b/a Pizza Hut, located at 2787 Prairie Avenue, Elliott Stubbendick, Agent, for License Period July 1, 2015 through June 30, 2016 was approved. File 8688
 - g. An Application for a **Conditional Use Permit** to allow a boarding house in a C-1, Office District, for property located at 1105 East Grand Avenue was referred to Plan Commission. File 8692
 - h. An Application for an amendment to an existing **Conditional Use Permit** to allow expanded Contractor Office & Storage Yard uses in a DH, Development Holding District, for property located at 2100 Newark Road was referred to Plan Commission. File 8634
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- b. Resolution approving an amendment to the **Class "B" Beer and Reserve "Class B" Liquor License** for BRBK, LLC, d/b/a Alibi Bar and Grill, located at 1180 Madison Road, Wendy K. Drake, Agent, for a Temporary Outdoor Premises Extension. Councilors Luebke and Kelly moved approval of the resolution. Councilor De Forest requested a roll call vote. Motion carried by a vote of 4-2-1 with Councilors Hendrix, Kelly, Haynes and Luebke voting in favor, Councilors De Forest and Sloniker voting against and Councilor Kincaid abstained. File 8688

7. ORDINANCES-- none

8. APPOINTMENTS

President Haynes announced the openings and submitted the following appointment to City Committees, Boards and Commissions for approval. Councilors Kincaid and Hendrix moved to approve the appointments as presented. Motion carried 7-0.

- a. **Alcohol Beverage License Control Committee:** Dr. Dennis Baskin, (replacing Tina Goecks) as the School District Representative for the 2015-2016 School Year and Incumbent Malissa M. Cronin for a term ending June 30, 2018. File 6145
- b. **Equal Opportunities Commission:** Grace Lee, (replacing Ricardo A. Valdez) to a term ending June 30, 2016. File 7465
- c. **Municipal Golf Committee:** Harry Wiersgalla, (replacing Ida Lenz) to a term ending December 31, 2017. File 7382
- d. **Municipal Library Board:** Diane Lichtenstein, (replacing Doreen Dalman) and Incumbent David Sowl to a terms ending June 30, 2018. File 5991

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor Hendrix said she attended the Beloit Works Community Conversation, she said the School District of Beloit Transition Department received a grant to help increase students with disabilities in the workforce. She attended the Beloit Historical Society Sports Hall of Fame with Councilor Luebke, and encouraged all to upload the Rock County video uptown funk video and view. She announced two events coming up this weekend, Summer Gospel Jam which will be held on Saturday and also "Back to Beloit", an African American homecoming, including a banquet and old school dance. There is a \$10 donation and it will be held at the Garden Inn. Scholarships are being made with proceeds.
- Councilor Sloniker said she attended the Porter Avenue Watch Group (PAWG) picnic last weekend in the Merrill Community and commented on the nice Artwork from Brianna Hanson. She said that she attended the City Manager welcome event last week, and talked to several residents.
- Councilor Kelly said that she attended graduations and lots of different parties.
- Councilor Luebke said that he attended the Beloit Historical Society Hall of Fame. He said the event honors five or six former athletes or people who contribute to athletics over 100 years and noted that David Kilgore was one of those honored. He encouraged all to visit the Hanchett-Hartlett Homestead and the Beloit Historical Society and praised Jerry Sveum and his wife for keeping the Beloit Fine Arts incubator going. He said that the Farmers market is getting bigger, and that all 27 units of the Phoenix building are occupied.
- Councilor De Forest thanked the residents who attended the City Manager welcome reception. She said she attended the farmers market, Community Action garden celebration and noted that the artwork is there permanently. She congratulated the Beloit Memorial graduates. She said she will attend Gospel Jam, Sun Valley Strawberry Fest; and will be meeting with a group of students at Beloit Public Library to discuss a citywide minimum wage. She encouraged residents to attend the Strategic Plan meeting on June 22nd and said the summer food program kickoff will be held at Beloit Memorial High School on June 25th.
- Councilor Kincaid said that he attended a Parks, Recreation and Conservation Commission meeting and said it was joy to see the activities planned in the parks and he encouraged other Councilors to attend a meeting. He noted the 8th Annual Plein Air event last week.

10. CITY MANAGER'S PRESENTATION – none

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Community Development Director Julie Christensen presented a Resolution approving **Collateral Assignment** of Ground Lease and Development Agreement for Olympian Hills. Ms. Christensen

reviewed the history of the development of the former Beloit Hospital site and explained the following key point.

- Tax Credits were awarded for the redevelopment of 431 Olympian Boulevard into a 47-unit apartment complex for persons 55 years and older. After 15 years, it is possible for the developer of the tax credit project to buy-out the investment partner, dissolve the for-profit LLC, and take full ownership of the property. The Beloit Mature Adult Housing, LLC, is opting to buy-out the investment partner. The only remaining member of the LLC will be Community Action.
 - As part of this buy-out, the LLC is obtaining a mortgage loan from Wisconsin Housing and Economic Development Authority (WHEDA). This loan will be used to re-finance the project and provide additional funding for rehabilitation of the building. WHEDA is requiring the Collateral Assignment of the Ground Lease and Development Agreement.
 - The City has had no issues with the current management of the apartment complex and is supportive of its continued ownership of this property and its efforts to upgrade the building.
 - The Collateral Assignment that is being requested of the City does not inhibit the City in any material respect. The Ground Lease and Development Agreement would remain in effect.
- Councilors Luebke and Sloniker moved approval of the Resolution, Motion carried 7-0. File 5460

12. Councilors Sloniker and De Forest made a motion to adjourn the meeting at 7:41 pm. Motion carried.



Lorena Rae Stottler, City Clerk

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Date approved by Council: July 6, 2015