



**AGENDA  
BELOIT CITY COUNCIL  
100 State Street, Beloit WI 53511  
City Hall Forum – 7:00 p.m.  
Monday, August 3, 2015**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
  - a. Proclamation declaring August 4, 2015 as **National Night Out** (Zibolski)
4. PUBLIC HEARINGS
  - a. Resolution authorizing a **Conditional Use Permit** to allow a single-family attached dwelling in C-2, Neighborhood Commercial District, for the property located at 911 East Grand Avenue (Christensen) Plan Commission recommendation for approval 6-0
  - b. Resolution authorizing a **Conditional Use Permit** to allow the sale of alcoholic beverages in C-2, Neighborhood Commercial District, for the property located at 901 Bayliss Avenue (DBA Dave's Bait and Tackle) (Christensen) Plan Commission recommendation for approval 6-0
  - c. Resolution authorizing a **Conditional Use Permit** to allow an outdoor seating area and outdoor sales, possession, & consumption of alcohol in the CBD-1, Central Business District – Core, for the property located at 430 E. Grand Avenue (DBA Zen Sushi & Grill) (Christensen) Plan Commission recommendation for approval 6-0
5. CITIZEN 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 meeting of July 20, 2015 (Stottler)
- b. Application for a **Conditional Use Permit** to allow outdoor seating area and outdoor sales, possession, & consumption of alcohol in a PUD, Planned Unit Development District for property located at 2900 Milwaukee Road (DBA Noodles and Company) (Christensen)  
Refer to Plan Commission
- c. Application for a **Zoning Map Amendment** to change the zoning district classification of the property located at 2460 Milwaukee Road from C-1, Office District and M-2, General Manufacturing District to PLI, Public Lands and Institutions District (Christensen)  
Refer to Plan Commission

## 7. ORDINANCES

- a. Proposed **Ordinance** to amend Sections 30.17(1)(b)2, (b)3, (b)6 and (b)7a of the Code of General Ordinances of the City of Beloit pertaining to **Electronically Variable-Message Signs** (Christensen) 2nd reading
- b. Proposed **Ordinance** to Repeal and Recreate Section 1.10 of the Code of General Ordinances for the City of Beloit pertaining to **Emergency Management** (Liggett) 2nd reading

## 8. APPOINTMENTS – none

## 9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

## 10. CITY MANAGER'S PRESENTATION - none

## 11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Resolution approving the 2014 Wastewater Utility Wisconsin DNR **Compliance Maintenance Annual Report** (Mathos)
- b. Resolution approving and authorizing City Manager to enter into a **Development Agreement** with Chambers IV, LLC regarding relocation of public utilities on the property located at 2250 W. Hart (Christensen)

## 12. 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: July 29, 2015  
Lorena Rae Stottler  
City Clerk  
City of Beloit  
[www.beloitwi.gov](http://www.beloitwi.gov)

You can watch this meeting live on Charter PEG 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.

**WHEREAS,** The National Association of Town Watch (NATW) is sponsoring a unique nationwide crime, drug and violence prevention program on August 4, 2015 entitled "National Night Out," and

**WHEREAS,** the "32nd Annual National Night Out" provides a unique opportunity for the City of Beloit to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

**WHEREAS,** the Beloit Police Department, Beloit Area Crime Stoppers and the Beloit Fire Department play a vital role in assisting our community through joint crime, drug and violence prevention efforts in Beloit, Wisconsin and are supporting "National Night Out" locally; and

**WHEREAS,** it is essential that all citizens of Beloit be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in Beloit; and

**WHEREAS,** police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" program.

**NOW, THEREFORE, THE CITY COUNCIL PRESIDENT OF THE CITY OF BELOIT** does hereby proclaim Tuesday, August 4, 2015 as "**NATIONAL NIGHT OUT**" in Beloit, and encourages residents to acknowledge the event with their neighbors by hosting block parties, cookouts, youth programs and other such activities that strengthen and promote neighborhood spirit and police-community partnerships.

Presented this 3rd day of August, 2015.

---

Charles M. Haynes President  
Beloit City Council

ATTEST:

---

Lorena Rae Stottler, City Clerk

**RESOLUTION**  
**AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A SINGLE-FAMILY ATTACHED DWELLING IN A C-2, NEIGHBORHOOD COMMERCIAL DISTRICT, FOR THE PROPERTY LOCATED AT 911 EAST GRAND AVENUE.**

**WHEREAS**, the application of Michelle Crossley, for a Conditional Use Permit to allow a single-family attached dwelling in a C-2, Neighborhood Commercial District, for the property located at 911 East Grand Avenue, 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 single-family attached dwelling in a C-2, Neighborhood Commercial District, for the property located at 911 East Grand Avenue, having been considered by the City Council of the City of Beloit, for the following described premises:

Being part of Lots 14, 15, and 16, Block 20 of the Original Plat and commencing at the Southeast corridor of Lot 16, then Westerly 43 feet, then Northerly 150.35 feet, then easterly 10 feet, then northerly 16.5 feet, then easterly 33 feet, then Southerly 166.85 feet more or less to point of beginning.

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 single-family attached dwelling in a C-2, Neighborhood Commercial District.
2. The applicant must obtain all necessary building permits for the improvements that will be required to convert the second story into a residence.
3. The applicant must apply for and obtain a Certificate of Occupancy before moving into the residence.
4. 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 Planning and Building Services Director may approve minor changes administratively.

Adopted this 3<sup>rd</sup> day of August, 2015.

**BELOIT CITY COUNCIL**

---

Charles M. Haynes, Council President

ATTEST:

---

Lorena Rae Stottler, City Clerk



# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

---



**Topic:** Conditional Use Permit Application for property located at 911 East Grand Avenue

**Date:** August 3, 2015

**Presenter(s):** Julie Christensen

**Department:** Community Development

---

### Overview/Background Information:

Michelle Crossley has filed an application for a Conditional Use Permit to allow a single-family attached dwelling in C-2, Neighborhood Commercial District, for the property located at 911 East Grand Avenue. The applicant is seeking permission to convert the upstairs of the building at the subject property into a residence.

---

### Key Issues:

- Single-Family Attached Dwellings are allowed as conditional uses in a C-2 District. The applicant has proposed allowing a residence on the second floor of the building on the subject property.
  - The applicant has stated the intention to reside in (or eventually rent out) this dwelling.
- The applicant recently purchased the building and has opened a dog grooming business on the first floor.
- The second floor is not currently set up as a living space. The applicant will be making the appropriate improvements in order to meet all requirements for residential uses in the Building Code.
- The Plan Commission reviewed this item on July 22, 2015, and voted unanimously (6-0) to recommend approval of the Conditional Use Permit, subject to the other four conditions recommended by Planning staff.

---

### Conformance to Strategic Plan:

- Consideration of this request supports 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

---

### 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:** July 22, 2015

**Agenda Item:** 4

**File Number:** CU-2015-06

**Applicant:** Michelle Crossley

**Owner:** Michelle Crossley

**Location:** 911 East Grand Avenue

**Existing Zoning:** C-2, Neighborhood Commercial District

**Existing Land Use:** Retail

**Parcel Size:** .1599 Acre

---

### Request Overview/Background Information:

Michelle Crossley has filed an application for a Conditional Use Permit (CUP) to allow a single-family attached dwelling in a C-2, Neighborhood Commercial District, for the property located at 911 East Grand Avenue. The applicant is seeking permission to convert the upstairs of the building at the subject property into a residence.

---

### Key Issues:

- Single-Family Attached Dwellings are allowed as conditional uses in a C-2 District. The applicant has proposed allowing a residence on the second floor of the building on the subject property.
  - The applicant intends to reside in (or eventually rent out) this dwelling.
- The applicant recently purchased the building and has opened a dog grooming business on the first floor.
- The second floor is not currently set up as a living space. The applicant will be making the appropriate improvements in order to meet all requirements for residential uses in the Building Code.
- The City's Review Agents have reviewed this application and have submitted the following comments or concerns:
  - **Engineering Department** – Adequate off-street parking must be available for the upper floor housing unit.
    - A small parking lot behind the house will provide adequate parking for both the tenant of the housing unit and customers of the business.
- The attached Public Notice was sent to fourteen (14) nearby property owners.
  - Planning staff received two calls from neighbors declaring their support for approval of the CUP.
- **Findings of Fact**
  - *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;*
    - Conversion of the second floor into a residence will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
  - *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*
    - The conditional use will not injure the use and enjoyment of nearby properties. The property is adjacent to similar uses including both residential and commercial uses. The addition of a second story residence will not have a negative impact on other properties in the neighborhood.
  - *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
    - The conditional use will not diminish or impair property values in the neighborhood. The applicant has already made a considerable investment by opening a business. A responsible business owner concurrently living and working in the same building incentivizes property maintenance and upkeep. In addition, the new business and potential owner-occupied residence will be economically beneficial for the neighborhood.
  - *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
    - The surrounding area is already developed.
  - *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;*
    - Not Applicable.
  - *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;*
    - The applicant will be installing the appropriate facilities in the second story in order to provide a functional living space.

- *Whether adequate measures will be taken to minimize traffic congestion; and*
  - Not Applicable.
- *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 Comprehensive Plan recommends *Neighborhood Commercial* uses for the subject parcel. The dog grooming business located on the first floor is consistent with this use. Though residential uses are not explicitly listed under *Neighborhood Commercial* category, compact development is a central theme throughout the Comprehensive Plan document and the applicants request to utilize unused space is consistent with this objective.

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

---

**Sustainability:**

- **Reduce dependence upon fossil fuels** – The second story residence will increase the density of the area and will allow the applicant to live near her business. In addition, living within a close proximity to the amenities and services in the downtown area reduces dependency on driving.
- **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 and Building Services Division recommends **approval** of a Conditional Use Permit to allow a single-family attached dwelling in a C-2, Neighborhood Commercial District, for the property located at 911 East Grand Avenue, based on the above Findings of Fact and subject to the following conditions:

1. This Conditional Use Permit authorizes a single-family attached dwelling in a C-2, Neighborhood Commercial District.
2. The applicant must obtain all necessary building permits for the improvements that will be required to convert the second story into a residence.
3. The applicant must apply for and obtain a Certificate of Occupancy before moving into the residence.
4. 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 Planning and Building Services Director may approve minor changes administratively.

---

**Fiscal Note/Budget Impact:**

N/A

---

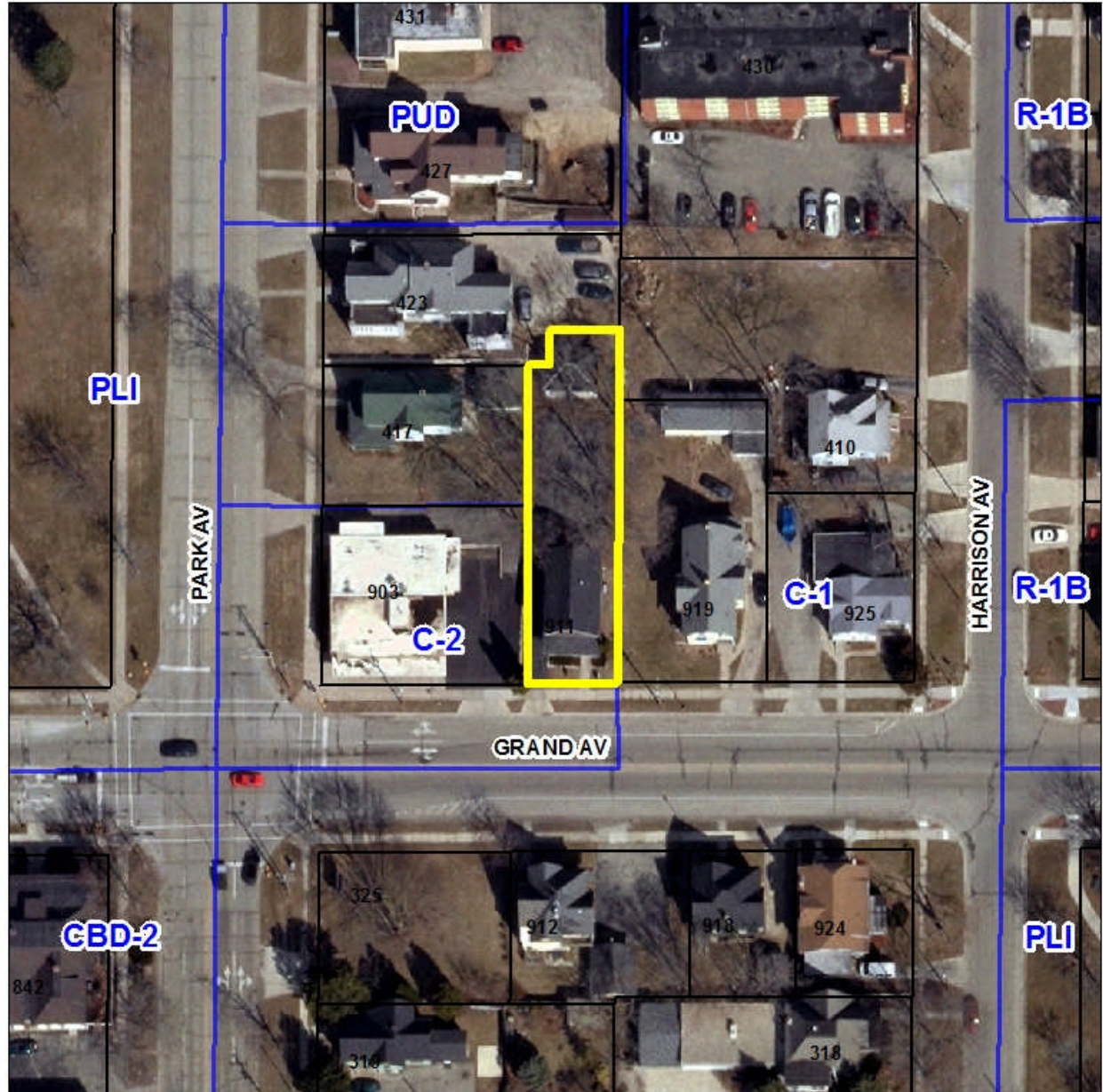
**Attachments:**

Zoning and Location Map, Application, Public Notice, and Mailing List, Public Comments.

# Location & Zoning Map

911 East Grand Avenue

CU-2015-06



**Legend**

- COB Parcels
- Zoning District
- 911 E Grand Ave

0 25 50 100 Feet

## PLANNING AND BUILDING SERVICES DIVISION

Map prepared by: Alex Morganroth  
 Date: June 2015  
 For: City of Beloit,  
 Planning & Building Services  
 Date of Aerial Photography: April 2011

Document Path: R:\GIS\Map\_Series\2015\CU-2015-06\_911\_E\_Grand\_Ave.aprx



# 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: CV-2618-06

1. Address of subject property: 911 East Grand Ave., Beloit

2. Legal description: \_\_\_\_\_

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: \_\_\_\_\_ acres.

3. Tax Parcel Number(s): 13660085

4. Owner of record: Michelle Crossley Phone: 608-322-9815

927 Harrison Ave Beloit WI 53511  
(Address) (City) (State) (Zip)

5. Applicant's Name: Michelle Crossley

927 Harrison Ave Beloit WI 53511  
(Address) (City) (State) (Zip)

608-299-8559 / 608-322-9815 / dthbeloit@gmail.com  
(Office Phone #) (Cell Phone #) (E-mail Address)

6. All existing use(s) on this property are: Dog/cat groomer

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

A Conditional Use Permit for: Upstairs residence

in a(n) C2 Zoning District.

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

Principal use: Dog/cat grooming - main floor

Secondary use: Residence - upper level

Accessory use: \_\_\_\_\_

3454585

9. Project timetable: Start date: \_\_\_\_\_ 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: \_\_\_\_\_
- 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.

Michelle Crossley / Michelle Crossley / 6/19/15  
 (Signature of Owner) (Print name) (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 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.

<b>To be completed by Planning Staff</b>	
Filing fee: <b>\$275.00</b>	Amount paid: <u>275.00</u> Meeting date: <u>July 22, 2015</u>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u>AM</u>	Date: <u>06/19/15</u>

July 8, 2015

## **NOTICE TO THE PUBLIC**

To Whom It May Concern:

Michelle Crossley has filed an application for a Conditional Use Permit to allow a single-family attached dwelling in C-2, Neighborhood Commercial District. The permit would allow the applicant to convert the upstairs of the building into a residence in a C-2, Neighborhood Commercial District, for the property located at:

**911 East Grand Avenue.**

Single-family attached dwellings are a conditional use in the C-2 District. The following public hearings will be held regarding this proposed Conditional Use Permit:

**City Plan Commission:** Wednesday, July 22, 2015, 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:** Monday, August 3, 2015, 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 Alex Morganroth in the Planning Division at (608) 364-6708 or [morganrotha@beloitwi.gov](mailto:morganrotha@beloitwi.gov). Comments will be accepted via telephone, email, and U.S. Mail.*

GEORGE PANTUSO  
318 HARRISON AVE  
BELOIT, WI 53511

TLC PROPERTIES INC  
5101 HWY 51 SOUTH  
JANESVILLE, WI 53546

NATALIA KHARITONOVA  
47 PORCHESTER TERRACE  
LONDON UK W23TS

WILLIAM & DIANNE ZAWADZKI  
9998 TYBOW TRL  
ROSCOE, IL 61073

JUAN PAGAN  
3509 CORBRIDGE LN  
ROCKFORD, IL 61107

RONALD & LILY DICKINSON  
3709 OAK LANE DR  
BELOIT, WI 535111937

KHOOM PROPERTIES LLC  
3655 BEE LN  
BELOIT, WI 53511

MARVIN MILNER/EDWARD LAUGHLIN  
LLC  
P O BOX 1161  
BELOIT, WI 535121161

MARY BOTTOMS  
417 PARK AVE  
BELOIT, WI 53511

WILLIAM & DIANNE ZAWADZKI  
9998 TYBOW TRL  
ROSCOE, IL 61073

JOHN E & MARY L DUMMER  
11229 S CTY RD K  
BELOIT, WI 53511

KENNETH PAULSON  
749 PHILHOWER RD  
BELOIT, WI 53511

KENNETH PAULSON  
749 PHILHOWER RD  
BELOIT, WI 53511

J ANTHONY GROVER  
430 HARRISON AVE APT 302  
BELOIT, WI 53511



## **Public Comments**

1. Call received by Alex Morganroth on 7/9/15 by Phil and Dianne Zawadzki at 918 E Grand Avenue. They fully support approval of the Condition Use Permit.
2. Call received by Alex Morganroth on 7/9/15 by Mary Bottoms at 417 Park Avenue. She fully supports approval of the Conditional Use Permit.

**RESOLUTION**  
**AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW THE INDOOR SALE OF**  
**ALCOHOLIC BEVERAGES IN A C-2, NEIGHBORHOOD COMMERCIAL DISTRICT, FOR THE**  
**PROPERTY LOCATED AT 901 BAYLISS AVENUE**

**WHEREAS**, the application of David Huyck, for a Conditional Use Permit to allow the indoor sale of alcoholic beverages in a C-2, Neighborhood Commercial District, for the property located at 901 Bayliss Avenue, 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 the indoor sale of alcoholic beverages in a C-2, Neighborhood Commercial District, for the property located at 901 Bayliss Avenue in the City of Beloit, for the following described premises:

Lots 37 and 38, Block 2 of Perrigo Place Addition, located in the City of Beloit, County of Rock, State of Wisconsin. Said parcel contains .3329 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 indoor alcohol sales within the existing building located at 901 Bayliss Avenue.
2. The applicant shall obtain and retain all applicable liquor licenses while the conditional use is established and maintained.
3. The applicant may only possess a Class A Fermented Beverage License allowing the sale of beer for off-premise consumption.
4. 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 Planning and Building Services Director may approve minor changes administratively.

Adopted this 3<sup>rd</sup> day of August, 2015.

**BELOIT CITY COUNCIL**

\_\_\_\_\_  
Charles M. Haynes, Council President

ATTEST:

\_\_\_\_\_  
Lorena Rae Stottler, City Clerk

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

---



**Topic:** Conditional Use Permit Application for property located at 901 Bayliss Avenue

**Date:** August 3, 2015

**Presenter(s):** Julie Christensen

**Department:** Community Development

---

### Overview/Background Information:

David C. Huyck has filed an application for a Conditional Use Permit to allow the indoor sale of alcoholic beverages in a C-2, Neighborhood Commercial District, for the property located at 901 Bayliss Avenue in the City of Beloit. The applicant is seeking permission to sell beer in a bait and tackle shop planned to open in August of 2015.

---

### Key Issues:

- The sale of alcoholic beverages is allowed as a conditional use in a C-2 District. The applicant has proposed allowing the sale of alcoholic beverages in the bait and tackle shop to be located on the subject property.
  - Approval of the CUP would allow the applicant to sell alcoholic beverages in the shop.
- The previous tenant of the building, Dick's Bait and Tackle, sold beer and held an alcohol license until 2011.
  - The business closed in 2011 and the building on the subject property has been vacant since then.
  - The current tenant and applicant, Mr. Huyck, has a five-year lease on the building.
- If a Conditional Use Permit is granted, the applicant must also obtain an Alcohol Beverage License before any alcoholic beverages may be legally sold on the subject property.
- The applicant has indicated that beer will be the only type of alcohol to be sold at the shop.
- The property is located within 300 feet of a church. However, the prohibition within 300 feet of a church only applies to liquor licenses, not beer licenses.
- The Plan Commission reviewed this item on July 22, 2015, and voted unanimously (6-0) to recommend approval of the Conditional Use Permit, subject to the other four conditions recommended by Planning staff.

---

### Conformance to Strategic Plan:

- Consideration of this request supports 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

---

### Action required/Recommendation:

- City Council consideration and action on the proposed Resolution.

---

**Fiscal Note/Budget Impact:** N/A

---

**Attachments:** Resolution and Staff Report to Plan Commission

# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION

---



**Meeting Date:** July 22, 2015

**Agenda Item:** 3

**File Number:** CU-2015-07

**Applicant:** David Huyck

**Owner:** Salvador Sanchez

**Location:** 901 Bayliss Avenue

**Existing Zoning:** C-2, Neighborhood Commercial District

**Existing Land Use:** Retail/Vacant

**Parcel Size:** .3329 Acre

---

### Request Overview/Background Information:

David C. Huyck has filed an application for a Conditional Use Permit to allow the indoor sale of alcoholic beverages in a C-2, Neighborhood Commercial District, for the property located at 901 Bayliss Avenue in the City of Beloit. The applicant is seeking permission to sell beer in a bait and tackle shop planned to open in August of 2015. The adjacent zoning and land uses are as follows:

- **North:** Town of Beloit; Single-Family Residential
- **South:** R-1B Single Family Residential, Church
- **East:** C-2 Neighborhood Commercial District; Restaurant
- **West:** Town of Beloit; Single-Family Residential

Indoor alcohol sales are a conditional use in the C-2 District. If the Conditional Use Permit is approved, the City Council is authorized to impose conditions it deems necessary to reduce or minimize any potential adverse effects on surrounding properties.

---

### Key Issues:

- The sale of alcoholic beverages is allowed as a conditional use in a C-2 District. The applicant has proposed allowing the sale of alcoholic beverages in the bait and tackle shop located on the subject property.
  - Approval of the CUP would allow the applicant to sell alcoholic beverages to be sold in a bait and tackle shop to be opened on the subject property.
- The previous tenant of the building, Dick's Bait and Tackle, sold beer and held an alcohol license until 2011.
  - The business closed in 2011 and the building on the subject property has been vacant since then.
  - The current tenant and applicant, Mr. Huyck, has a five-year lease on the building.
- If a Conditional Use Permit is granted, the applicant must also obtain an Alcohol Beverage License before any alcoholic beverages may be legally sold on the subject property.
- The applicant has indicated that beer will be the only type of alcohol to be sold at the shop.
- The property is located within 300 feet of a church. However, the prohibition within 300 feet of a church only applies to liquor licenses, not beer licenses.
- **Findings of Fact**
  - *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;*
    - Beer is a common product in bait and tackle shops all over the state. Planning Staff feels that general public health and safety will not be negatively impacted by the proposed alcohol sales at the shop.
  - *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*
    - The conditional use will not injure the use and enjoyment of nearby properties.
  - *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
    - The previous business on the subject property sold alcohol for many years before going out of business. Resuming the sale of alcohol in a new, nearly identical business on the property is not expected to diminish or impair property values in the neighborhood.
  - *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
    - Not Applicable.
  - *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;*
- Not Applicable.
  - *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;*
    - Not Applicable
  - *Whether adequate measures will be taken to minimize traffic congestion; and*
    - The subject property has adequate off-street parking for customers.
  - *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 Comprehensive Plan recommends Neighborhood Commercial uses and a zoning district classification of C-2 for the subject property. The underlying zoning district classification 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:**

- **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 and Building Services Division recommends **approval** of a Conditional Use Permit to allow the sale of alcoholic beverages in the bait and tackle shop in a C-2, Neighborhood Commercial District, for the property located at 901 Bayliss Avenue, based on the above Findings of Fact, under the following conditions of approval:

1. This Conditional Use Permit authorizes indoor alcohol sales within the existing building located at 901 Bayliss Avenue.
2. The applicant shall obtain and retain all applicable liquor licenses while the conditional use is established and maintained.
3. The applicant may only possess a Class A Fermented Beverage License allowing the sale of beer for off-premise consumption.
4. 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 Planning and Building Services Director may approve minor changes administratively.

---

**Fiscal Note/Budget Impact:**

N/A

---

**Attachments:**

Photos, Zoning and Location Map, Application, Public Notice, and Mailing List







# Location & Zoning Map

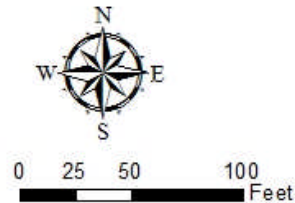
901 Bayliss Avenue

CU-2015-07



**Legend**

- 901 Bayliss Ave
- COB Parcels
- Zoning District



## PLANNING AND BUILDING SERVICES DIVISION

Map prepared by: Alex Morganroth  
 Date: June 2015  
 For: City of Beloit,  
 Planning & Building Services  
 Date of Aerial Photography: April 2011

D:\morgant\Bldg\_R\GIS\GIS\_Maps\2015\CU-2015-07\_901\_Bayliss\_Avenue.mxd



# 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-2015-07

1. Address of subject property: 901 Bayliss Beloit

2. Legal description: LOTS 37 AND 38, BLOCK 2, PARCELS PALE

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: \_\_\_\_\_ acres.

3. Tax Parcel Number(s): 1245 0770

4. Owner of record: SANCHEZ REYNOLDS, LLC Phone: 608-295-1841

2112 ROOSEVELT AVE., BELOIT WI 53511  
(Address) (City) (State) (Zip)

5. Applicant's Name: David C. Huyck

2013 Church St Beloit WI 53511  
(Address) (City) (State) (Zip)

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
(Office Phone #) (Cell Phone #) (E-mail Address)

6. All existing use(s) on this property are: Sales of Bait, tackle, tube  
Beer

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

A Conditional Use Permit for: \_\_\_\_\_  
\_\_\_\_\_ in a(n) \_\_\_\_\_ Zoning District.

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

Principal use: SAME AS ABOVE

Secondary use: \_\_\_\_\_

Accessory use: \_\_\_\_\_

file at a/c photo  
Kevin C2

9. Project timetable: Start date: 8-1-2015 Completion date: \_\_\_\_\_

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

- ( ) Owner
- (x) Leasehold, length of lease: 5 YEARS
- ( ) 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.

Salvador Sanchez | Salvador Sanchez | 6-11-15  
(Signature of Owner) | (Print name) | (Date)

Dave Huyck | DAVE HUYCK | 6-12-15  
(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: \$275.<sup>00</sup> Meeting date: July 22, 2015

No. of notices: \_\_\_\_\_ x mailing cost (\$0.50) = cost of mailing notices: \$ \_\_\_\_\_

Application accepted by: Don Pennington Date: 6/22/15

July 8, 2015

## **NOTICE TO THE PUBLIC**

To Whom It May Concern:

David Huyck has filed an application for a Conditional Use Permit to allow the sale of alcoholic beverages in a C-2, Neighborhood Commercial District. The permit would allow the applicant to sell alcohol at a proposed bait and tackle shop in a C-2, Neighborhood Commercial District, on the property located at:

**901 Bayliss Avenue.**

Alcohol sales are a conditional use in the C-2 District. The following public hearings will be held regarding this proposed Conditional Use Permit:

**City Plan Commission:** Wednesday, July 22, 2015, 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:** Monday, August 3, 2015, 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 Alex Morganroth in the Planning Division at (608) 364-6708 or [morganrotha@beloitwi.gov](mailto:morganrotha@beloitwi.gov). Comments will be accepted via telephone, email, and U.S. Mail.*

JGJWELLNITZ HOLDINGS LLC  
9302 S GUSTAFSON RD  
CLINTON, WI 53525

ALLAN & KATHRYN BARTZ  
2150 THOMAS ST  
BELOIT, WI 53511

IMPERIAL VALLEY PROPERTIES LLC  
P O BOX 860  
EL CENTRO, CA 92244

TIM A & STACEY HINZPETER HINZPETER  
LIVING TRUST  
P O BOX 21386  
SARASOTA, FL 34276

MICHAEL ROGERS  
101 BUNN DR  
ROCKTON, IL 61072

CORA COBB  
1880 HARRISON AVE  
BELOIT, WI 53511

MUSLIM CENTER OF BELOIT  
1879 PARK AVE  
ATTN: R EL AMIN/L MAJEED (LC)  
BELOIT, WI 53511  
CLARENCE MCMAHON  
901 BAYLISS AVE  
BELOIT, WI 53511

US BANK NA  
4801 FREDERICA ST  
OWENSBORO, KY 42301

SANCHEZ RENTALS LLC  
2112 ROOSEVELT AVE  
BELOIT, WI 53511



# BELOIT POLICE DEPARTMENT



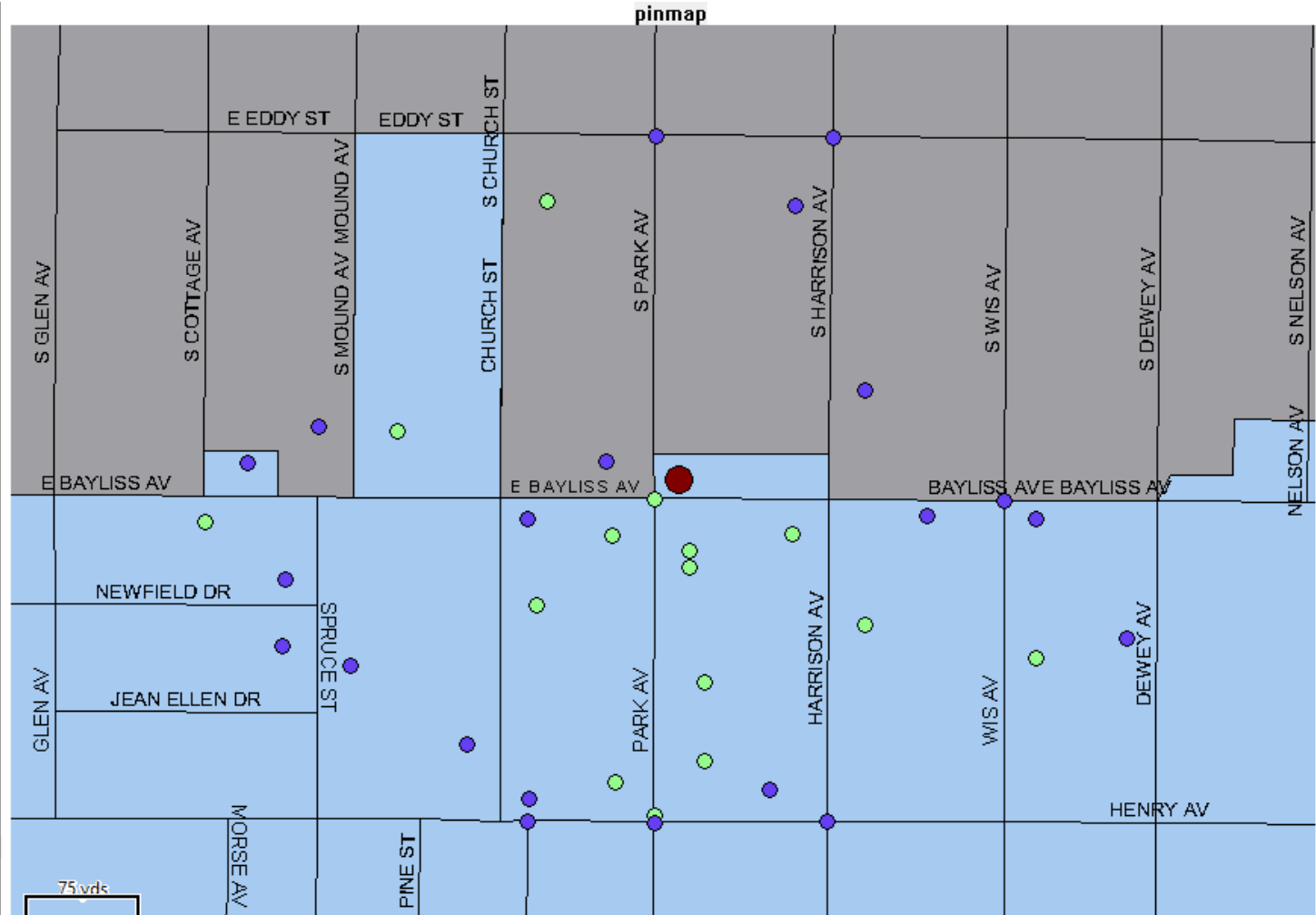
901 Bayliss Avenue

- Reportable Incident
- Calls For Service

STREET

CITY

- AT
- BCIL
- BE
- BH
- BR
- BT
- CL
- CN
- CT
- DACO
- ED
- EV
- FO
- FT
- GRCO
- HT
- JECO
- JN
- JT
- JV
- LP
- IT





# BELOIT POLICE DEPARTMENT



Calls for Service within a 1000 Radius of 901 Bayliss Av.

6/15/2015 through 7/22/15

BE1531411	Follow up	2:05:13 PM	6/15/2015	905 HENRY AV
BE1531428	Suspicious Acitivity	3:36:28 PM	6/15/2015	905 HENRY AV
BE1531466	Assist Citizen	9:09:51 PM	6/15/2015	1816 CHURCH ST
BE1531493	Business check	12:14:43 AM	6/16/2015	905 HENRY AV
BE1532033	911 abandon	3:46:12 AM	6/19/2015	1839 SPRUCE ST
BE1532126	911 abandon	2:23:39 PM	6/19/2015	1799 HEMLOCK ST & HENRY A
BE1532186	Assist other jurisdiction	8:08:40 PM	6/19/2015	1900 S WIS AV & BAYLISS A
BE1532335	911 abandon	5:04:24 PM	6/20/2015	1799 HARRISON AV & HENRY
BE1532367	911 abandon	10:07:46 PM	6/20/2015	1799 PARK AV & HENRY AV
BE1532628	Assist Citizen	10:53:47 AM	6/22/2015	1874 HARRISON AV
BE1532968	Health Care Center Transport	12:06:29 AM	6/24/2015	1881 WIS AV
BE1533073	911 abandon	2:57:11 PM	6/24/2015	1799 PARK AV & HENRY AV



# BELOIT POLICE DEPARTMENT



BE1533135	911 abandon	7:22:37 PM	6/24/2015	1799 PARK AV & HENRY AV
BE1533233	Business check	11:23:23 AM	6/25/2015	905 HENRY AV
BE1533234	Follow up	11:35:21 AM	6/25/2015	905 HENRY AV
BE1533235	Follow up	11:40:20 AM	6/25/2015	905 HENRY AV
BE1533533	Traffic Stop	5:19:00 PM	6/26/2015	1899 PARK AV & BAYLISS AV
BE1533534	Assist other jurisdiction	5:20:59 PM	6/26/2015	1899 PARK AV & BAYLISS AV
BE1533535	Assist other jurisdiction	5:21:08 PM	6/26/2015	1899 PARK AV & BAYLISS AV
BE1533676	Security Check	9:48:51 AM	6/27/2015	905 HENRY AV
BE1533677	Traffic stop	9:52:21 AM	6/27/2015	1841 WIS AV
BE1533724	911 abandon	4:03:10 PM	6/27/2015	1799 HARRISON AV & HENRY
BE1533796	Assist Citizen	9:36:13 PM	6/27/2015	1861 CHURCH ST
BE1533809	911 abandon	10:55:15 PM	6/27/2015	1899 PARK AV & BAYLISS AV
BE1533840	Kid complaint	12:34:15 AM	6/28/2015	1874 PARK AV
BE1533926	Business check	11:20:34 AM	6/28/2015	905 HENRY AV
BE1533977	Special Assignment	3:54:17 PM	6/28/2015	1799 PARK AV & HENRY AV
BE1533981	Business check	4:04:53 PM	6/28/2015	905 HENRY AV
BE1534184	Follow up	11:02:33 AM	6/29/2015	1880 WIS AV



# BELOIT POLICE DEPARTMENT



BE1534748	Unwanted Subject	8:47:09 AM	7/2/2015	728 BAYLISS AV
BE1534968	Traffic complaint	11:28:22 AM	7/3/2015	1800(BLOCK) HARRISON AV
BE1535060	Fireworks Complaint	9:53:52 PM	7/3/2015	1816 CHURCH ST
BE1535132	Business check	11:21:08 AM	7/4/2015	1802 HARRISON AV
BE1535230	911 abandon	8:38:51 PM	7/4/2015	1799 HEMLOCK ST & HENRY A
BE1535280	Loud complaint	11:03:05 PM	7/4/2015	771 BAYLISS AV
BE1535320	Disorderly Conduct	1:20:46 AM	7/5/2015	771 BAYLISS AV; APT 5
BE1535402	Assist other jurisdiction	3:00:40 PM	7/5/2015	899 HENRY AV & PARK AV
BE1535483	Assist other jurisdiction	12:45:25 AM	7/6/2015	999 HENRY AV & HARRISON A
BE1535589	Security Check	1:35:46 PM	7/6/2015	901 BAYLISS AV
BE1535617	Assist other jurisdiction	3:41:18 PM	7/6/2015	1802 HARRISON AV
BE1535649	Loud complaint	5:46:07 PM	7/6/2015	1816 CHURCH ST
BE1535690	Traffic Stop	9:55:11 PM	7/6/2015	1900 S WIS AV & BAYLISS A
BE1535766	Harrassment	9:16:14 AM	7/7/2015	1905 MOUND AV
BE1535914	Suspicious Acitivity	10:51:17 PM	7/7/2015	1800 PARK AV; BLOCK
BE1536022	Animal complaint	2:58:34 PM	7/8/2015	1874 HARRISON AV
BE1536104	Civil Dispute	2:38:16 AM	7/9/2015	1874 HARRISON AV





# BELOIT POLICE DEPARTMENT



BE1536127	Follow up	9:33:51 AM	7/9/2015	1802 PARK AV
BE1536139	911 abandon	10:30:04 AM	7/9/2015	905 HENRY AV
BE1536648	Drug complaint	9:55:16 PM	7/11/2015	771 BAYLISS AV
BE1536754	Animal complaint	3:42:11 PM	7/12/2015	1806 PARK AV
BE1536842	Suspicious Acitivity	10:41:40 PM	7/12/2015	1871 PARK AV
BE1536914	Business check	11:24:32 AM	7/13/2015	1802 HARRISON AV
BE1536927	Abandon vehicle	12:28:29 PM	7/13/2015	1837 PARK AV
BE1537387	Assist Fire Department	3:51:12 PM	7/15/2015	1865 PARK AV
BE1537437	Assist other jurisdiction	8:18:22 PM	7/15/2015	1874 HARRISON AV
BE1537635	Assist other jurisdiction	12:54:42 AM	7/17/2015	1923 S HARRISON AV
BE1537814	Assist other jurisdiction	11:08:25 PM	7/17/2015	1799 PARK AV & HENRY AV
BE1537877	Animal complaint	6:56:10 AM	7/18/2015	1806 PARK AV
BE1537907	911 abandon	12:40:46 PM	7/18/2015	1799 HARRISON AV & HENRY
BE1537915	Animal complaint	1:33:16 PM	7/18/2015	841 HENRY AV
BE1537925	911 abandon	2:55:35 PM	7/18/2015	1799 HARRISON AV & HENRY
BE1538183	Assist other jurisdiction	9:58:48 PM	7/19/2015	1999 S HARRISON AV & E ED
BE1538203	Stabbing	12:28:45 AM	7/20/2015	1851 HARRISON AV



# BELOIT POLICE DEPARTMENT



BE1538276	Hazardous Condition	2:02:52 PM	7/20/2015	1799 PARK AV & HENRY AV
BE1538406	Unwanted Subject	2:28:50 AM	7/21/2015	771 BAYLISS AV; APT 3
JV1534702	Traffic Stop	11:38:38 PM	7/8/2015	899 HENRY AV & PARK AV
SO1533421	Traffic complaint	9:23:06 AM	6/20/2015	898 BAYLISS AV & PARK AV
SO1533756	Out With Subject	12:18:59 AM	6/22/2015	1799 PARK AV & HENRY AV
TB1505674	Burglary	2:46:52 PM	6/21/2015	1969 S CHURCH ST



## Reportable Incidents 1000 Feet of 901 Bayliss Av. 6/15/2015 through 7/22/2015

BE1531473	911 Abandon	9:44:41 PM	6/15/2015	1842 SPRUCE ST
BE1531604	911 Abandon	6:03:48 PM	6/16/2015	1799 HARRISON AV & HENRY
BE1532033	911 Abandon	3:46:12 AM	6/19/2015	1839 SPRUCE ST
BE1532564	Welfare Check	11:41:27 PM	6/21/2015	1799 PARK AV & HENRY AV
BE1532780	Welfare Check	1:51:17 AM	6/23/2015	1881 WIS AV
BE1532811	Sex Offense	9:15:09 AM	6/23/2015	841 HENRY AV



# BELOIT POLICE DEPARTMENT



BE1532901	Warrant Service	3:53:31 PM	6/23/2015	841 HENRY AV
BE1532985	Disorderly Conduct	2:34:00 AM	6/24/2015	1799 HEMLOCK ST & HENRY A
BE1533100	911 Abandon	4:55:12 PM	6/24/2015	1802 HARRISON AV
BE1533201	Truancy	8:26:23 AM	6/25/2015	1816 CHURCH ST
BE1533213	Truancy	9:10:14 AM	6/25/2015	1844 DEWEY AV
BE1533726	Traffic Stop	4:05:04 PM	6/27/2015	1799 PARK AV & HENRY AV
BE1534055	Armed Subject	9:17:41 PM	6/28/2015	1880 WIS AV
BE1534673	Disorderly Conduct	7:57:41 PM	7/1/2015	1816 CHURCH ST
BE1534947	Traffic Stop	8:37:45 AM	7/3/2015	1799 PARK AV & HENRY AV
BE1535313	911 Abandon	12:54:27 AM	7/5/2015	1816 CHURCH ST
BE1535575	Traffic Stop	11:51:28 AM	7/6/2015	1799 PARK AV & HENRY AV
BE1535917	Warrant Service	11:00:28 PM	7/7/2015	1800 PARK AV; BLOCK
BE1536126	911 Abandon	9:30:52 AM	7/9/2015	1842 SPRUCE ST
BE1536160	Welfare Check	12:35:44 PM	7/9/2015	1799 PARK AV & HENRY AV
BE1536171	Assist Other Jurisdiction	1:34:59 PM	7/9/2015	1860 SPRUCE ST
BE1536179	911 Abandon	2:27:44 PM	7/9/2015	1842 SPRUCE ST
BE1536655	Assist Fire Department	11:16:17 PM	7/11/2015	1881 WIS AV



# BELOIT POLICE DEPARTMENT



BE1536835	Assist Other Jurisdiction	9:56:35 PM	7/12/2015	1999 S HARRISON AV & E ED
BE1536844	Suspicious Activity	11:02:14 PM	7/12/2015	832 BAYLISS AV
BE1536853	Warrant Service	12:16:00 AM	7/13/2015	832 BAYLISS AV
BE1536905	911 Abandon	10:12:34 AM	7/13/2015	771 BAYLISS AV
BE1537142	Loud Complaint	2:08:55 PM	7/14/2015	1816 CHURCH ST
BE1537332	911 Abandon	11:15:25 AM	7/15/2015	999 HENRY AV & HARRISON A
SO1536571	Traffic Stop	2:58:02 PM	7/5/2015	899 HENRY AV & PARK AV
SO1536769	Drug Complaint	3:40:45 PM	7/6/2015	1802 HARRISON AV
SO1537078	Assist Other Jurisdiction	10:53:21 PM	7/7/2015	1800 PARK AV
SO1538135	Assist Other Jurisdiction	9:55:35 PM	7/12/2015	1978 S HARRISON AV
SO1540092	Traffic Stop	12:47:27 PM	7/21/2015	1999 S PARK AV & E EDDY S
TB1505765	Traffic Stop	5:47:52 PM	6/23/2015	1900 S WIS AV & BAYLISS A
TB1505893	Kid Complaint	3:58:11 PM	6/26/2015	1912 S PARK AV
TB1506325	Fraud Complaint	11:14:34 AM	7/7/2015	1908 S MOUND AV
TB1506653	Civil Dispute	12:19:15 AM	7/15/2015	1978 S HARRISON AV
TB1506733	Disturbance	12:51:42 AM	7/17/2015	1923 S HARRISON AV

**RESOLUTION**  
**AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW AN OUTDOOR SEATING**  
**AREA WITH ALCOHOL IN THE CBD-1, CENTRAL BUSINESS DISTRICT – CORE, FOR**  
**THE PROPERTY LOCATED AT 430 E. GRAND AVENUE**

**WHEREAS**, the application of Kyotai Corp., doing business as Zen Sushi & Grill, for a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession, & consumption of alcohol in the CBD-1, Central Business District – Core, for the property located at 430 E. Grand Avenue, 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 an outdoor seating area and outdoor sales, possession, & consumption of alcohol in the CBD-1, Central Business District – Core, for the property located at 430 E. Grand Avenue in the City of Beloit, for the following described premises:

Lot 1 of a Certified Survey Map as recorded in Volume 35 on Pages 212-214 of the Certified Survey Maps of Rock County, also the West 20 feet of the East 40.32 feet of Lot 12, Block 48 of the Original Plat, located in the City of Beloit, County of Rock, State of Wisconsin. Said parcel contains 0.5528 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 Zen Sushi & Grill to serve food & beverages within the existing, raised concrete patio area on the west side of the Phoenix building.
2. Prior to serving alcoholic beverages in the outdoor seating area, the applicant shall expand their Alcoholic Beverages License to include the outdoor seating area.
3. The outdoor seating area shall include an outdoor alarm, marked exits, clear 36’’ exit pathways, and no net loss in exit width. The Fire Inspector and Building Official will inspect the completed outdoor seating area and establish a maximum occupancy, which shall be posted inside the building and within the outdoor seating area.
4. 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.

Adopted this 3<sup>rd</sup> day of August, 2015.

**BELOIT CITY COUNCIL**

---

Charles M. Haynes, Council President

ATTEST:

---

Lorena Rae Stottler, City Clerk

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

---

**Topic:** Conditional Use Permit Application for the property located at 430 E. Grand Avenue

**Date:** August 3, 2015

**Presenter(s):** Julie Christensen

**Department:** Community Development

---

**Overview/Background Information:**

Kyotai Corp., doing business as Zen Sushi & Grill, has filed an application for a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession, & consumption of alcohol in the CBD-1, Central Business District – Core, for the property located at 430 E. Grand Avenue.

---

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

- Zen Sushi & Grill will be opening soon on the ground floor of the Phoenix building. The applicant has proposed the use of the raised concrete patio area on the west side of the Phoenix building, adjacent to the ramp leading from E. Grand Avenue to the rear of the building. The patio is partially covered by an existing pergola. According to the applicant, the furniture in the outdoor seating area will include tables & chairs as well as lounge-style seating (e.g. outdoor couches), with seating for 24 customers.
  - The existing patio area was approved by Planning staff along with the building in 2013 with the expectation that Hendricks Commercial Properties would eventually lease the westernmost storefront to a restaurant tenant.
  - The applicant has also applied for a Sidewalk Café License to place tables & chairs on the sidewalk in front of the building. Sidewalk Café Licenses are approved by Planning staff, following consultation with the Downtown Beloit Association Board of Directors, and are issued by the City Clerk's Office.
  - Section 125.68(3) of the Wisconsin Statutes regulates liquor sales within 300 feet of the main entrance of any school, hospital, or church. This statute does not apply to restaurants, and therefore does not apply to this request.
  - The Plan Commission reviewed this item on July 22, 2015, and removed a condition requested by the Fire Department which would have prohibited tables with an open flame. Following removal of the fire table prohibition, the Plan Commission voted unanimously (6-0) to recommend approval of the Conditional Use Permit, subject to the other four conditions recommended by Planning staff. The Fire Department's requested condition, which was part of the staff recommendation, but subsequently removed by the Plan Commission, stated that "the applicant may not use tables or other furnishings that create an open flame, regardless of fuel type or source."
  - However, according to Section 6.03(1)(a)(3)(e) of the Fire Prevention Code, "no portable outdoor fireplace may be located within 10 feet of any building or combustible structure." Planning staff has measured the outdoor patio, and found the walls of the adjacent buildings to be 18.2 feet apart in the location of the desired fire table. Therefore, the Fire Code prohibits the use of all portable outdoor fireplaces on the Zen Sushi & Grill patio.
- 

**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

4.c CU-2015-08 Zen Sushi Outdoor Seating Area 430 E. Grand Avenue Council Report



# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION

**Meeting Date:** July 22, 2015

**Agenda Item:** 5

**File Number:** CU-2015-08

**Applicant:** Kyotai Corp.

**Owner:** 430 E. Grand Avenue  
Holdings LLC

**Location:** 430 E. Grand Avenue

**Existing Zoning:** CBD-1, Central  
Business District – Core

**Existing Land Use:** Mixed Use  
(Residential Above Commercial)

**Parcel Size:** 0.55 Acre

### Request Overview/Background Information:

Kyotai Corp., doing business as Zen Sushi & Grill, has filed an application for a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession, & consumption of alcohol in the CBD-1, Central Business District – Core, for the property located at 430 E. Grand Avenue.

### Key Issues:

- Zen Sushi & Grill will be opening soon on the ground floor of the Phoenix building. The applicant has proposed the use of the raised concrete patio area on the west side of the Phoenix building, adjacent to the ramp leading from E. Grand Avenue to the rear of the building. The patio is partially covered by an existing pergola.
- This existing patio area was approved by Planning staff along with the building in 2013 with the expectation that Hendricks Commercial Properties would eventually lease the westernmost storefront to a restaurant tenant.
- The applicant has also applied for a Sidewalk Café License to place tables & chairs on the sidewalk in front of the building. Sidewalk Café Licenses are approved by Planning staff, following consultation with the Downtown Beloit Association Board of Directors, and are issued by the City Clerk's Office.
- According to the applicant, the furniture in the outdoor seating area will include tables & chairs as well as lounge-style seating (e.g. outdoor couches), with seating for 24 customers.
- The minimum off-street parking requirements do not apply in the Central Business District (CBD), so no additional parking is needed or proposed as part of this project. Adequate on-street parking stalls and public off-street lots are in the vicinity, and the CBD has excellent pedestrian & bicycle infrastructure as well as regular transit service.
- Section 4-902 of the Zoning Ordinance states that outdoor seating areas for restaurants in the CBD are only allowed if reviewed and approved in accordance with the Conditional Use Permit review procedures. The application and site plan are attached to this report.
- Section 125.68(3) of the Wisconsin Statutes regulates liquor sales within 300 feet of the main entrance of any school, hospital, or church. This statute does not apply to restaurants, and therefore does not apply to this request. The applicant has a license to sell alcoholic beverages indoors, but has yet to apply for an extension to sell alcoholic beverages in the sidewalk café and outdoor patio.
- The Fire Department is opposed to the use of a propane-fueled "fire pit table" in the outdoor seating area. The City's other Review Agents did not submit any comments on the proposed outdoor seating area.
- The attached Public Notice was sent to thirteen nearby property owners. Planning staff has not received any comments.

#### ▪ 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 and responsible management, the proposed outdoor patio will enhance the Central Business District without endangering public health 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 outdoor patio is part of a mixed-use development that includes 27 apartment units. However, the outdoor patio is consistent with the retail- and entertainment-oriented nature of the Central Business District, and common ownership of the entire development will necessitate self-policing the uses in terms of noise, glare, odor, etc. to ensure harmony.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
  - The proposed outdoor patio will further enhance the area in and around the Phoenix building.
- d. *Whether the establishment of the conditional use will impede the normal and orderly development*

- and improvement of the surrounding property;*
- The surrounding area is fully (re)developed.
- 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 outdoor seating area will consist of materials, furnishings, and accessories that are compatible with the contemporary urban design of the Phoenix building.
- 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 proposed outdoor seating area.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
- There are no off-street parking requirements in the CBD and the proposed outdoor seating area is not expected to cause traffic congestion.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
- The conditional uses will comply with all other applicable regulations of the Zoning Ordinance.

---

**Consistency with Comprehensive Plan and Strategic Plan:**

The City's Comprehensive Plan refers to the Downtown Plan, which recommends *Planned Mixed Use: Office/Residential Above Retail* for the subject property. This request and the underlying CBD zoning classification are consistent with this recommendation. 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 an outdoor seating area and outdoor sales, possession, & consumption of alcohol in the CBD-1, Central Business District – Core, for the property located at 430 E. Grand Avenue, based on the above Findings of Fact and subject to the following conditions:

1. This Conditional Use Permit authorizes Zen Sushi & Grill to serve food & beverages within the existing, raised concrete patio area on the west side of the Phoenix building.
2. Prior to serving alcoholic beverages in the outdoor seating area, the applicant shall expand their Alcoholic Beverages License to include the outdoor seating area.
3. The applicant may not use tables or other furnishings that create an open flame, regardless of fuel type or source.
4. The outdoor seating area shall include an outdoor alarm, marked exits, clear 36" exit pathways, and no net loss in exit width. The Fire Inspector and Building Official will inspect the completed outdoor seating area and establish a maximum occupancy, which shall be posted inside the building and within the outdoor seating area.
5. 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.

---

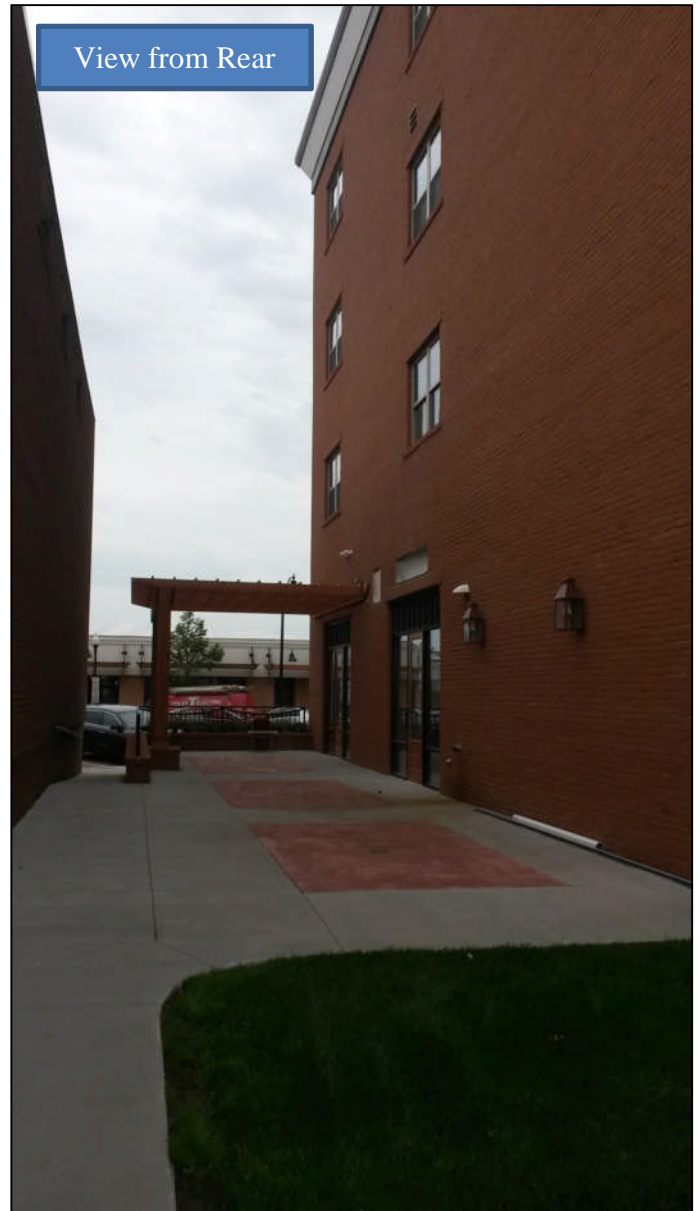
**Fiscal Note/Budget Impact:** N/A

---

**Attachments:** Photos – Patio, Photos – Furniture, Patio Layout, Site Plan, Application, Public Notice, and Mailing List.



Photos – Existing Patio



## Photos – Proposed Furniture (1 of 2 pages)

iPad 12:01 PM webstaurantstore.com 61%

### BFM Seating DV281A Alexa Outdoor / Indoor Stackable Anthracite Steel Side Chair



**QUANTITY DISCOUNTS!**

Buy 12 or more  
**\$61.24/Each**

Buy 1 - 11 **\$63.99/Each**

Notify me when this product is back in stock

Email Address  **Send**

You will only be emailed when this product becomes available. Submitting your information for this feature will not add your email address to our email list, and your email will not be sold or shared.

— Add to —

Rapid Reorder Wish List

- ✓ Stackable design for space-saving storage
- ✓ Powder-coated tubular steel construction
- ✓ Sleek, anthracite finish
- ✓ For indoor or outdoor use
- ✓ Scooped seat for additional comfort
- ✓ Slatted seat and back adds flair and ventilation

Pin it Share Google+ Share Tweet Email page Print page Ask a question


Details SPECS

iPad 12:05 PM bfmseating.com 82%


Home > Outdoor / Indoor Table Tops > Longport

### PH3232TKBLU top with MARGATE base

(Click to enlarge)



Also available :



[HomeSofa SetsModern SofasBelizo Tarnos](#)

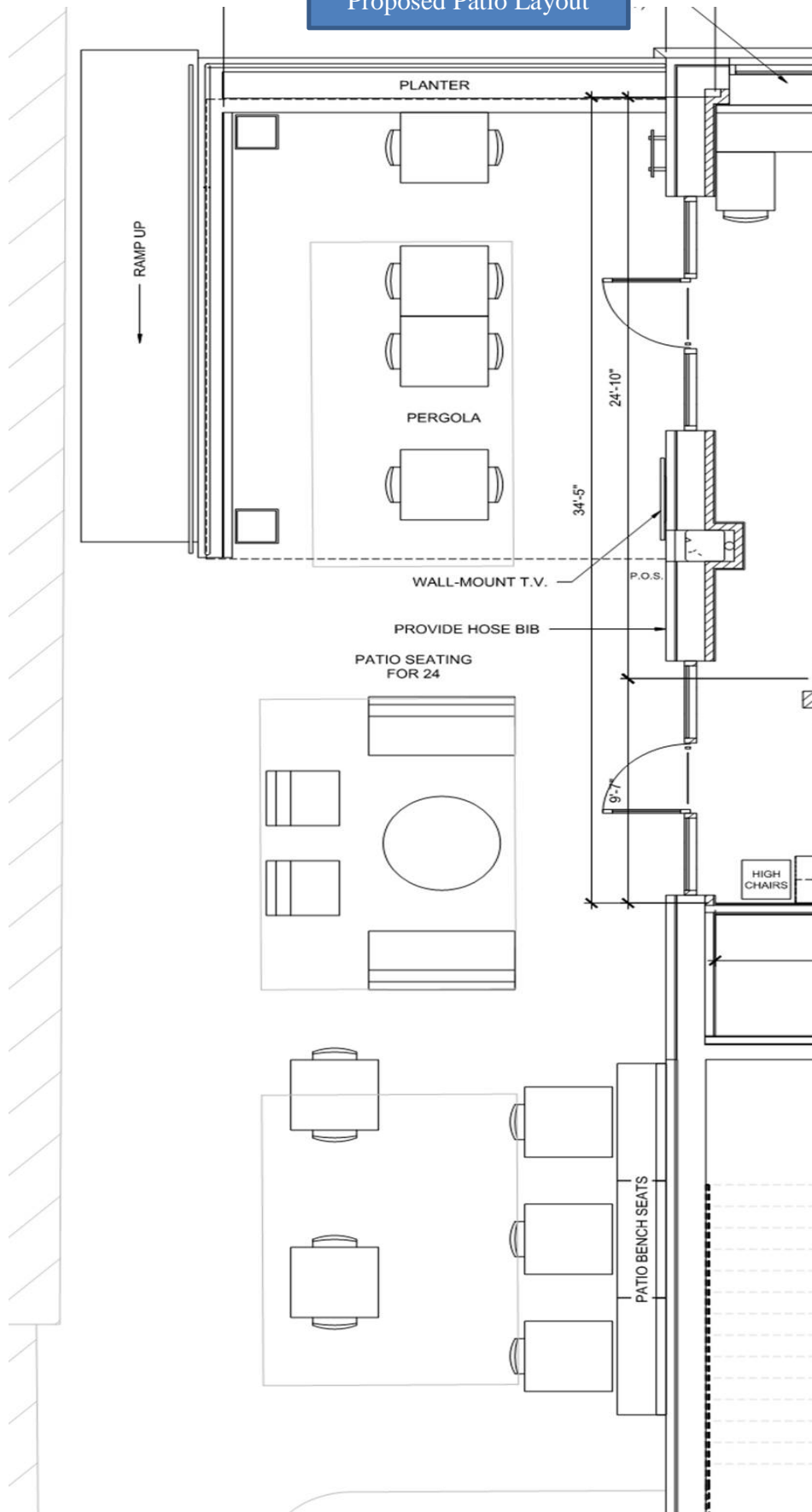
19 of 19



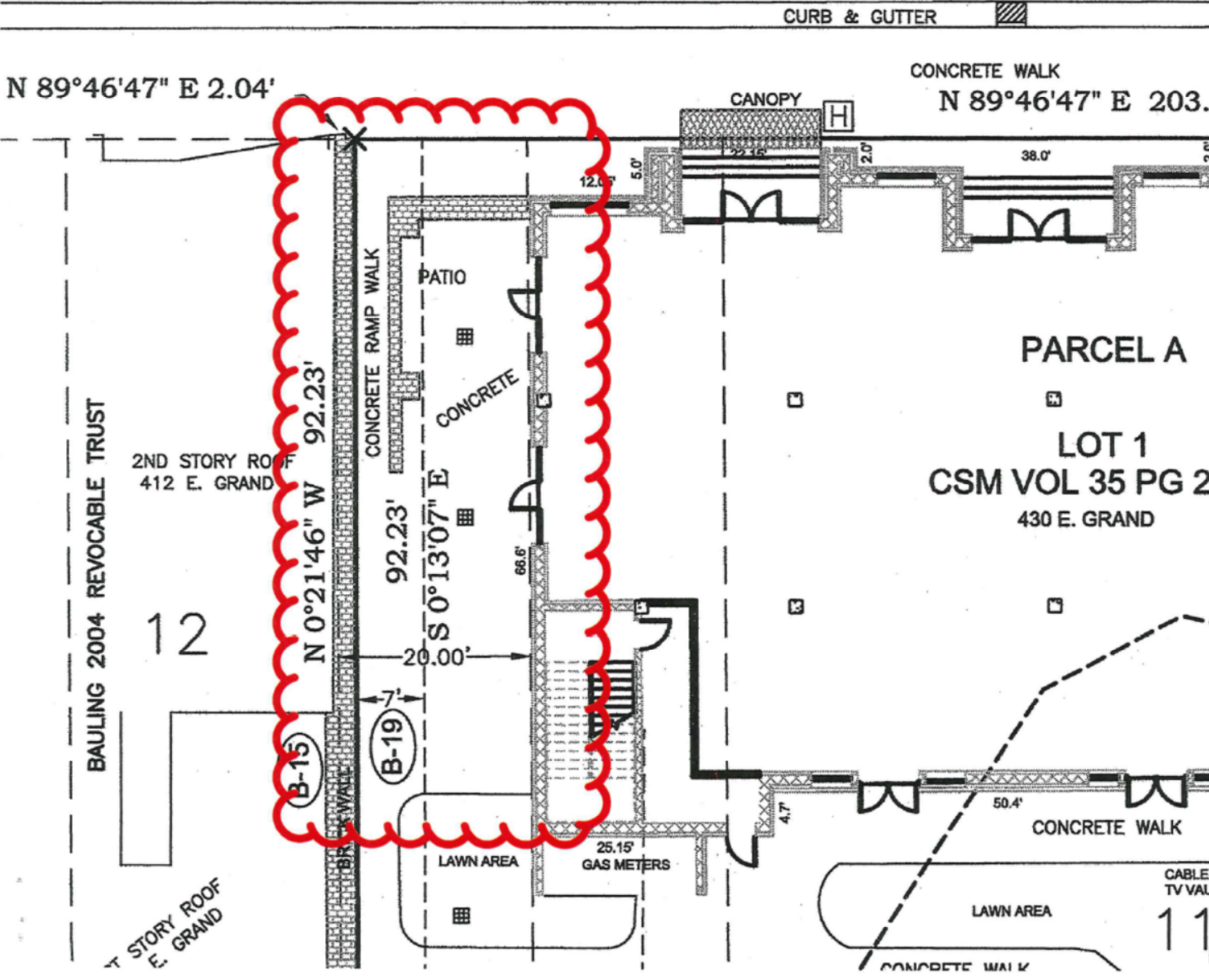
**Belizo Tarnos 5 pcs**



# Proposed Patio Layout







# 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-2015-08

1. Address of subject property: 430 East Grand Avenue, Suite 101

2. Legal description: See attached

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: \_\_\_\_\_ acres.

3. Tax Parcel Number(s): 13540700

4. Owner of record: Hendricks Commercial Prop. Phone: 608-362-8981  
525 3<sup>rd</sup> St. Ste 300 Beloit WI 53511  
(Address) (City) (State) (Zip)

5. Applicant's Name: Kyotai Corp  
430 East Grand Ave. Beloit WI 53511  
(Address) (City) (State) (Zip)  
1 847-224-1515 1 peter.kanpai@gmail.com  
(Office Phone #) (Cell Phone #) (E-mail Address)

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

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

A Conditional Use Permit for: Outdoor Dining  
in a(n) CBO-1 Zoning District.

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

Principal use: \_\_\_\_\_

Secondary use:  \_\_\_\_\_

Accessory use: \_\_\_\_\_

9. Project timetable: Start date: 5-15-15 Completion date: 8-24-15

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

(x) Owner HCP

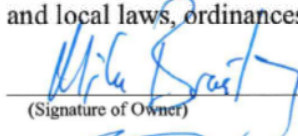
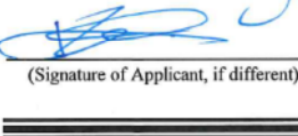
(x) Leasehold, length of lease: Kyotai Corp, 10 years.

( ) 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.

	/	<u>MIKE BRAATZ</u>	/	<u>6/18/15</u>
(Signature of Owner)		(Print name)		(Date)
	/	<u>Jai K. Park</u>	/	<u>6/10/15</u>
(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: <b>\$275.00</b>	Amount paid: <u>\$275.<sup>00</sup></u> Meeting date: <u>July 22, 2015</u>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u>Drew Purnell</u>	Date: <u>6/25/15</u>





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.beloitwi.gov](http://www.beloitwi.gov)

*Equal Opportunity Employer*

## NOTICE TO THE PUBLIC

July 8, 2015

To Whom It May Concern:

Kyotai Corp., doing business as Zen Sushi & Grill, has filed an application for a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession, & consumption of alcohol in the CBD-1, Central Business District – Core, for the property located at:

**430 E. Grand Avenue.**

Zen Sushi & Grill will be opening soon on the ground floor of the Phoenix building. The applicant has proposed the use of the raised concrete patio area on the west side of the Phoenix building, adjacent to the ramp leading from E. Grand Avenue to the rear of the building.

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

**City Plan Commission:** Wednesday, July 22, 2015, 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:** Monday, August 3, 2015, 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, AICP in the Planning & Building Services Division at (608) 364-6711 or [penningtond@beloitwi.gov](mailto:penningtond@beloitwi.gov). Comments will be accepted via telephone, email, and U.S. Mail.*

William T Mansfield Jr Revocable Trust  
1900 Shirland Ave  
South Beloit, IL 61080

Beloit Hotel LLC  
2040 S Park St  
Madison, WI 53713

Nancy Spelius  
Peter Panos  
1727 Arrowhead Drive  
Beloit, WI 53511

Eddy Enterprises LLC  
400 E Grand Ave Suite 408  
Beloit, WI 53511

First National Bank and Trust Company  
345 E Grand Ave  
Beloit, WI 53511

Centre 1 Bancorp Inc.  
345 E Grand Ave  
Beloit, WI 53511

Suds Ohanahans Real Estate  
435 E Grand Ave  
Beloit, WI 53511

Beloit College Board of Trustees  
700 College Street  
Beloit, WI 53511

Patrick Dutter  
38344 US HWY 12  
Aberdeen, SD 57401

TCP Holdings LLC  
431 E Grand Ave  
Beloit, WI 53511

James E Doschadis  
Revocable Trust of 2014  
2634 Chatsworth Drive  
Beloit, WI 53511

Beloit Villager LLC  
Betsey Schmiechen  
429 E Grand Ave  
Beloit, WI 53511

Harold E & Garnet E Bauling Revocable Trust of  
2014  
8241 W Grove School Rd  
Beloit, WI 53511

430 East Grand Ave Holdings LLC  
525 Third Street Suite 300  
Beloit, WI 53511



**PROCEEDINGS OF THE BELOIT CITY COUNCIL**  
**100 State Street, Beloit WI 53511**  
**City Hall Forum – 7:00 p.m.**  
**Monday, July 20, 2015**

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

1. President Haynes called the meeting 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 HEARING
  - a. Community Development Director, Julie Christensen, presented a proposed Ordinance amendment to amend Sections 30.17(1)(b)2, (b)3, (b)6 and (b)7a of the Code of General Ordinances of the City of Beloit pertaining to Electronically Variable-Message Signs. The City of Beloit staff has drafted an Ordinance to amend four sections of the City's Outdoor Sign Regulations, hereafter referred to as the "Sign Ordinance." The purpose of the proposed amendments is to allow the Central Christian Church on Milwaukee Road and the School District of Beloit to use an Electronically Variable-Message (EVM) Sign to notify the public of programs at the church and schools.
    - The most substantive changes are listed below.
      - Section 1 of the proposed Ordinance adds the PLI zoning district to the list of zoning districts permitted to have EVM signs as secondary, on-premise signs.
      - Section 2 establishes maximum sign areas for EVM signs in the PLI zoning districts.
      - Section 3 changes where EVM signs are allowed to be located with regards to the vision triangle.
    - The Plan Commission reviewed this item on July 8, 2015, and voted unanimously (6-0) to recommend approval of the Sign Ordinance with two modifications.
    - Location: The original version of the Sign Ordinance proposed permitting EVM signs in PLI and C-1 zoning districts. The Plan Commission recommended only allowing EVM signs in the PLI zoning district.
    - Operating Time: The original version of the Sign Ordinance proposed establishments with EVM signs only have time restrictions if they abut a residential district. The Plan Commission recommended adding time restrictions on EVM signs for establishments that either abut a residential district OR are located directly across from a residential district.

President Haynes opened the public hearing.

- James Van de Bogart spoke opposed to this ordinance change and shared concerns of distracted driving as a result of busy signs being allowed. He also stated that the possibility existed that the City could wind up being responsible for abandoned signs.
- Janelle Marotz spoke in favor of this ordinance on behalf of the Beloit School District. They would like to purchase another sign similar to the one at Aldrich Middle School which is a 4' x 8' signs with 3 lines of text.
- Pastor Craig Zastrow spoke in favor of this ordinance on behalf of the congregation at Central Christian Church located at 2460 Milwaukee Road. They are redeveloping their sign plan and have not committed to a sign type due to challenges in original placement.

President Haynes closed the public hearing.

Councilors Luebke and Sloniker made a motion to suspend the rules for a 2nd reading hearing. Discussion followed. The motion failed on a vote of 3-4 with Kelly, De Forest, Haynes and Kincaid

voting no. Councilors De Forest and Kincaid moved to lay over the ordinance to the August 3, 2015 regular meeting. Motion carried on a vote of 6-0-1 with Luebke abstaining. File 6068.

## 5. CITIZEN PARTICIPATION

- Walter Knight, Beloit, addressed the council as a follow up on the condition of the railroad crossing at the 1400 block of Wisconsin Avenue and thanked the council, especially to the Public Works Director, Greg Boysen, for addressing the need to complete these railroad crossing repairs.

## 6. CONSENT AGENDA

Councilor De Forest asked to have item 6.c removed from the consent agenda. Councilors Luebke and Sloniker made a motion to adopt the Consent Agenda items 6.a, 6.b, 6.d 6.e. & 6.f. 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 July 6<sup>th</sup> and special meeting of July 6<sup>th</sup>, 2015 were approved.
- b. The application for a Conditional Use Permit to allow a single-family attached dwelling in C-2, Neighborhood Commercial District, for the property located at 911 East Grand Avenue was referred to Plan Commission. File 8614
- d. The application for a Conditional Use Permit to allow outdoor seating area and outdoor sales, possession, & consumption of alcohol in the CBD-1, Central Business District – Core, for the property located at 430 E. Grand Avenue doing business as Zen Sushi & Grill was referred to Plan Commission. File 8540
- e. The resolution authorizing final payment of Public Works Contract C15-06, Colley Road Main Extension was approved. File 8678
- f. The resolution approving a Change of Agent for The Local, LLC, d/b/a The Local Sports Bar and Grill, located at 443 E. Grand Avenue, from Mike Dutter to Aimee Marlette was approved. File 8688
- c. Ms. Christensen presented the application for a Conditional Use Permit to allow the sale of alcoholic beverages in C-2, Neighborhood Commercial District, for the property located at 901 Bayliss Avenue (Dave's Bait and Tackle). Councilor De Forest expressed concerns about alcohol in that neighborhood and is requesting a report from the Police Department that includes calls for service that extends one block in each direction before this comes back for council approval next meeting. Councilors De Forest and Kelly made a motion to refer the item to the Plan Commission. Motion carried. File 8694

## 7. ORDINANCES

- a. Fire Chief, Bradley Liggett presented a proposed ordinance to Repeal and Recreate Section 1.10 of the Code of General Ordinances for the City of Beloit pertaining to Emergency Management. Chief Liggett explained that this update addresses concerns relating to the line of succession for the City Manager and involves management in Emergency Response. It also brings us into compliance with NIMS. Councilors Luebke and Sloniker made a motion to lay over the ordinance until the August 3, 2015 regular meeting. Motion carried. File 6543

## 8. APPOINTMENTS

Councilor Haynes announced the openings and submitted the following appointments to City Committees, Boards, and Commissions for approval. Councilor Kincaid and Sloniker made a motion to approve the appointments, and Councilor Hendrix seconded. The motion carried.

- a. Alcohol Beverage License Control Committee: John N. Metter, term ending June 30, 2017. File 6145
- b. Municipal Golf Committee: Ex Officio member Chris Moxley, (replacing Bess Davies) as Women's Club Rep. and Ex Officio member Gary L. Gard, (replacing Gary Sherer) as Senior's Club Rep. File 7382
- c. Municipal Library Board: Ex Officio member Nora Gard, (replacing Missy Henderson) as Beloit

School District's, Representative for the 2015-2016 school year and Incumbent Maribeth Miller to a term ending June 20, 2018. File 5991

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor Hendrix expressed gratitude for an officer of the Beloit Police Department who participated with Beloit College students in a "Beloit-ology" scavenger hunt. The officer even got out of his car to take a picture with the group to fulfill one of their tasks.
- Councilor Kelly went downtown on Sunday and was so pleased at how many people were downtown on a Sunday afternoon
- Councilor De Forest went on the Parks tour July 8<sup>th</sup> and found it useful and entertaining. She has been attending the farmer's market regularly. She attended the Rock County Criminal Justice Coordinating Committee this month and expressed thanks to interim Chief Zibolski for representing the City of Beloit. She apologized in advance for having to miss the August 3<sup>rd</sup> council meeting.
- Councilor Kincaid continues to attend the robust farmer's market. He also attended his 2<sup>nd</sup> municipal golf committee and is impressed with the hard work of the members who understand the issues and are working to make the course better.
- Councilor Luebke reminded all that National Night Out is coming up Tuesday August 4<sup>th</sup> from 5:30-8:30 pm. He also invited everyone to attend the Friday at Harry's Place at 7:00 pm this Friday at the Harry Moore Pavilion at Riverside Park. This week's performance is by "Mr. Big Stuff."
- Councilor Sloniker went on the Parks tour July 8<sup>th</sup> and learned a lot. She also attended the She also attended the SLATS meeting which discusses road projects and conditions. She learned that while the work on Prairie is behind schedule, Inman Parkway is on schedule.

10. CITY MANAGER'S PRESENTATIONS - none

11. REPORTS FROM BOARDS AND CITY OFFICERS- none

12. Councilor's Sloniker and De Forest made a motion to adjourn the meeting at 7:47pm. Motion carried

---

Lorena Rae Stottler, City Clerk

[www.beloitwi.gov](http://www.beloitwi.gov)

Date approved by Council:

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

---



**Topic:** Conditional Use Permit Application for property located at 2900 Milwaukee Road – Council Referral to the Plan Commission

**Date:** August 3, 2015

**Presenter(s):** Julie Christensen

**Department:** Community Development

---

### Overview/Background Information:

Chipman Design Architecture, on behalf of Noodles and Company, has filed an application for a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession, & consumption of alcohol in a PUD, Planned Unit Development District, for the property located at 2900 Milwaukee Road.

### Key Issues:

- Noodles and Company will be opening soon in a building on the subject property previously occupied by Arby's.
- The applicant has proposed the construction of a concrete patio on the northwest side of the building facing Milwaukee Road.
- The patio area was approved by Planning staff in a site plan review in June of 2015 with the expectation that McBain Properties would eventually lease the building to a restaurant tenant.
- Condition #5 of the Resolution authorizing a PUD for 2850 and 2900 Milwaukee Road states that the regulations for allowable use and dimensional standards of the C-3 District shall apply to the parcels within the PUD.
  - Section 4-902 of the Zoning Ordinance states that outdoor seating areas for restaurants in a C-3 Commercial District are only allowed if reviewed and approved in accordance with the Conditional Use Permit review procedures.
- The application and site plan are attached to this report.

---

### Conformance to Strategic Plan:

- Consideration of this request supports 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**

---

### Action required/Recommendation:

- Referral to the Plan Commission for the August 5, 2015 meeting.
- This item will most likely return to the City Council for a public hearing and possible action on August 17, 2015.

---

**Fiscal Note/Budget Impact:** N/A

---

**Attachments:** Zoning and Location Map, Application







# 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-2015-09

1. Address of subject property: 2900 Milwaukee Road
2. Legal description: See CSM's for the subject PUD  
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: 2.7 acres.
3. Tax Parcel Number(s): 229-1085
4. Owner of record: McBain Enterprises, Inc Phone: 608-365-0699  
2951 Kennedy Drive, Beloit WI 53511  
(Address) (City) (State) (Zip)
5. Applicant's Name: Chipman Design Architecture  
2700 S River Rd, Ste 400 Des Plaines IL 60018  
(Address) (City) (State) (Zip)  
847-298-6900 / ekivland@chipman-design.com  
(Office Phone #) (Cell Phone #) (E-mail Address)
6. All existing use(s) on this property are: Restaurant
7. **THE FOLLOWING ACTION IS REQUESTED:**  
A Conditional Use Permit for: Outdoor dining on new patio adjacent to building.  
\_\_\_\_\_ in a(n) \_\_\_\_\_ Zoning District.
8. All the proposed use(s) for this property will be:  
Principal use: Restaurant (A-2 occupancy)  
\_\_\_\_\_  
\_\_\_\_\_  
Secondary use: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Accessory use: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Project timetable: Start date: \_\_\_\_\_ Completion date: \_\_\_\_\_

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

- ( ) Owner
- (x) Leasehold, length of lease: \_\_\_\_\_
- ( ) 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]* / JOHN W. PATCH / 7.9.15  
 (Signature of Owner) (Print name) (Date)

*[Signature]* / ELIZABETH KIVLAND / 7.9.15  
 (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: <u>\$275.00</u>	Amount paid: <u>275.00</u> Meeting date: <u>08/05/15</u>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u>AEM</u>	Date: <u>07/10/15</u>

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

---



**Topic:** Zoning Map Amendment Application for the properties located at 2460 Milwaukee Road & 1420 Office Park Lane – Council Referral to the Plan Commission

**Date:** August 3, 2015

**Presenter(s):** Julie Christensen

**Department:** Community Development

---

### **Overview/Background Information:**

Craig Zastrow, Executive Pastor of Central Christian Church, has submitted an application for a Zoning Map Amendment to change the zoning district classification from C-1, Office District & M-2, General Manufacturing District to PLI, Public Lands & Institutions District, for the properties located at 2460 Milwaukee Road & 1420 Office Park Lane.

---

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

- This request includes the main church campus parcel on Milwaukee Road, as well as a vacant church-owned parcel that includes a stormwater retention pond to the south of the church campus.
- Planning staff supports this proposed Zoning Map Amendment, as both properties are planned for Institutional & Community Service uses. If approved, the requested rezoning will bring the subject properties into compliance with the City's Future Land Use Map, which is part of the City's Comprehensive Plan.
- The applicant is not proposing any land use changes at this time.

---

### **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:**

- Referral to the Plan Commission for the August 5, 2015 meeting
- This item will most likely return to the City Council for a public hearing and possible action on August 17, 2015

---

**Fiscal Note/Budget Impact:** N/A

---

**Attachments:** Application

# CITY of BELOIT

## PLANNING & BUILDING SERVICES DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

### Zoning Map Amendment Application Form

(Please Type or Print)

File No.: ZMA-2015-02

1. Address of subject property: 2460 Milwaukee Rd. # 1420 office Park Lane

2. Legal description: Lot: 2 Block: \_\_\_\_\_ Subdivision: 178 W Industrial Park  
(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: 14 acres.

3. Tax Parcel Number(s): 23021300 ; 23033700

4. Owner of record: Beloit Central Christian Church Phone: 608 362 7663

~~2460~~ 2460 Milwaukee Rd Beloit WI 53511  
(Address) (City) (State) (Zip)

5. Applicant's Name: Craig Lastraw, Executive Pastor

2460 Milwaukee Rd Beloit WI 53511  
(Address) (City) (State) (Zip)

608 362 7663 1 608 346 0528 1 craiglastraw@centralwired.com  
(Office Phone #) (Cell Phone #) (E-mail Address)

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

Change zoning district classification from: C-1 & M-2 to: PLI

All existing uses on this property are: Church

7. All the proposed uses for this property are:

Principal use(s): Church

Secondary use(s): Church

Accessory use(s): Church

8. I/we represent that I/we have a vested interest in this property in the following manner:  
 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): Craig Zastrow Phone: 608 362 7663  
2460 Milwaukee Rd                      Beloit                      WI                      53511  
(Address)                      (City)                      (State)                      (Zip)  
(1631 E. Ridge Rd)

**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.

*Craig Zastrow*                      |                      Craig Zastrow                      |                      7-10-15  
(Signature of Owner)                                           (Print name)                                           (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.

*\* 1<sup>st</sup> & 2<sup>nd</sup> Readings Requested @ CC DP*

To be completed by Planning Staff	
Filing Fee: <b>\$275.00</b>	Amount Paid: <u>\$275.<sup>00</sup></u> Meeting Date: <u>Aug. 5, 2015</u>
Number of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u><i>Dan Fong</i></u>	Date: <u>7/10/15</u>
Date Notice Published: _____	Date Notice Mailed: _____

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND SECTIONS 30.17(2)(b)2, (b)3, (b)6 AND (b)7a OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING TO ELECTRONICALLY VARIABLE-MESSAGE SIGNS**

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

Section 1. Section 30.17(2)(b)2 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"2. Be permitted in C-2, C-3, ~~and~~ CBD and PLI zoning districts as secondary, on-premises signs."

Section 2. Section 30.17(2)(b)3 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"3. Not exceed maximum allowable sign area as follows:

Zoning District	Maximum EVM Sign Area
C-2, <del>&amp;</del> C-3, <u>&amp; PLI</u>	75 sq. ft.
CBD	150 sq. ft.

An "on-premises, sign area bonus" may be permitted by §30.13(3) of this chapter."

Section 3. Section 30.17(2)(b)6 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"6. Not be located in the vision triangle as defined in section 8-400 of the Zoning Code. Be set back as required by the Zoning Code."

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Section 4. Section 30.17(2)(b)7a of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“a. Operate only between the hours of 6:00 a.m. and 10:00 p.m. if the ~~commercial~~ establishment at which they are located abuts or is directly across the street from a residential zoning district.”

Section 5. This ordinance shall be in force and take effect upon passage and publication.

Adopted this 20<sup>th</sup> day of July, 2015.

BELOIT CITY COUNCIL

By: \_\_\_\_\_  
Charles M. Haynes, President

ATTEST:

By: \_\_\_\_\_  
Lorena Rae Stottler, City Clerk

PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
01-611100-5231- \_\_\_\_\_

tdh/ordinances/30.17(2) = ORD = 20150623 (15- )



# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

---



**Topic:** Sign Ordinance Amendment

**Date:** August 3, 2015

**Presenter(s):** Julie Christensen

**Department:** Community Development

---

### Overview/Background Information:

Central Christian Church has an interest in installing an Electronically Variable-Message (EVM) sign to notify the public of programs at the church. It is currently prohibited to have an EVM sign at their current location. In response to their request, City of Beloit staff has drafted an Ordinance to amend four sections of the City's Outdoor Sign Regulations, hereafter referred to as the "Sign Ordinance." The proposed Ordinance is attached.

---

### Key Issues:

- The most substantive changes are listed below.
- Section 1 of the proposed Ordinance adds the PLI zoning district to the list of zoning districts permitted to have EVM signs as secondary, on-premise signs.
- Section 2 establishes maximum sign areas for EVM signs in the PLI zoning districts.
- Section 3 changes where EVM signs are allowed to be located with regards to the vision triangle.
- The Plan Commission reviewed this item on July 8, 2015, and voted unanimously (6-0) to recommend approval of the Sign Ordinance with two modifications.
  - Location: The original version of the Sign Ordinance proposed permitting EVM signs in PLI and C-1 zoning districts. The Plan Commission recommended only allowing EVM signs in the PLI zoning district.
  - Operating Time: The original version of the Sign Ordinance proposed establishments with EVM signs only have time restrictions if they abut a residential district. The Plan Commission recommended adding time restrictions on EVM signs for establishments that either abut a residential district OR are located directly across from a residential district.
- There are 155 parcels zoned PLI in the City of Beloit. Of these 155 parcels, 70 are owned by the City of Beloit, 28 are owned by Beloit College, and 21 are owned by the School District of Beloit. Churches and private cemeteries are located on 12 parcels zoned PLI. The remaining parcels are owned by a variety of owners, including Alliant Energy, Beloit Health System, Historical Society, YMCA, US Army, Family Services, and the Boys and Girls Club.

---

### Conformance to Strategic Plan:

- Consideration of this request supports 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**

---

### Action required/Recommendation:

- City Council consideration and action on the proposed Resolution.

**Fiscal Note/Budget Impact:** N/A

---

**Attachments:** Proposed Ordinance, Plan Commission Staff Report

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

---



**Topic:** Sign Ordinance Amendments

**Date:** July 20, 2015

**Presenter(s):** Julie Christensen

**Department:** Community Development

---

### Overview/Background Information:

City of Beloit staff has drafted an Ordinance to amend four sections of the City's Outdoor Sign Regulations, hereafter referred to as the "Sign Ordinance." The purpose of the proposed amendments is to allow the Central Christian Church on Milwaukee Road to use an Electronically Variable-Message (EVM) Sign to notify the public of programs at the church. The proposed Ordinance is attached.

---

### Key Issues:

- The most substantive changes are listed below.
- Section 1 of the proposed Ordinance adds the PLI zoning district to the list of zoning districts permitted to have EVM signs as secondary, on-premise signs.
- Section 2 establishes maximum sign areas for EVM signs in the PLI zoning districts.
- Section 3 changes where EVM signs are allowed to be located with regards to the vision triangle.
- The Plan Commission reviewed this item on July 8, 2015, and voted unanimously (6-0) to recommend approval of the Sign Ordinance with two modifications.
  - Location: The original version of the Sign Ordinance proposed permitting EVM signs in PLI and C-1 zoning districts. The Plan Commission recommended only allowing EVM signs in the PLI zoning district.
  - Operating Time: The original version of the Sign Ordinance proposed establishments with EVM signs only have time restrictions if they abut a residential district. The Plan Commission recommended adding time restrictions on EVM signs for establishments that either abut a residential district OR are located directly across from a residential district.

---

### Conformance to Strategic Plan:

- Consideration of this request supports 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**

---

### Action required/Recommendation:

- City Council consideration and action on the proposed Resolution.

---

**Fiscal Note/Budget Impact:** N/A

---

**Attachments:** Proposed Ordinance, Plan Commission Staff Report

# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION

---



**Meeting Date:** July 8, 2015

**Agenda Item:** 3

**File Number:** RPB-2015-07

---

### **Request Overview/Background Information:**

City of Beloit staff has drafted an Ordinance to amend four sections of the City's Outdoor Sign Regulations, hereafter referred to as the "Sign Ordinance." This ordinance amendment was generated in response to a request from Central Christian Church on Milwaukee Road to use an Electronically Variable-Message (EVM) Sign to notify the public of programs at the church. The proposed Ordinance is attached.

---

### **Key Issues:**

- The most substantive changes are listed below.
  - Section 1 of the proposed Ordinance adds C-1 & PLI zoning districts to the list of zoning districts permitted to have EVM signs as secondary, on-premise signs.
  - Section 2 establishes maximum sign areas for EVM signs in C-1 & PLI zoning districts.
  - Section 3 changes where EVM signs are allowed to be located with regards to the vision triangle.
  - Section 4 adds time restrictions for establishments with EVM signs that are directly across from residential districts.
  - The attached Public Notice was published in the Beloit Daily News.
- 

### **Consistency with Comprehensive Plan and Strategic Plan:**

- The proposed Ordinance is consistent with the City's Comprehensive Plan.
  - Consideration of this request supports 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 the attached Ordinance to amend various sections of the Code of General Ordinances of the City of Beloit pertaining to Electronically Variable-Message (EVM) signs.

---

**Fiscal Note/Budget Impact:** N/A

---

**Attachments:** Proposed Ordinance and Public Notice

**PUBLIC NOTICE**

City of Beloit staff has drafted an Ordinance to amend four sections of the City's Outdoor Sign Regulations. The proposed amendments will allow Electronic Variable Messaging signs in both C-1 and PLI zoning districts. The proposed Ordinance is available on the City's website ([www.ci.beloit.wi.us](http://www.ci.beloit.wi.us)) under Document Center > Public Notices > 2015. The following public hearings will be held regarding this proposed Ordinance: **City Plan Commission**: Wednesday, July 8, 2015, and **City Council**: Monday, July 20, 2015, both 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. For additional information, contact Alex Morganroth in the Planning & Building Services Division at (608) 364-6708.  
Lorena Rae Stottler, City Clerk  
#01-611100-5231-85  
Published: July 3, 2015

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

---



**Topic:** An Ordinance to Repeal and Recreate Section 1.10 of the Code of General Ordinances of the City of Beloit Pertaining to Emergency Management

**Date:** August 3, 2015

**Presenter(s):** Chief Bradley Liggett

**Department(s):** Fire

---

**Overview/Background Information:**

The City of Beloit has reorganized the Emergency Management Function and reassigned these duties to operate under the auspices of the Fire Department. This ordinance repeals and recreates Chapter 1.10 of the Code of General Ordinances of the City of Beloit.

The goal of this ordinance change was to mirror state statute for terminology and to be compliant with the National Incident Management System and the National Response Framework. The Emergency Management Function should be performed as a critical supporting role in accordance with the national response model. Our previous ordinance created a model where the Emergency Management Function was actually performing a command function instead of a support function.

---

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

- Previously the ordinance was also void of interim successors for the Director of Emergency Management Services this ordinance creates a line of succession.
- This ordinance also reflects changes in the continuity of government line of succession for the City Manager. It is extremely important to make sure we reflect the line of authority based on our current operating capacity.
- This ordinance expands involvement of all the city management team in emergency management.
- This ordinance adopts minimum training standards for all employees in compliance with the National Incident Management System.
- Finally, emergency operations will adopt the National Incident Management System as our common operating platform for incident management.

---

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

1. As an eco-municipality, focus on the sustainable stewardship of City resources, services and infrastructure; to protect both our built and natural environment and enhance the quality of life for current and future generations.
3. Proactively partner with individuals and businesses to promote a safe and healthy community, minimize personal injury, prevent loss of life and protect property and natural resources.

---

**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**
  - NA
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**
  - NA
- **Reduce dependence on activities that harm life sustaining eco-systems**
  - NA
- **Meet the hierarchy of present and future human needs fairly and efficiently**
  - NA

---

**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 Ordinance

---

**Fiscal Note/Budget Impact:** The management team will be submitting a budget for the Emergency Management Function for exercises, training, emergency operation center facility needs, and emergency operations center job aids.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 1.10 OF THE CODE OF  
GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING TO EMERGENCY  
MANAGEMENT**

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

Section 1. Section 1.10 of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

**“1.10 EMERGENCY MANAGEMENT.**

- (1) **AUTHORITY.** This section is enacted pursuant to the provisions of Chapter 323 of the Wisconsin Statutes.
- (2) **POLICY AND PURPOSE.**
  - (a) Emergency Management requires the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters of all kinds, including enemy action and natural and unforeseen disasters. It is, therefore, necessary to:
    1. Establish a local comprehensive Emergency Management Plan.
    2. Provide for the exercise of necessary powers during emergencies resulting from disaster; and
    3. Provide for cooperation and mutual assistance between the City of Beloit and other political subdivisions.
    4. Collaborate with private individuals and entities for the purpose of preparing for, responding to, and recovering from such disasters and emergencies.
  - (b) It is further declared to be the purpose of this section and the policy of the City that all emergency management functions of the City shall be carried out pursuant to this section and the comprehensive Emergency Management Plan developed hereunder, as part of a countywide emergency management program to the maximum extent practicable. Existing services and resources of this City shall be used as needed. All of this shall be carried out within the framework of Chapter 323 of the Wisconsin Statutes.

- (3) DEFINITIONS. Except as otherwise specifically provided in this section, the definitions outlined in Chapter 323 of the Wisconsin Statutes are hereby adopted and, by reference, made a part of this section as if fully set forth herein, including any subsequent amendments or revisions thereto.
- (4) DIRECTOR OF EMERGENCY MANAGEMENT SERVICES.
- (a) Appointment. The Fire Chief, or his/her designee, shall be the Director of Emergency Management for the City of Beloit. For the purposes of this section, any reference to the Director of Emergency Management shall mean the Director or his/her designee.
- (b) Duties and Authority.
1. The Director of Emergency Management shall have direct responsibility for the organization, administration, and operation of emergency management within the framework of the City's Emergency Management Plan, subject to the direction of the City Manager and the City Council.
  2. The Director of Emergency Management shall serve as chairperson for the Emergency Management Committee. The Director of Emergency Management may establish subcommittees and/or task forces at any time to enhance training, planning, or to prepare various prevention and response strategies to individual risks. Subcommittees and task forces may contain members of the Emergency Management Committee as well as other selected individuals having specialized knowledge, skills, or training that can assist the City in assessing risk and preparing appropriate responses.
  3. The Director of Emergency Management shall coordinate all activities for emergency management within the City and shall maintain liaison and cooperate with emergency management in local, state and federal governments.
  4. The Director of Emergency Management shall prepare a comprehensive plan for the emergency management of the City.
  5. The Director of Emergency Management shall participate in county and state emergency management activities when requested, and shall have such additional responsibilities as may from time to time be required by the City Manager or the City Council.
  6. In preparing and executing the Emergency Management Plan, the Director of Emergency Management Services shall utilize the services, equipment, supplies, and facilities of the City to the maximum extent practicable. All city personnel are directed to cooperate with and



extend such services and facilities to the Director of Emergency Management Services.

(5) EMERGENCY MANAGEMENT COMMITTEE.

- (a) Membership. There is hereby created a City of Beloit Emergency Management Committee. The Emergency Management Committee shall consist of the City Manager, the City Council President, all City department heads, the Director of Emergency Management, the Deputy Director of Emergency Management Services for Planning, and the Deputy Director of Emergency Management Services for Operations.
- (b) Powers and Duties. The Emergency Management Committee shall be responsible for advising the City Council and shall have the authority to conduct all matters of business regarding hazard mitigation, emergency planning, response support, and disaster recovery of natural and man-made disasters.
- (c) Meetings. The Emergency Management Committee shall meet periodically to coordinate emergency preparedness and shall convene as soon as possible upon the declaration of an emergency. Special meetings may be called at the direction of the committee chairperson.
- (d) Response. Upon notice of a declaration of emergency, each committee member shall respond immediately to the Emergency Operations Center to await further instructions.

(6) DEPUTY DIRECTOR OF EMERGENCY MANAGEMENT SERVICES.

- (a) Appointment. The Director of Emergency Management Services may appoint one or more individuals to serve as Deputy Director(s) of Emergency Management Services to assist with performing emergency management activities.
- (b) Powers and Duties. A Deputy Director of Emergency Management Services appointed in this section shall be under the supervision of the Director of Emergency Management Services and shall perform such day to day duties as are necessary to support planning, training and coordination of emergency management activities.

(7) EMERGENCY MANAGEMENT PLAN. The Director of Emergency Management Services shall prepare a comprehensive plan for the emergency management of the City of Beloit. Each department of the City shall collaborate with the Director of Emergency Management Services for the purpose of creating an Emergency Management Plan. The Emergency Management Plan created hereunder is hereby approved and adopted by the City Council. The plan shall be filed with the City Clerk and shall be reviewed, updated and submitted to the City Council for approval at least once every three (3) years.

(8) DECLARATION OF EMERGENCIES.

(a) Declaration of Emergency by the City.

1. The City Council is empowered by §323.11, Wis. Stats., to declare, by ordinance or resolution, an emergency existing within the City of Beloit whenever conditions arise by reason of a riot or civil commotion, a disaster, or an imminent threat of a disaster, that impairs transportation, food or fuel supplies, medical care, fire, health or police protection, or other critical systems of the City of Beloit.
2. The City Council may, by ordinance or resolution, promulgate any orders, rules, and regulations relating to the conduct of persons and the use of property as shall be necessary and expedient to protect the public peace, health, safety, protection and welfare of persons or property, including prohibiting, restricting, and removing all unnecessary traffic, both vehicular and pedestrian, from highways within the City, and to insure the cooperation necessary in emergency management activities.
3. The period of the emergency shall be limited by the ordinance or resolution to the time during which the emergency conditions exist or are likely to exist.

(b) Declaration by the Governor. The Governor for the State of Wisconsin is empowered by §323.10, Wis. Stats., to issue an executive order declaring a state of emergency for the State of Wisconsin, or any portion thereof, if the Governor determines that an emergency resulting from a disaster or the imminent threat of a disaster exists. The state of emergency shall not exceed 60 days, unless the state of emergency is extended by joint resolution of the Wisconsin State Legislature. The executive order may be revoked at the discretion of either the Governor by executive order or the Wisconsin State Legislature by joint resolution.

(9) EMERGENCY MANAGEMENT OPERATIONS AND ORGANIZATION.

(a) City Manager.

1. The City Manager shall oversee all operations at the Emergency Operations Center and shall have final decision-making authority throughout the state of emergency.
2. Whenever necessary to respond to an emergency for which adequate ordinances or resolutions have not been adopted by the City Council, the City Manager, or in his/her absence, the person in charge as determined by the order of succession established in subsection (11), below, may, by proclamation, promulgate and enforce such orders,

rules, and regulations that appear necessary and expedient. Any proclamation issued hereunder shall be subject to ratification, alteration, modification or repeal by the City Council as soon as the Council can meet. Subsequent action taken by the City Council shall not affect the validity of the proclamation issued by the City Manager.

3. The City Manager shall issue all necessary proclamations, warnings, and alerts as required by the Emergency Management Plan.

(b) Emergency Operations Center Manager. The Emergency Operations Center Manager will be the member of the Emergency Management Committee and will be appointed by the City Manager and generally determined by whose response discipline would be the primary responder to the emergency (i.e. SWAT incident—Police Chief, snow emergency—Public Works Director).

(c) Operations.

1. Upon declaration of a state of emergency affecting the City of Beloit, members of the Emergency Management Committee shall serve as the Emergency Operations Center Command Staff under the general direction of the Emergency Management Coordinator. Additional staff may be appointed or designated to serve on the Committee depending upon the emergency type, length or duration.

2. Normal City operations shall continue unless suspended by order or directive of the City Manager. The City Manager may require City personnel to perform services performed in the normal and general course of employment to address the state of emergency.

3. The Emergency Operations Center Command Staff shall plan, direct, coordinate, and control all facets of emergency management operations from the moment an emergency has been formally declared and until the state of emergency is formally lifted.

4. During a state of emergency, the City Manager may contract with any person to provide equipment or services to be used to respond to a disaster, or the imminent threat of a disaster.

(10) LOCATION OF EMERGENCY OPERATIONS CENTER. The Emergency Operations Center shall be located the Beloit Police Department Briefing Room at 100 State Street in the City of Beloit unless that site becomes unsuitable or unusable. In the event that the primary Emergency Operations Center becomes unsuitable or unusable, the Emergency Operations Center shall be located at the Fire Department Headquarters at 1111 Church Street in the City of Beloit. The Emergency Operations Center shall serve as the primary location and control facility from which members of the Emergency Management Committee and their designees shall direct emergency management activities within the City.

- (11) **SUCCESSION TO OFFICE.** During an emergency, and in the absence of the City Manager, interim successors to the Office of the City Manager shall be in the order listed below:
- (a) City Attorney
  - (b) Police Chief
  - (c) Fire Chief
  - (d) Finance and Administrative Services Director
- (12) **MUTUAL AID AGREEMENTS.** The City Manager may, subject to the approval of the City Council, enter into mutual aid agreements with other political subdivisions, agencies, and federally recognized American Indian tribes and bands of this state, and, upon prior approval of the Adjutant General, with such entities in bordering states. A copy of each agreement shall be filed with the Office of the Adjutant General of the Department of Military Affairs within 10 days after execution of the agreement.
- (13) **PROHIBITED CONDUCT.** No person shall willfully obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any order, rule, regulation, or plan issued pursuant to this section, or violate any order, rule, regulation, or plan issued pursuant to the authority contained in this section. Any person who shall violate any provision of the section shall upon conviction thereof be subject to a penalty as provided in 25.04 of this code.”

Section 2. Section 25.04(4)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to add in numerical order to the Schedule of Cash Deposits the following penalty provision for violations of the Emergency Management Ordinance:

<b>Section</b>	<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third and Subsequent Offense</b>
1.10(13)	Obstructing Emergency Management Personnel or Violation of Emergency Management Order, Rule or Regulation	200	200	200

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

Adopted this 3<sup>rd</sup> day of August, 2015.

BELOIT CITY COUNCIL

By: \_\_\_\_\_  
Charles M. Haynes, President

ATTEST:

By: \_\_\_\_\_  
Lorena Rae Stottler, City Clerk

PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
01-611100-5231- \_\_\_\_\_

tdh/ordinances/ 1.10 = ORD 20150623 (15-1104)

**RESOLUTION APPROVING THE 2014  
COMPLIANCE MAINTENANCE ANNUAL REPORT**

**WHEREAS**, the State of Wisconsin has established Chapter NR 208, Compliance Maintenance, and

**WHEREAS**, NR 208, Compliance Maintenance requires owners of publicly owned treatment works to take necessary actions to avoid water quality degradation and prevent violations of WPDES permit effluent limits; and

**WHEREAS**, Compliance Maintenance encourages actions which promote the owner's awareness and responsibility for wastewater treatment needs, maximize the useful life of sewerage systems through improved operation and maintenance and initiate formal planning, design and construction to prevent effluent violations; and

**WHEREAS**, the owners of publicly owned treatment works must submit a Compliance Maintenance Annual Report (CMAR) to the Wisconsin Department of Natural Resources (WDNR) on or before June 30<sup>th</sup> of each year; and

**WHEREAS**, the CMAR describes the physical conditions and the performance of the sewerage system during the previous calendar year and provides a treatment works owner with an objective analysis to determine whether a more detailed evaluation of the sewerage system shall be conducted; and

**WHEREAS**, the City of Beloit's 2014 CMAR has been completed and the point system score is 4.00 which indicates the Water Pollution Control Facility is fully compliant with all requirements of NR 208; and

**WHEREAS**, NR states that, "For point totals equal to or less than 3.00, the owner may evaluate and implement steps to address problems identified in the CMAR. The owner may initiate longer range planning for new, upgraded or additional treatment facilities";

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Beloit declares to the State of Wisconsin Department of Natural Resources that the following actions were taken by the Beloit City Council:

1. Reviewed the 2014 CMAR, which is attached to the Resolution.
2. Set forth actions necessary to maintain effluent requirements contained in the WPDES permit.

Adopted this 3rd day of August 2015.

---

Charles M. Haynes  
City Council President

Attest:

---

Lorena Rae Stottler  
City Clerk



# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



**Topic: 2014 Wastewater Utility Wisconsin DNR Compliance Maintenance Annual Report**

**Date: 8/3/2015**

**Presenter(s): Harry Mathos**

**Department(s): Public Works/Water Resources**

**Overview/Background Information:** The purpose of the Wisconsin Department of Natural Resources Compliance Maintenance Annual Report is to evaluate the wastewater treatment and collection systems for problems or deficiencies. Management, operation and maintenance activities are described. Owners identify proposed actions to prevent violations of Wisconsin Pollution Discharge Elimination System permits and water degradation.

---

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

1. Promote the owner's awareness and responsibility for wastewater treatment and collection needs.
2. Maximize the useful life of wastewater treatment systems through improved operation and maintenance.
3. Initiate formal planning, design and construction for system upgrades.

---

**Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):** The CMAR is a tool to identify strengths and potential weaknesses which can be used/corrected to protect the health, safety and environment of the Lower Rock River Watershed through effective pollution abatement. Key goals include:

1. Meet all Wisconsin Pollution Discharge Elimination System permit criteria.
2. Identify and maintain adequate funding for operation, repair, upgrades and equipment replacement.
3. Identify potential deficiencies and develop compliance schedule.

---

**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:** The Water Resource Division (WRD) continuously seeks and identifies areas to utilize byproducts of the treatment process. As an example, the WRD utilizes the bio-gas (methane) generated in its anaerobic digestion process to fire boilers which, in turn, is used to heat buildings and digesters. This reduces the need and consumption of natural gas.
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature:** In order to prevent disease causing organisms from entering the Rock River, the WRD uses sodium hypochlorite/sodium bisulfite to disinfect the effluent. The current system has worked exceptionally well since the plant's inception however, alternative methods, such as ultra-violet radiation, are evaluated periodically to determine feasibility.
- **Reduce dependence on activities that harm life sustaining eco-systems:** The WRD is required by the EPA to create and implement a public awareness program to make citizens/rate payers aware of alternative activities to reduce the amount of harmful products discharged to the sanitary/storm sewer system.
- **Meet the hierarchy of present and future human needs fairly and efficiently:** A properly operated and maintained wastewater treatment facility is critical to sustain and improve the Lower Rock River Watershed for current and future generations.

---

**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:** Review and approve CMAR as written. Please note that the resolution states the CMAR must be submitted to the DNR by June 30<sup>th</sup> of each year. Due to issues with the DNR's e-filing system, the deadline has been extended to August 31, 2015.

---

**Fiscal Note/Budget Impact: N/A**

# Compliance Maintenance Annual Report

Beloit Wastewater Treatment Facility

Last Updated: Reporting For:

6/16/2015

2014

## Influent Flow and Loading

### 1. Monthly Average Flows and (C)BOD Loadings

1.1 Verify the following monthly flows and (C)BOD loadings to your facility.

Outfall No. 701	Influent Monthly Average Flow, MGD	x	Influent Monthly Average (C)BOD Concentration mg/L	x	8.34	=	Influent Monthly Average (C)BOD Loading, lbs/day
January	3.6340	x	524	x	8.34	=	15,887
February	3.6324	x	498	x	8.34	=	15,094
March	4.0007	x	484	x	8.34	=	16,135
April	4.1423	x	450	x	8.34	=	15,556
May	4.2696	x	521	x	8.34	=	18,547
June	3.8984	x	562	x	8.34	=	18,260
July	4.1588	x	503	x	8.34	=	17,461
August	3.7300	x	634	x	8.34	=	19,730
September	3.6014	x	684	x	8.34	=	20,550
October	3.4877	x	640	x	8.34	=	18,607
November	3.3072	x	589	x	8.34	=	16,249
December	3.4251	x	524	x	8.34	=	15,887

### 2. Maximum Month Design Flow and Design (C)BOD Loading

2.1 Verify the design flow and loading for your facility.

Design	Design Factor	x	%	=	% of Design
Max Month Design Flow, MGD	11.3	x	90	=	10.17
		x	100	=	11.3
Design (C)BOD, lbs/day	37200	x	90	=	33480
		x	100	=	37200

2.2 Verify the number of times the flow and (C)BOD exceeded 90% or 100% of design, points earned, and score:

	Months of Influent	Number of times flow was greater than 90% of	Number of times flow was greater than 100% of	Number of times (C)BOD was greater than 90% of design	Number of times (C)BOD was greater than 100% of design
January	1	0	0	0	0
February	1	0	0	0	0
March	1	0	0	0	0
April	1	0	0	0	0
May	1	0	0	0	0
June	1	0	0	0	0
July	1	0	0	0	0
August	1	0	0	0	0
September	1	0	0	0	0
October	1	0	0	0	0
November	1	0	0	0	0
December	1	0	0	0	0
Points per each		2	1	3	2
Exceedances		0	0	0	0
Points		0	0	0	0
<b>Total Number of Points</b>					<b>0</b>

# Compliance Maintenance Annual Report

Beloit Wastewater Treatment Facility

Last Updated: Reporting For:  
6/16/2015 2014

## 3. Flow Meter

3.1 Was the influent flow meter calibrated in the last year?

Yes Enter last calibration date (MM/DD/YYYY)

No

If No, please explain:

## 4. Sewer Use Ordinance

4.1 Did your community have a sewer use ordinance that limited or prohibited the discharge of excessive conventional pollutants ((C)BOD, SS, or pH) or toxic substances to the sewer from industries, commercial users, hauled waste, or residences?

Yes

No

If No, please explain:

4.2 Was it necessary to enforce the ordinance?

Yes

No

If Yes, please explain:

## 5. Septage Receiving

5.1 Did you have requests to receive septage at your facility?

Septic Tanks                      Holding Tanks                      Grease Traps

Yes

Yes

Yes

No

No

No

5.2 Did you receive septage at your facility? If yes, indicate volume in gallons.

Septic Tanks

Yes  gallons

No

Holding Tanks

Yes  gallons

No

Grease Traps

Yes  gallons

No

5.2.1 If yes to any of the above, please explain if plant performance is affected when receiving any of these wastes.

## 6. Pretreatment

6.1 Did your facility experience operational problems, permit violations, biosolids quality concerns, or hazardous situations in the sewer system or treatment plant that were attributable to commercial or industrial discharges in the last year?

Yes

No

If yes, describe the situation and your community's response.

6.2 Did your facility accept hauled industrial wastes, landfill leachate, etc.?

Yes

# Compliance Maintenance Annual Report

**Beloit Wastewater Treatment Facility**

Last Updated: Reporting For:  
6/16/2015 **2014**

<ul style="list-style-type: none"><li>• No</li></ul> <p>If yes, describe the types of wastes received and any procedures or other restrictions that were in place to protect the facility from the discharge of hauled industrial wastes.</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	
---	--

<b>Total Points Generated</b>	0
<b>Score (100 - Total Points Generated)</b>	100
<b>Section Grade</b>	<b>A</b>

# Compliance Maintenance Annual Report

Beloit Wastewater Treatment Facility

Last Updated: Reporting For:  
6/16/2015 **2014**

## Effluent Quality and Plant Performance (BOD/CBOD)

1. Effluent (C)BOD Results  
1.1 Verify the following monthly average effluent values, exceedances, and points for BOD or CBOD

Outfall No. 001	Monthly Average Limit (mg/L)	90% of Permit Limit > 10 (mg/L)	Effluent Monthly Average (mg/L)	Months of Discharge with a Limit	Permit Limit Exceedance	90% Permit Limit Exceedance
January	25	22.5	5	1	0	0
February	25	22.5	3	1	0	0
March	25	22.5	3	1	0	0
April	25	22.5	6	1	0	0
May	25	22.5	6	1	0	0
June	25	22.5	5	1	0	0
July	25	22.5	6	1	0	0
August	25	22.5	4	1	0	0
September	25	22.5	6	1	0	0
October	25	22.5	5	1	0	0
November	25	22.5	4	1	0	0
December	25	22.5	4	1	0	0

\* Equals limit if limit is <= 10

Months of discharge/yr	12		
Points per each exceedance with 12 months of discharge		7	3
Exceedances		0	0
Points		0	0
<b>Total number of points</b>			<b>0</b>

NOTE: For systems that discharge intermittently to state waters, the points per monthly exceedance for this section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge. Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is 12/6 = 2.0

- 1.2 If any violations occurred, what action was taken to regain compliance?

### 2. Flow Meter Calibration

- 2.1 Was the effluent flow meter calibrated in the last year?

Yes

Enter last calibration date (MM/DD/YYYY)

06/01/2014

No

If No, please explain:

### 3. Treatment Problems

- 3.1 What problems, if any, were experienced over the last year that threatened treatment?

A few industrial loadings that were higher than normal but staff responded accordingly and facility adjusted.

### 4. Other Monitoring and Limits

- 4.1 At any time in the past year was there an exceedance of a permit limit for any other pollutants such as chlorides, pH, residual chlorine, fecal coliform, or metals?

Yes

No

# Compliance Maintenance Annual Report

Beloit Wastewater Treatment Facility

Last Updated: Reporting For:  
6/16/2015 **2014**

<p>If Yes, please explain: <input type="text"/></p> <p>4.2 At any time in the past year was there a failure of an effluent acute or chronic whole effluent toxicity (WET) test? <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>If Yes, please explain: <input type="text"/></p> <p>4.3 If the biomonitoring (WET) test did not pass, were steps taken to identify and/or reduce source(s) of toxicity? <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A</p> <p>Please explain unless not applicable: <input type="text"/></p>
--

<b>Total Points Generated</b>	0
<b>Score (100 - Total Points Generated)</b>	100
<b>Section Grade</b>	<b>A</b>



# Compliance Maintenance Annual Report

Beloit Wastewater Treatment Facility

Last Updated: Reporting For:  
6/16/2015 **2014**

## Effluent Quality and Plant Performance (Total Suspended Solids)

1. Effluent Total Suspended Solids Results  
 1.1 Verify the following monthly average effluent values, exceedances, and points for TSS:

Outfall No. 001	Monthly Average Limit (mg/L)	90% of Permit Limit >10 (mg/L)	Effluent Monthly Average (mg/L)	Months of Discharge with a Limit	Permit Limit Exceedance	90% Permit Limit Exceedance
January	30	27	6	1	0	0
February	30	27	5	1	0	0
March	30	27	5	1	0	0
April	30	27	13	1	0	0
May	30	27	6	1	0	0
June	30	27	5	1	0	0
July	30	27	7	1	0	0
August	30	27	4	1	0	0
September	30	27	5	1	0	0
October	30	27	3	1	0	0
November	30	27	5	1	0	0
December	30	27	5	1	0	0

\* Equals limit if limit is <= 10

Months of Discharge/yr	12		
<b>Points per each exceedance with 12 months of discharge:</b>		<b>7</b>	<b>3</b>
Exceedances		0	0
Points		0	0
<b>Total Number of Points</b>			<b>0</b>

NOTE: For systems that discharge intermittently to state waters, the points per monthly exceedance for this section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge.

Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is  $12/6 = 2.0$

- 1.2 If any violations occurred, what action was taken to regain compliance?

--

<b>Total Points Generated</b>	<b>0</b>
<b>Score (100 - Total Points Generated)</b>	<b>100</b>
<b>Section Grade</b>	<b>A</b>

# Compliance Maintenance Annual Report

Beloit Wastewater Treatment Facility

Last Updated: Reporting For:  
6/16/2015 **2014**

## Effluent Quality and Plant Performance (Phosphorus)

### 1. Effluent Phosphorus Results

#### 1.1 Verify the following monthly average effluent values, exceedances, and points for Phosphorus

Outfall No. 001	Monthly Average phosphorus Limit (mg/L)	Effluent Monthly Average phosphorus (mg/L)	Months of Discharge with a Limit	Permit Limit Exceedance
January	2	.291290323	1	0
February	2	.263333333	1	0
March	2	.28483871	1	0
April	2	.728	1	0
May	2	.489677419	1	0
June	2	1.186551724	1	0
July	2	1.627096774	1	0
August	2	.599333333	1	0
September	2	.746	1	0
October	2	.369666667	1	0
November	2	.343793103	1	0
December	2	.361666667	1	0
Months of Discharge/yr			12	
<b>Points per each exceedance with 12 months of discharge:</b>				<b>10</b>
Exceedances				0
<b>Total Number of Points</b>				<b>0</b>

NOTE: For systems that discharge intermittently to waters of the state, the points per monthly exceedance for this section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge.

Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is  $12/6 = 2.0$

#### 1.2 If any violations occurred, what action was taken to regain compliance?

--

<b>Total Points Generated</b>	<b>0</b>
<b>Score (100 - Total Points Generated)</b>	<b>100</b>
<b>Section Grade</b>	<b>A</b>

# Compliance Maintenance Annual Report

Beloit Wastewater Treatment Facility

Last Updated: Reporting For:  
6/16/2015 2014

## Biosolids Quality and Management

### 1. Biosolids Use/Disposal

1.1 How did you use or dispose of your biosolids? (Check all that apply)

- Land applied under your permit
- Publicly Distributed Exceptional Quality Biosolids
- Hauled to another permitted facility
- Landfilled
- Incinerated
- Other

NOTE: If you did not remove biosolids from your system, please describe your system type such as lagoons, reed beds, recirculating sand filters, etc.

1.1.1 If you checked Other, please describe:

### 2. Land Application Site

2.1 Last Year's Approved and Active Land Application Sites

2.1.1 How many acres did you have?

6562.40 acres

2.1.2 How many acres did you use?

686 acres

2.2 If you did not have enough acres for your land application needs, what action was taken?

2.3 Did you overapply nitrogen on any of your approved land application sites you used last year?

Yes (30 points)

No

2.4 Have all the sites you used last year for land application been soil tested in the previous 4 years?

Yes

No (10 points)

N/A

### 3. Biosolids Metals

Number of biosolids outfalls in your WPDES permit:

3.1 For each outfall tested, verify the biosolids metal quality values for your facility during the last calendar year.

#### Outfall No. 002 - Anaerobic Sludge

Parameter	80% of Limit	H.Q. Limit	Ceiling Limit	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	80% Value	High Quality	Ceiling
Arsenic		41	75	<2.7			<2.7				<9.1		<4.3				0	0
Cadmium		39	85	.86			.72				.96		.86				0	0
Copper		1500	4300	380			300				330		320				0	0
Lead		300	840	26			22				24		23				0	0
Mercury		17	57	<.16			<.65				<1.2		<1				0	0
Molybdenum	60		75	13			13				10		10			0		0
Nickel	336		420	22			17				23		20			0		0
Selenium	80		100	<6.4			<6.5				<13		<6.2			0		0
Zinc		2800	7500	600			520				590		570				0	0

3.1.1 Number of times any of the metals exceeded the high quality limits OR 80% of the limit for molybdenum, nickel, or selenium = 0

Exceedence Points

0 (0 Points)

# Compliance Maintenance Annual Report

Beloit Wastewater Treatment Facility

Last Updated: Reporting For:  
6/17/2015 **2014**

- 1-2 (10 Points)
- > 2 (15 Points)

3.1.2 If you exceeded the high quality limits, did you cumulatively track the metals loading at each land application site? (check applicable box)

- Yes
- No (10 points)
- N/A - Did not exceed limits or no HQ limit applies (0 points)
- N/A - Did not land apply biosolids until limit was met (0 points)

3.1.3 Number of times any of the metals exceeded the ceiling limits = 0  
Exceedence Points

- 0 (0 Points)
- 1 (10 Points)
- > 1 (15 Points)

3.1.4 Were biosolids land applied which exceeded the ceiling limit?

- Yes (20 Points)
- No (0 Points)

3.1.5 If any metal limit (high quality or ceiling) was exceeded at any time, what action was taken? Has the source of the metals been identified?

0

## 4. Pathogen Control (per outfall):

4.1 Verify the following information. If any information is incorrect, Contact Us.

Outfall Number:	<b>002</b>
Biosolids Class:	B
Bacteria Type and Limit:	
Sample Dates:	01/01/2014 - 03/31/2014
Density:	
Sample Concentration Amount:	MPN/G TS
Requirement Met:	Yes
Land Applied:	No
Process:	ANAER
Process Description:	35 to 40 days at 94 degrees.

Outfall Number:	<b>002</b>
Biosolids Class:	B
Bacteria Type and Limit:	F
Sample Dates:	04/01/2014 - 06/30/2014
Density:	45,620
Sample Concentration Amount:	MPN/G TS
Requirement Met:	Yes
Land Applied:	Yes
Process:	ANAER
Process Description:	35 to 40 days at 94 degrees.

# Compliance Maintenance Annual Report

Beloit Wastewater Treatment Facility

Last Updated: Reporting For:  
6/16/2015 **2014**

Outfall Number:	<b>002</b>
Biosolids Class:	B
Bacteria Type and Limit:	
Sample Dates:	07/01/2014 - 09/30/2014
Density:	
Sample Concentration Amount:	MPN/G TS
Requirement Met:	Yes
Land Applied:	No
Process:	ANAER
Process Description:	35 to 40 days at 94 degrees.

Outfall Number:	<b>002</b>
Biosolids Class:	B
Bacteria Type and Limit:	F
Sample Dates:	10/01/2014 - 12/31/2014
Density:	71,606
Sample Concentration Amount:	MPN/G TS
Requirement Met:	Yes
Land Applied:	Yes
Process:	ANAER
Process Description:	35 to 40 Days at 94 Degrees.

4.2 If exceeded Class B limit or did not meet the process criteria at the time of land application.

4.2.1 Was the limit exceeded or the process criteria not met at the time of land application?

Yes (40 Points)

No

If yes, what action was taken?

5. Vector Attraction Reduction (per outfall):

5.1 Verify the following information. If any of the information is incorrect, Contact Us.

Outfall Number:	<b>002</b>
Method Date:	03/31/2014
Option Used To Satisfy Requirement:	INJ
Requirement Met:	Yes
Land Applied:	No
Limit (if applicable):	
Results (if applicable):	

Outfall Number:	<b>002</b>
Method Date:	06/30/2014
Option Used To Satisfy Requirement:	INJ
Requirement Met:	Yes
Land Applied:	Yes
Limit (if applicable):	
Results (if applicable):	

# Compliance Maintenance Annual Report

**Beloit Wastewater Treatment Facility**

Last Updated: Reporting For:  
6/16/2015 **2014**

Outfall Number:	<b>002</b>		
Method Date:	09/30/2014		
Option Used To Satisfy Requirement:	INJ		
Requirement Met:	Yes		
Land Applied:	No		
Limit (if applicable):			
Results (if applicable):			
Outfall Number:	<b>002</b>		<b>0</b>
Method Date:	12/31/2014		
Option Used To Satisfy Requirement:	INJ		
Requirement Met:	Yes		
Land Applied:	Yes		
Limit (if applicable):			
Results (if applicable):			
<p>5.2 Was the limit exceeded or the process criteria not met at the time of land application?</p> <p><input type="radio"/> Yes (40 Points)</p> <p><input checked="" type="radio"/> No</p> <p>If yes, what action was taken?</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>			
<p><b>6. Biosolids Storage</b></p> <p>6.1 How many days of actual, current biosolids storage capacity did your wastewater treatment facility have either on-site or off-site?</p> <p><input checked="" type="radio"/> <math>\geq</math> 180 days (0 Points)</p> <p><input type="radio"/> 150 - 179 days (10 Points)</p> <p><input type="radio"/> 120 - 149 days (20 Points)</p> <p><input type="radio"/> 90 - 119 days (30 Points)</p> <p><input type="radio"/> &lt; 90 days (40 Points)</p> <p><input type="radio"/> N/A (0 Points)</p> <p>6.2 If you checked N/A above, explain why.</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>			
<p><b>7. Issues</b></p> <p>7.1 Describe any outstanding biosolids issues with treatment, use or overall management:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>			

<b>Total Points Generated</b>	<b>0</b>
<b>Score (100 - Total Points Generated)</b>	<b>100</b>
<b>Section Grade</b>	<b>A</b>

# Compliance Maintenance Annual Report

Beloit Wastewater Treatment Facility

Last Updated: Reporting For:  
6/16/2015 2014

## Staffing and Preventative Maintenance (All Treatment Plants)

<p>1. Plant Staffing</p> <p>1.1 Was your wastewater treatment plant adequately staffed last year?</p> <ul style="list-style-type: none"><li><input checked="" type="radio"/> Yes</li><li><input type="radio"/> No</li></ul> <p>If No, please explain:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>Could use more help/staff for:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>1.2 Did your wastewater staff have adequate time to properly operate and maintain the plant and fulfill all wastewater management tasks including recordkeeping?</p> <ul style="list-style-type: none"><li><input checked="" type="radio"/> Yes</li><li><input type="radio"/> No</li></ul> <p>If No, please explain:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	
<p>2. Preventative Maintenance</p> <p>2.1 Did your plant have a documented AND implemented plan for preventative maintenance on major equipment items?</p> <ul style="list-style-type: none"><li><input checked="" type="radio"/> Yes (Continue with question 2)</li><li><input type="radio"/> No (40 points)</li></ul> <p>If No, please explain, then go to question 3:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>2.2 Did this preventative maintenance program depict frequency of intervals, types of lubrication, and other tasks necessary for each piece of equipment?</p> <ul style="list-style-type: none"><li><input checked="" type="radio"/> Yes</li><li><input type="radio"/> No (10 points)</li></ul> <p>2.3 Were these preventative maintenance tasks, as well as major equipment repairs, recorded and filed so future maintenance problems can be assessed properly?</p> <ul style="list-style-type: none"><li><input checked="" type="radio"/> Yes<ul style="list-style-type: none"><li><input type="radio"/> Paper file system</li><li><input checked="" type="radio"/> Computer system</li><li><input type="radio"/> Both paper and computer system</li></ul></li><li><input type="radio"/> No (10 points)</li></ul>	0
<p>3. O&amp;M Manual</p> <p>3.1 Does your plant have a detailed O&amp;M Manual that can be used as a reference when needed?</p> <ul style="list-style-type: none"><li><input checked="" type="radio"/> Yes</li><li><input type="radio"/> No</li></ul>	
<p>4. Overall Maintenance /Repairs</p> <p>4.1 Rate the overall maintenance of your wastewater plant.</p> <ul style="list-style-type: none"><li><input checked="" type="radio"/> Excellent</li><li><input type="radio"/> Very good</li><li><input type="radio"/> Good</li><li><input type="radio"/> Fair</li><li><input type="radio"/> Poor</li></ul> <p>Describe your rating:</p>	



# Compliance Maintenance Annual Report

**Beloit Wastewater Treatment Facility**

Last Updated: Reporting For:

6/16/2015

**2014**

The staff at the Beloit WPCF perform all the necessary maintenance (preventative and corrective) at the highest level possible. The staff is very well versed in all aspects of their maintenance duties.

<b>Total Points Generated</b>	<b>0</b>
<b>Score (100 - Total Points Generated)</b>	<b>100</b>
<b>Section Grade</b>	<b>A</b>

# Compliance Maintenance Annual Report

Beloit Wastewater Treatment Facility

Last Updated: Reporting For:  
6/16/2015 2014

## Operator Certification and Education

<p>1. Operator-In-Charge</p> <p>1.1 Did you have a designated operator-in-charge during the report year?</p> <ul style="list-style-type: none"> <li><input checked="" type="radio"/> Yes (0 points)</li> <li><input type="radio"/> No (20 points)</li> </ul> <p>Name: <input type="text" value="HARRY C MATHOS"/></p> <p>Certification No: <input type="text" value="05406"/></p>	
<p>2. Certification Requirements</p> <p>2.1 In accordance with Chapter NR 114.08 and 114.09, Wisconsin Administrative Code, what grade and subclass(es) were required for the operator-in-charge to operate the wastewater treatment plant and what grade and subclass(es) were held by the operator-in-charge?</p> <p>Required:</p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> <p>4 - ACEFGIJ; A - PRIMARY SETTLING; C - ACTIVATED SLUDGE; E - DISINFECTION; F - ANAEROBIC DIGESTION; G - MECHANICAL SLUDGE; I - PHOSPHORUS REMOVAL; J - LABORATORY</p> </div> <p>Held:</p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> <p>4 - ACEFGI; T - BHJ; 4 - A=PRIMARY SETTLING GRADE 4; C=ACTIVATED SLUDGE GRADE 4; E=DISINFECTION GRADE 4; F=ANAEROBIC DIGESTION GRADE 4; G=MECHANICAL SLUDGE GRADE 4; I=PHOSPHORUS REMOVAL GRADE 4; T - B=TRICKLING FILTER/RBC GRADE T; H=FILTRATION GRADE T; J=LABORATORY GRADE T</p> </div> <p>2.2 Was the operator-in-charge certified at the appropriate level to operate this plant?</p> <ul style="list-style-type: none"> <li><input checked="" type="radio"/> Yes (0 points)</li> <li><input type="radio"/> No (20 points)</li> </ul>	
<p>3. Succession Planning</p> <p>3.1 In the event of the loss of your designated operator-in-charge, did you have a contingency plan to ensure the continued proper operation and maintenance of the plant that includes one or more of the following options (check all that apply)?</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> One or more additional certified operators on staff</li> <li><input type="checkbox"/> An arrangement with another certified operator</li> <li><input type="checkbox"/> An arrangement with another community with a certified operator</li> <li><input type="checkbox"/> An operator on staff who has an operator-in-training certificate for your plant and is expected to be certified within one year</li> <li><input type="checkbox"/> A consultant to serve as your certified operator</li> <li><input type="checkbox"/> None of the above (20 points)</li> </ul> <p>If "None of the above" is selected, please explain:</p> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>	
<p>4. Continuing Education Credits</p> <p>4.1 If you had a designated operator-in-charge, was the operator-in-charge earning Continuing Education Credits at the following rates?</p> <p>Grades T, 1, and 2:</p> <ul style="list-style-type: none"> <li><input type="radio"/> Averaging 6 or more CECs per year.</li> <li><input type="radio"/> Averaging less than 6 CECs per year.</li> </ul> <p>Grades 3 and 4:</p> <ul style="list-style-type: none"> <li><input checked="" type="radio"/> Averaging 8 or more CECs per year.</li> <li><input type="radio"/> Averaging less than 8 CECs per year.</li> </ul>	

<b>Total Points Generated</b>	0
<b>Score (100 - Total Points Generated)</b>	100
<b>Section Grade</b>	<b>A</b>

# Compliance Maintenance Annual Report

Beloit Wastewater Treatment Facility

Last Updated: Reporting For:  
6/16/2015 **2014**

## Financial Management

<p>1. Provider of Financial Information</p> <p>Name: <input style="width: 150px;" type="text" value="Dawn DeuVall"/></p> <p>Telephone: <input style="width: 150px;" type="text" value="(608) 364-6686"/> (XXX) XXX-XXXX</p> <p>E-Mail Address (optional): <input style="width: 300px;" type="text" value="deuvalld@beloitwi.gov"/></p>																									
<p>2. Treatment Works Operating Revenues</p> <p>2.1 Are User Charges or other revenues sufficient to cover O&amp;M expenses for your wastewater treatment plant AND/OR collection system ?</p> <p><input checked="" type="radio"/> Yes (0 points)</p> <p><input type="radio"/> No (40 points)</p> <p>If No, please explain:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>2.2 When was the User Charge System or other revenue source(s) last reviewed and/or revised?</p> <p>Year: <input style="width: 50px;" type="text" value="2014"/></p> <p><input checked="" type="radio"/> 0-2 years ago (0 points)</p> <p><input type="radio"/> 3 or more years ago (20 points)</p> <p><input type="radio"/> N/A (private facility)</p> <p>2.3 Did you have a special account (e.g., CWF required segregated Replacement Fund, etc.) or financial resources available for repairing or replacing equipment for your wastewater treatment plant and/or collection system?</p> <p><input checked="" type="radio"/> Yes (0 points)</p> <p><input type="radio"/> No (40 points)</p>	0																								
<b>REPLACEMENT FUNDS [PUBLIC MUNICIPAL FACILITIES SHALL COMPLETE QUESTION 3]</b>																									
<p>3. Equipment Replacement Funds</p> <p>3.1 When was the Equipment Replacement Fund last reviewed and/or revised?</p> <p>Year: <input style="width: 50px;" type="text" value="2014"/></p> <p><input checked="" type="radio"/> 1-2 years ago (0 points)</p> <p><input type="radio"/> 3 or more years ago (20 points)</p> <p><input type="radio"/> N/A</p> <p>If N/A, please explain:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>																									
<p>3.2 Equipment Replacement Fund Activity</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>3.2.1 Ending Balance Reported on Last Year's CMAR</b></td> <td style="width: 5%;"></td> <td style="width: 5%; text-align: right;">\$</td> <td style="width: 30%; text-align: right;"><input style="width: 100%;" type="text" value="2,731,399.81"/></td> </tr> <tr> <td>3.2.2 Adjustments - If necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)</td> <td></td> <td style="text-align: right;">\$</td> <td style="text-align: right;"><input style="width: 100%;" type="text" value="0.00"/></td> </tr> <tr> <td><b>3.2.3 Adjusted January 1st Beginning Balance</b></td> <td></td> <td style="text-align: right;">\$</td> <td style="text-align: right;"><input style="width: 100%;" type="text" value="2,731,399.81"/></td> </tr> <tr> <td>3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)</td> <td style="text-align: center;">+</td> <td style="text-align: right;">\$</td> <td style="text-align: right;"><input style="width: 100%;" type="text" value="0.00"/></td> </tr> <tr> <td>3.2.5 Subtractions from Fund (e.g., equipment replacement, major repairs - use description box 3.2.6.1 below*)</td> <td style="text-align: center;">-</td> <td style="text-align: right;">\$</td> <td style="text-align: right;"><input style="width: 100%;" type="text" value="0.00"/></td> </tr> <tr> <td><b>3.2.6 Ending Balance as of December 31st for CMAR Reporting Year</b></td> <td></td> <td style="text-align: right;">\$</td> <td style="text-align: right;"><input style="width: 100%;" type="text" value="2,731,399.81"/></td> </tr> </table>	<b>3.2.1 Ending Balance Reported on Last Year's CMAR</b>		\$	<input style="width: 100%;" type="text" value="2,731,399.81"/>	3.2.2 Adjustments - If necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)		\$	<input style="width: 100%;" type="text" value="0.00"/>	<b>3.2.3 Adjusted January 1st Beginning Balance</b>		\$	<input style="width: 100%;" type="text" value="2,731,399.81"/>	3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)	+	\$	<input style="width: 100%;" type="text" value="0.00"/>	3.2.5 Subtractions from Fund (e.g., equipment replacement, major repairs - use description box 3.2.6.1 below*)	-	\$	<input style="width: 100%;" type="text" value="0.00"/>	<b>3.2.6 Ending Balance as of December 31st for CMAR Reporting Year</b>		\$	<input style="width: 100%;" type="text" value="2,731,399.81"/>	
<b>3.2.1 Ending Balance Reported on Last Year's CMAR</b>		\$	<input style="width: 100%;" type="text" value="2,731,399.81"/>																						
3.2.2 Adjustments - If necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)		\$	<input style="width: 100%;" type="text" value="0.00"/>																						
<b>3.2.3 Adjusted January 1st Beginning Balance</b>		\$	<input style="width: 100%;" type="text" value="2,731,399.81"/>																						
3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)	+	\$	<input style="width: 100%;" type="text" value="0.00"/>																						
3.2.5 Subtractions from Fund (e.g., equipment replacement, major repairs - use description box 3.2.6.1 below*)	-	\$	<input style="width: 100%;" type="text" value="0.00"/>																						
<b>3.2.6 Ending Balance as of December 31st for CMAR Reporting Year</b>		\$	<input style="width: 100%;" type="text" value="2,731,399.81"/>																						

# Compliance Maintenance Annual Report

**Beloit Wastewater Treatment Facility**

Last Updated: Reporting For:  
6/16/2015 **2014**

All Sources: This ending balance should include all Equipment Replacement Funds whether held in a bank account(s), certificate(s) of deposit, etc.

3.2.6.1 Indicate adjustments, equipment purchases, and/or major repairs from 3.2.5 above.

3.3 What amount should be in your Replacement Fund? \$ 2,731,399.81

Please note: If you had a CWFP loan, this amount was originally based on the Financial Assistance Agreement (FAA) and should be regularly updated as needed. Further calculation instructions and an example can be found by clicking the HELP link under Info in the left-side menu.

3.3.1 Is the December 31 Ending Balance in your Replacement Fund above, (#3.2.6) equal to, or greater than the amount that should be in it (#3.3)?

- Yes
- No

If No, please explain.

## 4. Future Planning

4.1 During the next ten years, will you be involved in formal planning for upgrading, rehabilitating, or new construction of your treatment facility or collection system?

- Yes - If Yes, please provide major project information, if not already listed below.
- No

Project #	Project Description	Estimated Cost	Approximate Construction Year
1	Phosphorus removal enhancement.	492500	2017
2	Lift station upgrades	250000	2017
3	Digester mixing	2276000	2017

## 5. Financial Management General Comments

<b>Total Points Generated</b>	0
<b>Score (100 - Total Points Generated)</b>	100
<b>Section Grade</b>	<b>A</b>

# Compliance Maintenance Annual Report

Beloit Wastewater Treatment Facility

Last Updated: Reporting For:  
6/16/2015 2014

## Sanitary Sewer Collection Systems

### 1. CMOM Program

1.1 Do you have a Capacity, Management, Operation & Maintenance (CMOM) requirement in your WPDES permit?

Yes

No

1.2 Did you have a documented (written records/files, computer files, video tapes, etc.) sanitary sewer collection system operation & maintenance (O&M) or CMOM program last calendar year?

Yes (Continue with question 1)

No (30 points) (Go to question 2)

1.3 Check the elements listed below that are included in your O&M or CMOM program.

Goals

Describe the specific goals you have for your collection system:

Maintain current programs with sufficient funding and staffing.

Organization

Do you have the following written organizational elements (check only those that apply)?

Ownership and governing body description

Organizational chart

Personnel and position descriptions

Internal communication procedures

Public information and education program

Legal Authority

Do you have the legal authority for the following (check only those that apply)?

Sewer use ordinance Last Revised Date (MM/DD/YYYY) 06/01/2009

Pretreatment/industrial control Programs

Fat, oil and grease control

Illicit discharges (commercial, industrial)

Private property clear water (sump pumps, roof or foundation drains, etc.)

Private lateral inspections/repairs

Service and management agreements

Maintenance Activities (provide details in question 2)

Design and Performance Provisions

How do you ensure that your sewer system is designed and constructed properly?

State plumbing code

DNR NR 110 standards

Local municipal code requirements

Construction, inspection, and testing

Others:

Overflow Emergency Response Plan:

Does your emergency response capability include (check only those that apply)?

Alarm system and routine testing

Emergency equipment

Emergency procedures

Communications/notifications (DNR, internal, public, media, etc.)

Capacity Assurance:

How well do you know your sewer system? Do you have the following?

Current and up-to-date sewer map

Sewer system plans and specifications

# Compliance Maintenance Annual Report

Beloit Wastewater Treatment Facility

Last Updated: Reporting For:

6/16/2015

2014

- Manhole location map
- Lift station pump and wet well capacity information
- Lift station O&M manuals
- Within your sewer system have you identified the following?
  - Areas with flat sewers
  - Areas with surcharging
  - Areas with bottlenecks or constrictions
  - Areas with chronic basement backups or SSOs
  - Areas with excess debris, solids, or grease accumulation
  - Areas with heavy root growth
  - Areas with excessive infiltration/inflow (I/I)
  - Sewers with severe defects that affect flow capacity
  - Adequacy of capacity for new connections
  - Lift station capacity and/or pumping problems
- Annual Self-Auditing of your O&M/CMOM Program to ensure above components are being implemented, evaluated, and re-prioritized as needed
- Special Studies Last Year (check only those that apply):
  - Infiltration/Inflow (I/I) Analysis
  - Sewer System Evaluation Survey (SSES)
  - Sewer Evaluation and Capacity Management Plan (SECAP)
  - Lift Station Evaluation Report
  - Others:

Industrial interceptor hydrogen sulfide and chemical addition study

## 2. Operation and Maintenance

2.1 Did your sanitary sewer collection system maintenance program include the following maintenance activities? Complete all that apply and indicate the amount maintained.

Cleaning	59	% of system/year
Root removal	59	% of system/year
Flow monitoring	100	% of system/year
Smoke testing	0	% of system/year
Sewer line televising	3	% of system/year
Manhole inspections	59	% of system/year
Lift station O&M	11	# per L.S./year
Manhole rehabilitation	0.08	% of manholes rehabbed
Mainline rehabilitation	0.08	% of sewer lines rehabbed
Private sewer inspections	0	% of system/year
Private sewer I/I removal	0	% of private services

Please include additional comments about your sanitary sewer collection system below:

## 3. Performance Indicators

3.1 Provide the following collection system and flow information for the past year.

# Compliance Maintenance Annual Report

**Beloit Wastewater Treatment Facility**

Last Updated: Reporting For:

6/16/2015

**2014**

32.2	Total actual amount of precipitation last year in inches
34.5	Annual average precipitation (for your location)
173	Miles of sanitary sewer
11	Number of lift stations
0	Number of lift station failures
0	Number of sewer pipe failures
5	Number of basement backup occurrences
53	Number of complaints
4.075	Average daily flow in MGD (if available)
4.158	Peak monthly flow in MGD (if available)
0.40	Peak hourly flow in MGD (if available)
3.2 Performance ratios for the past year:	
	Lift station failures (failures/year)
	Sewer pipe failures (pipe failures/sewer mile/yr)
	Sanitary sewer overflows (number/sewer mile/yr)
	Basement backups (number/sewer mile)
	Complaints (number/sewer mile)
	Peaking factor ratio (Peak Monthly:Annual Daily Avg)
	Peaking factor ratio (Peak Hourly:Annual Daily Avg)

4. Overflows

LIST OF SANITARY SEWER (SSO) AND TREATMENT FACILITY (TFO) OFERFLOWS REPORTED **			
Date	Location	Cause	Estimated Volume (MG)
None reported			

\*\* If there were any SSOs or TFOs that are not listed above, please contact the DNR and stop work on this section until corrected.

5. Infiltration / Inflow (I/I)

5.1 Was infiltration/inflow (I/I) significant in your community last year?

Yes

No

If Yes, please describe:

5.2 Has infiltration/inflow and resultant high flows affected performance or created problems in your collection system, lift stations, or treatment plant at any time in the past year?

Yes

No

If Yes, please describe:

5.3 Explain any infiltration/inflow (I/I) changes this year from previous years:

Ice jams on Turtle Creek. No issues in 2014.

5.4 What is being done to address infiltration/inflow in your collection system?



# Compliance Maintenance Annual Report

**Beloit Wastewater Treatment Facility**

Last Updated: Reporting For:  
6/16/2015 **2014**

CIPP lining, grouting of manholes, spray-line manholes with concrete and continue past efforts such as lock-down castings in low lying areas.
---

<b>Total Points Generated</b>	0
<b>Score (100 - Total Points Generated)</b>	100
<b>Section Grade</b>	<b>A</b>

# Compliance Maintenance Annual Report

Beloit Wastewater Treatment Facility

Last Updated: Reporting For:  
6/16/2015 2014

## Grading Summary

WPDES No: 0023370

SECTIONS	LETTER GRADE	GRADE POINTS	WEIGHTING FACTORS	SECTION POINTS
Influent	A	4	3	12
BOD/CBOD	A	4	10	40
TSS	A	4	5	20
Phosphorus	A	4	3	12
Biosolids	A	4	5	20
Staffing/PM	A	4	1	4
OpCert	A	4	1	4
Financial	A	4	1	4
Collection	A	4	3	12
<b>TOTALS</b>			<b>32</b>	<b>128</b>
<b>GRADE POINT AVERAGE (GPA) = 4</b>				

Notes:

- A = Voluntary Range (Response Optional)
- B = Voluntary Range (Response Optional)
- C = Recommendation Range (Response Required)
- D = Action Range (Response Required)
- F = Action Range (Response Required)

# Compliance Maintenance Annual Report

Beloit Wastewater Treatment Facility

Last Updated: Reporting For:  
6/16/2015 2014

## Resolution or Owner's Statement

<b>Name of Governing Body or Owner:</b> <input type="text"/>
<b>Date of Resolution or Action Taken:</b> <input type="text"/>
<b>Resolution Number:</b> <input type="text"/>
ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO SPECIFIC CMAR SECTIONS (Optional for grade A or B. Required for grade C, D, or F. Regardless of grade, required for Collection Systems if SSOs were reported): <b>Influent Flow and Loadings: Grade = A</b> <input type="text"/>
<b>Effluent Quality: BOD: Grade = A</b> <input type="text"/>
<b>Effluent Quality: TSS: Grade = A</b> <input type="text"/>
<b>Effluent Quality: Phosphorus: Grade = A</b> <input type="text"/>
<b>Biosolids Quality and Management: Grade = A</b> <input type="text"/>
<b>Staffing: Grade = A</b> <input type="text"/>
<b>Operator Certification: Grade = A</b> <input type="text"/>
<b>Financial Management: Grade = A</b> <input type="text"/>
<b>Collection Systems: Grade = A</b> <input type="text"/>
ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO THE OVERALL GRADE POINT AVERAGE AND ANY GENERAL COMMENTS (Optional for G.P.A. greater than or equal to 3.00, required for G.P.A. less than 3.00) G.P.A. = 4 <input type="text"/>

**RESOLUTION APPROVING A DEVELOPMENT AGREEMENT  
BETWEEN THE CITY OF БЕЛОIT AND CHAMBERS IV, LLC**

**WHEREAS**, Chambers IV, LLC is proposing to construct a multi-phase assisted living facility that includes up to 100 units including a Residential Care Apartment Complex (RCAC) wing and a Community Based Residential Facility (CBRF) wing with a shared administration, commons, and kitchen area also known as, the Beloit Senior Living development project, and.

**WHEREAS**, existing public utilities are located within the Beloit Senior Living development site and must be relocated in order for the construction of this development to proceed, and

**WHEREAS**, Chambers IV, LLC has drafted the attached Development Agreement, which provides for the relocation of the existing public utilities across the property located at 2250 West Hart Road in accordance with approved plans and specifications in order to accommodate the Beloit Senior Living development project at no cost to the City of Beloit; and

**WHEREAS**, the City Council finds that it is in the best interests of the City of Beloit for the Beloit Senior Living development project to be constructed at 2250 West Hart Road.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the attached Development Agreement is hereby approved and the City Manager of the City of Beloit be, and is hereby, authorized to execute the same, to further execute any other documents to implement the terms and conditions thereof, and to do all other things necessary in order to carry out the purposes of this resolution.

Adopted this 3<sup>rd</sup> day of August, 2015.

**BELOIT CITY COUNCIL**

\_\_\_\_\_  
Charles M. Haynes, Council President

ATTEST:

\_\_\_\_\_  
Lorena Rae Stottler, City Clerk

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

---

**Topic:** Proposed Development Agreement Between the City of Beloit and Chambers IV, LLC

**Date:** August 3, 2015

**Presenter(s):** Julie Christensen

**Department:** Community Development

---

### **Overview/Background Information:**

As required by prior land use approvals, Chambers IV, LLC has proposed the attached Development Agreement related to the removal/abandonment/relocation of existing public utilities on the property located at 2250 West Hart Road.

---

### **Key Issues:**

- On January 5, 2015, the City Council authorized an amended Planned Unit Development (PUD) Master Land Use Plan to allow the applicant to construct an assisted living facility on the subject property.
  - As a condition of PUD approval, the applicant was required to commission a Certified Survey Map (CSM) to subdivide the land and to create new utility easements for the existing public utilities which cross the property and conflict with the proposed building. The required CSM has been prepared, approved, and recorded. The existing public utilities follow the alignment of Tuck-A-Way Lane, which was originally planned to connect Claremont Drive to W. Hart Road, with 4-unit residential buildings on both sides of the street.
  - As a condition of PUD approval, the applicant was also required to relocate the existing public utilities into approved utility easements at no cost to the City of Beloit. The proposed Development Agreement formalizes the developer's agreement to relocate existing public utilities and to pay for said relocation.
  - The applicant has already submitted detailed site and architectural plans, which are being reviewed by Planning staff. The applicant has also submitted detailed utility relocation plans, which are being reviewed by Engineering staff. The applicant has obtained an Early Start Permit and Erosion Control Permit, which allow grading and site prep activities to commence while the plans are under review.
  - The applicant has also submitted a separate request to vacate Tuck-A-Way Lane, which would abandon a small stretch of unnecessary right-of-way and return the land to the applicant as private property.
  - The proposed Development Agreement describes the utilities to be relocated, requires detailed plans and specifications, and requires the use of qualified & insured contractors. The Development Agreement requires the public utilities to be completed within one year, unless extended by the City Engineer.
  - The proposed Development Agreement was prepared by the applicant and reviewed by the City Attorney, City Engineer, Community Development Director, and Planning Director.
  - The attached Resolution authorizes the City Manager to enter into the proposed Development Agreement.
- 

### **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:**

- The design and implementation of this project is at the developer's cost.

---

**Attachments:** Resolution & Development Agreement

## **DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT (hereinafter the "Agreement") is made by and between Chambers IV, LLC, a Wisconsin limited liability company with its principal place of business located at 2916 W. Hall Road, Whitewater, Wisconsin 53190 (hereinafter called "Developer"), and the City of Beloit, a Wisconsin municipal corporation, with its principal place of business located at 100 State Street, Beloit, Wisconsin 53511 (hereinafter called the "City").

WHEREAS, the Developer has requested and the City has approved a Certified Survey Map and Planned Unit Development (hereinafter the "PUD") for Beloit Senior Living, LLC; and

WHEREAS, the City, as a condition of approving the CUP, has required Developer to:

- A. Make and install improvements reasonably necessary for the development of Beloit Senior Living, LLC (hereinafter called the "Project") on the property located at 2250 W. Hart Road in the City of Beloit, Wisconsin; and
- B. Provide designated facilities without cost to the City as a condition of the PUD; and

WHEREAS, the parties wish to enter into this Agreement in accordance with the state statutes and City ordinances.

NOW, THEREFORE, the parties agree as follows:

1. Description of Public Improvements. As a condition of PUD approval, Developer is required to provide the following public improvements and facilities. Those improvements and facilities shall be constructed in accordance with Article 4 of this Agreement.

1.1. Installation of storm sewers and associated structures, and installation of water main and associated structures, as necessary to re-route existing said utilities to accommodate the Project. Said utilities shall be constructed within the easement dedications as shown on the approved Certified Survey Map and as detailed in the Engineering Plans and Specifications approved by the City Engineer.

1.2. Removal/abandonment of existing public facilities that conflict with the proposed building footprint as detailed in the Engineering Plans and Specifications approved by the City Engineer.

2. Definitions. The following terms, when used in this Agreement, shall have the meanings set forth below:



2.1. Engineering Plans and Specifications means plans and specifications prepared for use by the Developer in bidding and constructing public facilities and public improvements required by the City as a condition of the PUD.

2.2. Project means the development of Beloit Senior Living, LLC, including the construction of facilities and improvements required as a condition of the PUD.

2.3. Project Approvals means approvals that the Developer must obtain from the City pursuant to the City's ordinances and this Agreement.

3. Preconstruction Activities.

3.1. Engineering Plans and Specifications. The Developer shall prepare and submit to the City the Engineering Plans and Specifications for all improvements and facilities required as a condition by the PUD, including plans for removal/abandonment of existing public facilities. If the parties agree, the City shall prepare all or part of the Engineering Plans and Specifications and Developer shall pay the City for preparing the same.

3.2. Contractors. The Developer shall engage qualified contractors for the installation of all facilities and improvements. Before hiring contractors, the Developer shall provide their names, addresses, and telephone numbers to the City Engineer for approval or shall ensure that such contractors are listed as qualified by the City Engineer. The Developer shall be solely responsible for all work performed by its contractors. Prevailing wage rates will be paid if required.

3.3. Insurance. Before commencing construction of the public facilities and public improvements, Developer shall provide the City with a certificate of insurance coverage required by this Agreement. The certificate shall name the City as an additional insured and shall provide that the policies of insurance shall not be cancelled or altered without 30 days prior written notice to the City. The Developer shall, at Developer's expense, procure the following insurance policies from insurance companies licensed to do business in the state of Wisconsin, in the amounts and coverages hereinafter set forth. All insurance companies and required endorsements shall be approved by the City prior to execution of the contract.

3.3.1. Workers Compensation Insurance. The Developer shall provide a workers compensation policy with the statutory limits.

3.3.2. Commercial General Public Liability Insurance with the following standard limits:

General Aggregate Limit (other than Products/ Completed Operations)	\$2,000,000
Products/Completed Operations/Aggregate Limit	\$2,000,000
Personal and Advertising Injury Limit	\$1,000,000

Each Occurrence Limit \$1,000,000

Medical Expense Limit/Any One Person \$50,000

The Commercial General Liability policy will include protection for:

3.3.2.1. Bodily Injury and Property Damage Liability arising from premises, operations, products, and completed operations.

3.3.2.2. Contract Liability coverage for this Contract and related contracts, including subcontracts.

3.3.2.3. Coverage for bodily injury or personal injury.

3.3.3. The Developer shall provide Commercial Automobile Liability insurance covering all licensed vehicles and equipment owned by the Developer and all drivers employed by the Developer in the amount of \$1,000,000. The policy shall cover:

3.3.3.1. All nonowned or hired vehicles.

3.3.3.2. Uninsured/Underinsured Motorist Liability coverage at full policy limits.

3.3.3.3. Cross-suits.

3.3.3.4. Bodily injury and property damage for the transportation of mobile equipment by a vehicle owned or operated by the Contractor or rented or leased to the Contractor.

3.3.3.5. Automobile medical payment coverage of at least \$50,000.

3.3.3.6. Coverage for injuries caused by fellow employees.

3.3.3.7. Contractual liability coverage for this Contract and related contracts, including subcontracts.

3.3.4. Umbrella Coverage. Coverage shall protect Developer and any subcontractor during the performance of work covered by this Agreement with limits of \$1,000,000 for bodily injury, personal injury, and property damage on a combined basis with the stated underlying limits of paragraphs 3.3.1 to 3.3.3 above.

4. Construction of Improvements.

4.1. Development of the Project. The parties recognize that Developer may complete the project in phases. Developer agrees to complete each phase in accordance with Section 4. of this Agreement.

4.2. Completion of Improvements. Developer shall complete construction of all public facilities and improvements within 12 months from the date that the Engineering Plans and Specifications are approved by the City Engineer, unless the City Engineer extends the time for completion.

4.3. Approval of Facilities and Improvements. Upon completion by the Developer and written approval by the City Engineer of all required public facilities and improvements, Developer shall furnish the City with a digital “as built” set of plans showing the location of all public facilities and improvements on the plat. Digital copies shall be in AutoCAD format.

4.4. Warranty. Developer warrants that all public facilities and public improvements required by this Agreement shall be constructed in accordance with Engineering Plans and Specifications approved by the City Engineer. Developer also warrants that all public facilities and public improvements required by this contract shall be free from defects in workmanship and materials for one year from the date of acceptance of the public facilities and public improvements by the City Engineer. Developer shall correct any defects without cost to the City within 60 calendar days after Developer receives written notice of the defects from the City Engineer.

5. Fees and Charges.

5.1. Fees, Conditions, and Dedications. Developer, as a condition of the PUD, agrees to pay the City all fees and costs required by ordinances and by this Agreement. Such fees and costs include, but are not limited to:

- 5.1.1. Building permits;
- 5.1.2. Application fees;
- 5.1.3. Professional fees for review and approval of preliminary plats, final plats, engineering plans and specifications, land dedications;
- 5.1.4. Inspection fees;
- 5.1.5. Impact fees, if any; and
- 5.1.6. Legal fees, if any.

Inspection costs will be billed at the rate of \$80 per hour for straight time and \$120 per hour for overtime, if City staff conducts inspections. The City will attempt to complete City staff inspections during regular work hours. In the event that the City must contract with a qualified third party to complete inspections, those inspection costs will be billed at the rate charged to the City for such inspections.

6. Implementation of this Agreement.

6.1. Compliance with Regulations. Developer agrees to comply with all local, state, and federal laws and regulations in effect during the development of the Project.

6.2. Processing of Permits. City agrees to promptly process Developer's applications for permits and approvals provided such applications are properly completed and accompanied by the appropriate fees.

6.3. Indemnification. Developer shall indemnify and hold the City, its officers, employees, and agents harmless from any liability for claims arising out of any of the acts or omissions of Developer, its officers, directors, employees, or agents.

6.4. Transfer of Property. The covenants contained in this Agreement shall run with the land and shall be binding upon the Developer and the Developer's successors and assigns.

6.5. Validity of Agreement. The parties agree that all of the provisions of this Agreement are valid and binding. If any third party should challenge the validity of any provision of this Agreement, the City and the Developer shall cooperate in defending the validity of this Agreement.

6.6. Severability. If any provision of this Agreement is determined, by a court of competent jurisdiction, to be invalid or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect.

6.7. Time is of the Essence/Liquidated Damages. The parties agree that time is of the essence with regard to all deadlines set forth in this Agreement. If Developer fails to complete construction of the public improvements or public facilities required by this Agreement, Developer shall pay the City, as liquidated damages, the sum of \$100 per day for each and every day's delay. The Developer shall not be responsible for liquidated damages if delay is caused by civil disorder, strike, fire, flood, or other cause not within the control of Developer, and which, by the exercise of reasonable diligence, the Developer is unable to prevent, whether one of the causes enumerated herein. In such case, the time for performance shall be extended by the period of delay occasioned by any such cause.

6.8. Notices. All notices required by this Agreement shall be in writing and mailed, faxed, electronically transmitted, or personally delivered:

To the City of Beloit as follows:      Lori S. Curtis Luther, City Manager  
City of Beloit  
100 State Street  
Beloit, WI 53511  
Fax: (608) 364-6716

With copy to:                              Elizabeth A. Krueger, City Attorney  
100 State Street

Beloit, WI 53511  
Fax: (608) 364-6718

To Chambers IV, LLC:

Scott F. Shadel  
Managing Partner  
2916 N. Hall Road  
Whitewater, WI 53190

6.9. Amendments. No provision of this Agreement may be amended without the written consent of both parties. Neither party shall be deemed to have waived any default in performance by the other party unless such waiver is reduced to writing and signed by an authorized representative of the party waiving such default.

6.10. Default and Remedies. In the event that either party is in default in the performance of its obligations under this Agreement, the other party shall give written notice of such default to the other party. The defaulting party shall be given 30 days within which to cure the default. If the defaulting party fails to cure the default within the time provided, the other party may exercise any remedy available at law or equity. Such remedies include, but are not limited to, liquidated damages, damages for breach of contract, forfeiture action for violation of any applicable City ordinance, injunctive relief, or other such remedy.

6.11. Recording. This document may be recorded by either party.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective authorized officers or agents on the date written below.

OWNER:  
CHAMBERS IV, LLC

By: \_\_\_\_\_  
Scott F. Shadel, Managing Partner

STATE OF WISCONSIN    )  
                                  ) ss.  
COUNTY OF ROCK        )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2015, the above-named Scott F. Shadel, Managing Partner of Chambers IV, LLC, to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, Rock County, Wisconsin  
My commission is permanent  
Or expires: \_\_\_\_\_

CITY OF BELOIT, WISCONSIN

By: \_\_\_\_\_  
Lori S. Curtis Luther, City Manager

By: \_\_\_\_\_  
Eric R. Miller, Finance Director

Attest:

By: \_\_\_\_\_  
Lorena Rae Stottler, City Clerk

Approved as to Form:

By: \_\_\_\_\_  
Elizabeth A. Krueger, City Attorney

STATE OF WISCONSIN    )  
  ) ss.  
COUNTY OF ROCK        )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2015, the above-named Lori S. Curtis Luther, Eric R. Miller, and Lorena Rae Stottler of the City of Beloit, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, Rock County, Wisconsin  
My commission is permanent  
Or expires: \_\_\_\_\_

This document prepared by:  
Attorney Scott F. Shadel  
2916 N. Hall Road  
Whitewater, WI 53190  
Dev Agr 060915-543702

**EXHIBIT A**

**Legal Description**

Lot 1 of a Certified Survey Map as recorded in Volume 36 on Pages 478-481 of the Certified Survey Maps of Rock County as Document No. 2028432, located in the City of Beloit, County of Rock, State of Wisconsin. Said parcel contains 6.52 acres.

**EXHIBIT B**  
**Request for Acceptance of Land Dedication,**  
**Public Facilities, and Improvements**

Developer, Chambers IV, LLC, hereby requests that the City of Beloit accept dedication of the following land and the following public facilities and improvements:

Attached hereto is an “as built” set of plans and AutoCAD files of all public facilities and improvements which the City is being requested to accept.

Developer warrants that all public improvements and public facilities that the City is being asked to accept are free from defects in workmanship and materials.

CHAMBERS IV, LLC

By: \_\_\_\_\_  
Scott F. Shadel, Managing Member

**ACCEPTANCE OF LAND DEDICATION  
AND PUBLIC FACILITIES AND IMPROVEMENTS**

The City of Beloit hereby accepts the land dedication, public facilities, and improvements described above.

CITY OF BELOIT, WISCONSIN

By: \_\_\_\_\_  
Mike Flesch, City Engineer