



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Tuesday, September 21, 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
 - a. Councilor De Forest presented a proclamation recognizing **Friends of Beckman Mill 25th Anniversary**. Several "Friends of Beckman Mill" were present to accept the proclamation and invited the Council and the public to come for a celebration this weekend on Saturday at 1:00pm. File 7148
 - b. Councilor De Forest presented a proclamation recognizing **International Day of Peace** on September 21, 2015. Desiree de Angelisse was present to accept the proclamation. File 7148
4. PUBLIC HEARINGS - None
5. CITIZEN PARTICIPATION
 - Jeff and Cindy Drost, 1619 Grant Street, Beloit addressed the Council with concerns and problems with keeping his family safe from his neighbor's pit bull. Mr. Drost explained that his wife was attacked by the neighbor's dog, and that under City Ordinance 15.17, this dog meets the definition of a potentially dangerous animal. It is Mr. Drost's belief that the owner of this animal is not acting in a responsible manner and would like the City Council to instruct City staff to deem this dog potentially dangerous under the City Ordinance so the appropriate precautions can be taken to keep his family safe. He said he has already been in contact with the City's Police Department and City Attorney. President Haynes asked City Manager Luther, City Attorney Krueger and Police Chief Zibolski to follow up with this citizen complaint.
 - James Faragher, 2796 E. Ridge Road, Beloit addressed the Council in opposition to the approval of the changes to the City's Smoking Ordinance (item 8.a). Mr. Faragher is concerned that this is an example of overregulation and believes this decision to move the current restriction of 15 feet from any entrance to 30 feet is more for aesthetics. He also said that he sees a potential for creep on this issue; 30 feet this year, how far next year?
 - Celestino Ruffini, 1736 Gateway Blvd, Beloit introduced himself as the new Executive Director for Visit Beloit and looks forward to a great working relationship.
 - Debbie Fischer, Executive Director for Youth to Youth for Change, addressed the Council in favor of the changes being made to the City's Smoking Ordinance. She cited the known scientific proof of the dangers of secondhand smoke and said that now we know the research exists, it's the responsible thing to do. She commended the Council for caring about the residents enough to take this responsible step and said she would like to see future consideration of making Beloit a smoke free campus.
6. CONSENT AGENDA

Councilor De Forest asked to have items 6.b and 6.g set aside from the consent agenda. Councilor Kincaid asked to have item 6.h set aside as well.

Councilors Luebke and Sloniker made a motion to adopt consent Agenda items 6.a and 6.c through 6.f. Motion carried, voice vote.

- a. The Minutes of the regular meeting of September 8, 2015 were approved.
 - c. A resolution approving **Change of Agent** for Walgreens #06096, located at 1901 Prairie Avenue from Jacqueline Shaffer to Julie Punzel was approved. File 8688
 - d. An application for a **Planned Unit Development (PUD)- Master Land Use Plan**, for property located at 1633 Keeler Avenue was referred to Plan Commission. File 8697
 - e. An application for a **Zoning Map Amendment** to change the zoning district classification from PLI, Public Lands & Institutions District to PUD, Planned Unit Development District, for property located at 1633 Keeler Avenue (Kolak Education Ctr.) was referred to Plan Commission. File 8697
 - f. A resolution approving the **Sale of Land** to Wisconsin DOT for Interstate Highway 39/90 Right-of-Way was approved. File 8525
- b. City Clerk Stottler presented a resolution approving **Class "A" Beer License** for Mexico Dominicana Inc., d/b/a Mexico Dominicana, located at 854 Henry Avenue, Angel Rodriguez, Agent. On July 27, 2015, the above agent applied for a Class "A" Beer License for 854 Henry Avenue. Mr. Rodriguez states in his Agent Questionnaire that he is also an Agent on an alcohol license at La Mexicana Food Store in Walworth, WI. Mr. Rodriguez is the owner of this building, and provided proof of a WI Sellers Permit and has filed his corporation with the WI Dept. of Financial Institutions on 9/4/13. The check with the Treasurer's Office shows an outstanding amount due for Personal Property Taxes in the amount of \$271.87.

The Impact Statements for the new application have been approved by Plan Department, Fire Department, Health Department, Wastewater/Environmental Department and Code Enforcement. The Police Department conducted a survey of 96 homes of which 31 were in favor of a beer license, 17 opposed and 48 had no opinion/did not answer the door or was vacant. The Police Department also contacted the Porter Avenue Watch Group which is in favor of Class "A" Beer sales and commented the Merrill Revitalization Group has not been active the last two years. The ABLCC reviewed this new application of Mexico Dominicana, Inc. on September 8, 2015 and voted to 4-1 to recommend approval of this license.

Councilor De Forest explained that she is not in favor of supporting this liquor license for many reasons. One reason is the number of residents opposed to this in their neighborhood. Another reason is that she is concerned that due to the Merrill neighborhood revitalization group not being active may mean that there could be more in opposition, but the voice is not being heard because this group is not together. Prior denials of this license also caused her concern. Councilor Luebke explained that this application is for beer which is different from prior applications. He said he thinks this establishment appears to be an orderly business and he doesn't know how council can deny without a good reason, especially when it comes with a positive recommendation from ABLCC. He said that last month a business down the road was granted a license to sell beer and he couldn't be in favor of granting one and not the other with no apparent reason. President Haynes concurred with the concerns of Councilor De Forest. Councilor Kelly said she goes to this establishment often and has always been satisfied in her experience. She pointed out that many residents showed no objection or were in favor of the license to sell beer and their voice should have equal weight. Councilors Luebke and Kelly made a motion to approve the resolution approving a Class "A" beer license. Motion carried with Hendrix, Kelly, Kincaid, Luebke and Sloniker voting in favor and Councilors De Forest and Haynes voting against. (5-2) File 8688

- g. Public Works Director Boysen presented a Resolution adopting the City's intention to utilize its **Special Assessment** powers for the purpose of extending sanitary sewer to the 5.98 acre parcel at 3155 Prairie Avenue. He said this property is within the city limits and is not currently served. A letter from Jim Hamilton, property owner was received in engineering requesting sewer to his lot at the northeast corner of Prairie Ave and Inman Parkway. The owner is marketing the lot for development and that having sewer service is critical in his marketing strategy. The parcel lies within the City Limits and the 208 sewer service area for the City of Beloit. This resolution will direct the preparation of detailed plans and estimates. A public hearing and final resolution will follow.

Councilors Luebke and De Forest made a motion to approve the resolution as presented. Councilor Kincaid asked who was paying for the special assessment. Attorney Krueger answered that in this case the developer and property owner are the same person. It will be specially assessed against the property and a final resolution will come back at a later date and the council can then decide if they want this assessment paid in full or in installments. City Manager Lori Luther also explained that the stub line is already within 600 feet of the property so this installation is just to attach sewer to that line and will benefit this property only at this time. Motion carried, voice vote, 7-0. File 8698

- h. Public Works Director Boysen presented a Resolution awarding Public Works **Contract for C15-23, Milwaukee Road Concrete Repairs**. The project will replace broken pavement slabs near E. Ridge Road. Two bids were received for this project. The low bid of \$49,484.50 was from CPR Inc. and is 24% less than the engineer's estimate of \$65,000.00. CPR Inc. is considered a responsible bidder for this project. The costs for this project are as follows: \$49,484.50 for construction, \$ 6,515.50 for Change Orders or extra work, for a total of \$56,000.00. Councilors Kincaid and Kelly made a motion to approve the resolution as presented. Motion carried, voice vote, 7-0. File 8699

7. LICENSES

- a. City Attorney Elizabeth Krueger presented a resolution Setting Return Date and Authorizing the Issuance of a Summons for an **Alcohol License Sanction Hearing** for HRNS V Entertainment, d/b/a Adiktion, Edgardo Garrido, Agent, located at 1310 Cranston Road. At the August 11, 2015 meeting of the Alcohol Beverage License Control Committee, they voted to recommend a revocation of the license for HRNS V Entertainment, LLC which operates as Club Adiktion, 1310 Cranston Road. The complaint has been formally filed with the City Clerk and the tentative date for the hearing has been set for September 28th at 7:00 p.m. if that is the Council's desire. The City is asking at this time to approve a resolution and the issuance of a Summons to be served for them to appear at that date and time to respond to the complaint. Councilors De Forest and Luebke made a motion to approve as presented by Attorney Krueger. Motion carried, voice vote, 7-0. File 8688

8. ORDINANCES

- a. City Attorney Krueger presented a proposed Ordinance to create section 16.08(3)(b)3 of the Code of General Ordinances of the City of Beloit pertaining to **Smoking Outside City-Owned Buildings**. This Ordinance uniformly bans smoking within 30 feet of the entrance of any city-owned building. Attorney Krueger said that the request came from the Library Board as a result of patron concerns. This is the second reading and adoption. Councilors Kincaid and De Forest made a motion to approve the Ordinance. Motion carried, voice vote 7-0. File 8253 Ordinance 3559

9. APPOINTMENTS

President Haynes announced the openings and submitted the following appointment to City Committees, Boards, and Commissions for approval. Councilors De Forest and Sloniker made a motion to approve the appointments presented. Motion Carried, voice vote, 7-0.

- a. **Park, Recreation & Conservation Advisory Commission:** Incumbents Carl Lange, Carol Mankiewicz, and Anthony Stewart, to terms ending September 30, 2018 and Laurie Endres, as Beloit School District's Representative for the 2015-2016 school year. File 6180
- b. **Traffic Review Committee:** Incumbent Mike Ramsden to a term ending September 30, 2017, Thomas H. Nee, to a term ending September 30, 2017 and Robert C. Norder, for a term ending September 30, 2016. File 7399

10. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor Hendrix attended the Criminal Justice Coordinating Council (CJCC) as the alternate and found it very informative and is learning a lot. She also attended Beloit – the College and the City and said it was an awesome presentation about how connected we are as a community. She

looks forward to attending the Fruzen Intermediate School dedication on Sunday. She also announced that Beloit College will be putting on a production of Rent and said to save the date for opening weekend of November 12.

- Councilor Sloniker attended the SLATS meeting and received an update on the road construction.
- Councilor Kelly attended the City/College event and found it a great opportunity to recommit.
- Councilor Luebke assisted the Assistant Principal at the High School on September 12th as he and Councilor De Forest went out to speak to some truants. This was a unique opportunity as a past employee at the school. He then attended a race relations conference at Central Christian Church. He too attended the City/College event and is excited to see the 'communion' this opportunity brings.
- Councilor De Forest attended the City/College event and is very proud of being a Beloit and college Alum. When the college was founded in 1846, they were always committed to serving all people, including women and people of color, and said that's something to be proud of. She also commented that she is excited about Alliant Energy's development plans for a solar energy farm along the banks of the Rock River besides our natural gas power plant. She attended a picnic as a part of Heritage Days as well as the Welty Environmental Center open house at Big Hill Park. She extended her condolences to the family of T.C. Collins.
- Councilor Kincaid also went to the City/College event and was excited to see the partnership and participation of the City Manager and College President.
- President Haynes did not have a report other than he did not receive an invite to the City/College event.

11. CITY MANAGER'S PRESENTATION – none

12. REPORTS FROM BOARDS AND CITY OFFICERS

- a. City Manager Luther presented a resolution supporting the expansion of the **Riverside Energy Center** located in the Town of Beloit. She explained that before the council is a resolution supporting Alliant Energy's pursuit of an opportunity to provide a \$750 million dollar investment to provide an additional 650 megawatts of power and will supply the power needs of business, industries and up to 500,000 residential homes.

This project is slated to provide 200-300 construction jobs over a two-year period and if approved by the Public Service Commission, construction is slated to begin the summer of 2016 and be completed in early 2019.

City Manager Luther is presenting this resolution to the council in the true spirit of regionalism and cooperation while this project is physically located in the Town of Beloit, Manager Luther said she firmly believes that there is a broader economic impact and we should view this as an opportunity to benefit through cooperation and collaboration as a larger community. She said that the County, the City of Janesville and the Chamber have also supported this project. Councilors Luebke and Sloniker made a motion to approve the resolution. Motion carried, voice vote, 7-0. File 8700

- b. Community Development Director Julie Christensen, presented a resolution authorizing the City Manager to acquire 846 Harrison Avenue from the Rock County Treasurer. She stated that this is an annual occurrence and this year there is \$150,000 in the budget for this purpose.

On January 21, 2003, the Beloit City Council adopted a policy which directed the Community Development Department to work with the Rock County Treasurer to identify properties that are available through tax foreclosure and could be acquired for resale.

Staff has identified one property for purchase and demolition. Similar to the last four years, the City does not have enough money in the property acquisition account to purchase all of the properties going into foreclosure. Given the limited budget, we are focusing our resources on houses that are dilapidated and houses located within the Near Westside target area. Our recommendation is to give the private sector the opportunity to purchase the properties that have rehab potential.

There are no houses on the list which are located in the Near Westside target area and 846 Harrison Avenue is the only property we feel should be purchased by the City for demolition.

Once the house is demolished, we will make the vacant land available for sale. Councilors Sloniker and Hendrix made a motion to approve the resolution as presented. Motion carried, voice vote, 7-0. File 8102

13. Councilors Sloniker and Hendrix made a motion to adjourn the meeting at 7:55 p.m. Motion carried.



Lorena Rae Stottler, City Clerk

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Date approved by City Council: October 5, 2015