



AMENDED
AGENDA
BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, April 18, 2016

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Proclamation declaring April 29, 2016 as **Arbor Day** (Ferber)
 - b. Proclamation declaring April 28, 2016 as **Stand Against Racism Day** (Jane McCauley, Racial Justice Coordinator, YWCA)
4. PUBLIC HEARINGS
 - a. Resolution authorizing a **Conditional Use Permit** to allow a fitness studio in an R-1B, Single-Family Residential District, for the property located at 103 Eighth Street (aka 549 Shirland Avenue) in the City of Beloit (Christensen)
Plan Commission recommendation for approval 4-0
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 Special Meetings of March 31 and April 6, 2016 and the Regular Meeting of April 4, 2016 (Stottler)
- b. Resolution approving a **Class “B” Beer and “Class C” Wine License** for The Flying Pig Treat Shops, Inc., located at 431 East Grand Avenue, Debra Nelson, Agent (Stottler)
ABLCC recommendation for approval 6-0
- c. Resolution approving a **Class “A” Beer and “Class A” Liquor License** for Beloit Mobil on the Run, 2883 Milwaukee Road, Akbir Kang, Agent (Stottler)
ABLCC recommendation for approval 6-0
- d. Resolution approving **Change of Agent** for Domenico's Pizza and Restaurant, Inc., d/b/a Domenico's Pizza, located at 547 W. Grand Avenue from Nathan D. Lipps to Olsie A. Ekleberry (Stottler)
ABLCC recommendation for approval 6-0

- e. Resolution approving a **Change of Agent** for Casa Grande Inc., d/b/a La Casa Grande, located at 618 Fourth Street from Andrew Boros-Kazai to Olsie A. Ekleberry
ABLCC recommendation for approval 6-0
- f. Resolution approving a **Change of Agent** for Palermo Enterprise, LLC, located at 648 Fourth Street from Nathan D. Lipps to Olsie A. Ekleberry
ABLCC recommendation for approval 6-0
- g. Resolution approving the granting of a **Stormwater and Drainage Way Easement** to Hendricks Commercial Properties, LLC (Christensen)
Plan Commission recommendation for approval 4-0
- h. Resolution approving **Relocation Orders** to acquire Right-of-Way (ROW) and a Temporary Limited Easement (TLE) over a portion of the Menards property at 2851 Milwaukee Road and a TLE over a portion of the Walmart property at 2785 Milwaukee Road (Christensen) Plan Commission recommendation for approval 4-0
- i. Resolution awarding **C16-05, Crackfilling and Sealcoating** (Boysen)
- j. Report of the **Municipal Board of Canvassers** from April 4, 2016 Spring Election (Stottler)

7. ORDINANCES

- a. An Ordinance to repeal and recreate Section 8-900 and 8-1000 of the Zoning Ordinance, Chapter 19 of the **Code of General Ordinances relating to Construction Site Erosion Control and Post-Construction Storm Water Management** (Christensen)
Plan Commission recommendation for approval 5-0. Second Reading
- b. An Ordinance to amend Section 6.3.4(d) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit relating to **Detached Accessory Buildings for Garbage and Recycling Container Storage** (Christensen)
Plan Commission recommendation for approval 5-0. Second Reading
- c. An Ordinance to amend various sections of the Code of General Ordinances of the City of Beloit pertaining to **City Boards, Committees and Commissions** (Luther) Second Reading
- d. An Ordinance to amend various sections of 14.22 of the Code of General Ordinances of the City of Beloit pertaining to **Sidewalk Café** (Christensen) First reading, suspend rules for Second Reading

8. APPOINTMENTS

The individuals named below have been nominated for a seat on a city board, committee or commission. Each nomination is subject to confirmation by the City Council. Approval of appointments will be accomplished by one motion unless a council member requests to take up a nomination separately, in which event the nomination will be removed from the General Order of Business and considered at this point on the agenda

- a. **Alcohol Beverage License Control Committee:**
Leno Jerome Jennings, (replacing Ralph Berkley) for a term expiring June 30, 2018
- b. **Appointment Review Committee:**
Dan Gifford, (replacing Marlene Erickson) for a term expiring December 31, 2018

- c. **Board of Appeals:**
Willis J. Zick, (as 1st Alternate) for a term expiring May 31, 2018
Judy Robson, (as 2nd Alternate) for a term expiring May 31, 2018
- d. **Board of Ethics**
John S. Emery, (replacing Mr. Brown) for a term expiring December 31, 2016
- e. **Community Development Authority**
Tressie Webster, (replacing Erin Moffitt) for a term expiring December 31, 2016
- f. **Municipal Golf Committee**
William K. Maze, Jr., (replacing Andrew Insko) for a term expiring December 31, 2016
Ida Lenz, (replacing William F. Howard) for a term expiring December 31, 2018
- g. **Municipal Library Board**
Angela P. Moore, (replacing Lori Dotson) for a term expiring June 30, 2016
- h. **Plan Commission**
Incumbent Matthew L. Finnegan to a term ending April 30, 2019
Timothy L. Weeden, (replacing Angela Moore) for a term expiring April 30, 2019
- i. **Police and Fire Commission**
Tressy (Gustina) Brown, (replacing Craig W. Zastrow) for a term expiring April 30, 2019
Ana Kelly, (replacing Timmy Link) for a term expiring April 30, 2018

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

10. CITY MANAGER'S PRESENTATION

- a. Presentation and Resolution amending the **2016 Capital Improvement Budget** (Luther)

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Resolution awarding the Sale of \$1,750,000* **General Obligation Promissory Notes**, Series 2016A (Miller)
- b. Resolution awarding the Sale of \$3,280,000* **General Obligation Corporate Purpose Bonds**, Series 2016B (Miller)
- c. Resolution authorizing **Schedule of Fees and Charges** for Stormwater Management (Boysen)
- d. Resolution approving **Compensation Adjustments** for the City Manager (Haynes)

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: April 15, 2016
Lorena Rae Stottler
City of Beloit City Clerk

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, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Beloit has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting ways;

NOW THEREFORE, THE CITY COUNCIL PRESIDENT OF THE БЕЛОИТ CITY COUNCIL does hereby declare April 29, 2016 as **ARBOR DAY** in the City of Beloit and urge all citizens to support efforts to protect our trees and woodlands and to support our city's urban forestry program.

AND BE IT FURTHER PROCLAIMED that all Beloit citizens are encouraged to plant trees to brighten the community and promote the well-being of present and future generations.

Dated this 18th day of April, 2016.

Charles M. Haynes, President
Beloit City Council

ATTEST:

Lorena Rae Stottler, City Clerk

WHEREAS, racism and discrimination hurt everyone and have a profound effect on children, adults, communities and institutions; and

WHEREAS, racism can take many different forms including, discrimination, personal attacks, violence, written or verbal threats or insults, damage to property, graffiti or inequity of treatment to individuals of race, color, creed, and ethnicity by institutions; and

WHEREAS, the City of Beloit recognizes that all people should be treated with dignity, respect and justice; and

WHEREAS, Stand Against Racism Day is a nationally recognized initiative with a purpose to encourage communities to raise awareness that racism still exists while offering to be part of the solution to end racism and other forms of discrimination; and

WHEREAS, racism, acts of hate, violence and disparities in our institutions based on race, religion, ethnic heritage, gender, gender orientation or disability not only affect the victim, but affect our entire community and nation; and

WHEREAS, the City of Beloit supports the mission of YWCA Rock County to eliminate racism in our nation, state and community;

NOW, THEREFORE, THE CITY COUNCIL PRESIDENT OF THE БЕЛОIT CITY COUNCIL does hereby declare Thursday, April 28, 2016 as **Stand Against Racism Day** in the City of Beloit; and calls upon all Beloit citizens to support celebrating diversity and promoting racial justice in the Beloit Community.

Dated this 18th day of April 2016.

Charles M. Haynes, President
Beloit City Council

ATTEST:

Lorena Rae Stottler, City Clerk

RESOLUTION
AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A FITNESS STUDIO IN AN R-1B, SINGLE-FAMILY RESIDENTIAL DISTRICT, FOR THE PROPERTY LOCATED AT 103 EIGHTH STREET IN THE CITY OF БЕЛОIT.

WHEREAS, the application of Anabel Salgado, for a Conditional Use Permit to allow a fitness studio in an R-1B, Single-Family Residential District, for the property located at 103 Eighth Street in the City of Beloit, 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 fitness studio in an R-1B, Single-Family Residential District, for the property located at 103 Eighth Street in the City of Beloit, for the following described premises:

South 60 feet of Lots 218 and 219, and all of Lot 220 of Hackett's First Addition located in the City of Beloit, County of Rock, State of Wisconsin. Said parcel contains .27 acres, 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 the operation of a fitness studio in the attached garage on the commercial building located at 103 Eighth Street (aka 549 Shirland Ave).
2. The applicant must obtain an Architectural Review Certificate for any proposed signage.
3. Classes may only be held between the hours of 6:00am and 10:00pm.
4. The fitness studio must adhere to the noise regulations in accordance with Section 15.12 of the Municipal Code (Chapter 15, Public Peace and Good Order)
5. Customers must park in the designated parking lot on the property.
6. If City Staff receives frequent complaints about parking or excessive noise from neighbors or observes any illegal parking or unreasonable loud activity at the property, this Conditional Use Permit shall be null and void and the site shall be restored to its prior condition. This restoration order shall only be issued after the Plan Commission has reviewed the complaints and the applicant has been afforded the opportunity to explain and/or cure the circumstances giving rise the parking or noise issues.
7. A Building Official must perform an inspection to ensure the space is adequately lit and ventilated before the use is established.
8. 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 18th day of April, 2016.

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 103 Eighth Street (aka 549 Shirland Avenue)

Date: April 18, 2016

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Anabel Salgado has filed an application for a Conditional Use Permit to allow a fitness studio in an R-1B, Single-Family Residential District, for the property located at 103 Eighth Street in the City of Beloit.

Key Issues:

- The applicant is seeking permission to hold fitness classes in the garage attached to the commercial building.
 - The applicant has stated the intent to hold one hour-long exercise class for one hour daily, with the possibility of additional classes being added.
 - The space will not function as a traditional gym or fitness center, but will instead provide an indoor area to hold classes like Zumba that do not need traditional gym equipment.
- A clothing store currently occupies a part of the commercial building on the subject property and is a legal non-conforming use.
- According to Section 9.2.1 of the Zoning Code (Chapter 19), a legal non-conforming use may be altered in accordance with the conditional use procedures if the new use will have a “lesser negative impact”.
 - The operation of a new business constitutes a change in the non-conforming use for the property and therefore requires the applicant to obtain a Conditional Use Permit.
- Parking Availability
 - A fitness studio is classified as a Retail Sales/Service – Entertainment Oriented Use and requires one parking spot per 150 sq. ft. The garage area where the exercise classes will be held is approximately 350 sq. ft. and therefore requires 3 parking spaces. The existing lot has enough space to accommodate the parking requirement.
- The Plan Commission reviewed this item on April 6, 2016, and voted unanimously (4-0) to recommend approval of the Conditional Use Permit, subject to the other eight (8) 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** – The fitness studio will fill a currently unused space and will provide residents in the neighborhood with a convenient, nearby location to take exercise classes.

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: April 6, 2016

Agenda Item: 5

File Number: CU-2016-01

Applicant: Anabel Salgado

Owner: Anabel Salgado

Location: 103 Eighth Street

Existing Zoning: R-1B, Single-Family Residential District

Existing Land Use:
Commercial, East Side of Building
Residential, West Side of Building

Parcel Size: .27 Acre

Anabel Salgado has filed an application for a Conditional Use Permit to allow a fitness studio in an R-1B, Single-Family Residential District, for the property located at 549 Shirland Avenue (103 Eighth Street) in the City of Beloit. The applicant is seeking permission to hold a single daily, one-hour class. The adjacent zoning and land uses are as follows:

- **North:** R-1B, Single-Family Residential
- **South:** South Beloit, Commercial/Residential
- **East:** R-1B, Single-Family Residential
- **West:** R-1B, Single-Family Residential

Key Issues:

- The applicant is seeking permission to hold fitness classes in the garage attached to the commercial building.
 - The applicant has stated the intent to hold one hour-long exercise class for one hour daily, with the possibility of additional classes being added.
 - The space will not function as a traditional gym or fitness center, but will instead provide an indoor area to hold classes like Zumba that do not need traditional gym equipment.
- A clothing store currently occupies a part of the commercial building on the subject property and is a legal non-conforming use.
- According to Section 9.2.1 of the Zoning Code (Chapter 19), a legal non-conforming use may be altered in accordance with the conditional use procedures if the new use will have a “lesser negative impact”.
 - The operation of a new business constitutes a change in the non-conforming use for the property and therefore requires the applicant to obtain a Conditional Use Permit.
- The minimum off-street parking requirements for a fitness studio, classified as a *Retail Sales/Service – Entertainment Oriented* use, is one parking space per 150 sq. ft. The garage area where the exercise classes will be held is approximately 350 sq. ft. and therefore requires 3 parking spaces. The existing lot has enough space to fulfill the parking requirements for both uses on the property.
- The Fire Department commented that a new fire exit plan for the new occupancy is required if the exit routes change. The City’s other Review Agents did not submit any comments on the proposed use.
- The attached Public Notice was sent to seventeen nearby property owners. Planning staff has not received any comments.
- A Location & Zoning Map and site photos are attached.
- **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;*
 - Planning Staff feels that general public health and safety will not be negatively impacted by the proposed fitness studio. Instead, the studio has the potential to positively impact the general public health in the surrounding neighborhood by adding a close, convenient space to exercise.
 - *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 as the use will be entirely contained to the garage space.
 - *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - The property is already being used by a commercial business and the addition of a low-intensity use would not diminish or impair property values within the neighborhood.
 - *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
 - The structure is located in a fully developed area.
 - *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 building where the garage space is located already is adequately served by utilities and will not require new infrastructure.
- *Whether adequate measures will be taken to minimize traffic congestion; and*
 - The subject property has adequate space to handle the anticipated demand for parking and should not have a noticeable impact on traffic on Shirland Avenue.
- *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 Single-Family Residential (Urban) uses. 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** – The fitness studio will fill a currently unused space and will provide residents in the neighborhood with a convenient, nearby location to take exercise classes.

Staff Recommendation:

The Planning and Building Services Division recommends **approval** of a Conditional Use Permit to allow the operation of a fitness studio, classified as a *Retail Sales/Service – Entertainment Oriented* use, in an R-1B Single-Family Residential District, for the property located at 549 Shirland Avenue, based on the above Findings of Fact, under the following conditions of approval:

1. This Conditional Use Permit authorizes the operation of a fitness studio in the attached garage on the commercial building located at 549 Shirland Avenue.
2. The applicant must obtain an Architectural Review Certificate for any proposed signage.
3. Classes may only be held between the hours of 6:00am and 10:00pm.
4. The fitness studio must adhere to the noise regulations in accordance with Section 15.12 of the Municipal Code (Chapter 15, Public Peace and Good Order)
5. Customers must park in the designated parking lot on the property.
6. If City Staff receives frequent complaints about parking or excessive noise from neighbors or observes any illegal parking or unreasonable loud activity at the property, this Conditional Use Permit shall be null and void and the site shall be restored to its prior condition. This restoration order shall only be issued after the Plan Commission has reviewed the complaints and the applicant has been afforded the opportunity to explain and/or cure the circumstances giving rise the parking or noise issues.
7. A Building Official must perform an inspection to ensure the space is adequately lit and ventilated before the use is established.
8. 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

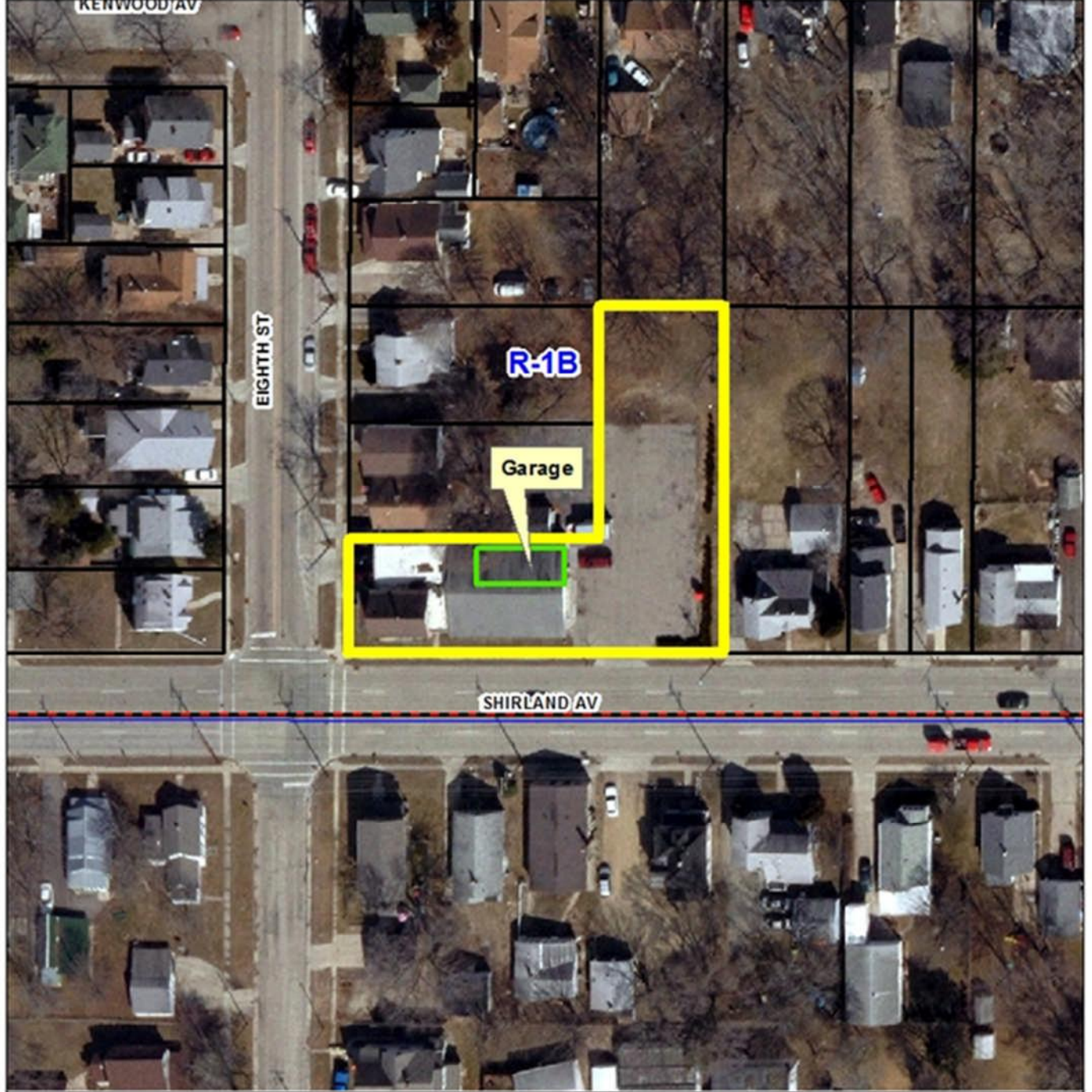
Attachments:

Location & Zoning Map, CUP Application, Site Photos, Public Notice, and Mailing List

Location & Zoning Map



CU-2016-01

549 Shirland Avenue
KENWOOD AV




Document Path: \\beloitcity\gis\municipal\GIS\Projects\Map\2016\2016-01\Shirland Ave. Address\Report\print

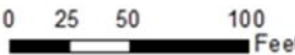
Legend

-  549 Shirland Avenue
-  COB Parcels

N



0 25 50 100
Feet



**Planning and Building
Services Division**

Map prepared by: Alex Morganroth
Date: March 2016
For: City of Beloit
Planning & Building Services
Date of Aerial Photography: April 2011

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: _____

1. Address of subject property: 549 Shirland Avenue, Beloit, WI 53511

2. Legal description: see attached

If property has not been subdivided, attach a copy of the complete legal description from deed.

Property dimensions are: 182 feet by 132 feet = 28,006 square feet.

If more than two acres, give area in acres: _____ acres.

3. Tax Parcel Number(s): 1355-0275, 1355-0440, 1355-0275

4. Owner of record: Anabel Salgado Phone: (608) 362-3553

103 8th St., Beloit, WI 53511

(Address)

(City)

(State)

(Zip)

5. Applicant's Name: Anabel Salgado

103 8th St., Beloit, WI 53511

(Address)

(City)

(State)

(Zip)

(608) 362-3553 / _____ / _____

(Office Phone #)

(Cell Phone #)

(E-mail Address)

6. All existing use(s) on this property are: Residential and clothing store

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

A Conditional Use Permit for: 549 Shirland Avenue

_____ in a(n) K-1B Zoning District.

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

Principal use: clothing store (already permitted)

Secondary use: Zumba exercise classes one hour per day with maximum
10 people, located in garage attached to the clothing store building

Accessory use: _____ AM

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:

(X) Owner

() Leasehold, length of lease: _____

(X) Contractual, nature of contract: Land 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.

Anabel Salgado / Anabel Salgado / 2/25/16
(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.

To be completed by Planning Staff

Filing fee: \$275.00 Amount paid: 275 Meeting date: March 23 (PL), April 7 (C)

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

Application accepted by: AKM Date: 2/26/16

Site Photos – 549 Shirland Ave – Garage on north side of building



Site Photos – 549 Shirland Ave – Attached garage space



March 21, 2016

NOTICE TO THE PUBLIC

To Whom It May Concern:

Anabel Salgado has filed an application for a Conditional Use Permit to allow the holding of dance classes in an R-1B, Single-Family Residential District, for the property located at:

549 Shirland Avenue.

A Conditional Use Permit is required for the change of a legal non-conforming use on a property. A clothing store, an existing legal non-conforming use, currently operates on the property. Holding dance classes in a space adjacent to the clothing store but on the same property would change the non-conforming use of property. Therefore, the applicant is required to obtain a Conditional Use Permit in order to hold dance classes on the property. The following public hearings will be held regarding this proposed Conditional Use Permit:

City Plan Commission: Wednesday, April 6, 2016 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, April 18, 2016 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. Comments will be accepted via telephone, email, and U.S. Mail.

MARIO & MERCEDES
VIRAMONTES
133 EIGHTH ST
BELOIT, WI 53511

JOAN RICE
923 WILLIAM ST
BELOIT, WI 53511

EDWARD & BEVERLY
MULLIGAN
4344 E WOOD TRL
BELOIT, WI 53511

PHAY SHU
2121 MILTON AVE STE 140
JANESVILLE, WI 53545

MARK & CECILIA JOY
127 EIGHTH ST
BELOIT, WI 53511

BETTY JANE KLIINE
4619 NW 40TH TERR
GAINESVILLE, FL 32606

JUAN & MARIA D COLON
COLON-ACATITLAN
414 MIDDLE ST
BELOIT, WI 53511

WENDY SVEOM
106 EIGHTH ST
BELOIT, WI 53511

FPS RENTAL INC
P O BOX 41
BELOIT, WI 53512

JAMES A & JANET C WRIGHT
550 KENWOOD AVE
BELOIT, WI 53511

JAMES HAGY
7236 E FOXHOLLOW RD
CLINTON, WI 53525

ALLAN & KATHRYN BARTZ
2150 THOMAS RD
BELOIT, WI 53511

RICHARD HULBERT
10251 W CTY K
BELOIT, WI 53511

DAVID N & JENNIFER L BAACK
W1703 ST PETERS RD
EAST TROY, WI 53120

DAVID TYRER
3550 S AFTON RD
BELOIT, WI 53511

ROGELIO & ELSA MORENO
1819 MCKINLEY AVE
BELOIT, WI 53511

JUANITA ROBBINS
1767 WISCONSIN AVE
BELOIT, WI 53511



**PROCEEDINGS OF THE BELOIT CITY COUNCIL
Special Meeting
100 State Street, Beloit WI 53511
The Forum
Thursday, March 31, 2016**

Presiding: Charles M. Haynes
Present: Sheila De Forest, Ana Kelly, Chuck Kincaid, David Luebke, Marilyn Sloniker
Absent: Regina Hendrix

1. President Haynes called the meeting to order at 6:30 p.m. in the forum at City Hall.
2. Councilors Luebke and Kincaid made a motion to adjourn into closed session pursuant to section 19.85(1)(c) Wis. Stats., **to consider employment, promotion, compensation or performance evaluation** data of a public employee over which the governmental body has jurisdiction or exercises responsibility, namely the position of the Chief of Police. Motion carried and council proceeded into closed session at 6:34 p.m.
3. Councilors Luebke and Sloniker made a motion to reconvene into open session for possible action on the matters discussed in closed session. Motion carried and council proceeded into open session at 7:05 p.m.
4. Councilors Kincaid and Sloniker made a motion to approve a **Resolution Accepting the Recommendation of the City Manager and Setting the Salary, Terms and Conditions of Employment for the Chief of Police**. Motion carried. Councilor De Forest asked the City Manager to explain the next step in the process. City Manager Luther explained that an appointment to the PFC is necessary to establish a quorum, who will then need to meet and vote and formally accept the appointment. File 6114
5. Councilors Sloniker and Kelly made a motion to adjourn at 7:15 p.m.

Lorena Rae Stottler, City Clerk

www.beloitwi.gov

Date Approved by Council: April 18, 2016



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, April 4, 2016

Presiding: Charles M. Haynes
Present: Regina Hendrix, Sheila De Forest, 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. Vice President De Forest presented to Library Director Dimassis a proclamation recognizing **National Library Week** April 10-16, 2016. File 7148
 - b. Vice President De Forest presented to Director of Housing and Community Services, Teri Downing, a proclamation in recognition of **Fair Housing Month**. File 7148
4. PUBLIC HEARINGS
 - a. Community Development Director, Julie Christensen, presented an Ordinance to repeal and recreate Section 8-900 and 8-1000 of the **Zoning Ordinance, Chapter 19 of the Code of General Ordinances relating to Construction Site Erosion Control and Post-Construction Storm Water Management** for a first reading.

The City of Beloit stormwater program is regulated by the Wisconsin DNR General Permit to Discharge. A requirement of the 2014 reissuance of the General Permit to Discharge requires the City to update Sections 8-900 and 8-1000 of the Zoning Ordinance in order to meet current DNR runoff management standards. The repeal and recreate of the subject Ordinance will ensure consistency with Chapter NR 151 (Runoff Management), of the Wisconsin Administrative Code. The DNR has set an implementation of May 1, 2016 for the updated ordinances.

 - o 8-900 – Construction Site Erosion Control
 - The purpose is to prevent and control water pollution and soil erosion by limiting the amount of sediment and other pollutants carried by runoff.
 - Sets an explicit limit on amount of sediment that can be discharged from construction sites larger than one (1) acre.
 - An approved written Erosion Control Plan is required for each project in order to obtain an Erosion Control Permit.
 - City Staff enforces the Ordinance as part of regular inspections and frequently requires contractors to clean up project sites during construction.
 - o 8-1000 – Post-Construction Stormwater Management
 - The purpose is to prevent and control the adverse effects of stormwater, soil erosion, and water pollution by establishing long-term, post-construction runoff management requirements.
 - Ordinance only applies after construction is complete.
 - Prior to project approval, developers are required to submit a written stormwater management plan and maintenance agreement.
 - Stormwater infrastructure must remove 80% of suspended solids on new construction and 40% of solids on redevelopment construction.
 - Standards set in the Ordinance vary by type of land use (i.e. residential vs. industrial)
 - o Section 2-803 of the Zoning Ordinance relates to the issuance of Certificates of Occupancy.

The proposed amendment to Section 2-803 would require a maintenance agreement (required under Section 8-1011) to be filed and recorded with the Rock County Register of Deeds prior to the issuance of a Certificate of Occupancy.

- o The Plan Commission reviewed this item on March 23, 2016 and voted unanimously (5-0) to recommend approval of this Zoning Text Amendment.

President Haynes opened the public hearing. No one spoke. President Haynes closed the public hearing. Councilors Luebke and Sloniker made a motion to lay the item over to the April 18, 2016 meeting. Motion carried. File 7724

- b. Community Development Director, Julie Christensen, presented an Ordinance to amend Section 6.3.4(d) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit relating to **Detached Accessory Buildings for Garbage and Recycling Container Storage** for a first reading.

The current Zoning Ordinance allows single- and two-family properties to have up to two detached accessory buildings such as sheds or garages. The total area of all detached accessory buildings is limited to 720 square feet or 10% of the lot area, whichever is greater. Each detached accessory building may be up to 1,200 square feet in area, provided the 720 square-foot or 10% standard above is met. For reference, a typical two-stall detached garage is 24' by 24' or 576 square feet.

- o City staff initiated the attached Ordinance in anticipation of storage issues resulting from the increased size of the new automated collection trash & recycling containers and the storage space constraints faced by many homeowners, who must store the new containers out of public view.
- o The attached Ordinance will allow homeowners to construct a third detached building not exceeding 40 square feet in area per unit, provided said building is designed and used exclusively to store the new automated collection trash & recycling containers.
- o Planning staff worked with Public Works staff to determine that each container, including a 1-foot buffer for maneuvering, would occupy approximately 20 square feet. Each single- and two-family dwelling will be issued two containers, hence the maximum building size of 40 square feet. This proposal is intended to be the minimum relief necessary, and homeowners requesting extra containers will need to store them in existing sheds or garages. All of the existing regulations that apply to detached accessory buildings including setbacks, separation, and height restrictions remain in effect.
- o The Plan Commission reviewed this item on March 23, 2016 and voted unanimously (5-0) to recommend approval of this Zoning Text Amendment.

President Haynes opened the public hearing. Bill Dorr addressed the council in favor of the ordinance and presented a flyer with ideas used in Cottage Grove when they did the implementation to assist with community solutions on storing trash containers out of public view. President Haynes closed the public hearing. Councilors Hendrix and Luebke made a motion to lay the item over to the April 18, 2016 meeting. Motion carried. File 7724

5. CITIZEN PARTICIPATION

- a. Ashley Rosenbaum, 934 10th St., addressed the council to explain that she and other employees are bilingual and explained she is willing to assist other departments with language barriers if needed.
- b. Anita B. Williams, Wanda Sloan and Deb Fallon representing the League of Women Voters, Beloit addressed the Council with concerns over suspending rules to regarding the ordinance pertaining to City Boards, Committees and Commissions. President Haynes explained that this ordinance will receive a first reading only this evening and will return at a future meeting for a second reading.
- c. Prisha Gustina, 1313 11th St., addressed the Council with concerns about the technological resources available to the Beloit Police Department after being told during an investigation that an officer doesn't have a phone capable of taking pictures. She asked the council to ensure officers are properly equipped.
- d. Darrell Wildes, 1677 Sherman Ave., spoke on behalf of B.R.A.V.E (Businesses Rally Against Violent Environment). The group was formed in response to increased violence in Beloit and is comprised of residents united to create a safer city through outreach, reporting violence, and recognizing those who work toward peace. They have a website: <http://www.beloitbrave.org/> and are on Facebook.
- e. Walter Knight, 2028 Master St., addressed the Council in disappointment on how the PFC and City Council interacted pertaining to the handling of the appointment of the Chief of Police.
- f. Matt Finnegan, 2212 Knoll View Dr., addressed the Council to address 2015 WI ACT 176 and expressed concerns over 4th amendment rights.

6. CONSENT AGENDA

Councilors Luebke and Sloniker made a motion to adopt the consent Agenda as presented. Motion carried.

- a. The **Minutes** of the Regular Meeting of March 21, 2016 were approved.
- b. An application for **Class “B” Beer and “Class C” Wine License** for The Flying Pig Treat Shops, Inc., located at 431 East Grand Avenue, Debra Nelson, Agent was referred to ABLCC. File 8688
- c. A Resolution awarding **Public Works Contract C16-07**, Street Resurfacing was approved. File 8716
- d. A Resolution awarding **Public Works Contract C16-10**, Third Street Demolitions was approved. File 8716
- e. An application for an amended **Planned Unit Development (PUD)-Master Land Use Plan**, for the property located at 1810 Sutler Drive – Tractor Supply Co. (old Staples) was referred to Plan Commission. File 8717
- f. A Resolution setting a date for a public hearing for the **Vacation** of a portion of Springbrook Court Right-of-Way in the City of Beloit, Rock County Wisconsin was accepted and referred to Plan Commission. File 7443
- g. An application for **Stormwater and Drainage Way Easement** was referred to Plan Commission. File 8243
- h. An application for **Relocation Order** to acquire Right-of-Way (ROW) and a Temporary Limited Easement for Branigan Road Extension was referred to Plan Commission. File 8195

7. ORDINANCES

- a. Director of Operations, Chris Walsh, presented an Ordinance to Repeal and Recreate Chapter 17 of the Code of General Ordinances for the City of Beloit pertaining to the **Regulation of Solid Waste** for a second reading. Her report includes an explanation for this item and the next item as they relate to the automation of solid waste-collection. Beginning on June 6, 2016, the City is overhauling and changing its solid waste management program in order to implement automated trash and recycling collection. This overhaul required a number of changes to the existing Municipal Code provisions that regulate solid waste and ancillary issues related to solid waste storage, maintenance and management. As part of the automation, the City will provide for the rental of small dumpsters. The proposed fee for such rentals and a listing of all of the current fees related to solid waste collection are included in the fee resolution. Solid Waste staff has been conducting public information sessions throughout the City to educate residents about the new program and to respond to any questions or concerns. Additional information about the transition to the automated collection program is available at <http://www.automatebeloit.com>. The following changes are necessary for the process to be current and comply:
 - Chapter 17 was completely rewritten. The repeal and recreate of this Chapter provides clear direction to the city residents about the new automation of collection and associated regulations related to the storage, management and collection of solid waste.
 - Various provisions of Chapter 7 were changed to update references to Chapter 17 and to address those provisions within Chapter 7 that relate to the storage and maintenance of solid waste containers.
 - In companion legislation, the city will address detached accessory structures/buildings for solid waste containers.
 - Public education sessions have been held throughout the city for the last several weeks to provide information and respond to questions and concerns of residents.Councilors Luebke and Kelly made a motion to approve the Ordinance as presented. Motion carried. File 6824 Ordinance 3570
- b. Director of Operations, Chris Walsh, presented an Ordinance to amend sections 7.23(1), 7.234(1), 7.234(2)(n), 7.24(12)(b)1, 7.26(4) and 15.20(1) of the Code of General Ordinances of the City of Beloit Pertaining to **Solid Waste Containers and Disposal** for a second reading. Councilors De Forest and Sloniker made a motion to approve the Ordinance as presented. Motion carried. File 6824 Ordinance 3571

- c. City Manager, Lori Luther, presented an Ordinance to amend various sections of the Code of General Ordinances of the City of Beloit pertaining to **City Boards, Committees and Commissions** for a first reading. She explained that it is a high priority for the City to have a diverse array of citizen representatives on boards, committees and commissions to provide recommendations to the full Council for consideration. However, over the course of the past year in particular, few applications to serve as a committee member have been received. The months of March and April 2016, for example, there are 27 vacancies for the 15 boards, committees and commissions with only 6 applications to be brought forward to the Appointment Review Committee.

Further, the Ethics Board does not currently have sufficient membership to achieve a quorum. While this board only meets on an as needed basis, it is critical that this Board be able to meet and address any potential ethics concerns that might be raised. From time to time, other boards have also had difficulty reaching quorum, which suggests that there is a need to evaluate other methods to appoint members and establish voting authority.

At two recent Council workshops some potential changes to the structure were discussed to encourage more citizen participation, provide quorums, and to ensure ample opportunity for the public to provide input. The City Council has not revisited the Code of Ordinances related to boards, committees, and commissions for many years and this is an appropriate time to revisit the topic due to the issues outlined above.

- Amendments to the ordinances include appointing members of the Ethics Board in a way that ensures adequate membership for a quorum. The Chair of the Community Development Authority, Municipal Library Board, Park, Recreation & Conservation Advisory Commission, Plan Commission, and Police and Fire Commission would serve as standing members of the Ethics Board along with two at-large citizen appointees.
- Meeting times are required to begin between 6:30-8:00 p.m. for a variety of committees that need frequent public input. Other meeting times are removed to provide additional flexibility. Currently, the time of each board, committee or commission is stipulated by ordinance and are often held during the day, which may be difficult for individuals and the public to attend.
- Permitting Council members to be voting members of the boards, committees and commissions when the presence of the council member is needed for quorum.
- Requiring interviews by the City Council for appointments to particular committees to further engage the Council with the appointment process.
- Cleaning-up and modernizing the ordinances related to boards, committees and commissions. Councilors De Forest and Luebke made a motion to lay the Ordinance over to the April 18th regular meeting. Motion Carried. File 8718

8. APPOINTMENTS -none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor Hendrix reminded everyone to get out and vote April 5th. She is excited to receive a Woman of Distinction award this week from the YWCA and is then leaving to take a group of students on college visits.
- Councilor Sloniker attended a meeting of the group called B.R.A.V.E.
- Councilor Kelly attended a banquet to receive the WI Main Street Downtown Beloit award.
- Councilor Luebke congratulated Mark Fruzen on his retirement from the Beloit Police Department. He felt he needed to address a few of the comments made by Mr. Knight earlier during public comment. He ensured the public that his mind was not made up before a complete search was done and did not see it as a waste of resources to make sure the most qualified candidate was selected.
- Councilor De Forest also congratulated Mr. Fruzen on his retirement. She also attended a meeting of the group called B.R.A.V.E. and thanked all the neighborhood watch groups for the work they do to keep Beloiters safe.
- Councilor Kincaid encouraged all to vote tomorrow.
- Councilor Haynes had nothing to add.

10. CITY MANAGER'S PRESENTATION - None

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. City Manager, Lori Luther, presented a resolution **Setting the Salary** for Municipal Court Judge. On

April 5, 2016, a new municipal court judge will be elected to office. State law and ordinance require that the city council set the salary of the municipal court judge. The salary of \$31,070 has been included in the approved 2016 budget.

- Section 1.58(3)(c) of the Code of General Ordinances for the City of Beloit requires the city council to set the salary of the Municipal Court Judge.
- The annual salary of the Municipal Court Judge is provided in the Municipal Court budget.
- The annual salary shall be \$31,070 until the salary is further determined by the city council.

Councilors De Forest and Sloniker made a motion to approve as presented. Motion Carried.
File 4906

- b. City Manager, Lori Luther, presented a resolution approving **Real Estate Purchase Agreement** for the sale of 2401 Stateline Road, Beloit, WI. As the economy has continued to recover so has the market for Class A Industrial/Warehouse space in Greater Beloit and Rock County. Recognizing this unmet supply gap in the market Hendricks Commercial Properties (HCP) is proposing to build a series of Class A Industrial buildings on a 30 acre City-owned site located in the Willowbrook Industrial Park.

As the initial building will not have a particular tenant assigned to its space it is being built on speculation (spec). HCP believes that it will be able to attract one or more tenants to the space before or shortly after construction is completed. The buildings are being designed in such a manner that they can be easily configured to accommodate either industrial or warehouse users and may be used by one large tenant or divided to allow for multiple tenants.

HCP is proposing to market the site as "The Stateline Industrial Park." Attached is a preliminary site plan showing how it could potentially be fully built-out, including over 400,000 square feet on new development under roof. As the site is being built on speculation there exists great potential that future end users could create 100 or more high-quality jobs at the site. By adding this space to the inventory of available industrial sites in the market will enhance Beloit's overall economic development competitiveness and will enhance our community's reputation of responding quickly to market demands. It also demonstrates Beloit's continued ability to enter into public/private partnerships to advance significant economic development projects.

To support this project the City will need to extend public sewer and water infrastructure to the site. To finance these costs the City will use the resources of TID # 8. Therefore, a companion item on Council's agenda is a resolution amending the 2016 TID #8 budget. The cost to design, engineer, and construct these improvements is estimated at \$204,100. The Real Estate Purchase Agreement that has been negotiated with HCP includes several key issues:

- The Agreement requires HCP to begin construction of a 100,000 square foot building within 12 months of closing and begin construction of a 100,000 square foot addition to the initial building or construction of a second 100,000 square foot building within 36 months of the City completing the sewer and water extensions.
- The City will convey to HCP the 31.587 acre Willowbrook Industrial Park site for One Dollar.
- If HCP fails to substantially complete construction on the initial 100,000 square foot building, or begin construction on an addition or second building, during the required time period the City may require HCP to reconvey all or part of the undeveloped portion of the land back to the City for One Dollar.
- The City will extend public sewer and water utilities to serve the site. The City is required to award a contract for the utility work within 100 days of closing and complete the work within 190 days of closing.
- The City will be providing a Stormwater and Drainage Way Easement (to be approved in a separate action) on the adjoining City-owned property that is the site of the City's Wastewater Treatment Plant. The Stormwater and Drainage Way will be designed to facilitate the runoff of water between sites that will be developed and the interstate. HCP will construct the Stormwater Drainage Way improvements at their sole expense. HCP will undertake the general maintenance of the Storm Water Facilities but the City shall be responsible for any extraordinary costs associated with maintaining the Drainage Way.
- In-order to properly manage the stormwater across the project site a storm water easement from an abutting property owner has been obtained by HCP at a cost of \$4,000 of which the City has agreed to contribute \$2,000 towards that cost.
- Capital investment in the initial building is estimated at \$6 million and when fully built out could exceed \$24 million.
- HCP hopes to close on the land sale by mid-April, begin construction by the end of the month, and be substantially complete on the initial 100,000 square foot building by December 31, 2016.

Councilors Luebke and Kincaid made a motion to approve the resolution as presented. Motion carried. File 8719

- c. City Manager, Lori Luther, presented a resolution amending the **2016 Tax Increment District #8** Budget to include a project to incent an Industrial Development Building. The approved development agreement included a provision to extend public sewer and water infrastructure to the site in the amount of \$204,100 and it is necessary to service the planned private improvements. The adopted tax increment district #8 Budget for 2016 did not include this project and therefore this amendment is necessary. Councilors Luebke and Kelly made a motion to approve the resolution as presented. Motion Carried. File 8719/7358

12. Councilors Sloniker and Hendrix made a motion adjourn the meeting at 8:22 p.m. Motion carried.

Lorena Rae Stottler, City Clerk

www.beloitwi.gov

Date approved by City Council: April 18, 2016



**PROCEEDINGS OF THE BELOIT CITY COUNCIL
Special Meeting
100 State Street, Beloit WI 53511
4th floor City Manger's Conference Room
Wednesday, April 6, 2016**

Presiding: Charles M. Haynes
Present: Sheila De Forest, Ana Kelly, Chuck Kincaid, David Luebke (via telephone) and Marilyn Sloniker, Regina Hendrix
Absent: None

1. President Haynes called the meeting to order at 6:34 p.m. in the 4th Floor City Manager's Conference Room.
2. Consideration of the **Appointment** of Mr. Dennis Murphy to the Police and Fire Commission. It was noted that Appointment review Committee recommended approval 5-0. Councilor Kincaid and Hendrix made a motion to approve the appointment as presented. Motion carried 7-0. File 6114
3. Councilor Sloniker and Hendrix made a motion to adjourn the meeting at 6:39 p.m. Motion carried

Jelene J. Ahrens, Deputy City Clerk

www.beloitwi.gov

Date Approved by Council:

**RESOLUTION APPROVING A CLASS “B” BEER
AND “CLASS C” WINE LICENSE FOR
THE FLYING PIG TREAT SHOPS, INC., D/B/A FLYING PIG**

WHEREAS, an application has been received for a Class “B” Beer and “Class C” Wine License from The Flying Pig Treat Shops, Inc., d/b/a Flying Pig, Debra Dee Nelson, Agent for the property located at 431 E. Grand Avenue, Beloit, Wisconsin; and

WHEREAS, the Alcohol Beverage License Control Committee recommended approval of this Class “B” Beer and “Class C” Wine License for the remainder of the 2015-2016 license year.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beloit does hereby approve a Class “B” Beer and “Class C” Wine License for The Flying Pig Treat Shops, Inc., d/b/a Flying Pig, Debra Dee Nelson, Agent for the property located at 431 E. Grand Avenue, Beloit, Wisconsin.

Dated this 18th day of April 2016.

Charles M. Haynes, City Council President

ATTEST:

Lorena Rae Stottler, City Clerk



CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Application for Class “B” Beer and “Class C” Wine License for The Flying Pig Treat Shops, Inc., located at 431 East Grand Avenue, Debra Nelson, Agent. Refer to ABLCC

Date: April 4, 2016

Presenter(s): Lorena Rae Stottler

Department: City Clerk

Overview/Background Information: On March 9, 2016 Lisa Dodd, owner of The Flying Pig Treat Shops, Inc., presented documents to the City Clerk’s office:

1 – The Dodd’s have purchased the property at 431 E. Grand Ave (the old Cheese People of Beloit building) and plan to expand their operations. Part of their expansion is serving beer and wine. They have completed an application with the clerk and are seeking committee referral and recommendation to the full council. This first step is referral to the Alcohol Beverage License Control Committee for consideration at their April 12th meeting.

Key Issues (maximum of 5):

1. The Clerk has received a completed application, an auxiliary questionnaire, the supplemental questionnaire for agent, the drawing of the store indicating the location of alcohol storage and serving, and has initiated the appropriate steps accordingly.
2. This is a referral to ABLCC only at this time and will be presented at their April 12th meeting.
3. Upon recommendation, this will return to the City Council on April 18th for a decision.
4. Should the council vote in favor of the issuing of this license, the clerk will execute proper requests for inspections prior to issuing license.

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City’s mission.): Taking action regarding this license conforms to the City’s Strategic Plan by encouraging economic development in the entrepreneurial community while applying sound, sustainable practices to promote high quality development.

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:

Fiscal Note/Budget Impact: Action on this item does not have a significant impact on the City’s budget.

Attachments: Original Alcohol Beverage Retail License Application, Schedule of Appointment of Agent, Auxiliary Questionnaire, Supplemental Questionnaire for Agents

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning _____ 20____; ending 6-30 2016

TO THE GOVERNING BODY of the: Town of } Beloit
 Village of }
 City of }

County of _____ Aldermanic Dist. No. _____ (if required by ordinance)

1. The named INDIVIDUAL PARTNERSHIP LIMITED LIABILITY COMPANY
 CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name):

The Flying Pig Treat Shops, Inc. (Illinois Corporation)

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member	<u>Pres Lisa Dodd</u>	<u>125 Colebrook</u>	<u>Rockton, IL 61072</u>
Vice President/Member	<u>VP Gregory Dodd</u>	<u>125 Colebrook</u>	<u>Rockton, IL 61072</u>
Secretary/Member			
Treasurer/Member			
Agent	<u>Debra Dee Nelson</u>	<u>1207 Liberty Ave</u>	<u>Beloit</u>
Directors/Managers			

3. Trade Name Flying Pig Business Phone Number 608 3122554
 4. Address of Premises 434 E. Grand (431) Post Office & Zip Code Beloit WI 53511

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
 6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
 7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
 8. (a) Corporate/limited liability company applicants only: Insert state _____ and date _____ of registration.
 (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
 (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No
 (NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored, The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Dining room, 2nd fl. special event room, storeroom, 1st floor kitchen!

10. Legal description (omit if street address is given above): _____
 11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
 (b) If yes, under what name was license issued? Cafe Fromage/Cheese People
 12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] Yes No
 13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]. Yes No
 14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME
 this 9 day of March, 2016
Claine M. Reberich
 (Clerk/Notary Public)
 My commission expires 06/28/18

Lisa Dodd
 (Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

 (Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

 (Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>3-9-16</u>	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village of Beloit County of _____
 City

The undersigned duly authorized officer(s)/members/managers of The Flying Pig Treat Shops, Inc.
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

Flying Pig
(trade name)
located at 431 E. Grand

appoints Debra Nelson
(name of appointed agent)
1207 Liberty
(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin?

Place of residence last year 1207 LIBERTY AVE. BELOIT, WI 53511

For: The Flying Pig Treat Shops, Inc.
(name of corporation/organization/limited liability company)

By: Lisa Doodal
(signature of Officer/Member/Manager)

And: _____
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Debra Dee Nelson
(print/type agent's name), hereby accept this appointment as agent for the

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Debra D. Nelson
(signature of agent) 3/9/16
(date)
1207 LIBERTY AVE. BELOIT, WI 53511
(home address of agent)

Agent's age 42

Date of birth _____

**APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)**

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(date) (signature of proper local official) (town chair, village president, police chief)

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name) NELSON		(first name) DEBEA		(middle name) See	
Home Address (street/route) 1207 LIBERTY AVE.		Post Office	City BELOIT	State WI	Zip Code 53511
Home Phone Number 608-289-9698		Age	Date of Birth	Place of Birth BELOIT, WI	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- _____ of _____
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

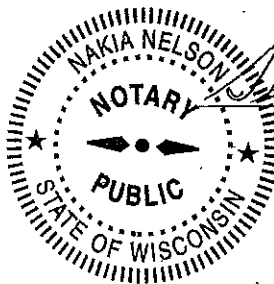
- How long have you continuously resided in Wisconsin prior to this date? 25 YEARS
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. _____
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. _____
(Name of Wholesale Licensee, or Permittee) (Address By City and County)
- Named individual must list in chronological order last two employers.

Employer's Name QUAD, INC	Employer's Address 810 PROGRESSIVE WAY SO. BELOIT, WI 61080	Employed From 9/97	To 5/2015
Employer's Name	Employer's Address	Employed From	To

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 14 day of MARCH, 2016
Nakia Nelson
(Clerk/Notary Public)



Debea D. Nelson
(Signature of Named Individual)

My commission expires July 29, 2019



Printed on Recycled Paper

Wisconsin Department of Revenue

**AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION**

Submit to municipal clerk.

Individual's Full Name (please print) (last name) Dodd		(first name) Lisa	(middle name) Key	
Home Address (street/route) 125 Colebrook		Post Office	City Rockton	State IL Zip Code 61072
Home Phone Number 815 621 0988		Age	Date of Birth	Place of Birth Conroy, AR

The above named individual provides the following information as a person who is (check one):

Applying for an alcohol beverage license as an individual.

A member of a partnership which is making application for an alcohol beverage license.

OFFICER of **The Flying Pig Treat Shops, Inc**
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 10
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify. (Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify. (Name of Wholesale Licensee, or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name CALS	Employer's Address Little Rock, AR	Employed From March '97	To June '01
Employer's Name Dodd Law Office	Employer's Address Little Rock, AR	Employed From March '91	To June '01

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me
 this 9 day of March, 2016
Clair M. Robert
(Clerk/Notary Public)
 My commission expires 06/28/18

Lisa Dodd
(Signature of Named Individual)



Printed on Recycled Paper

Wisconsin Department of Revenue



SUPPLEMENTAL QUESTIONNAIRE FOR AGENTS

You are required to provide the following information to the City of Beloit to assist in determining whether you meet the qualifications necessary to act as agent for the corporation or limited liability company that has submitted your appointment as agent. (Wis. Stats. 125.04(5) and (6)).

Please attach as many sheets as necessary to provide your answers to the questions below. Your notarized signature is required on the next page and constitutes your sworn statement that the information provided by you is truthful and accurate. It is also necessary that you have a corporate officer sign the second page and have that signature notarized also. The signing and notarization by the corporate officer constitutes a representation to the city that the corporation is requesting that the city rely on the information provided by the agent, which you attach.

QUESTIONS

Attached

1. The law requires that the entity appointing you as agent vest in you, by properly authorized and executed written delegation, full authority and control of the premises described in the license or permit of the entity, and of the conduct of all business on the premises relative to alcohol beverages, that the license or permittee could have and exercise if it were a natural person. Please state in your own words how you intend to fulfill those duties and exercise your authority.
2. Please describe any previous experience you have had in retail alcohol sales.
3. Please state how many other people will be under your supervision and engaged in alcohol beverage business.
4. Please describe what type of training you will offer to those under your supervision, describe whether the training will be ongoing, and attach any written training materials or policy manuals you intend to rely on.
5. Please describe in detail what training, policy, and procedures you intend to implement to ensure against underage sales.
6. Please describe what other employees will hold licenses to directly dispense alcohol.
7. Please describe whether you are going to be a full time employee and further state whether you either act as an alcohol agent for any other business or hold any other employment.

8. Please state your intended hours or schedule of being physically present at the licensed premises. Your intended hours should be set on a daily, weekly, or monthly basis as appropriate.
9. Please state whether you understand that you can be personally given citations by the police department for such things as underage sales, open after hours, or other alcohol related violations even when you are not on the premises.
10. Please describe any alcohol related violations you have been charged with in the last five (5) years. Provide the date of the offense, the nature of the charge, and the disposition of the matter. If there are none, so state.
11. Please provide any other information you believe that the City of Beloit should be aware of in deciding whether you satisfactorily qualify to be an alcohol beverage agent.

Debra D. Nelson

Agent Signature

DEBRA D. NELSON

Print Agent Name

Subscribed and sworn to be this 23 day of Feb, 2016.



Notary Public

[Signature]

My Commission Expires: 7/29/2019

Lisa Dodd

Corporate Officer Signature
(Designate Office)

Lisa Dodd

Print Corporate Officer Name

Subscribed and sworn to be this 9 day of March, 2016.

Elaine M. Reberich

Notary Public - Rock County

My Commission Expires: 6/28/18

Flying Pig

1. I will make sure that all alcohol is served responsibly, scrutinizing and checking all ID's as required, and will make sure no "after hours" service is rendered.
2. When I worked at Viking Lanes in South Beloit, I would serve beer during the summer to the baseball leagues.
3. There will be 2 other people under my supervision.
4. My company is in the process of preparing a manual of operations in relation to the alcohol aspect of the business. This will be completed prior to any service of alcohol on the premises. Once the manual of procedures is prepared, I will sit down with the other employees and go over the procedures and each employee will sign off that they have knowledge of the procedures and intend to follow them—including careful ID checking, hours of service, etc.
5. We will be vigilant about checking ID's, and each employee serving alcohol will be taught how to check ID's.
6. Lisa Dodd, owner. Kelsey Bogdon, manager, Megan Bogdon, shift manager
7. I am a full time employee. I do not act as an agent for any other business. I am not employed anywhere else.
8. My hours and days vary. Sometimes I work in the mornings, sometimes in the evenings. I also work off and on during the weekends as needed.
9. I understand that I can be given a citation for underage sales, open after hours, or other alcohol violations even if I am not present.
10. None.
11. I am a very responsible person, and understand the gravity of the situation and what this entails and intend to follow procedures and the law fully.

**RESOLUTION APPROVING A CLASS “A” BEER
AND “CLASS A” BEER LICENSE FOR
ARP PETROLEUM LLC, D/B/A БЕLOIT MOBIL ON THE RUN**

WHEREAS, an application has been received for a Class “A Beer and “Class A” Liquor License from Arp Petroleum LLC, d/b/a Beloit Mobil on the Run, Akbir Kang, Agent for the property located at 2883 Milwaukee Road, Beloit, Wisconsin; and

WHEREAS, the Alcohol Beverage License Control Committee recommended approval of this Class “A” Beer and “Class A” Liquor License for the remainder of the 2015-2016 license year.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beloit does hereby approve a Class “A” Beer and “Class A” Liquor License for Arp Petroleum LLC, d/b/a Beloit Mobil on the Run, Akbir Kang, Agent for the property located at 2883 Milwaukee Road, Beloit, Wisconsin.

Dated this 18th day of April 2016.

Charles M. Haynes, City Council President

ATTEST:

Lorena Rae Stottler, City Clerk



CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Request to transfer License from ND Gas LLC to new business on same premise (2883 Milwaukee Road to ARP Petroleum LLC (Owner/agent Akbir Kang)

Date: April 18, 2016

Presenter(s): Lorena Rae Stottler

Department: City Clerk

Overview/Background Information: On February 29th, 2016 Akbir Kang, future owner of Beloit Mobil on the Run came to apply for a liquor license with the understanding that Rao Ahmed of ND gas LLC would need to relinquish his liquor license upon sale of the business.

1 – Ms. Akbir Kaur Kang of ARP Petroleum is making application to establish her business to be located and named at the same premise- Beloit Mobil on the Run at 2883 Milwaukee Road. She has presented the Clerk's office a complete application.

2 – Upon referral to ABLCC, recommendation and approval of the City Council to grant ARP Petroleum a full liquor license, property owner Rao Ahmed has agreed to relinquish his full license to the new owner upon successful execution of a sale and approval of said license.

3 – If this application is approved, Ms. Kang will pay the pro-rated fee from the day of issuance to June 30, 2016.

Key Issues (maximum of 5):

1. The Clerk has received a completed application, an auxiliary questionnaire, the supplemental questionnaire for agent, the drawing of the store indicating the location of alcohol storage and serving, and has initiated the appropriate steps accordingly. She has applied to the state for her seller's permit. The sale is scheduled to be complete before the the April 1 opening and execution of the new liquor license.
2. This is a referral to ABLCC only at this time
3. Upon recommendation, this will return to the City Council on March 21st for a decision.
4. Should the council vote in favor of the issuing of this license, the clerk will execute proper requests for inspections prior to issuing license.

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.): Taking action regarding this license conforms to the City's Strategic Plan by encouraging economic development in the entrepreneurial community while applying sound, sustainable practices to promote high quality development.

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: Staff recommends that the City Council refer this item to the Alcohol Beverage License Control Committee for review and recommendation.

Fiscal Note/Budget Impact: Action on this item does not have a significant impact on the City's budget.

Attachments: Original Alcohol Beverage Retail License Application, Schedule of Appointment of Agent, Auxiliary Questionnaire, and letter of intent from both parties.

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning April 1st 20 16 ending June 30th 20 16

TO THE GOVERNING BODY of the: Town of Village of City of } Beloit

County of Rock Aldermanic Dist. No. _____ (if required by ordinance)

1. The named INDIVIDUAL PARTNERSHIP LIMITED LIABILITY COMPANY CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Arp Petroleum LLC

An "Auxillary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

President/Member President, Akbir Kang Title Name Home Address Post Office & Zip Code 176 W. Main St. Whitewater WI 53190

Vice President/Member _____

Secretary/Member _____

Treasurer/Member _____

Agent Akbir Kang

Directors/Managers _____

3. Trade Name Arp Petroleum & Beloit Mobil on The Road Business Phone Number _____
 4. Address of Premises 2883 Milwaukee Rd, Beloit WI Post Office & Zip Code 53511

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
 6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
 7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
 8. (a) Corporate/limited liability company applicants only: Insert state _____ and date _____ of registration.
 (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
 (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No
 (NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Cooler, back stock room, sales floor ice cooler, wine

10. Legal description (omit if street address is given above): ND Gas LLC

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
 (b) If yes, under what name was license issued? ND Gas LLC

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] Yes No

13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No

14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME

this 29 day of February, 20 14

[Signature]
 (Clerk/Notary Public)

[Signature]
 (Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

My commission expires 8-23-19

 (Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

 (Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

456-102914011302

Applicant's WI Seller's Permit No. 456-102914011302 FEIN Number: 1455664

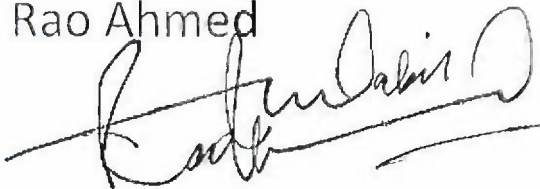
LICENSE REQUESTED	
TYPE	FEE
<input checked="" type="checkbox"/> Class A beer	\$
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input checked="" type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ <u>50</u>
TOTAL FEE	\$

Attn: City Clerk

City of Beloit Wisconsin

This is to state that we are in process of selling our business located at 2883 Milwaukee rd, Beloit WI 53511, Known as Beloit Mobil on the run to ARP Petroleum LLC. In order to complete the transaction, ARP petroleum is required to have a Liquor license from city of Beloit. That is why; Ms Akbir Kaur Kang of ARP Petroleum LLC is applying for the liquor license. ND Gas LLC will like to keep our existing liquor license until deal is closed & everything is transferred to ARP Petroleum LLC. City of Beloit will be notified of closing date in due time.

Rao Ahmed

A handwritten signature in black ink, appearing to read 'Rao Ahmed', with a horizontal line underneath.

ND Gas LLC

2883 Milwaukee rd,

Beloit , WI 53511

50255
Address

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village of Beloit County of Rock
 City

The undersigned duly authorized officer(s)/members/managers of Arp Petroleum
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as _____
(trade name)

located at 2883 Milwaukee Rd, Beloit WI 53511

appoints Akbar Kang
(name of appointed agent)
176 W. Main St. Whitewater, WI 53190
(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 4 yrs, 5 months

Place of residence last year 2764 Kadec Dr #9 Beloit, WI 53511

For: Arp Petroleum LLC.
(name of corporation/organization/limited liability company)

By: [Signature]
(signature of Officer/Member/Manager)

And: _____
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Akbar Kang, hereby accept this appointment as agent for the
(print/typed agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverage conducted on the premises for the corporation/organization/limited liability company.

[Signature] 2-29-16 Agent's age _____
(signature of agent) (date)

176 W. Main St. Whitewater, WI 53190 Date of birth: _____
(home address of agent)

**APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)**

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(date) (signature of proper local official) (town chair, village president, police chief)

**AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION**

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)	(middle name)	
Kang		Akbar	Kaur	
Home Address (street/route)		Post Office	City	State Zip Code
176 W. Main St			Whitewater	WI 53190
Home Phone Number		Age	Date of Birth	Place of Birth
(319) 572-9432				India

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- President / Agent of Arp Petroleum
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 4 yrs. 5 months
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. Profuel Seven Inc in Beloit: 1888 Shopiere Rd, ^{City} Gas Station
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. Profuel Seven Inc. 1888 Shopiere Rd, Beloit W., Rock
(Name of Wholesale Licensee or Permittee) (Address By City and County)
- Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Profuel Seven Inc.	1888 Shopiere Rd Beloit WI	2011	present
Employer's Name	Employer's Address	Employed From	To
Annie's Pantry	176 W. Main St #2 Whitewater, WI	2015	present

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 29 day of February, 2016
[Signature]
(Notary Public)

[Signature]
(Signature of Named Individual)

My commission expires 8-21-17



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**RESOLUTION APPROVING CHANGE OF AGENT
ALCOHOL BEVERAGE LICENSE**

WHEREAS, the Agent of record for Domenico's Pizza and Restaurant Inc. d/b/a Domenico's Pizza, located at 547 E. Grand Avenue is Nathan D. Lipps; and

WHEREAS, Domenico's Pizza and Restaurant Inc. d/b/a Domenico's Pizza, has requested and the Alcohol Beverage License Control Committee has recommended that the Agent be changed to Olsie A. Ekleberry.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beloit that the Agent for the alcohol beverage license for Domenico's Pizza and Restaurant Inc. d/b/a Domenico's Pizza, located at 547 E. Grand Avenue, is hereby changed to Olsie A. Ekleberry.

Dated this 18th day of April, 2016.

BELOIT CITY COUNCIL

Charles M. Haynes, City Council President

Attest:

Lorena Rae Stottler, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Resolution approving Change of Agent for Domenico's Pizza and Restaurant, Inc., d/b/a Domenico's Pizza from Nathan D. Lipps to Olsie A. Ekleberry.

Date: April 18, 2016

Presenter(s): Lorena Rae Stottler

Department: City Clerk

Overview/Background Information:

Domenico's Pizza is an established business in the City of Beloit and has recently had a change of staff that requires an application for appointment of a new agent. This is a relatively routine and common request. All the required paperwork has been received by the City Clerk's office; it was reviewed by the Alcohol Beverage License Control Committee at their April 12, 2016 meeting and they are recommending approval at this time.

Key Issues (maximum of 5):

1. The current agent, Nathan D. Lipps is no longer employed with Domenico's Pizza and the establishment is requesting the new applicant, Olsie a. Ekleberry be approved as their new agent.
 2. Ms. Ekleberry is a Wisconsin resident and was present at the Alcohol Beverage License Control Committee Meeting on April 12th to appear and answer any of the committee's questions.
 3. At the April 12th Alcohol Beverage License Control Committee Meeting, Captain Risse stated municipal and state records were checked and the Police Department has no objection to the appointment of Agent. Attorney Krueger asked Ms. Ekleberry to reaffirm that she understood that she would be held accountable for any alcohol violations on the premise. Ms. Ekleberry stated she understood her responsibility as Agent.
 4. The ABLCC recommended that the Council approve the change of agent from Nathan D. Lipps to Olsie A. Ekleberry on a unanimous vote 6-0
-

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.) Taking action regarding this license conforms to the City's Strategic Plan by encouraging economic development in the entrepreneurial community while applying sound, sustainable practices to promote high quality development.

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:

Staff recommends that the City Council follow the recommendation of the Alcohol Beverage License Control Committee and adopt the attached resolution.

Fiscal Note/Budget Impact:

Action on this item does not have a significant impact on the City's budget.

Attachments:

Resolution; Schedule for Appointment of Agent forms; Auxiliary Questionnaire; Supplemental Questionnaire; Required request letter from corporate office

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village City of Beloit County of Rock

The undersigned duly authorized officer(s)/members/managers of Domenico's Pizza and Restaurant, Inc.
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Domenico's Pizza
(trade name)

located at 547 East Grand Ave.

appoints Olsie Ekleberry
(name of appointed agent)

7642 N Honeysuckle, Edgerton, WI
(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).
LaCasa Grande, Palermo Enterprise, LLC - Beloit, WI

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? _____

Place of residence last year 7642 N Honeysuckle, Edgerton, WI

For: Domenico's Pizza and Restaurant, Inc.
(name of corporation/organization/limited liability company)

By: Peter Gabrula
(signature of Officer/Member/Manager)

And: _____
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Olsie Ekleberry, hereby accept this appointment as agent for the
(print type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Olsie A Ekleberry 3/8/16 Agent's age _____
(signature of agent) (date)

7642 N. Honeysuckle, Edgerton, WI Date of birth _____
(home address of agent)

**APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)**

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(date) (signature of proper local official) (town chair, village president, police chief)

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
EKLEBERRY		OLSIE		ALICE	
Home Address (street/route)		Post Office		City	
7642 N. HONEYSUCKLE				EDGERTON	
Home Phone Number		Age		Date of Birth	
				Place of Birth	
				JUMP RIVER, WI	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an **individual**.
- A member of a **partnership** which is making application for an alcohol beverage license.
- Agent of DOMENICOS RESTAURANT & PIZZERIA, INC
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)
- which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

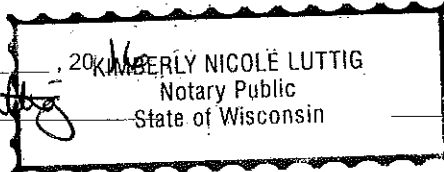
- How long have you continuously resided in Wisconsin prior to this date? 75 YEARS
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify. CASA GRANDE, INC AND PALERMO ENTERPRISES, LLC
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify. _____
(Name of Wholesale Licensee or Permittee) (Address By City and County)
- Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
PERSONALIZED ACCTG	431 PARK AVE, BELOIT	07/01/1977	02/29/2016
Employer's Name	Employer's Address	Employed From	To
OC ACCOUNTING	116 W. COURT, JANESVILLE	10/01/1986	12/31/1995

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 8th day of March, 2016
Kimberly Nicole Luttig
(Clerk/Notary Public)



Alice Ekleberry
(Signature of Named Individual)

My commission expires _____

**My Commission Expires
December 4, 2016**



Printed on Recycled Paper

SUPPLEMENTAL QUESTIONNAIRE FOR AGENTS

You are required to provide the following information to the City of Beloit to assist determining whether you meet the qualifications necessary to act as agent for the corporation or limited liability company that has submitted your appointment as agent. (Wis. Stats. 125.04(5) and (6)).

Please attach as many sheets as necessary to provide your answers to the questions below. Your notarized signature is required on the next page and constitutes your sworn statement that the information provided by you is truthful and accurate. It is also necessary that you have a corporate officer sign the second page and have that signature notarized also. The signing and notarization by the corporate officer constitutes a representation to the city that the corporation is requesting that the city rely on the information provided by the agent, which you attach.

QUESTIONS

1. The law requires that the entity appointing you as agent vest in you, by properly authorized and executed written delegation, full authority and control of the premises described in the license or permit of the entity, and of the conduct of all business on the premises relative to alcohol beverages, that the licensee or permittee could have and exercise if it were a natural person. Please state in your own words how you intend to fulfill those duties and exercise your authority.
2. Please describe any previous experience you have had in retail alcohol sales.
3. Please state how many other people will be under your supervision and engaged in alcohol beverage business.
4. Please describe what type of training you will offer to those under your supervision, describe whether the training will be ongoing and attach any written training materials or policy manuals you intend to rely on.
5. Please describe in detail what training, policy and procedures you intend to implement to ensure against underage sales.
6. Please describe what other employees will hold licenses to directly dispense alcohol.
7. Please describe whether you are going to be a full time employee and further state whether you either act as an alcohol agent for any other business or hold any other employment.

8. Please state your intended hours or schedule of being physically present at the licensed premises. Your intended hours should be set out on a daily, weekly or monthly basis as appropriate.

9. Please state whether you understand that you can be personally given citations by the police department for such things as underage sales, open after hours or other alcohol related violations even when you are not on the premises.

10. Please describe any alcohol related violations you have been charged with in the last five (5) years. Provide the date of the offense, the nature of the charge and the disposition of the matter. If there are none, so state.

11. Please provide any other information you believe that the City of Beloit should be aware of in deciding whether you satisfactorily qualify to be an alcohol beverage agent.

Olsie A. Ekleberry

Agent Signature

Olsie A. Ekleberry

(Print Agent Name)

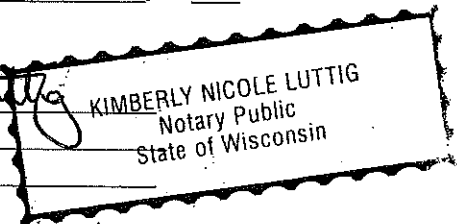
Subscribed and sworn to before me this 8th day of March, 2016.

Kimberly Nicole Luttig

Notary Public

My commission:

**My Commission Expires
December 4, 2016**



Peter Gabriele

Corporate Officer Signature

(Designate Office)

Peter Gabriele

(Print Corporate Officer Name)

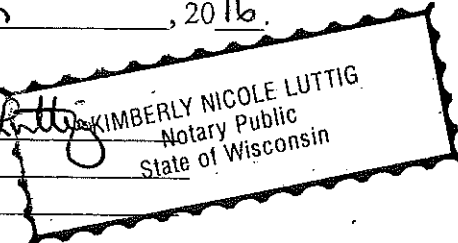
Subscribed and sworn to before me this 8th day of March, 2016.

Kimberly Nicole Luttig

Notary Public

My commission:

**My Commission Expires
December 4, 2016**



Olsie Ekleberry

To: City of Beloit

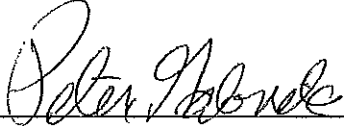
SUPPLEMENTAL QUESTIONNAIRE

1. Keep in contact with the owner on a daily basis. reviewing procedure used on premises for training & supervision of bartenders to insure that all laws are following regarding alcoholic beverage sales
2. No direct experience but was married to the liquor agent for Eagles Club of Janesville, WI and helped him in implementation of his duties.
4. Training will be conducted individually based on the credentials and previous experience of each employee. Periodic employee reviews ensure safe alcohol beverage service.
5. We have a very simple rule to prevent the sale of alcohol to underage patrons, card everyone. As a rule of thumb, we say that if they do not look 30 years of age, card them. In lieu of this clear and distinct judgement or in the absence of identification, no alcohol will be served to that individual
6. No other employees will hold licenses to directly dispense alcohol.
7. I am the accountant for Domenico, Casa Grande and Palermos restaurants and am also the owner of Personalized Accounting.
8. I would expect that my time on premise would be approximately 5-10 hours weekly to perform the tasks required of me. This will vary due to special events, etc.
9. I understand that I could be given any citation personally whether I am on the premises or not.
10. I have no previous alcohol violations

TO WHOM IT MAY CONCERN:

Re: Domenicos Pizza and Restaurant, Inc
Federal ID # 39-1356482

I, Peter Gabriele, officer of Domenicos Pizza & Restaurant, Inc hereby immediately appoints
Olsie A. Ekleberry as lilquor agent for this corporation.

Signed  Date 2-11-16

Peter Gabriele

**RESOLUTION APPROVING CHANGE OF AGENT
ALCOHOL BEVERAGE LICENSE**

WHEREAS, the Agent of record for Casa Grande Inc., d/b/a La Casa Grande, located at 618 Fourth Street is Nathan D. Lipps; and

WHEREAS, Casa Grande Inc., d/b/a La Casa Grande, has requested and the Alcohol Beverage License Control Committee has recommended that the Agent be changed to Olsie A. Ekleberry.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beloit that the Agent for the alcohol beverage license for Casa Grande Inc., d/b/a La Casa Grande, located at 618 Fourth Street, is hereby changed to Olsie A. Ekleberry.

Dated this 18th day of April, 2016.

BELOIT CITY COUNCIL

Charles M. Haynes, City Council President

Attest:

Lorena Rae Stottler, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Resolution approving change of agent at La Casa Grande Inc. d/b/a La Casa Grande from Nathan D. Lipps to Olsie A. Ekleberry

Date: April 18, 2016

Presenter(s): Lorena Rae Stottler

Department: City Clerk

Overview/Background Information:

La Casa Grande is an established business in the City of Beloit and has recently had a change of staff that requires an application for appointment of a new agent. This is a relatively routine and common request. All the required paperwork has been received by the City Clerk's office; it was reviewed by the Alcohol Beverage License Control Committee at their April 12, 2016 meeting and they are recommending approval at this time.

Key Issues (maximum of 5):

1. The current agent, Nathan D. Lipps is no longer employed with La Casa Grande and the business is requesting the new applicant, Olsie a. Ekleberry be approved as their new agent.
2. Ms. Ekleberry is a Wisconsin resident and was present at the Alcohol Beverage License Control Committee Meeting on April 12th to appear and answer any of the committee's questions.
3. At the April 12th Alcohol Beverage License Control Committee Meeting, Captain Risse stated municipal and state records were checked and the Police Department has no objection to the appointment of Agent. Attorney Krueger asked Ms. Ekleberry to reaffirm that she understood that she would be held accountable for any alcohol violations on the premise. Ms. Ekleberry stated she understood her responsibility as Agent.
4. The ABLCC recommended that the Council approve the change of agent from Nathan D. Lipps to Olsie A. Ekleberry on a unanimous vote 6-0

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.) Taking action regarding this license conforms to the City's Strategic Plan by encouraging economic development in the entrepreneurial community while applying sound, sustainable practices to promote high quality development.

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:

Staff recommends that the City Council follow the recommendation of the Alcohol Beverage License Control Committee and adopt the attached resolution.

Fiscal Note/Budget Impact:

Action on this item does not have a significant impact on the City's budget.

Attachments:

Resolution; Schedule for Appointment of Agent forms; Auxiliary Questionnaire; Supplemental Questionnaire; Required request letter from corporate office

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town of Beloit County of Rock

The undersigned duly authorized officer(s)/members/managers of CASA GRANDE INC (registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as LA CASA GRANDE (trade name)

located at 618 4th Street

appoints Olsie A EkLeberry (name of appointed agent) 7642 N Howey Suckle LA, Edgerton WI (home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No if so, indicate the corporate name(s) limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 75 years

Place of residence last year 7642 N. Howey Suckle LA, Edgerton, WI 53534

FOE LA CASA GRANDE INC (name of corporation/organization/limited liability company)

By: Peter Hobbs (signature of Officer/Member/Manager)

And: _____ (signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Olsie A EkLeberry (print type agent's name), hereby accept this appointment as agent for the

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Olsie A. EkLeberry (signature of agent) 2/8/10 (date) Agent's age _____
7642 N. Howey Suckle LA, Edgerton, WI 53534 (home address of agent) Date of birth _____

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ (date) by _____ (signature of proper local official) Title _____ (town chair, village president, police chief)

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
EKLEBERRY		OLSIE		ALICE	
Home Address (street/route)		Post Office	City	State	Zip Code
7642 N. HONEYSUCKLE			EDGERTON	WI	53534
Home Phone Number	Age	Date of Birth		Place of Birth	
				JUMP RIVER, WI	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- Agent of DOMENICOS RESTAURANT & PIZZERIA, INC
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 75 YEARS
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify. CASA GRANDE, INC AND PALERMO ENTERPRISES, LLC
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify. _____
(Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

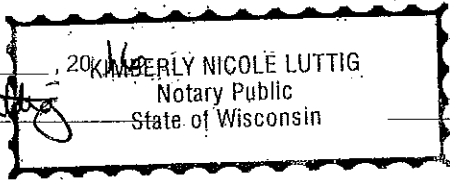
Employer's Name	Employer's Address	Employed From	To
PERSONALIZED ACCTG	431 PARK AVE, БЕЛОIT	07/01/1977	02/29/2016
Employer's Name	Employer's Address	Employed From	To
OC ACCOUNTING	116 W. COURT, JANESVILLE	10/01/1986	12/31/1995

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 8th day of March, 2016

Kimberly Nicole Luttig
(Clerk/Notary Public)



Alice A. Ekleberry
(Signature of Named Individual)

My commission expires _____

**My Commission Expires
December 4, 2016**



Printed on Recycled Paper

Wisconsin Department of Revenue

SUPPLEMENTAL QUESTIONNAIRE FOR AGENTS

You are required to provide the following information to the City of Beloit to assist determining whether you meet the qualifications necessary to act as agent for the corporation or limited liability company that has submitted your appointment as agent. (Wis. Stats. 125.04(5) and (6)).

Please attach as many sheets as necessary to provide your answers to the questions below. Your notarized signature is required on the next page and constitutes your sworn statement that the information provided by you is truthful and accurate. It is also necessary that you have a corporate officer sign the second page and have that signature notarized also. The signing and notarization by the corporate officer constitutes a representation to the city that the corporation is requesting that the city rely on the information provided by the agent, which you attach.

QUESTIONS

1. The law requires that the entity appointing you as agent vest in you, by properly authorized and executed written delegation, full authority and control of the premises described in the license or permit of the entity, and of the conduct of all business on the premises relative to alcohol beverages, that the licensee or permittee could have and exercise if it were a natural person. Please state in your own words how you intend to fulfill those duties and exercise your authority.

2. Please describe any previous experience you have had in retail alcohol sales.

3. Please state how many other people will be under your supervision and engaged in alcohol beverage business.

4. Please describe what type of training you will offer to those under your supervision, describe whether the training will be ongoing and attach any written training materials or policy manuals you intend to rely on.

5. Please describe in detail what training, policy and procedures you intend to implement to ensure against underage sales.

6. Please describe what other employees will hold licenses to directly dispense alcohol.

7. Please describe whether you are going to be a full time employee and further state whether you either act as an alcohol agent for any other business or hold any other employment.

8. Please state your intended hours or schedule of being physically present at the licensed premises. Your intended hours should be set out on a daily, weekly or monthly basis as appropriate.

9. Please state whether you understand that you can be personally given citations by the police department for such things as underage sales, open after hours or other alcohol related violations even when you are not on the premises.

10. Please describe any alcohol related violations you have been charged with in the last five (5) years. Provide the date of the offense, the nature of the charge and the disposition of the matter. If there are none, so state.

11. Please provide any other information you believe that the City of Beloit should be aware of in deciding whether you satisfactorily qualify to be an alcohol beverage agent.

Olsie A. Eklebercy

Agent Signature

Olsie A - Eklebercy

(Print Agent Name)

Subscribed and sworn to before me this 8th day of March, 2016.

Kimberly Nicole Luttig

Notary Public

My commission:

My Commission Expires

December 4, 2016

KIMBERLY NICOLE LUTTIG
Notary Public
State of Wisconsin

Peter

Peter Gabriele

Corporate Officer Signature

(Designate Office)

Peter Gabriele

(Print Corporate Officer Name)

Subscribed and sworn to before me this 8th day of March, 2016.

Kimberly Nicole Luttig

Notary Public

My commission:

My Commission Expires

December 4, 2016

KIMBERLY NICOLE LUTTIG
Notary Public
State of Wisconsin

Olsie Ekleberry

To: City of Beloit

SUPPLEMENTAL QUESTIONNAIRE

1. Keep in contact with the owner on a daily basis. reviewing procedure used on premises for training & supervision of bartenders to insure that all laws are following regarding alcoholic beverage sales
2. No direct experience but was married to the liquor agent for Eagles Club of Janesville, WI and helped him in implementation of his duties.
4. Training will be conducted individually based on the credentials and previous experience of each employee. Periodic employee reviews ensure safe alcohol beverage service.
5. We have a very simple rule to prevent the sale of alcohol to underage patrons, card everyone. As a rule of thumb, we say that if they do not look 30 years of age, card them. In lieu of this clear and distinct judgement or in the absence of identification, no alcohol will be served to that individual
6. No other employees will hold licenses to directly dispense alcohol.
7. I am the accountant for Domenico, Casa Grande and Palermos restaurants and am also the owner of Personalized Accounting.
8. I would expect that my time on premise would be approximately 5-10 hours weekly to perform the tasks required of me. This will vary due to special events, etc.
9. I understand that I could be given any citation personally whether I am on the premises or not.
10. I have no previous alcohol violations

TO WHOM IT MAY CONCERN:

Re: La Casa Grande
Federal ID # 16-1656652

I, Peter Gabriele, officer of LaCasa Grande, Inc hereby immediately appoints Olsie A. Ekleberry as liquor agent for this corporation.

Signed Peter Gabriele Date 2-11-16

Peter Gabriele

**RESOLUTION APPROVING CHANGE OF AGENT
ALCOHOL BEVERAGE LICENSE**

WHEREAS, the Agent of record for Palermo Enterprise LLC, located at 648 Fourth Street is Nathan D. Lipps; and

WHEREAS, Palermo Enterprise, has requested and the Alcohol Beverage License Control Committee has recommended that the Agent be changed to Olsie A. Ekleberry.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beloit that the Agent for the alcohol beverage license for Palermo Enterprise LLC, located at 648 Street, is hereby changed to Olsie A. Ekleberry.

Dated this 18th day of April, 2016.

BELOIT CITY COUNCIL

Charles M. Haynes, City Council President

Attest:

Lorena Rae Stottler, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Resolution approving change of agent at Palermo Enterprise LLC from Nathan D. Lipps to Olsie Ekleberry

Date: April 18, 2016

Presenter(s): Lorena Rae Stottler

Department: City Clerk

Overview/Background Information:

Palermo Enterprise LLC is in the process of opening a restaurant soon on the property located at 648 Fourth Street. A recent change in staff requires an application for an appointment of a new agent. This is a relatively routine and common request. All the required paperwork has been received by the City Clerk's office; it was reviewed by the Alcohol Beverage License Control Committee at their April 12, 2016 meeting and they are recommending approval at this time.

Key Issues (maximum of 5):

1. The current agent, Nathan D. Lipps is no longer employed and the business is requesting the new applicant, Olsie a. Ekleberry be approved as their new agent.
2. Ms. Ekleberry is a Wisconsin resident and was present at the Alcohol Beverage License Control Committee Meeting on April 12th to appear and answer any of the committee's questions.
3. At the April 12th Alcohol Beverage License Control Committee Meeting, Captain Risse stated municipal and state records were checked and the Police Department has no objection to the appointment of Agent. Attorney Krueger asked Ms. Ekleberry to reaffirm that she understood that she would be held accountable for any alcohol violations on the premise. Ms. Ekleberry stated she understood her responsibility as Agent.
4. The ABLCC recommended that the Council approve the change of agent from Nathan D. Lipps to Olsie A. Ekleberry on a unanimous vote 6-0

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.) Taking action regarding this license conforms to the City's Strategic Plan by encouraging economic development in the entrepreneurial community while applying sound, sustainable practices to promote high quality development.

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:

Staff recommends that the City Council follow the recommendation of the Alcohol Beverage License Control Committee and adopt the attached resolution.

Fiscal Note/Budget Impact:

Action on this item does not have a significant impact on the City's budget.

Attachments:

Resolution; Schedule for Appointment of Agent forms; Auxiliary Questionnaire; Supplemental Questionnaire; Required request letter from corporate office

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town of Beloit County of Rock

The undersigned duly authorized officer(s)/members/managers of Palermo Enterprise, LLC (registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

Palermo Enterprise (trade name) located at 648 Fourth Street, Beloit, WI 53511

appoints Olsie A Ekkeberry (name of appointed agent) 7642 N. Howey Suckle Ln Edgerton, WI 53511 (home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No if so, indicate the corporate name(s) limited liability company(ies) and municipality(ies).

Domenico's

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? _____

Place of residence last year 7642 N. Howey Suckle Ln, Edgerton, WI 53514

FOE Palermo Enterprise LLC (name of corporation/organization/limited liability company)

By: Peter Galuski (signature of Officer/Member/Manager)

And: _____ (signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Olsie A Ekkeberry (print/type agent's name), hereby accept this appointment as agent for the

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Olsie A Ekkeberry (signature of agent) 2/8/16 (date) Agent's age _____
7642 N. Howey Suckle Ln, Edgerton, WI (home address of agent) Date of birth _____

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ (date) by _____ (signature of proper local official) Title _____ (town chair, village president, police chief)

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
EKLEBERRY		OLSIE		ALICE	
Home Address (street/route)		Post Office		City	
7642 N. HONEYSUCKLE				EDGERTON	
Home Phone Number		Age		Date of Birth	
				Place of Birth	
				JUMP RIVER, WI	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an **individual**.
 - A member of a **partnership** which is making application for an alcohol beverage license.
 - Agent of DOMENICOS RESTAURANT & PIZZERIA, INC
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)
- which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 75 YEARS
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. CASA GRANDE, INC AND PALERMO ENTERPRISES, LLC
(Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. _____
(Name of Wholesale Licensee or Permittee) (Address By City and County)
6. Named individual must list in chronological order last two employers.

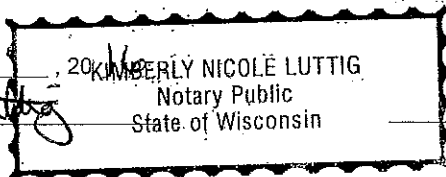
Employer's Name	Employer's Address	Employed From	To
PERSONALIZED ACCTG	431 PARK AVE, БЕЛОIT	07/01/1977	02/29/2016
Employer's Name	Employer's Address	Employed From	To
OC ACCOUNTING	116 W. COURT, JANESVILLE	10/01/1986	12/31/1995

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 8th day of March, 2016

Kimberly Nicole Luttig
(Clerk/Notary Public)



Alice A. Ekleberry
(Signature of Named Individual)

My commission expires _____

**My Commission Expires
December 4, 2016**



Printed on
Recycled Paper

SUPPLEMENTAL QUESTIONNAIRE FOR AGENTS

You are required to provide the following information to the City of Beloit to assist determining whether you meet the qualifications necessary to act as agent for the corporation or limited liability company that has submitted your appointment as agent. (Wis. Stats. 125.04(5) and (6)).

Please attach as many sheets as necessary to provide your answers to the questions below. Your notarized signature is required on the next page and constitutes your sworn statement that the information provided by you is truthful and accurate. It is also necessary that you have a corporate officer sign the second page and have that signature notarized also. The signing and notarization by the corporate officer constitutes a representation to the city that the corporation is requesting that the city rely on the information provided by the agent, which you attach.

QUESTIONS

1. The law requires that the entity appointing you as agent vest in you, by properly authorized and executed written delegation, full authority and control of the premises described in the license or permit of the entity, and of the conduct of all business on the premises relative to alcohol beverages, that the licensee or permittee could have and exercise if it were a natural person. Please state in your own words how you intend to fulfill those duties and exercise your authority.
2. Please describe any previous experience you have had in retail alcohol sales.
3. Please state how many other people will be under your supervision and engaged in alcohol beverage business.
4. Please describe what type of training you will offer to those under your supervision, describe whether the training will be ongoing and attach any written training materials or policy manuals you intend to rely on.
5. Please describe in detail what training, policy and procedures you intend to implement to ensure against underage sales.
6. Please describe what other employees will hold licenses to directly dispense alcohol.
7. Please describe whether you are going to be a full time employee and further state whether you either act as an alcohol agent for any other business or hold any other employment.

8. Please state your intended hours or schedule of being physically present at the licensed premises. Your intended hours should be set out on a daily, weekly or monthly basis as appropriate.

9. Please state whether you understand that you can be personally given citations by the police department for such things as underage sales, open after hours or other alcohol related violations even when you are not on the premises.

10. Please describe any alcohol related violations you have been charged with in the last five (5) years. Provide the date of the offense, the nature of the charge and the disposition of the matter. If there are none, so state.

11. Please provide any other information you believe that the City of Beloit should be aware of in deciding whether you satisfactorily qualify to be an alcohol beverage agent.

Olsie A. Ekleberry

Agent Signature

Olsie A - Ekleberry
(Print Agent Name)

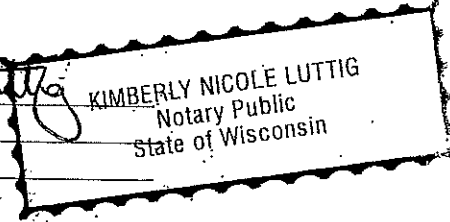
Subscribed and sworn to before me this 8th day of March, 2016.

Kimberly Nicole Luttig

Notary Public

My commission:

My Commission Expires
December 4, 2016



Peter Gabriele

Peter

Corporate Officer Signature

(Designate Office)

Peter Gabriele
(Print Corporate Officer Name)

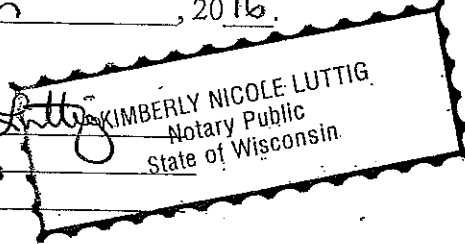
Subscribed and sworn to before me this 8th day of March, 2016.

Kimberly Nicole Luttig

Notary Public

My commission:

My Commission Expires
December 4, 2016



Olsie Ekleberry

To: City of Beloit

SUPPLEMENTAL QUESTIONNAIRE

1. Keep in contact with the owner on a daily basis. reviewing procedure used on premises for training & supervision of bartenders to insure that all laws are following regarding alcoholic beverage sales
2. No direct experience but was married to the liquor agent for Eagles Club of Janesville, WI and helped him in implementation of his duties.
4. Training will be conducted individually based on the credentials and previous experience of each employee. Periodic employee reviews ensure safe alcohol beverage service.
5. We have a very simple rule to prevent the sale of alcohol to underage patrons, card everyone. As a rule of thumb, we say that if they do not look 30 years of age, card them. In lieu of this clear and distinct judgement or in the absence of identification, no alcohol will be served to that individual
6. No other employees will hold licenses to directly dispense alcohol.
7. I am the accountant for Domenico, Casa Grande and Palermos restaurants and am also the owner of Personalized Accounting.
8. I would expect that my time on premise would be approximately 5-10 hours weekly to perform the tasks required of me. This will vary due to special events, etc.
9. I understand that I could be given any citation personally whether I am on the premises or not.
10. I have no previous alcohol violations

TO WHOM IT MAY CONCERN:

Re: Palermo Enterprise, LLC
Federal ID # 20-1511579

I, Peter Gabriele, officer of Palermo Enterprise, Inc hereby immediately appoints Olsi A. Ekleberry as liquor agent for this corporation

Signed Peter Gabriele Date 2-11-16

Peter Gabriele

**RESOLUTION APPROVING THE GRANTING OF A
STORMWATER AND DRAINAGE WAY EASEMENT TO HENDRICKS
COMMERCIAL PROPERTIES, LLC**

WHEREAS, the City of Beloit is the owner of the parcel of land described as Lot 2 of Certified Survey Map Document No. 1073578 as recorded in Volume 13, on pages 268 – 270 ½ of Certified Survey Maps of Rock County, situated in the City of Beloit, Rock County, Wisconsin. (a/k/a 555 Willowbrook Road, Parcel Number 23131000); and

WHEREAS, Hendricks Commercial Properties, LLC desires a Stormwater and Drainage Way Easement to redirect all I-39/90 stormwater runoff entering their proposed adjacent building site to the attached Stormwater and Drainage Way and to construct stormwater management facilities on the subject property; and

WHEREAS, the City of Beloit Plan Commission voted unanimously (4-0) on April 6, 2016 to recommend approval of the requested easement.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Beloit, Rock County, Wisconsin, hereby approves the attached Stormwater and Drainage Way Easement and authorizes the City Manager to execute the easement on behalf of the City of Beloit.

Adopted this 18th day of April, 2016.

BELOIT CITY COUNCIL

Charles M. Haynes, Council President

ATTEST:

Lorena Rae Stottler, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Stormwater and Drainage Way Easement at Water Pollution Control Facility Site – 555 Willowbrook Road

Date: April 18, 2016

Presenter: Julie Christensen

Department: Community Development

Overview/Background Information:

Hendricks Commercial Properties (HCP) has requested that a Stormwater and Drainage Way Easement be established along the southern edge of the property located at 555 Willowbrook Road. The Beloit Water Pollution Control Facility (WPCF) is located on the subject, city-owned property.

Key Issues:

- The easement request is related to a 2-lot CSM submitted by RH Batterman, on behalf of HCP, for the land directly south of the WPCF property located at 2401 Stateline Road.
 - The two-lot CSM for the property directly south of the requested easement, located at 2401 Stateline Road, was approved by Plan Commission on April 6, 2016.
 - A purchase and sale agreement for the property located at 2401 Stateline Road was approved by City Council at the April 4, 2016 meeting.
 - HCP has submitted plans to City staff for the construction of an industrial spec building on one of the proposed lots.
 - HCP has requested this easement in order to redirect all I-39/90 stormwater from their proposed building site to a drainage swale on the south side of the WPCF property.
 - The proposed easement also allows HCP to construct a stormwater detention area on the WPCF site.
 - HCP, the easement grantee, would be responsible for regular maintenance of the stormwater infrastructure located on the conveyed land.
 - The City, the easement grantor, would be responsible for any extraordinary costs for maintenance due to wash outs, culvert cleanout, substantial debris removal or other damage due to excess water flow from upstream development in the drainage way portion of the easement area.
 - HCP would be required to maintain a general liability insurance policy for the conveyed land and any activities located in the easement area.
 - The Plan Commission reviewed this item on April 6, 2016 and voted unanimously (4-0) to recommend approval of this request.
-

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** – The proposed easement will ensure that future development meets the City's stormwater and drainage standards that help protect the environment from pollution run-off.
 - **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: Staff Report to the Plan Commission, Easement Document and Easement Exhibit

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: April 6, 2016

Agenda Item: 4

File Number: RPB-2016-01

Applicant: RH Batterman (on behalf of Hendricks Commercial Properties)

Current Owner: City of Beloit

Location: 555 Willowbrook Road

Existing Zoning: M-2, General Manufacturing District

Existing Land Use: Utility

Parcel Size: 60 Acres

Request Overview/Background Information:

Hendricks Commercial Properties (HCP) has requested that a Stormwater and Drainage Way Easement be established along the southern edge of the property located at 555 Willowbrook Road. The Beloit Water Pollution Control Facility (WPCF) is located on the subject, city-owned property.

Key Issues:

- The easement request is related to a 2-lot CSM submitted by RH Batterman, on behalf of HCP, for the land directly south of the WPCF property located at 2401 Stateline Road. This request is being considered concurrently with the proposed CSM.
 - A purchase and sale agreement for the property located at 2401 Stateline Road was considered by City Council at the April 4, 2016 meeting.
 - HCP has submitted plans to City staff for the construction of an industrial spec building on one of the proposed lots.
 - HCP has requested this easement in order to redirect all I-39/90 stormwater from their proposed building site to a drainage swale on the south side of the WPCF property.
 - The proposed easement also allows HCP to construct a stormwater detention area on the WPCF site.
- HCP, the easement grantee, would be responsible for regular maintenance of the stormwater infrastructure located on the conveyed land.
- The City, the easement grantor, would be responsible for any extraordinary costs for maintenance due to wash outs, culvert cleanout, substantial debris removal or other damage due to excess water flow from upstream development in the drainage way portion of the easement area.
- HCP would be required to maintain a general liability insurance policy for the conveyed land and any activities located in the easement area.
- The City Council will review this request on April 18, 2016.

Consistency with 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** – The proposed easement will ensure that future development meets the City's stormwater and drainage standards that help protect the environment from pollution run-off.
- **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 the attached Stormwater and Drainage Way Easement along the south side of the property located at 555 Willowbrook Road.

Fiscal Note/Budget Impact: N/A

Attachments:

Location and Zoning Map, Easement Document and Easement Exhibit

<p>DOCUMENT NO.</p>	<p>DOCUMENT TITLE STORMWATER AND DRAINAGE WAY EASEMENT</p>	<p>RECORDING AREA</p>
		<p>NAME AND RETURN ADDRESS</p>
		<p>Parcel Identification Number</p>

STORMWATER AND DRAINAGE WAY EASEMENT (“EASEMENT”)

For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, City of Beloit (“Grantor”) for itself and its successors and assigns, grants and conveys onto Hendricks Commercial Properties, LLC (“Grantee”), its successors and assigns, a perpetual non-exclusive easement across, over and upon the property depicted on Exhibit A (“Easement Area”), attached hereto and made a part hereof, for the purpose of siting and maintaining storm water management facilities, including the grading, grass seeding and lawn maintenance of the Easement Area, including placement and grading of dirt for a berm and drainage way, the planting of grass cover and/or other drainage improvements subject to applicable legal requirements, if any, to facilitate proper drainage pursuant to an approved grading plan Grantor and Grantee acknowledge that the Easement Area includes both areas depicted for (i) storm water detention “Stormwater Easement” as well as areas depicted for (ii) drainage ways “Drainage Way Easement” to provide for proper drainage of both a portion of Grantor’s property as well as I-90/I-39 highway runoff drainage (collectively the “Storm Water Facilities.”) The Drainage Way Easement as depicted in the Easement Area is designed to facilitate such future water flow.

Grantee shall have the right to enter the Easement Area to survey, construct, reconstruct, operate, use, maintain, repair, upgrade, replace, and remove the Storm Water Facilities made within the Easement Area. Grantee shall maintain the Storm Water Facilities in a safe and attractive condition and in compliance with all applicable laws and regulations. Without limiting the generality of the preceding, existing and applicable future improvements constructed by the Grantee shall meet or exceed all applicable

requirements and specifications of all stormwater management laws, regulations or guidelines. Any future improvements constructed by the Grantee shall be at the Grantee's sole cost and expense.

Except as provided below, Grantee shall, at its sole cost and expense, construct and maintain the Storm Water Facilities. Grantor shall have the right to inspect and monitor any construction activities over and around the city-owned electric lines in the Easement Area. Grantor reserves the right to perform Grantee's maintenance responsibility in the event that Grantee fails to maintain the Storm Water Facilities. Prior to implementing this self-help remedy, Grantor shall notify Grantee and provide to Grantee the right, within fifteen (15) days of notice, to cure the deficiency. If Grantee fails to adequately maintain the Storm Water Facilities and within fifteen (15) days after the date of the written notice from Grantor, fails to correct the problem, or fails to begin to cure the problem with fifteen (15) days if such problem cannot be reasonably cured within fifteen (15) days and fails to diligently pursue such cure, Grantor shall have the right to perform the necessary work. Grantee shall reimburse Grantor for the reasonable cost of such maintenance cure. If Grantee fails to reimburse Grantor for the cost of such maintenance, Grantor reserves the right to assess the cost of any such work as a special charge against the property identified as Lot 1 and 2 of Preliminary Certified Survey Map Property attached hereto as Exhibit A pursuant to §66.0627, Wis. Stats., and shall be included in the current or next tax roll for collection and settlement under Ch. 74, Wis. Stats. Grantee waives any right to contest such special charge provided it was given an opportunity to undertake the work and failed to do so within the time identified in the such notice. Grantee further agrees that Grantor may also pursue any and all other remedies available at law or in equity.

Notwithstanding the above, any extraordinary costs associated with maintaining the Drainage Way Easement, including regrading due to wash out, culvert cleanout, substantial debris removal or other damage due to excess water flow, increased water flow due to upstream development, whether from Grantor's property, from I-90/I-39 or other upstream property which is authorized by the City to drain through this drainage way, shall be at the expense of Grantor. Grantor and Grantee agree to meet and confer from time to time when it is asserted that Grantor is responsible for such extraordinary events.

This Easement may not be modified or amended except by writing executed and delivered by the Grantor and Grantee, their respective successors and assigns.

Grantee shall release and defend, indemnify and hold harmless Grantor and its respective successors and assigns, from and against any and all claim, cost, expense, damage and liability that Grantor may incur as a result of any act or omission by Grantee, its agents, employees, invitees occurring on, over, upon, along, under or across the easement area in connection with Grantee's use of this easement.

Grantee shall, at all times this Agreement is in effect, maintain a policy of general liability insurance with respect to the Easement Area and Grantee's activities upon the Easement Area. The amount of insurance shall be \$1,000,000 and shall be increased to an amount then commercially reasonable upon notice from Grantor. Such policy shall name Grantor as an additional named insured. All such policies shall provide that they shall not be amended or terminated except upon at least 30 days' prior written notice to Grantor. Grantee shall provide evidence of this coverage to Grantor within 30 days of the execution of this Agreement and upon request of Grantor thereafter.

Grantor acknowledges that municipal approval and all action necessary to authorize the granting of this easement has been duly performed. Signatory on behalf of

Grantor is the duly authorized representative of Grantor. Grantee acknowledges that approval and all action necessary to authorize the acceptance of this easement and its attendant obligations has been duly performed. Signatory on behalf of Grantee is the duly authorized representative of Grantee.

This Easement may be executed in several counterparts, each of which shall be deemed an original, but all such counterparts shall together constitute one and the same Easement. Any counterparts of this Easement may be executed and delivered by any party by facsimile or by e-mail transmission in portable document format "(PDF)" and any document so executed and delivered shall be considered an original for all purposes.

Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent such prohibition or invalidity, without invalidating the remainder of this Agreement.

This Agreement shall be governed, interpreted, construed and enforced in accordance with the internal laws of the State of Wisconsin. All the terms, conditions and provisions of this Agreement relating to this Easement shall be appurtenant to and shall inure to the benefit of and shall run with the land.

This Agreement constitutes the entire agreement of the parties hereto.

{Signature pages to follow}

EXHIBIT A - Easement Area

STORMWATER AND DRAINAGE WAY EASEMENT

PART OF LOTS 1 AND 2 OF CERTIFIED SURVEY MAP DOC. NO. 1073578 AS RECORDED IN VOLUME 13 ON PAGES 268-270 1/2 OF CERTIFIED SURVEY MAPS, BEING PART OF THE S.E. 1/4 OF THE SE 1/4, AND SW 1/4 OF THE SE 1/4, OF SECTION 31, T. 1 N., R. 13 E., OF THE 4TH P.M., CITY OF BELOIT, ROCK COUNTY, WISCONSIN.

CITY OF BELOIT, ROCK COUNTY, WISCONSIN.

LEGAL DESCRIPTION

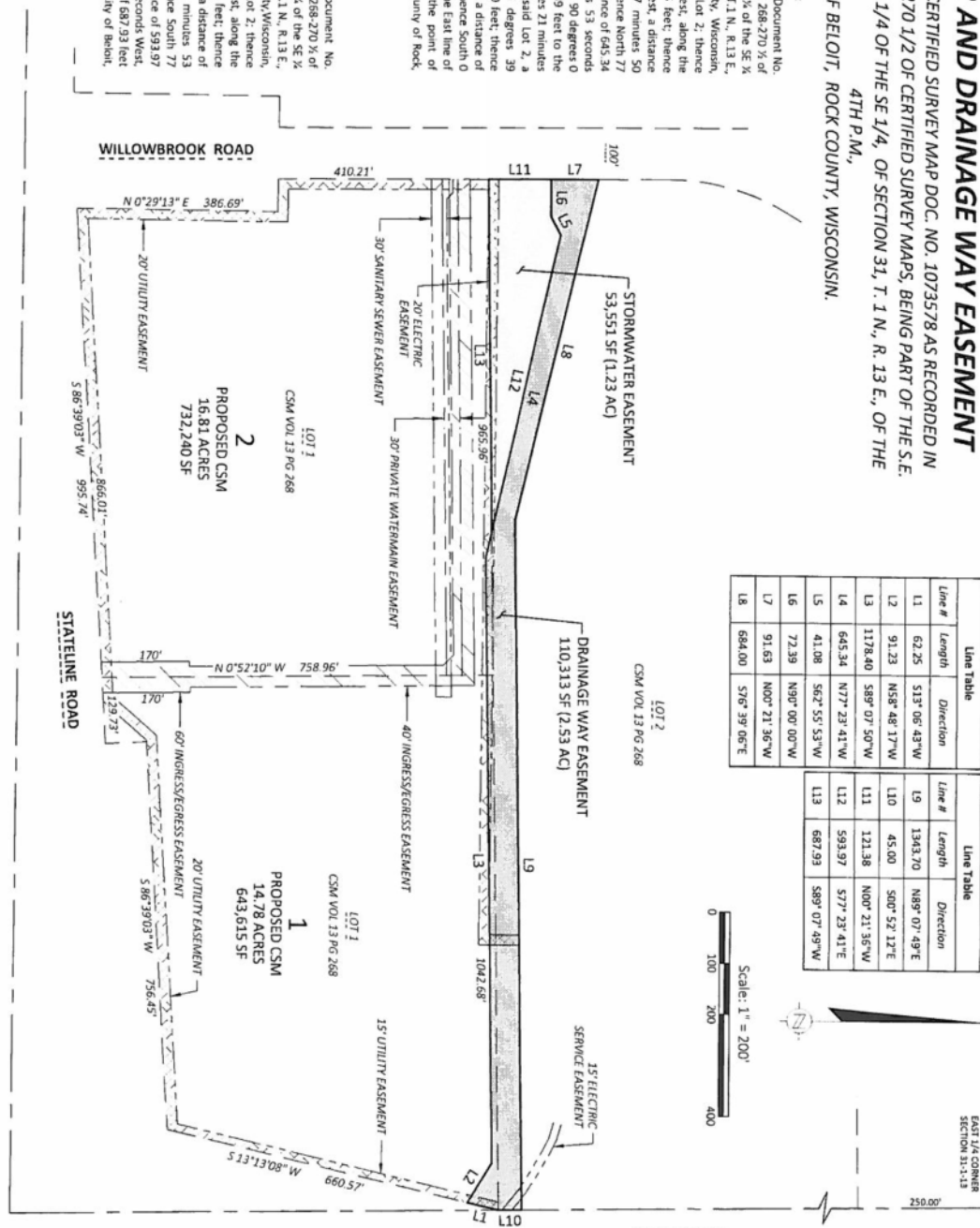
OF DRAINAGE WAY EASEMENT DESCRIBED AS:

Part of Lots 1 and 2 of Certified Survey Map Document No. 1073578 as recorded in Volume 13 on Pages 268-270 1/2 of Certified Survey Maps, being part of the SE 1/4 of the SE 1/4 and part of SW 1/4 of the SE 1/4 of Section 31, T. 1 N., R. 13 E., of the 4th P.M., City of Beloit, Rock County, Wisconsin, beginning at the Southeast corner of said Lot 2; thence South 13 degrees 6 minutes 43 seconds West, along the East line of said Lot 1, a distance of 62.25 feet; thence North 58 degrees 48 minutes 17 seconds West, a distance of 91.23 feet; thence South 89 degrees 7 minutes 50 seconds West, a distance of 1178.40 feet; thence North 77 degrees 23 minutes 41 seconds West, a distance of 645.34 feet; thence South 62 degrees 55 minutes 53 seconds West, a distance of 41.08 feet; thence South 90 degrees 0 minutes 0 seconds West, a distance of 72.39 feet to the West line of said Lot 2; thence North 0 degrees 21 minutes 36 seconds West, along the West line of said Lot 2, a distance of 91.63 feet; thence South 76 degrees 39 minutes 6 seconds East, a distance of 684.00 feet; thence North 89 degrees 7 minutes 49 seconds East, a distance of 1343.70 feet to the East line of said Lot 2; thence South 0 degrees 52 minutes 12 seconds East, along the East line of said Lot 2, a distance of 45.00 feet to the point of beginning. Situated in the City of Beloit, County of Rock, and State of Wisconsin.

LEGAL DESCRIPTION

OF STORMWATER EASEMENT DESCRIBED AS:

Part of Lot 2 of Certified Survey Map Document No. 1073578 as recorded in Volume 13 on Pages 268-270 1/2 of Certified Survey Maps, being part of the SE 1/4 of the SE 1/4 and part of SW 1/4 of the SE 1/4 of Section 31, T. 1 N., R. 13 E., of the 4th P.M., City of Beloit, Rock County, Wisconsin, beginning at the Southeast corner of said Lot 2; thence North 0 degrees 21 minutes 36 seconds West, along the West line of said Lot 2, a distance of 121.38 feet; thence North 30 degrees 0 minutes 0 seconds East, a distance of 72.39 feet; thence North 62 degrees 55 minutes 53 seconds East, a distance of 41.08 feet; thence South 77 degrees 23 minutes 41 seconds East, a distance of 593.97 feet; thence South 89 degrees 7 minutes 49 seconds West, along the South line of said Lot 2, a distance of 687.93 feet to the point of beginning. Situated in the City of Beloit, County of Rock, and State of Wisconsin.



Line #	Length	Direction
L1	62.25	S13° 06' 43" W
L2	91.23	N58° 48' 17" W
L3	1178.40	S89° 07' 50" W
L4	645.34	N77° 23' 41" W
L5	41.08	S62° 55' 53" W
L6	72.39	N90° 00' 00" W
L7	91.63	N00° 21' 36" W
L8	684.00	S76° 39' 06" E

Line #	Length	Direction
L9	1343.70	N89° 07' 49" E
L10	45.00	S00° 52' 12" E
L11	121.38	N00° 21' 36" W
L12	593.97	S77° 23' 41" E
L13	687.93	S89° 07' 49" W



<p>ORDER NO: 32345 BOOK: SEE FILE FIELD CREW: -- DRAWN BY: CM DATE: March 4, 2016</p>	<p>FOR THE EXCLUSIVE USE OF: HENDRICKS COMMERCIAL PROPERTIES 525 THIRD STREET BELOIT, WI 53511</p>	<p>STORMWATER AND DRAINAGE WAY EASEMENT</p>	<p>Batterman engineers surveyors planners 2857 Barrells Drive Beloit, Wisconsin 53513 608.365.4464 www.rhbatterman.com</p>
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RESOLUTION
APPROVING RELOCATION ORDERS TO ACQUIRE RIGHT-OF-WAY (ROW)
AND A TEMPORARY LIMITED EASEMENT (TLE) OVER A PORTION OF
THE MENARDS PROPERTY AT 2851 MILWAUKEE ROAD AND A TLE OVER
A PORTION OF THE WALMART PROPERTY AT 2785 MILWAUKEE ROAD

WHEREAS, the Engineering Division has requested the review and approval of Relocation Orders to acquire Right-of-Way (ROW) and a Temporary Limited Easement (TLE) over a portion of the Menards property at 2851 Milwaukee Road and a TLE over a portion of the Walmart property at 2785 Milwaukee Road in order to realign the Branigan Road intersection with the private driveways/frontage roads serving the subject properties; and

WHEREAS, the Plan Commission reviewed and recommended approval of the attached Relocation Orders on April 6, 2016.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Beloit, Rock County, Wisconsin, hereby approves the attached Relocation Orders to acquire ROW and a TLE over a portion of the Menards property at 2851 Milwaukee Road and a TLE over a portion of the Walmart property at 2785 Milwaukee Road in order to realign the Branigan Road intersection with the private driveways/frontage roads serving the subject properties.

BE IT FURTHER RESOLVED that the City Manager of the City of Beloit be, and is hereby, authorized to execute the Relocation Orders on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk be, and is hereby, directed to file a copy of this Resolution and a copy of the Relocation Orders with the Clerk of Rock County within twenty (20) days of the date of this Resolution.

Adopted this 18th day of April, 2016.

CITY COUNCIL OF THE CITY OF BELOIT

Charles M. Haynes, Council President

Attest:

Lorena Rae Stottler, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Relocation Orders to Acquire Right-of-Way and Temporary Limited Easements

Date: April 18, 2016

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

The Engineering Division has requested the review and approval of Relocation Orders to acquire Right-of-Way (ROW) and a Temporary Limited Easement (TLE) over a portion of the Menards property at 2851 Milwaukee Road and a TLE over a portion of the Walmart property at 2785 Milwaukee Road in order to realign the Branigan Road intersection with the private driveways serving the subject properties. A Relocation Order is one of the first steps in the Eminent Domain process.

Key Issues (maximum of 5):

- Currently, the Branigan Road ROW ends where the McDonalds, Menards, and Walmart driveways intersect in an awkward 5-point intersection. The proposed Relocation Order would extend the Branigan Road ROW by 60 feet in order to realign this problematic intersection as shown on the attached plat maps.
- The first proposed Relocation Order involves the acquisition of 4,200 square feet of Menards' property to be used as public ROW to extend Branigan Road.
- The second proposed Relocation Order involves the acquisition of an easement (TLE) over 5,014 square feet of Menards' property to allow the alteration/realignment of the privately owned driveway and the acquisition of a TLE over approximately 1 acre of Walmart's property to allow the alteration/realignment of the privately owned driveway. As shown on the attachments, the proposed alteration of the Walmart driveway is more significant and involves changes to pavement, curb & gutter, landscape islands, and pavement marking.
- All affected properties will retain full access at the conclusion of this project, and public safety & traffic flow will be greatly improved.
- The Plan Commission reviewed this item on April 6, 2016 and voted unanimously (4-0) to recommend approval of the Relocation Orders.

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 City of Beloit Strategic Goals #1 and #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** – The proposed road realignment project will improve traffic flow and public safety.

Action required/Recommendation:

- City Council consideration and action on the proposed Resolution

Fiscal Note/Budget Impact: This \$325,000 project is located in TIF 13 will be funded by the 2016 CIP. The budget includes \$25,000 in design/engineering costs and \$300,000 in construction costs.

Attachments: Resolution and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: April 6, 2016

Agenda Item: 7

File Number: RPB-2016-02

Applicant: Engineering Division

Owners: Menards & Walmart

Location: Branigan Road

Request Overview/Background Information:

The Engineering Division has requested the review and approval of Relocation Orders to acquire Right-of-Way (ROW) and a Temporary Limited Easement (TLE) over a portion of the Menards property at 2851 Milwaukee Road and a TLE over a portion of the Walmart property at 2785 Milwaukee Road in order to realign the Branigan Road intersection with the private driveways serving the subject properties. A Relocation Order is one of the first steps in the Eminent Domain process.

Key Issues:

- Currently, the Branigan Road ROW ends where the McDonalds, Menards, and Walmart driveways intersect in an awkward 5-point intersection. The proposed Relocation Order would extend the Branigan Road ROW by 60 feet in order to realign this problematic intersection as shown on the attached plat maps.
- The first proposed Relocation Order involves the acquisition of 4,200 square feet of Menards' property to be used as public ROW to extend Branigan Road.
- The second proposed Relocation Order involves the acquisition of an easement (TLE) over 5,014 square feet of Menards' property to allow the alteration/realignment of the privately owned driveway and the acquisition of a TLE over approximately 1 acre of Walmart's property to allow the alteration/realignment of the privately owned driveway. As shown on the attachments, the proposed alteration of the Walmart driveway is more significant and involves changes to pavement, curb & gutter, landscape islands, and pavement marking.
- All affected properties will retain full access at the conclusion of this project, and public safety & traffic flow will be greatly improved.

Consistency with Strategic Plan:

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

Sustainability:

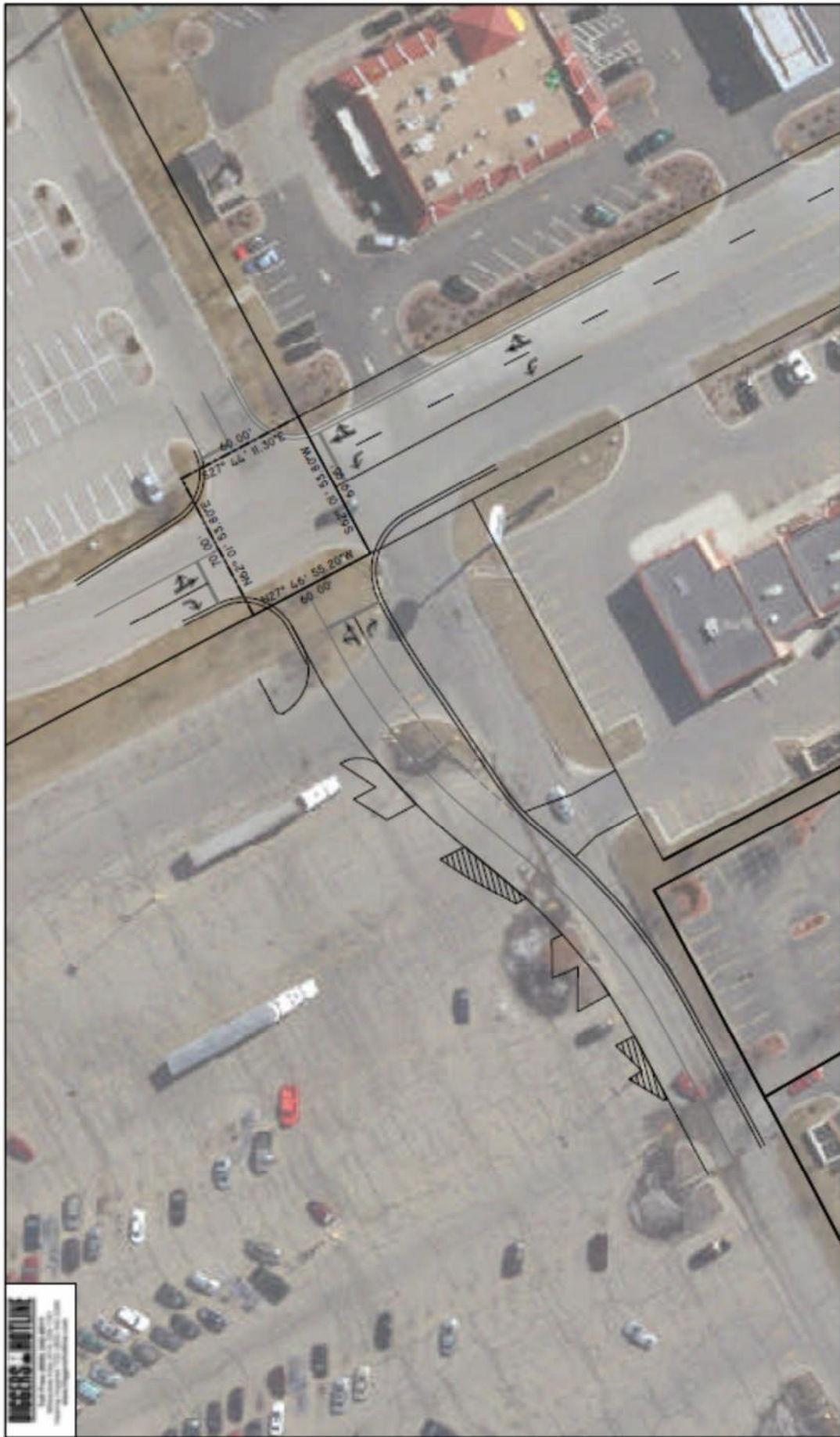
- **Reduce dependence upon fossil fuels** – N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

Staff Recommendation:

The Planning & Building Services Division recommends **approval** of the attached Relocation Orders to acquire Right-of-Way and a Temporary Limited Easement over a portion of the Menards property at 2851 Milwaukee Road and a Temporary Limited Easement over a portion of the Walmart property at 2785 Milwaukee Road.

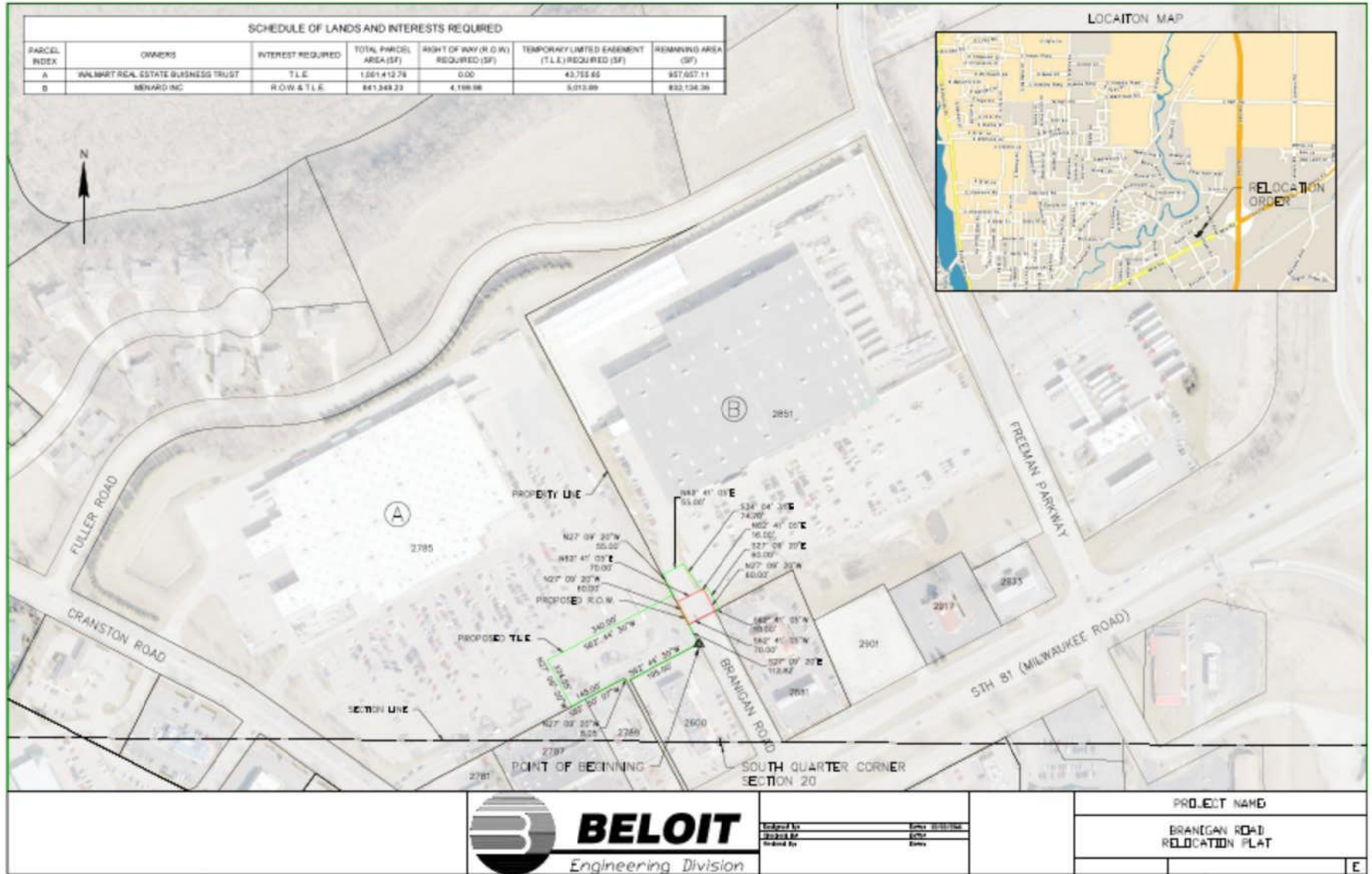
Fiscal Note/Budget Impact: This \$325,000 project is located in TIF 13 will be funded by the 2016 CIP.

Attachments: Relocation Plat Maps (ROW in red, TLE in green) and Proposed Relocation Orders



BRANIGAN ROAD REALIGNMENT
 PROJECT NO. 16-001
 SHEET NO. 1 OF 1

 <p>BELOIT ENGINEERING DIVISION</p>	<p>PROJECT NAME: BRANIGAN REALIGNMENT RELOCATION ORDER OVERLAP RIGHT OF WAY</p>	<p>ID: C-6-01 SHEET 1</p>	<p>E</p>
	<p>SCALE: 1" = 40'</p> <p>DATE: 11/11/16</p> <p>BY: [Redacted]</p> <p>CHECKED: [Redacted]</p>		



RELOCATION ORDER

LPA1708 (revised) 4/2010 (Replaces LPA 3006)

Project C16-01	Name of Road BRANIGAN ROAD	Utility Right of Way	County ROCK
Right of Way Plat Date 03/04/2016	Plat Sheet Numbers 1	Date of Previously Approved Relocation Order n/a	

Description of Termini of Project:

A tract of land being part of Lot 1 and Lot 2 of Certified Survey Map recorded in Volume 19, Pages 280-285, Document No. 1303363 of Rock County, Wisconsin, also being part of the Southeast Quarter of the Southwest Quarter of Section 20, all in Township 1 North, Range 13 East of the 4th Prime Meridian, City of Beloit, Rock County, Wisconsin, to wit:

Commencing at the northeast corner of Lot 1 of Certified Survey Map recorded in Volume 12, Pages 97-98, Document No. 1006618, also being in the west right-of-way line of Branigan Road; thence N27°09'20"W 112.82 ft. to the point of beginning; thence N27°09'20"W 60 ft. to a point; thence N62°41'05"E 70 ft. to a point; thence S27°09'20"E 60 ft. to a point; thence S62°41'05"W 70 ft. to the point of beginning.

To properly establish, lay out, widen, enlarge, extend, construct, reconstruct, improve, or maintain a portion of the utilities designated above, it is necessary to relocate or change and acquire certain lands or interests in lands as shown on the right of way plat for the above project.

To effect this change, pursuant to authority granted under Sections 32.02, Wisconsin Statutes, the CITY OF BELOIT orders that:

1. The said utilities are laid out and established to the lines and widths as shown on the plat.
2. The required lands or interests in lands as shown on the plat shall be acquired by the CITY OF BELOIT.
3. This order supersedes and amends any previous order issued by the CITY OF BELOIT.

(Name/Title)

(Date)

RELOCATION ORDER

LPA1708 (revised) 4/2010 (Replaces LPA 3006)

Project C16-01	Name of Road BRANIGAN ROAD	Utility Temporary Limited Easement	County ROCK
Right of Way Plat Date 03/04/2016	Plat Sheet Numbers 1	Date of Previously Approved Relocation Order n/a	

Description of Termini of Project:

A tract of land being part of Lot 1 and Lot 2 of Certified Survey Map recorded in Volume 19, Pages 280-285, Document No. 1303363 of Rock County, Wisconsin, also being part of the Southeast Quarter of the Southwest Quarter of Section 20, all in Township 1 North, Range 13 East of the 4th Prime Meridian, City of Beloit, Rock County, Wisconsin, to wit:

Commencing at the northeast corner of Lot 1 of Certified Survey Map recorded in Volume 12, Pages 97-98, Document No. 1006618, also being in the west right-of-way line of Branigan Road and the point of beginning; thence leaving said right-of-way line S62°-44'-30"W 195 ft. along the north line of said lot to a point; thence N27°09'20"W 8.06 ft. to the northwest corner of Lot 3 of Certified Survey Map recorded in Volume 19, Pages 280-285; thence S62°30'07"W 145 ft. to a point; thence N27°09'20"W 124.55 ft. to a point; thence N62°44'30" 340 ft. to a point; thence N27°09'20"W 55 ft. to a point; thence N62°41'05"E 55 ft. to a point; thence S34°04'31" 74.70 ft. to a point; thence N62°41'05"E 16 ft. to a point; thence S27°09'20"E 60 ft. to a point; thence S62°41'05"W 10 ft. to the northwest property corner of Lot 2 of Certified Survey Map recorded in Volume 16, Page 78; thence N27°09'20"W 60 ft. to a point; thence S62°41'05"W 70ft. to a point; thence S27°09'20"E 112.82 ft. to the point of beginning.

To properly establish, lay out, widen, enlarge, extend, construct, reconstruct, improve, or maintain a portion of the utilities designated above, it is necessary to relocate or change and acquire certain lands or interests in lands as shown on the right of way plat for the above project.

To effect this change, pursuant to authority granted under Sections 32.02, Wisconsin Statutes, the CITY OF BELOIT orders that:

1. The said utilities are laid out and established to the lines and widths as shown on the plat.
2. The required lands or interests in lands as shown on the plat shall be acquired by the CITY OF BELOIT.
3. This order supersedes and amends any previous order issued by the CITY OF BELOIT.

(Name/Title)

(Date)

**RESOLUTION
AWARDING CONTRACT C16-05
Cracksealing and Sealcoating**

WHEREAS, on April 7, 2016, one competitive bid was received, the low bid being from Fahrner Asphalt Sealers, LLC, and;

WHEREAS, Fahrner Asphalt Sealers, LLC is a qualified bidder, therefore;

IT IS RESOLVED, that Contract C16-05, Cracksealing and Sealcoating, be, and hereby is, awarded to Fahrner Asphalt Sealers, LLC, Waunakee, WI, in the following amounts:

Fahrner Asphalt Sealers, LLC
316 Raemisch Road
Waunakee, WI 53597

Base Bid	\$ 125,690.74
Allowance for Change Orders and/or Extra Work	<u>\$ 18,309.26</u>
TOTAL PROJECT COST	\$ 144,000.00

AND IT IS FURTHER RESOLVED, that the amount of \$144,000.00, be, and hereby is, funded as follows:

P2902187-5514-2016	Street Maintenance	\$164,700.00
<hr/>		
TOTAL		\$144,000.00

Dated at Beloit, Wisconsin this 18th day of April, 2016.

City Council of the City of Beloit

Charles M. Haynes, President

ATTEST:

Lorena Rae Stottler, City Clerk

CITY OF БЕЛОIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Award of Contract C16-05, Cracksealing and Sealcoating

Date: April 18, 2016

Presenter(s): Greg Boysen P.E., Public Works Director **Department(s):** Public Works/ Engineering

Overview/Background Information:

This project will maintain pavements through the application of crackfilling sealcoating.

Key Issues (maximum of 5):

1. One bid was received for this project. The low bid of \$125,690.74 was from Fahrner Asphalt Sealers, LLC and is 12.2% less than the engineer's estimate of \$143,218.51.
2. Fahrner Asphalt Sealers, LLC is considered a responsible bidder for this project.
3. The costs for this project are as follows: \$125,690.74 for construction, \$ 18,309.26 for Change Orders or extra work, for a total of \$144,000.00.

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

1. **Develop a high quality community through the responsible stewardship and enhancement of City resources to further Beloit's resurgence as a gem of the Rock River Valley.**

This project will extend the service life of these streets by sealing out storm runoff which lowers street maintenance costs.

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

- **Reduce dependence upon fossil fuels**
n/a
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**
n/a
- **Reduce dependence on activities that harm life sustaining eco-systems**
n/a
- **Meet the hierarchy of present and future human needs fairly and efficiently**
The improved pavement meets the present and future human needs by extending the life of the pavement, increasing pedestrian safety, and reducing pavement maintenance.

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:

The Engineering Division recommends awarding this Public Works Contract to Fahrner Asphalt Sealers, LLC in the amount of \$125,690.74.

Fiscal Note/Budget Impact:

Funds are available in the 2016 CIP.

CITY OF BELOIT

DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch
FROM: Andy Hill, Project Engineer 
DATE: April 07, 2016
SUBJECT: Bid Results for Contract C16-05
Cracksealing and Sealcoating

Pursuant to advertisements placed March 23 and March 30, bids were received until 2:30 PM on April 7 for the Cracksealing and Sealcoating. A tabulation of bids is attached.

One bid was received for this project as follows:

- | | | |
|---------------------------------|--------------|--------------------|
| 1. Fahrner Asphalt Sealers, LLC | Waunakee, WI | \$ 125,690.74 *Low |
| 2. Engineer's Estimate | | \$ 143,218.51 |

Upon review of the Contractor's Proof of Responsibility Statement, Fahrner Asphalt Sealers, LLC is determined to be a responsible bidder.

I recommend that the contract be awarded to Fahrner Asphalt Sealers, LLC of Waunakee, WI. The following is a breakdown of the proposed project cost:

COSTS

Fahrner Asphalt Sealers, LLC Base Bid	\$ 125,690.74
Allowance for Change Orders and/or Extra Work	\$ <u>18,309.26</u>
TOTAL PROJECT COST	\$ 144,000.00

PROJECT INFORMATION

This project will maintain pavements through the application of crackfilling sealcoating.

**Tabulation of Bids
Contract C16-05
Cracksealing and Sealcoating
Bids Opened April 7, 2:30 PM**

				Engineer's Estimate		Fahrner Asphalt Sealers, LLC Waunakee, WI	
Item No.	Bid Item Description	Quantity	Unit	Price	Extended	Price	Extended
1	Traffic Control	20	Block	\$97.20	\$1,944.00	\$90.00	\$1,800.00
2	Erosion Control Type C Inlet Protection	47	Each	\$75.60	\$3,553.20	\$75.00	\$3,525.00
3	Sealcoat	44,401	SY	\$1.86	\$82,585.86	\$1.64	\$72,817.64
4	Temporary Raised Pavement Markers	181	Each	\$5.40	\$977.40	\$3.00	\$543.00
5	Cracksealing with Crafcoc Inc. Roadsaver 201 - includes routing and cleanup	20,437	LB	\$2.65	\$54,158.05	\$2.30	\$47,005.10
Total Proposal				\$143,218.51		\$125,690.74	

List of Streets under contract C16-05 Crackfilling and Sealcoating:

- 6th Street from Liberty to Maple
- North Street from Frederick to Townline (the little piece between Townline and Madison will be overlaid)
- Frederick Street from Liberty to Madison

Also..

Cracksealing only:

- Grand Avenue between State and Park.
- Milwaukee Road between Bushnell and White.
- Various streets from the 2010 overlay contract to be determined in-situ.



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FOR IMMEDIATE RELEASE

Contact: Lorena Rae Stottler, City Clerk
608-364-6680

CITY OF BELOIT BOARD OF CANVASSERS CERTIFIES MUNICIPAL ELECTION RESULTS

April 11, 2016 – Beloit, WI: The City of Beloit Municipal Board of Canvassers met on April 11, 2016, to review and certify the April 5, 2016 Spring Election results for the office of City Council and Municipal Referendum.

The winners of the office of City Council of the City of Beloit are:

**Sheila L. De Forest
Mark Preuschl
Kevin D. Leavy
Regina Dunkin**

The four Councilors-elect have been elected to two-year terms commencing on Tuesday, April 19, 2016, and ending on Tuesday, April 16, 2018.

The winner of the office of Municipal Judge for the City of Beloit is:

Brooke Joos

The Municipal referendum passed on a vote of:

**YES – 5,346
NO – 1,869**

The following pages include the Certification of the Board of Canvassers, the Summary Statement of the Board of Canvassers, and the Tabular Statement of Votes Cast.

School District and County Boards of Canvassers will meet this week to certify the results of school district and county and state contests, respectively.

###

Certification of the Board of Canvassers

We, the undersigned, certify that we are the members of the Board of Canvassers for
City of Beloit, Rock County, Wisconsin

We certify that the attached Tabular Statement of Votes Cast and Summary Statement of the Board of Canvassers, canvassed and prepared by us, are correct and true as compiled from the original returns made to the City of Beloit City Clerk.

We further determine and certify that the following persons received the greatest number of votes for the respective office for which each was a candidate on April 5, 2016.

OFFICE

CANDIDATES RECEIVING THE MOST VOTES:

City Councilor

Sheila L. De Forest

Mark Preuschl

Kevin D. Leavy

Regina Dunkin

Municipal Judge

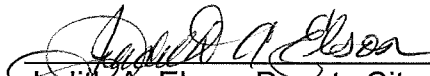
Brooke Joos

Municipal Referendum

Yes

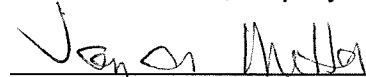
BOARD OF CANVASSERS

(1)



Judith A. Elson, Deputy City Clerk

(2)



Joyce Metter

(3)



Nancy Schroer

(4)



Lori Stottler, City Clerk

Date:

April 11 2016

Certification-Board of Canvassers Report

Summary Statement of the Board of Canvassers

Spring Election – April 5, 2016
Beloit, Wisconsin

The total number of votes cast for the office of **City Councilor** was 20856 of which:

Sheila De Forest	received	<u>4151</u> votes.
Mark Preuschl	received	<u>3945</u> votes.
Kevin D. Leavy	received	<u>3862</u> votes.
Regina Dunkin	received	<u>3736</u> votes.

The total number of votes cast for the office of **Municipal Judge** was 4974 of which:

Sheila De Forest	received	<u>4916</u> votes.
------------------	----------	--------------------

The total number of votes cast for the Municipal Advisory **Referendum** was 7215 of which:

Yes	received	<u>5346</u> votes.
No	received	<u>1869</u> votes.

Tabular Statement of Votes Cast
CITY OF БЕЛОIT, WISCONSIN
Spring Election - April 5, 2016

For a Partisan Primary, insert political party: N/A

Office: CITY COUNCIL

Rep. Unit	De Forest	Leavy	Dunkin	Preuschl	Kelly	Faragher	Write-in	Total Votes by Ward
Ward 1	109	120	96	136	94	81	1	637
Ward 2	265	229	199	247	195	104	6	1245
Ward 3	210	194	162	221	179	122	0	1088
Ward 4	196	152	129	169	116	81	0	843
Ward 5	197	159	150	181	129	91	3	910
Ward 6	153	124	113	127	101	52	2	672
Ward 7	143	102	100	88	92	52	1	578
Ward 8	9	3	3	4	4	3	0	26
Ward 9	129	106	101	132	94	60	1	623
Ward 10	177	148	138	154	117	81	5	820
Ward 11	206	199	183	219	154	108	5	1074
Ward 12	60	56	63	54	48	20	1	302
Ward 13	111	123	106	69	53	33	2	497
Ward 14	133	128	147	83	54	34	2	581
Ward 15	147	148	125	124	103	61	3	711
Ward 16	277	123	248	132	169	77	10	1036
Ward 17	269	217	248	279	271	96	9	1389
Ward 18	171	153	159	164	133	64	5	849
Ward 19	139	145	127	124	100	72	0	707
Ward 20	133	146	148	137	118	73	0	755

Ward 21	171	177	168	151	134	63	3	867
Ward 22	205	246	217	272	227	112	0	1279
Ward 23	363	455	421	476	424	189	5	2333
Ward 24	178	209	185	202	173	81	6	1034
Ward 25	0	0	0	0	0	0	0	0
TOTALS	4151	3862	3736	3945	3282	1810	70	

Total Votes Cast - Candidates: 20856

Total Votes Cast - Office: 20856

Tabular Statement of Votes Cast
CITY OF БЕЛОIT, WISCONSIN
Spring Election - April 5, 2016

Office: CITY COUNCIL

Rep. Unit	Write-ins
Ward 1	No Registered Write-Ins ZERO Write-ins counted
Ward 2	No Registered Write-Ins ZERO Write-ins counted
Ward 3	No Registered Write-Ins ZERO Write-ins counted
Ward 4	No Registered Write-Ins ZERO Write-ins counted
Ward 5	No Registered Write-Ins ZERO Write-ins counted
Ward 6	No Registered Write-Ins ZERO Write-ins counted
Ward 7	No Registered Write-Ins ZERO Write-ins counted
Ward 8	No Registered Write-Ins ZERO Write-ins counted

Tabular Statement of Votes Cast
CITY OF БЕЛОIT, WISCONSIN
Spring Election - April 5, 2016

For a Partisan Primary, insert political party: N/A

Office: Municipal Judge

Rep. Unit	Joos	Write In	Total Votes by Ward
Ward 1	153	0	558
Ward 2	296	0	264
Ward 3	282	1	283
Ward 4	233	2	235
Ward 5	241	4	245
Ward 6	181	5	186
Ward 7	156	3	159
Ward 8	6	0	6
Ward 9	170	2	172
Ward 10	228	5	233
Ward 11	259	2	261
Ward 12	81	0	81
Ward 13	117	2	119
Ward 14	150	2	152
Ward 15	176	1	177
Ward 16	330	4	334
Ward 17	331	3	334
Ward 18	239	5	244
Ward 19	188	1	189
Ward 20	203	1	204
Ward 21	251	1	252
Ward 22	283	3	286
Ward 23	554	4	558
Ward 24	257	7	264
Ward 25	0		0
TOTALS	4916	58	4974

Total Votes Cast

4974

Tabular Statement of Votes Cast
CITY OF BELOIT, WISCONSIN
Spring Election - April 5, 2016

For a Partisan Primary, insert political party: N/A

Office: Municipal Referendum

Rep. Unit	Yes	No	Total Votes by Ward
Ward 1	152	52	204
Ward 2	276	106	382
Ward 3	256	108	364
Ward 4	222	95	317
Ward 5	226	91	317
Ward 6	189	42	231
Ward 7	158	44	202
Ward 8	9	3	12
Ward 9	176	49	225
Ward 10	234	67	301
Ward 11	255	103	358
Ward 12	78	27	105
Ward 13	114	55	169
Ward 14	140	53	193
Ward 15	182	58	240
Ward 16	422	83	505
Ward 17	385	104	489
Ward 18	243	76	319
Ward 19	174	75	249
Ward 20	193	56	249
Ward 21	238	88	326
Ward 22	276	99	375
Ward 23	494	231	725
Ward 24	254	104	358
Ward 25	0	0	0
TOTALS	5346	1869	7215

Total Votes Cast

7215

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Ordinance Repeal and Recreate Relating to Construction Site Erosion Control and Post-Construction Storm Water Management

Date: April 4, 2016

Presenter: Julie Christensen

Department: Community Development

Overview/Background Information:

City staff has drafted the attached Ordinance to repeal and recreate Sections 8-900 and 8-1000 and to amend Section 2-803 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances pertaining to Construction Site Erosion Control and Post-Construction Storm Water Management.

Key Issues:

- The City of Beloit stormwater program is regulated by the Wisconsin DNR General Permit to Discharge. A requirement of the 2014 reissuance of the General Permit to Discharge requires the City to update Sections 8-900 and 8-1000 of the Zoning Ordinance in order to meet current DNR runoff management standards. The repeal and recreate of the subject Ordinance will ensure consistency with Chapter NR 151 (Runoff Management), of the Wisconsin Administrative Code. The DNR has set an implementation of May 1, 2016 for the updated ordinances.
- 8-900 – Construction Site Erosion Control
 - The purpose is to prevent and control water pollution and soil erosion by limiting the amount of sediment and other pollutants carried by runoff.
 - Sets an explicit limit on amount of sediment that can be discharged from construction sites larger than one (1) acre.
 - An approved written Erosion Control Plan is required for each project in order to obtain an Erosion Control Permit.
 - City Staff enforces the Ordinance as part of regular inspections and frequently requires contractors to clean up project sites during construction.
- 8-1000 – Post-Construction Stormwater Management
 - The purpose is to prevent and control the adverse effects of stormwater, soil erosion, and water pollution by establishing long-term, post-construction runoff management requirements.
 - Ordinance only applies after construction is complete.
 - Prior to project approval, developers are required to submit a written stormwater management plan and maintenance agreement.
 - Stormwater infrastructure must remove 80% of suspended solids on new construction and 40% of solids on redevelopment construction.
 - Standards set in the Ordinance vary by type of land use (i.e. residential vs. industrial)
- Section 2-803 of the Zoning Ordinance relates to the issuance of Certificates of Occupancy. The proposed amendment to Section 2-803 would require a maintenance agreement (required under Section 8-1011) to be filed and recorded with the Rock County Register of Deeds prior to the issuance of a Certificate of Occupancy.
- The Plan Commission reviewed this item on March 23, 2016 and voted unanimously (5-0) to recommend approval of this Zoning Text Amendment.

Consistency with 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** – The proposed Ordinance will protect Beloit's water quality.
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

Action required/Recommendation:

- City Council consideration and 1st reading of the proposed Ordinance

Fiscal Note/Budget Impact: N/A

Attachments: Staff Report to the Plan Commission and Proposed Ordinance.

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: March 23, 2016

Agenda Item: 3

File Number: ZTA-2016-02

Request Overview/Background Information:

City staff has drafted the attached Ordinance to repeal and recreate Sections 8-900 and 8-1000 and to amend Section 2-803 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances pertaining to Construction Site Erosion Control and Post-Construction Storm Water Management.

Key Issues:

- The City of Beloit stormwater program is regulated by the Wisconsin DNR General Permit to Discharge. A requirement of the 2014 reissuance of the General Permit to Discharge requires the City to update Sections 8-900 and 8-1000 of the Zoning Ordinance in order to meet current DNR runoff management standards. The repeal and recreate of the subject Ordinance will ensure consistency with Chapter NR 151 (Runoff Management), of the Wisconsin Administrative Code. The DNR has set an implementation of May 1, 2016 for the updated ordinances.
 - 8-900 – Construction Site Erosion Control
 - The purpose is to prevent and control water pollution and soil erosion by limiting the amount of sediment and other pollutants carried by runoff.
 - Sets an explicit limit on amount of sediment that can be discharged from construction sites larger than one (1) acre.
 - An approved written Erosion Control Plan is required for each project in order to obtain an Erosion Control Permit.
 - City Staff enforces the Ordinance as part of regular inspections and frequently requires contractors to clean up project sites during construction.
 - 8-1000 – Post-Construction Stormwater Management
 - The purpose is to prevent and control the adverse of effects of stormwater, soil erosion, and water pollution by establishing long-term, post-construction runoff management requirements.
 - Ordinance only applies after construction is complete.
 - Prior to project approval, developers are required to submit a written stormwater management plan and maintenance agreement.
 - Stormwater infrastructure must remove 80% of suspended solids on new construction and 40% of solids on redevelopment construction.
 - Standards set in the Ordinance vary by type of land use (i.e. residential vs. industrial)
 - Section 2-803 of the Zoning Ordinance relates to the issuance of Certificates of Occupancy. The proposed amendment to Section 2-803 would require a maintenance agreement (required under Section 8-1011) to be filed and recorded with the Rock County Register of Deeds prior to the issuance of a Temporary Certificate of Occupancy.
-

Consistency with 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** – The proposed Ordinance will protect Beloit's water quality.
 - **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 repeal and recreate Sections 8-900 and 8-1000 and to amend Section 2-803 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances pertaining to Construction Site Erosion Control and Post-Construction Storm Water Management.

Fiscal Note/Budget Impact: N/A

Attachments: Public Notice and Proposed Ordinance.



NOTICE TO THE PUBLIC

March 12, 2016

To Whom It May Concern:

The Beloit Plan Commission and City Council are considering an Ordinance to repeal and recreate Section 8-900 and Section 8-1000 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, relating to Construction Site Erosion Control and Post-Construction Storm Water Management.

The proposed Ordinance repeal and recreate would modify the Zoning Ordinance to ensure the City is meeting requirements for water quality set by the Wisconsin DNR.

The following public hearings will be held regarding this proposed Ordinance:

City Plan Commission: Wednesday, March 23, 2016, 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, April 4, 2016, 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 & Building Services Division at (608) 364-6708 or morganrotha@beloitwi.gov. Comments will be accepted via telephone, email, and U.S. Mail.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE 8-900 AND 8-1000 AND TO AMEND SECTION 2-803 OF THE ZONING ORDINANCE, CHAPTER 19 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING TO CONSTRUCTION SITE EROSION CONTROL AND POST CONSTRUCTION STORM WATER MANAGEMENT

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

Section 1. Section 8-900 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby repealed and recreated to read as follows:

“8-900 - CONSTRUCTION SITE EROSION CONTROL.

8-901 FINDINGS OF FACT AND STATEMENT OF INTENT. The City Council finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the City. The intent of this ordinance is to require use of best management practices to reduce the amount of sediment and other pollutants resulting from land disturbing construction activities on sites that do not include the construction of a building and are otherwise regulated by the Wisconsin Department of Safety and Professional Services in SPS 321.125 or SPS 360, Wis. Adm. Code. Use of this ordinance will foster consistent, statewide application of the construction site performance standards for new development and redevelopment contained in subchapters III and IV of NR 151, Wis. Adm. Code.

8-902 AUTHORITY. This ordinance is adopted under the authority granted by §62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under §62.23, Wis. Stats. that relate to construction site erosion control. Except as otherwise specified in §62.234, Wis. Stats., §62.23, Wis. Stats. applies to this ordinance and to any amendments to this ordinance.

- (1) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the City Council.
- (2) The City Council hereby designates the City Engineer to administer and enforce the provisions of this ordinance.
- (3) The requirements of this ordinance do not preempt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under §§281.16 and 283.33, Wis. Stats.
 - (b) Targeted nonagricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under NR 151.004, Wis. Adm. Code.

8-903 PURPOSE. It is the purpose of this ordinance to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land

uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the City of Beloit.

8-904 APPLICABILITY AND JURISDICTION.

(1) APPLICABILITY.

(a) Except as provided under paragraph (b), this ordinance applies to any construction site, as that term is defined in section 8-905, which has one or more acres of land disturbing construction activity.

(b) This ordinance does not apply to the following:

1. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.
2. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under Chapter 40, Code of Federal Regulations, Part 122, for land disturbing construction activity.
3. Nonpoint discharges from agricultural facilities and practices.
4. Nonpoint discharges from silviculture activities.
5. Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(c) Notwithstanding the applicability requirements in paragraph (a), of this section, this ordinance applies to construction sites of any size that, in the opinion of the City Engineer are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) JURISDICTION. This ordinance applies to land disturbing construction activity on construction sites located within the boundaries and jurisdiction of the City, as well as all lands located within the extraterritorial plat approval of the City, even if plat approval is not involved.

(3) EXCLUSIONS. This ordinance is not applicable to activities conducted by a state agency, as defined under §227.01(1), Wis. Stats.

8-905 DEFINITIONS. The following words, terms, phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Agricultural Facilities and Practices has the meaning in §281.16(1), Wis. Stats.

Average Annual Rainfall means a calendar year of precipitation, excluding snow, which is considered typical.

Best Management Practice or *BMP* means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

Business Day means a day the office of the City Engineer is routinely and customarily open for business.

Cease and Desist Order means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

City Engineer means the City Engineer or a designated representative of the City Engineer.

Construction Site means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

Design Storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

Division of Land means the division of a lot, tract or parcel of land into 2 or more lots, tracts, parcels or other divisions of land for sale, development or lease.

Erosion means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

Erosion and Sediment Control Plan means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

Extraterritorial means the unincorporated area within 3 miles of the corporate limits of the City.

Final Stabilization means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

Governing Body means the City Council.

Land Disturbing Construction Activity or *Disturbance* means any manmade alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.

Landowner means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, and land disturbing construction activity or maintenance of storm water BMPs on the property.

Maximum Extent Practicable or *MEP* means a level of implementing best management practices in order to achieve a performance standard specified in this ordinance which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

Performance Standard means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit means a written authorization made by the City Engineer to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Pollutant has the meaning given in §283.01(13), Wis. Stats.

Pollution has the meaning given in §281.01(10), Wis. Stats.

Responsible Party means the landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement.

Runoff means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

Sediment means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

Silviculture activity means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

Separate Storm Sewer means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

- (1) Is designed or used for collecting water or conveying runoff.
- (2) Is not part of a combined sewer system.
- (3) Is not draining to a stormwater treatment device or system.
- (4) Discharges directly or indirectly to waters of the state.

Site means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

Stop Work Order means an order issued by the City Engineer which requires that all construction activity on the site be stopped.

Technical Standard means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

Transportation facility means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under §85.095 (1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department of Natural Resources pursuant to §281.33, Wis. Stats.

Waters of the State includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

- 8-906 **APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.** Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the City Engineer's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties
- 8-907 **TECHNICAL STANDARDS.** All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications based on any of the following:
- (1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under Subch. V of NR 151, Wis. Adm. Code.
 - (2) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate annual rainfall or runoff factor, also referred to as the R factor, or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.
 - (3) Technical standards not identified or developed in this section may be used provided that the methods have been approved by the City Engineer.
- 8-908 **PERFORMANCE STANDARDS.**
- (1) **RESPONSIBLE PARTY.** The responsible party shall implement an erosion and sediment control plan, developed in accordance with section 8-910 that incorporates the requirements of this section.

- (2) PLAN. A written erosion and sediment control plan shall be developed in accordance with section 8-910 and implemented for each construction site.
- (3) REQUIREMENTS. The erosion and sediment control plan shall meet the following minimum requirements to the maximum extent practicable:
- (a) Erosion and Sediment Control Practices. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
1. The deposition of soil from being tracked onto streets by vehicles.
 2. The discharge of sediment from disturbed areas into on-site storm water inlets.
 3. The discharge of sediment from disturbed areas into adjacent waters of the state.
 4. The discharge of sediment from drainage ways that flow off the site.
 5. The discharge of sediment by dewatering activities.
 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 7. The discharge of sediment from erosive flows at outlets and in downstream channels.
 8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
 9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.
- (b) Sediment Performance Standards. In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:
1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
 2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
 3. Notwithstanding subd. 1., if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

- (c) Preventative Measures. The erosion and sediment control plan shall incorporate all of the following:
 - 1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
 - 2. Minimization of soil compaction and preservation of topsoil.
 - 3. Minimization of land disturbing construction activity on slopes of 20 percent or more.
 - 4. Development of spill prevention and response procedures.
 - (d) Location. The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.
- (4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:
- (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in subsection (2).
 - (b) Erosion and sediment control practices shall be maintained until final stabilization.
 - (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - (d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.
- (5) ALTERNATE REQUIREMENTS. The City Engineer may establish requirements more stringent than those set forth in this section if the City Engineer determines that an added level of protection is needed for sensitive resources.

8-909 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

- (1) PERMIT REQUIRED. No person may commence a land disturbing construction activity subject to this ordinance without receiving prior written approval of an erosion and sediment control plan for the site and a permit from the City Engineer.
- (2) PERMIT APPLICATION AND FEES. At least one responsible party desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of Section 8-910 and shall pay to the City an application fee as established by City Council resolution. By submitting an application, the applicant is authorizing the City Engineer to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The City Engineer shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

- (a) Within 30 business days of the receipt of a complete permit application, as required by subsection (2) of this section, the City Engineer shall either issue or deny the permit based on the requirements of this ordinance.
 - (b) If the permit application and plan are approved, the City Engineer shall issue the permit in writing.
 - (c) If the permit application or plan is disapproved, the City Engineer shall state in writing the reasons for disapproval.
 - (d) The City Engineer may request additional information from the applicant. If additional information is submitted, the City Engineer shall have 30 business days from the date the additional information is received to either issue or deny the permit.
 - (e) Failure by the City Engineer to issue a decision within 30 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (4) SURETY BOND. As a condition of approval and issuance of the permit, the City Engineer, or his designee, may require the applicant to deposit a surety bond, cash escrow, or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.
- (5) PERMIT REQUIREMENTS. All permits shall require the responsible party to:
- (a) Notify the City Engineer within 48 hours of commencing any land disturbing construction activity.
 - (b) Notify the City Engineer of completion of any BMPs within 10 business days after their installation.
 - (c) Obtain permission in writing from the City Engineer prior to any modification pursuant to 8-910(3) of the erosion and sediment control plan.
 - (d) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (e) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in weekly inspection reports.
 - (g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
 - (h) Allow the City Engineer to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan, stormwater management plan, amendments, weekly inspection reports, and permit at the construction site until permit coverage is terminated.
 - (i) The permit applicant shall post the "Certificate of Permit Coverage" in a conspicuous location at the construction site.

- (6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by the City Engineer in addition to the requirements set forth in (5) of this section where needed to assure compliance with the performance standards in section 8-908.
- (7) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The City Engineer may extend the period one or more times for up to an additional 180 days, provided a written request is received and approved by the City Engineer. The City Engineer may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.
- (8) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

8-910 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT, AND AMENDMENTS.

- (1) EROSION AND SEDIMENT CONTROL PLAN STATEMENT. For each construction site identified under section 8-904 an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the City Engineer. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.
- (2) PLAN REQUIREMENTS.
 - (a) An erosion and sediment control plan shall be prepared and submitted to the City Engineer.
 - (b) The erosion and sediment control plan shall be designed to meet the performance standards in section 8-908 and other requirements of this ordinance.
 - (c) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
 - 1. Name(s), address(es), and telephone number(s) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 - 2. Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
 - 3. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and

buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

4. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
5. Calculations to show the compliance with the performance standard in section 8-908(3)(b)1.
6. Existing data describing the surface soil as well as subsoils.
7. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
8. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic map.

(d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.

1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
2. Boundaries of the construction site.
3. Drainage patterns and approximate slopes anticipated after major grading activities.
4. Areas of soil disturbance.
5. Location of major structural and non-structural controls identified in the plan.
6. Location of areas where stabilization practices will be employed.
7. Areas which will be vegetated following construction.
8. Aerial extent of wetland acreage on the site and locations where stormwater is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
9. Area(s) used for infiltration of post-construction stormwater runoff.
10. An alphanumeric or equivalent grid overlying the entire construction site map.

(e) Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:

1. Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.

2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the City Engineer, or his designee, structural measures shall be installed on upland soils.
 3. Management of overland flow at all sites, unless otherwise controlled by outfall controls.
 4. Trapping of sediment in channelized flow.
 5. Staging construction to limit bare areas subject to erosion.
 6. Protection of downslope drainage inlets where they occur.
 7. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
 8. Cleanup of off-site sediment deposits.
 9. Proper disposal of building and waste materials at all sites.
 10. Stabilization of drainage ways.
 11. Installation of permanent stabilization practices as soon as possible after final grading.
 12. Minimization of dust to the maximum extent practicable.
- (f) The erosion and sediment control plan shall require that the velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a watercourse so that the natural physical and biological characteristics and functions are maintained and protected.

- (3) AMENDMENTS. The applicant shall amend the plan if any of the following occur:
- (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.
 - (b) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (c) The City Engineer notifies the applicant of changes needed in the plan.
 - (d) A request for an amendment shall be submitted in a detailed written application within 30 days of occurrence of any event as set out in paragraph (a), (b) or (c) and shall require payment of an additional fee as established by city council resolution. The amended plan shall be subject to the same procedures, review, issuance and denial standards as set out in section 8-909(3).

8-911 FEE SCHEDULE. The fees referred to in other sections of this ordinance shall be established by City Council resolution. A schedule of fees shall be available for inspection at the office of the City Engineer.

8-912 INSPECTION. If it reasonably appears to the City of Beloit that land disturbing construction activities are being carried out without a permit required by this ordinance, the City Engineer, or his designee, may enter the land pursuant to the provisions of §66.0119, Wis. Stats.

8-913 ENFORCEMENT.

- (1) The City Engineer may post a stop work order if any of the following occurs:

- (a) Any land disturbing construction activity regulated under this ordinance is being undertaken without a permit.
 - (b) The erosion and sediment control plan is not being implemented in a good faith manner.
 - (c) The conditions of the permit are not being met.
 - (d) An amended plan has not been timely applied for and/or permitted.
- (2) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the City Engineer may revoke the permit.
 - (3) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the City Engineer or if a responsible party violates a stop work order posted under subsection (1) the City Engineer may request the Beloit City Attorney to obtain a cease and desist order in any court with jurisdiction.
 - (4) The Board of Appeals may retract a stop work order issued under subsection (1) or a permit revocation under subsection (2).
 - (5) After posting a stop work order under subsection (1), the City Engineer may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The City Engineer may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the City Engineer, plus interest at the rate authorized by City Council, shall be billed to the responsible party or recovered from the surety bond, cash escrow, or irrevocable letter of credit. In the event a responsible party fails to pay the amount due, it shall be imposed as a special charge against real property pursuant to §66.0627, Wis. Stats, to the extent authorized by law. If the special charge is not paid within the time specified in the notice to the property owner, the delinquent special charge shall be entered on the tax roll for collection and settlement under Ch. 74, Wis. Stats.
 - (6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture as provided in §25.04(1) of this Code of General Ordinances of the City of Beloit. Each day a violation exists shall constitute a separate offense.
 - (7) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

8-914 APPEALS.

- (1) BOARD OF APPEALS. The Board of Appeals created under §1.77 of the Code of General Ordinances of the City of Beloit pursuant to §62.23(7)(e), Wis. Stats.:
 - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the City Engineer in administering this ordinance except for cease and desist orders obtained under section 8-913(3).
 - (b) Upon appeal, may authorize variances from the provisions of this ordinance pursuant to section 2-900 of this Chapter 19, Zoning Code which are not

contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and

(c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(2) WHO MAY APPEAL. Appeals to the Board of Appeals may be taken by any aggrieved person or by any office, department, or board of the City of Beloit affected by any decision of the City Engineer.

8-915 SEVERABILITY. If a court of competent jurisdiction judges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.”

Section 2. Section 8-1000 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby repealed and recreated to read as follows:

“8-1000 POST-CONSTRUCTION STORMWATER MANAGEMENT.

8-1001 FINDINGS OF FACT. The intent of this ordinance is to reduce the discharge of pollutants carried in stormwater runoff to waters of the state. The City Council finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- (1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (4) Reduce the quality of groundwater by increasing pollutant loading.
- (5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.
- (6) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
- (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

8-1002 AUTHORITY.

- (1) This ordinance is adopted by the authority granted by §62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under §62.23, Wis. Stats., that relate to stormwater management regulations. Except as otherwise specified in §62.234, Wis. Stats., §62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.

- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the City.
- (3) The City Council hereby designates the City Engineer to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not preempt more stringent stormwater management requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under §§281.16 and 283.33, Wis. Stats.
 - (b) Targeted nonagricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under NR 151.004, Wis. Adm. Code.

8-1003 PURPOSE AND INTENT.

- (1) **PURPOSE.** The general purpose of this ordinance is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:
 - (a) Further the maintenance of safe and healthful conditions.
 - (b) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
 - (c) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.
 - (d) Minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the state.
- (2) **INTENT.** It is the intent of the City Council that this ordinance regulates post-construction stormwater discharges and associated pollutants to waters of the state. This ordinance may be applied on a site-by-site basis. The City Council recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under §281.16, Wis. Stats., for regional stormwater management measures and have been approved by the City Council, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.

8-1004 APPLICABILITY AND JURISDICTION.

(1) APPLICABILITY.

- (a) Except as provided under paragraph (b), this ordinance applies after final stabilization to site in which land disturbing construction activity occurs during construction meeting any of the following criteria:
1. A construction site that had one or more acres of land disturbing construction activity.
 2. Construction activities under this ordinance which are less than one acre, but are part of a larger construction site that in total disturbs more than one acre.
- (b) A site or discharge that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance.
1. A post-construction site with less than 10 percent connected imperviousness based on the area of land disturbance, provided the cumulative area of all impervious surfaces is less than one acre. However, the exemption of this paragraph does not include exemption from the protective area standard of this ordinance.
 2. Nonpoint discharges from agricultural facilities and practices.
 3. Nonpoint discharges from silviculture activities.
 4. Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
 5. Underground utility construction, including but not limited to, water, sewer and fiber optic lines. This exemption does not apply to the construction of any aboveground structures associated with utility construction.
- (c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to post-construction sites of any size that, in the opinion of the City Engineer is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) JURISDICTION. This ordinance applies to post-construction sites within the boundaries and jurisdiction of the City, as well as all lands located within the extraterritorial plat approval jurisdiction of the City, even if plat approval is not involved.

(3) EXCLUSIONS. This ordinance is not applicable to activities conducted by a state agency, as defined under §227.01(1), Wis. Stats.

8-1005 DEFINITIONS. The following words, terms, phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Adequate sod, or self-sustaining vegetative cover means maintenance of sufficient vegetation types and densities such that physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbes, sedges and duff layers of fallen leaves and woody debris.

Agricultural Facilities and Practices has the meaning given in §281.16, Wis. Stats.

Atlas 14 means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

Average Annual Rainfall means a calendar year of precipitation, excluding snow, which is considered typical.

Best Management Practice or BMP means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

Business Day means a day the office of the City Engineer, or his or her designee, is routinely and customarily open for business.

Cease and Desist Order means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

City Engineer means the City Engineer or a designated representative of the City Engineer.

Combined Sewer System means a system for conveying both sanitary sewage and stormwater runoff.

Connected Imperviousness means an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.

Design Storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

Development means residential, commercial, industrial or institutional land uses and associated roads.

Direct conduits to groundwater means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

Division of Land means the division of a lot, tract or parcel of land into 2 or more lots, tracts, parcels or other divisions of land for sale, development or lease.

Effective Infiltration Area means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

Erosion means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

Exceptional Resource Waters means waters listed in NR 102.11, Wis. Adm. Code.

Extraterritorial means the unincorporated area within 3 miles of the corporate limits of the City of Beloit.

Filtering Layer means soil that has at least a 3-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

Final Stabilization means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

Financial Guarantee means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to and approved in writing by the City Engineer, or his or her designee, by the responsible party to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.

Governing Body means the City Council.

Impervious Surface means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious.

In-Fill Area means an undeveloped area of land located within existing development.

Infiltration means the entry of precipitation or runoff into or through the soil.

Infiltration System means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

Karst Feature means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

Land Disturbing Construction Activity means any manmade alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

Landowner means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, and land disturbing construction activity or maintenance of storm water BMPs on the property.

Maintenance Agreement means a legal document that provides for long-term maintenance of stormwater management practices.

Maximum Extent Practicable or *MEP* means a level of implementing best management practices in order to achieve a performance standard specified in this ordinance which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

New Development means development resulting from the conversion of previously undeveloped land or agricultural land uses.

NRCS MSE3 or *MSE4* distribution means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

Off-Site means located outside the property boundary described in the permit application.

On-Site means located within the property boundary described in the permit application.

Ordinary High-Water Mark has the meaning given in NR 115.03(6), Wis. Adm. Code.

Outstanding Resource Waters means waters listed in NR 102.10, Wis. Adm. Code.

Percent Fines means the percentage of a given sample of soil, which passes through a #200 sieve.

Performance Standard means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit means a written authorization made by the City Engineer, or his or her designee, to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Permit Administration Fee means a sum of money paid to the City Engineer, or his her designee, by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

Pervious Surface means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

Pollutant has the meaning given in §283.01(13), Wis. Stats.

Pollution has the meaning given in §281.01(10), Wis. Stats.

Post-Construction Site means a construction site following the completion of land disturbing construction activity and final site stabilization.

Pre-development Condition means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

Preventive Action Limit has the meaning given in NR 140.05(17), Wis. Adm. Code.

Protective Area means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.

Redevelopment means areas where development is replacing older development.

Responsible Party means any person or entity holding fee title to the property or contracted or obligated by this ordinance or other agreement to implement and maintain post-construction stormwater BMPs.

Runoff means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

Separate Storm Sewer means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

- (1) Is designed or used for collecting water or conveying runoff.
- (2) Is not part of a combined sewer system.
- (3) Is not draining to a stormwater treatment device or system.
- (4) Discharges directly or indirectly to waters of the state.

Silviculture Activity means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

Site means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.

Stop Work Order means an order issued by the City Engineer, or his or her designee, which requires that all construction activity on the site be stopped.

Stormwater Management Plan means a comprehensive plan designed to reduce the discharge of pollutants from stormwater after the site has undergone final stabilization following completion of the construction activity.

Stormwater Management System Plan is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

Technical Standard means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

Top of the Channel means an edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

Total Maximum Daily Load or TMDL means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

TP-40 means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.hhh.

TR-55 means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

Transportation facility means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under §85.095 (1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department of Natural Resources pursuant to §281.33, Wis. Stats.

TSS means total suspended solids.

Type II Distribution means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973." The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

Waters of the State includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

8-1006 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE. Maximum extent practicable applies when a person who is subject to a performance standard of this subchapter demonstrates to the City Engineer's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

8-1007 TECHNICAL STANDARDS. The following methods shall be used in designing the water quality, peak flow shaving and infiltration components of stormwater practices needed to meet the water quality standards of this ordinance:

- (1) Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under Subch. V of NR 151, Wis. Adm. Code.
- (2) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the City Engineer.
- (3) In this ordinance, the following year and location has been selected as average annual rainfall: Madison, 1981 (Mar. 12-Dec. 2).

8-1008 PERFORMANCE STANDARDS.

- (1) RESPONSIBLE PARTY. The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this section.
- (2) PLAN. A written stormwater management plan in accordance with section 8-1010 shall be developed and implemented for each post-construction site. The submitted plan shall describe how the performance standards of this ordinance will be met.
- (3) MAINTENANCE OF EFFORT. For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of this chapter in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this ordinance, whichever are more stringent.
- (4) REQUIREMENTS. The plan required under subsection (2) shall include the following:
 - (a) Total Suspended Solids. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:
 1. BMPs shall be designed in accordance with Table 1 or to the maximum extent practicable as provided in subd. 2. The design shall be based on an average annual rainfall, as compared to no runoff management controls.

Table 1. TSS Reduction Standards	
Development Type	TSS Reduction
New Development	80 percent
In-fill Development	80 percent
Redevelopment	40 percent of load from parking areas and roads

2. **Maximum Extent Practicable.** If the design cannot meet a total suspended solids reduction performance standard of Table 1 the stormwater management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable.
3. **Off-Site Drainage.** When designing BMPs, runoff draining to the BMP from offsite shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(b) Peak Discharge.

1. By design, BMPs shall be employed to maintain or reduce the peak runoff discharge rates, to the maximum extent practicable, as compared to predevelopment conditionally the 1-year, 2-year and 5-year, 24-hour design storm applicable to the post-construction site. The 100-year, 24-hour design storm event applicable to the post-construction site shall be stored and the release rate from the storage facility shall not exceed the predeveloped 10-year peak discharge rate from the site. The storage volume shall be determined using routing calculations or a City-approved methodology. Predevelopment conditions shall assume "good hydrologic conditions" for appropriate land covers as identified in TR-55 or an equivalent methodology. Atlas 14 precipitation depths, and the NRCS Wisconsin MSE3 precipitation distribution. On a case-by-case basis, the City Engineer may allow the use of TP-40 precipitation depths and the Type II distribution. The meaning of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. However, when predevelopment land cover is cropland, rather than using TR-55 values for cropland, the runoff curve numbers in Table 2 shall be used.

Table 2 - Maximum Predevelopment Runoff Curve Numbers for Cropland Areas							
Hydrologic Soil Group	A	B	C	D			
Runoff Curve Number	56	70	79	83			
Table 3 – Atlas 14 Rainfall Depths							
Rainfall Frequency (Years)	1	2	5	10	25	50	100
Rainfall Intensity (In/Hr)	2.47	2.85	3.52	4.12	5.02	5.77	6.57

2. This subsection of the ordinance does not apply to any of the following:

- a. A post-construction site where the discharge is directly into the Rock River without first passing through any portion of the municipally owned or operated storm water conveyance system.
- b. Except as provided under subsection (3), a redevelopment post-construction site.
- c. An in-fill development area less than 5 acres.

(c) Infiltration.

1. Best Management Practices: BMPs shall be designed, installed, and maintained to infiltrate runoff to the maximum extent practicable in accordance with the following:
 - a. *Low imperviousness.* For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the postdevelopment infiltration volume shall be at least 90 percent of the predevelopment infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.
 - b. *Moderate imperviousness.* For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post construction site is required as an effective infiltration area.
 - c. *High imperviousness.* For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.
2. Pre-development. The pre-development condition shall be the same as specified in Table 2 of the Peak Discharge section of this ordinance.
3. Source Areas.
 - a. *Prohibitions.* Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the

requirements of this section unless demonstrated to meet the conditions identified in subsection (4)(c)6.:

- i. Areas associated with a tier 1 industrial facility identified in NR 216.21 (2)(a), Wis. Adm. Code, including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.
 - ii. Storage and loading areas of a tier 2 industrial facility identified in NR 216.21 (2)(b), Wis. Adm. Code.
 - iii. Fueling and vehicle maintenance areas. Runoff from rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.
- b. *Exemptions.* Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:
- i. Parking areas and access roads less than 5,000 square feet for commercial development.
 - ii. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the Prohibitions under par a.
 - iii. Except as provided under subsection (3), redevelopment post-construction sites.
 - iv. In-fill development areas less than 5 acres.
 - v. Roads on commercial, industrial and institutional land uses, and arterial residential roads.
4. Location of Practices.
- a. *Prohibitions.* Infiltration practices may not be located in the following areas:
 - i. Areas within 1000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.
 - ii. Areas within 400 feet of a community water system well as specified in NR 811.16 (4), Wis. Adm. Code or within the separation distances listed in NR 812.08, Wis. Adm. Code for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses or regional devices for one- and two-family residential development.
 - iii. Areas where contaminants of concern, as defined in NR 720.03 (2), Wis. Adm. Code are present in the soil through which infiltration will occur.
 - b. *Separation distances.*
 - i. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 4:

Table 4. Separation Distances and Soil Characteristics		
Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	Not Applicable
All Other Impervious Source Areas	3 feet or more	Filtering Layer

- ii. Notwithstanding par. b., applicable requirements for injection wells classified under NR 815 Wis. Adm. Code shall be followed.
- c. *Infiltration rate exemptions.* Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:
 - i. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
 - ii. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.
- 5. Alternate Use. Where alternate uses of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.
- 6. Groundwater Standards.
 - a. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with NR 140, Wis. Adm. Code. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

- b. Notwithstanding par. a, the discharge from BMPs shall remain below the enforcement standard at the point of standards application.
- 7. Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subd. 6. Pretreatment options may include, but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales or filter strips.
- 8. Maximum Extent Practicable. Where the conditions of subd. 3. and 4. limit or restrict the use of infiltration practices, the performance standard of subsection (4)(c) shall be met to the maximum extent practicable.

(d) Protective Areas.

- 1. "*Protective area*" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this paragraph, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.
 - a. For outstanding resource waters and exceptional resource waters, 75 feet.
 - b. For perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
 - c. For lakes, 50 feet.
 - d. For wetlands not subject to par. E. or f., 50 feet.
 - e. For highly susceptible wetlands, 50 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.
 - f. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
 - g. In pars. d. to f., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in NR 103.03, Wis. Adm. Code.

treated by a BMP to meet the local ordinance requirements for total suspended solids and peak flow reduction, except to the extent that vegetative ground cover is necessary to maintain bank stability.

- (e) Fueling and Vehicle Maintenance Areas. Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen.

- (f) Swale Treatment for Transportation Facilities.
 - 1. Requirement. Except as provided in subd. 2., transportation facilities that use swales for runoff conveyance and pollutant removal are exempt from the requirements of local ordinance requirements for peak flow control, total suspended solids control, and infiltration, if the swales are designed to do all of the following to the maximum extent practicable:
 - a. Swales shall be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.
 - b. Swales shall comply with sections V.F. (Velocity and Depth) and V.G. (Swale Geometry Criteria) with a swale treatment length as long as that specified in section V.C. (Pre-Treatment) of the Wisconsin Department of Natural Resources technical standard 1005 "Vegetated Infiltration Swales", dated May 2007, or a superseding document. Transportation facility swale treatment does not have to comply with other sections of technical standard 1005.
 - 2. Other requirements.
 - a. Notwithstanding subd. 1., the City Engineer may, consistent with water quality standards, require that other requirements, in addition to swale treatment, be met on a transportation facility with an average daily traffic rate greater than 2,500 and where the initial surface water of the state that the runoff directly enters is one of the following:
 - i. An outstanding resource water.
 - ii. An exceptional resource water.
 - iii. Waters listed in section 303 (d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to non-point source impacts.
 - iv. Water where targeted performance standards are developed pursuant to NR 151.004, Wis. Adm. Code.
 - b. The transportation facility authority shall contact the City Engineer to determine if additional BMPs beyond a water quality swale are needed under this subsection.

- (5) GENERAL CONSIDERATIONS FOR ON-SITE AND OFF-SITE STORMWATER MANAGEMENT MEASURES. The following considerations shall be observed in managing runoff:
- (a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
 - (b) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- (6) BMP LOCATION.
- (a) To comply with the performance standards required under this ordinance, BMPs may be located on-site or off-site as part of a regional storm water device, practice or system, but shall be installed in accordance with NR 151.003, Wis. Adm. Code.
 - (b) The City Engineer may approve off-site management measures provided that all of the following conditions are met:
 - 1. The City Engineer determines that the post-construction runoff is covered by a storm water management system plan that is approved by the City that contains management requirements consistent with the purpose and intent of this ordinance.
 - 2. The off-site facility meets all of the following conditions:
 - a. The facility is in place.
 - b. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.
 - c. The facility has a legally-obligated entity responsible for its long-term operation and maintenance.
 - (c) Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this ordinance. Post-construction BMPs may be located in non-navigable surface waters.
 - (d) Except as allowed under subsection (e), post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.
 - (e) Post-construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this ordinance if:
 - 1. The BMP was constructed prior to the effective date of this ordinance and the BMP either received a permit issued under Ch. 30, Wis. Stats., or the BMP did not require a Ch. 30, Wis. Stats., permit; and

2. The BMP is designed to provide runoff treatment from future upland development.
- (f) Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this paragraph.
1. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.
 2. Post-construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as NR 103, Wis. Adm. Code, and Ch. 30, Wis. Stats.
- (g) The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this section.
- (h) Where a regional treatment option exists such that the City Engineer exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the City Engineer. In determining the fee for post-construction runoff, the City Engineer shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.
- (7) **ADDITIONAL REQUIREMENTS.** The City Engineer may establish stormwater management requirements more stringent than those set forth in this section if the City Engineer determines that the requirements are needed to control storm water quantity or control flooding, comply with federally approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment.

8-1009 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

- (1) **PERMIT REQUIRED.** No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the City Engineer prior to commencing the proposed activity.
- (2) **PERMIT APPLICATION AND FEES.** Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the City Engineer a permit application made on a form provided by the City Engineer for that purpose.
 - (a) Unless otherwise excepted by this ordinance, a permit application must be accompanied by a stormwater management plan, a maintenance agreement and a nonrefundable permit administration fee.
 - (b) The stormwater management plan shall be prepared to meet the requirements of sections 8-1008 and 8-1010, the maintenance agreement shall be prepared to meet the requirements of section 8-1011, the financial guarantee shall meet the requirements of section 8-1012, and fees shall be those established by the City Council.

- (3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The City Engineer shall review any permit application that is submitted with a stormwater management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
- (a) Within 30 business days of the receipt of a complete permit application, including all items as required by subsection (2), the City Engineer shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.
 - (b) If the stormwater permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made, the City Engineer shall issue the permit.
 - (c) If the stormwater permit application, plan or maintenance agreement is disapproved, the City Engineer shall detail in writing the reasons for disapproval.
 - (d) The City Engineer may request additional information from the applicant. If additional information is submitted, the City Engineer shall have 30 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
 - (e) Failure by the City Engineer to inform the permit applicant of a decision within 30 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (4) PERMIT REQUIREMENTS. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The City Engineer, or his designee, may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the City Engineer, or his designee, to suspend or revoke this permit may be appealed in accordance with section 8-1015.
- (a) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
 - (b) The responsible party shall design and install all structural and nonstructural stormwater management measures in accordance with the approved stormwater management plan and this permit.
 - (c) The responsible party shall notify the City Engineer at least 30 business days before commencing any work in conjunction with the stormwater management plan, and within 30 business days upon completion of the stormwater management practices. If required as a special condition under sub. (5), the responsible party shall make additional notification according to a schedule set forth by the City Engineer so that practice installations can be inspected during construction.

- (d) Practice installations required as part of this ordinance shall be certified "as built" by a licensed professional engineer. Completed stormwater management practices must pass a final inspection by the City Engineer to determine if they are in accordance with the approved stormwater management plan and ordinance. The City Engineer shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
 - (e) The responsible party shall notify the City Engineer of any significant modifications it intends to make to an approved stormwater management plan. The City Engineer may require that the proposed modifications be submitted to it for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
 - (f) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the City, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
 - (g) The responsible party authorizes the City Engineer to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Subch. VII of Ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under section 8-1012.
 - (h) If so directed by the City Engineer, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
 - (i) The responsible party shall permit property access to the City Engineer for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
 - (j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the City Engineer may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
 - (k) The responsible party is subject to the enforcement actions and penalties detailed in section 8-1014, if the responsible party fails to comply with the terms of this permit.
- (5) PERMIT CONDITIONS. Permits issued under this subsection may include conditions established by City Engineer in addition to the requirements needed to meet the

performance standards in section 8-1008 or a financial guarantee as provided for in Section 8-1012.

- (6) PERMIT DURATION. Permits issued under this section shall be valid from the date of issuance through the date the City Engineer, notifies the responsible party that all stormwater management practices have passed the final inspection required under sub. (4)(d).

8-1010 STORMWATER MANAGEMENT PLAN.

- (1) PLAN REQUIREMENTS. The stormwater management plan required by this section shall contain at a minimum the following information:
- (a) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; and person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.
 - (b) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
 - (c) Predevelopment site conditions, including:
 - 1. One or more site maps at a scale providing detail of at least 1 inch equals 20 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale providing detail of at least 1 inch equals 20 feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all stormwater conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100-year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to NR 811.16, Wis. Adm. Code.
 - 2. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
 - (d) Post-development site conditions, including:
 - 1. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

2. Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.
 3. One or more site maps at a scale providing detail of at least 1 inch equals 20 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale providing detail of at least 1 inch equals 20 feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all stormwater conveyance sections; location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.
 4. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
 5. Results of investigations of soils and groundwater required for the placement and design of stormwater management measures. Detailed drawings including cross-sections and profiles of all permanent stormwater conveyance and treatment practices.
- (e) A description and installation schedule for the stormwater management practices needed to meet the performance standards in Section 8-1008.
- (f) A maintenance plan developed for the life of each stormwater management practice including the required maintenance activities and maintenance activity schedule.
- (g) Cost estimates for the construction, operation, and maintenance of each stormwater management practice.
- (h) Other information requested in writing by the City Engineer to determine compliance of the proposed stormwater management measures with the provisions of this ordinance.
- (i) All site investigations, plans, designs, computations, and drawings shall be certified by a professional engineer licensed in the State of Wisconsin to be

prepared in accordance with accepted engineering practice and requirements of this ordinance.

- (2) ALTERNATE REQUIREMENTS. The City Engineer, or his designee, may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under section 8-1008.

8-1011 MAINTENANCE AGREEMENT.

- (1) MAINTENANCE AGREEMENT REQUIRED. The maintenance agreement shall be an agreement between the City and the responsible party to provide for maintenance of stormwater practices beyond the duration period of the permit. The maintenance agreement shall be filed with the Rock County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices.
- (2) AGREEMENT PROVISIONS. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Section 8-1010:
 - (a) Identification of the stormwater facilities and designation of the drainage area served by the facilities.
 - (b) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan.
 - (c) Identification of the responsible party(ies), organization or city, county, town or village responsible for long term maintenance of the stormwater management practices identified in the stormwater management plan.
 - (d) Requirement that the responsible party(ies), organization, or City, County, town or village shall maintain stormwater management practices in accordance with the schedule included in par. (b).
 - (e) Authorization for the City Engineer to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (f) A requirement on the City Engineer to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
 - (g) Agreement that the party designated under par. (c) as responsible for long term maintenance of the stormwater management practices, shall be notified by the City Engineer of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the City Engineer.
 - (h) Authorization of the City Engineer to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The costs of the work performed under this subsection by the City Engineer, plus interest at the rate authorized by City Council, shall be billed to the responsible party or recovered from the surety bond, cash escrow, or irrevocable letter of credit. In

the event a responsible party fails to pay the amount due, it shall be imposed as a special charge against real property pursuant to §66.0627, Wis. Stats, to the extent authorized by law. If the special charge is not paid within the time specified in the notice to the property owner, the delinquent special charge shall be entered on the tax roll for collection and settlement under Ch. 74, Wis. Stats.

8-1012 FINANCIAL GUARANTEE.

- (1) ESTABLISHMENT OF THE GUARANTEE. The City Engineer may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the City Engineer. The financial guarantee shall be in an amount determined by the City Engineer to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the City Engineer the authorization to use the funds to complete the stormwater management practices, if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the City Engineer that the requirements of this ordinance have not been met.
- (2) CONDITIONS FOR RELEASE. Conditions for the release of the financial guarantee are as follows:
 - (a) The City Engineer shall release the portion of the financial guarantee established under this section, less any costs incurred by the City Engineer to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The City Engineer may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - (b) The City Engineer shall release the portion of the financial guarantee established under this section to assure maintenance of stormwater practices, less any costs incurred by the City Engineer at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

8-1013 FEE SCHEDULE. The fees referred to in other sections of this ordinance shall be established by City Council resolution. A schedule of fees shall be available for inspection at the office of the City Engineer.

8-1014 ENFORCEMENT.

- (1) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.
- (2) The City Engineer shall notify the responsible party by certified mail of any noncomplying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.

- (3) Upon receipt of written notification from the City Engineer the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the City Engineer in the notice.
- (4) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the City Engineer may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the City Engineer plus interest and legal costs shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, it shall be imposed as a special charge against real property pursuant to §66.0627, Wis. Stats, to the extent authorized by law. If the special charge is not paid within the time specified in the notice to the property owner, the delinquent special charge shall be entered on the tax roll for collection and settlement under Ch. 74, Wis. Stats.
- (5) The City Engineer is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the City Attorney to obtain a cease and desist order in any court with jurisdiction.
- (6) The City Engineer may revoke a permit issued under this ordinance for noncompliance with ordinance provisions.
- (7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the City Engineer or by a court with jurisdiction.
- (8) The City Engineer is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance, to the City Attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (9) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture as provided in §25.04 of Code of General Ordinances for the City of Beloit. Each day that the violation exists shall constitute a separate offense.
- (10) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.
- (11) When the City Engineer determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the City Engineer may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The City Engineer shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Section 8-1012 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these

costs, the costs and expenses shall be imposed as a special charge against real property pursuant to §66.0627, Wis. Stats, to the extent authorized by law. If the special charge is not paid within the time specified in the notice to the property owner, the delinquent special charge shall be entered on the tax roll for collection and settlement under Ch. 74, Wis. Stats.

8-1015 APPEALS.

- (1) **BOARD OF APPEALS.** The Board of Appeals, created pursuant to §1.77 of the Code of General Ordinances of the City of Beloit pursuant to §62.23(7)(e), Wis. Stats., shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the City Engineer in administering this ordinance. The Board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the Board may authorize variances from the provisions of this ordinance pursuant to Section 2-900 of this Chapter 19, Zoning Code that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.
- (2) **WHO MAY APPEAL.** Appeals to the Board of Appeals may be taken by any aggrieved person, officer, department, or board of the City affected by any decision of the City Engineer.

8-1016 **SEVERABILITY.** If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

Section 3. Section 2-803 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended to read as follows:

2-803 **ISSUANCE.** No Certificate of Occupancy for a building, or portion thereof, constructed after September 26, 2001, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Officer to be in compliance with the plans and specifications upon which the Zoning Certificate was based. No Certificate of Occupancy for a building, or addition thereto, constructed after September 26, 2001, shall be issued and no addition to a previously existing building shall be occupied until the premises have been inspected and certified by the Zoning Officer to be in compliance with all the applicable standards of the zoning district in which it is located. Pending the issuance of a regular Certificate of Occupancy, a Temporary Certificate of Occupancy may be issued. Such temporary certificate shall be valid for a period not to exceed 6 months from its date during the completion of any addition or during partial occupancy of the premises. A temporary certificate shall not be issued unless and until any maintenance agreement required under 8-1011 of this Chapter is filed and recorded with the Rock County Register of Deeds. If a Certificate of Occupancy is not issued, the Zoning Officer shall give written notice to the applicant stating the reasons why a Certificate of Occupancy cannot be issued. Occupancy Certificates or letter of denial shall be issued not later than 14 days after the Zoning Officer is notified in writing that the building or premises are ready for occupancy.

Section 4. This ordinance shall be in force and take effect upon passage and publication.

Adopted this _____ day of April, 2016.

CITY COUNCIL OF THE CITY OF БЕЛОIT

By: _____
Charles M. Haynes, Council President

ATTEST:

By: _____
Lorena Rae Stottler, City Clerk

PUBLISHED: _____

EFFECTIVE DATE: _____

01-611100-5231- _____

tdh/ordinances/19.8-900 and 8-1000, 19.2-803 = ORD 160312 (15-1186)

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Ordinance Relating to Detached Accessory Buildings for Garbage & Recycling Container Storage

Date: April 4, 2016

Presenter: Julie Christensen

Department: Community Development

Overview/Background Information:

City staff has drafted the attached Ordinance to amend Section 6.3.4(d) of the Zoning Ordinance relating to detached accessory buildings for garbage & recycling container storage.

Key Issues (maximum of 5):

- The current Zoning Ordinance allows single- and two-family properties to have up to two detached accessory buildings such as sheds or garages. The total area of all detached accessory buildings is limited to 720 square feet or 10% of the lot area, whichever is greater. Each detached accessory building may be up to 1,200 square feet in area, provided the 720 square-foot or 10% standard above is met. For reference, a typical two-stall detached garage is 24' by 24' or 576 square feet.
 - City staff initiated the attached Ordinance in anticipation of storage issues resulting from the increased size of the new automated collection trash & recycling containers and the storage space constraints faced by many homeowners, who must store the new containers out of public view.
 - The attached Ordinance will allow homeowners to construct a third detached building not exceeding 40 square feet in area per unit, provided said building is designed and used exclusively to store the new automated collection trash & recycling containers.
 - Planning staff worked with Public Works staff to determine that each container, including a 1-foot buffer for maneuvering, would occupy approximately 20 square feet. Each single- and two-family dwelling will be issued two containers, hence the maximum building size of 40 square feet. This proposal is intended to be the minimum relief necessary, and homeowners requesting extra containers will need to store them in existing sheds or garages. All of the existing regulations that apply to detached accessory buildings including setbacks, separation, and height restrictions remain in effect.
 - The Plan Commission reviewed this item on March 23, 2016 and voted unanimously (5-0) to recommend approval of this Zoning Text Amendment.
-

Consistency with Strategic Plan:

- 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 1st reading of the proposed Ordinance
-

Fiscal Note/Budget Impact: N/A

Attachments: Ordinance and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: March 23, 2016

Agenda Item: 4

File Number: ZTA-2016-01

Request Overview/Background Information:

City staff has drafted the attached Ordinance to amend Section 6.3.4(d) of the Zoning Ordinance relating to detached accessory buildings for garbage & recycling container storage.

Key Issues:

- The current Zoning Ordinance allows single- and two-family properties to have up to two detached accessory buildings such as sheds or garages. The total area of all detached accessory buildings is limited to 720 square feet or 10% of the lot area, whichever is greater.
 - Each detached accessory building may be up to 1,200 square feet in area, provided the 720 square-foot or 10% standard above is met. For reference, typical two-stall detached garage is 24' by 24' or 576 square feet.
 - City staff initiated the attached Ordinance in anticipation of storage issues resulting from the increased size of the new automated collection trash & recycling containers and the storage space constraints faced by many homeowners, who must store the new containers out of public view.
 - The attached Ordinance will allow homeowners to construct a third detached building not exceeding 40 square feet in area per unit, provided said building is designed and used exclusively to store the new automated collection trash & recycling containers.
 - Planning staff worked with Public Works staff to determine that each container, including a 1-foot buffer for maneuvering, would occupy approximately 20 square feet. Each single- and two-family dwelling will be issued two containers, hence the maximum building size of 40 square feet. This proposal is intended to be the minimum relief necessary, and homeowners requesting extra containers will need to store them in existing sheds or garages.
 - All of the existing regulations that apply to detached accessory buildings including setbacks, separation, and height restrictions remain in effect.
-

Consistency with 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
-

Staff Recommendation:

The Planning & Building Services Division recommends **approval** of the attached Ordinance to amend Section 6.3.4(d) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, relating to detached accessory buildings for garbage & recycling container storage.

Fiscal Note/Budget Impact: N/A

Attachments: Proposed Ordinance and Public Notice

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 6.3.4(d) OF THE ZONING ORDINANCE, CHAPTER 19 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT RELATING TO DETACHED ACCESSORY BUILDINGS FOR GARBAGE AND RECYCLING STORAGE

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

Section 1. Section 6.3.4(d) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

- "d. Garages for Single-Family and Two-Family Residences. Single-family and two-family residences may have attached garages not exceeding 865 square feet or 33 percent of the floor area of the principal structure, whichever is greater. In addition to any attached accessory garage, single-family and two-family residences may have no more than 2 detached accessory buildings on a zoning lot. In addition to any attached garage and 2 detached accessory buildings, single-family and two-family residences may have a detached accessory building not exceeding 40 square feet in area per unit if said building is designed and used exclusively for the storage of City-issued garbage and recyclable materials collection carts. The total area of all detached accessory buildings may not exceed 720 square feet or 10 percent of the zoning lot area, whichever is greater. Also, in no instance may any single detached accessory building for a single-family or two-family residence exceed 1,200 square feet in area. Indoor pools, greenhouses and enclosed porches shall be considered living space if attached to the principal structure. However, if these buildings are detached then they shall be considered accessory buildings. If a single-family or two-family residence has an existing or proposed front-yard setback greater than the required minimum setback of this chapter, then a detached garage or accessory building may not be located closer to the front lot line than the existing residence or 100 feet whichever is less."

Section 2. This ordinance shall be in force and take effect on June 1, 2016

Adopted this _____ day of _____, 2016.

BELOIT CITY COUNCIL

By: _____
Charles M. Haynes, Council President

ATTEST:

By: _____
Lorena Rae Stottler, City Clerk

PUBLISHED: _____
EFFECTIVE DATE: _____
01-611100-5231- _____

tdh/ordinances/19.6.3.4(d) = ORD 160229 (15-1117)



NOTICE TO THE PUBLIC

March 8, 2016

To Whom It May Concern:

The Beloit Plan Commission and City Council are considering an Ordinance to amend Section 6.3.4(d) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, relating to detached accessory buildings for garbage & recycling container storage.

Currently, single- and two-family properties are limited to two detached accessory buildings such as garages and sheds. The proposed Ordinance would amend the Zoning Ordinance to allow homeowners to construct a third detached accessory building to store the new City-issued, automated trash & recycling storage containers.

The following public hearings will be held regarding this proposed Ordinance:

City Plan Commission: Wednesday, March 23, 2016, 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, April 4, 2016, 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 in the Planning & Building Services Division at (608) 364-6711 or penningtond@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

CITY OF БЕЛОIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Ordinance to amend various sections of the Code of General Ordinances of the City of Beloit pertaining to city boards, committees and commissions.
Date: April 18, 2016
Presenter(s): Lori S. Curtis Luther, City Manager
Department(s): City Manager

Overview/Background Information:

Based on public feedback since the first reading on April 4, 2016, there may be floor amendments to the ordinance to reflect suggested revisions.

It is a high priority for the City to have a diverse array of citizen representatives on boards, committees and commissions to provide recommendations to the full Council for consideration. However, over the course of the past year in particular, few applications to serve as a committee member have been received. The months of March and April 2016, for example, there are 27 vacancies for the 15 boards, committees and commissions with only 6 applications to be brought forward to the Appointment Review Committee.

Further, the Ethics Board does not currently have sufficient membership to achieve a quorum. While this board only meets on an as needed basis, it is critical that this Board be able to meet and address any potential ethics concerns that might be raised. From time to time, other boards have also had difficulty reaching quorum, which suggests that there is a need to evaluate other methods to appoint members and establish voting authority.

At two recent Council workshops some potential changes to the structure were discussed to encourage more citizen participation, provide quorums, and to ensure ample opportunity for the public to provide input. The City Council has not revisited the Code of Ordinances related to boards, committees, and commissions for many years and this is an appropriate time to revisit the topic due to the issues outlined above.

Background Information:

1. Amendments to the ordinances include appointing members of the Ethics Board in a way that ensures adequate membership for a quorum. The Chair of the Community Development Authority, Municipal Library Board, Park, Recreation & Conservation Advisory Commission, Plan Commission, and Police and Fire Commission would serve as standing members of the Ethics Board along with two at-large citizen appointees.
 2. Meeting times are required to begin between 6:30-8:00 p.m. for a variety of committees that need frequent public input. Other meeting times are removed to provide additional flexibility. Currently, the time of each board, committee or commission is stipulated by ordinance and are often held during the day, which may be difficult for individuals and the public to attend.
 3. Permitting Council members to be voting members of the boards, committees and commissions when the presence of the council member is needed for quorum.
 4. Requiring interviews by the City Council for appointments to particular committees to further engage the Council with the appointment process.
 5. Cleaning-up and modernizing the ordinances related to boards, committees and commissions.
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Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

All goals are applicable.

Action required/Recommendation:

Staff will prepare ordinance amendments for consideration at a future Council meeting based upon feedback provided at the Council Workshops.

Fiscal Note/Budget Impact: No budgetary impact.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE CODE OF
GENERAL ORDINANCES OF THE CITY OF БЕЛОIT
PERTAINING TO CITY BOARDS, COMMITTEES AND COMMISSIONS**

ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE

Section 1. Section 1.70(2)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(c) Rights and Privileges. All members of the Committee shall have the same rights and privileges, except that the City Council President and the City Council representative shall not have the right to vote unless a quorum would not otherwise be present, in which case the City Council President and the City Council representative shall be counted toward quorum and shall be deemed regular voting members.”

Section 2. Section 1.70(3)(b) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(b) Citizen Members. The citizen members may be nominated by the Appointment Review Committee and appointed by the City Council President, subject to confirmation by the City Council.”

Section 3. Section 1.70(7)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Meetings. Committee meetings shall be held at the ~~Forum in Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~ location designated in the notice of the meeting, ~~at 4:30 p.m.~~ on the second Tuesday of each month. The meetings shall be scheduled as needed. Meetings may be called by the committee chair, by written request of 2 voting members or by the Chief of the Beloit Police Department.”

Section 4. Section 1.70(15) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(15) REMOVAL. Any member may be removed for cause. Prior to such action, a verified written complaint setting forth the facts that constitute cause shall be filed with the City Clerk. A verified written complaint may be filed by a city resident. The member charged in the complaint shall either resign or request a public hearing on the complaint before the Appointment Review Committee. If the member charged in the complaint requests a hearing, the Appointment Review Committee shall conduct a public hearing to determine whether the allegations of the complaint are true. At the conclusion of the hearing, the Appointment Review Committee shall enter written findings of fact and furnish copies of those findings to the member charged, the resident who filed the complaint, and to the committee. The decision of the Appointment Review Committee may be appealed to the City Council. Any hearing conducted pursuant to this section shall comply with the provisions of §17.12, Wis. Stats.”

APPOINTMENT REVIEW COMMITTEE

Section 5. Section 1.72(2)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(c) Rights and Privileges. All members of the Appointment Review Committee shall have the same rights and privileges, except that the City Council President and the City Council Vice President shall not have the right to vote unless a quorum would not otherwise be present, in which case the City Council President and the City Council Vice President shall be counted toward quorum and shall be deemed regular voting members.”

Section 6. Section 1.72(3) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(3) APPOINTMENT. The citizen members may be nominated by the Appointment Review Committee and appointed by the City Council President, subject to confirmation by the City Council. The membership of the committee should reflect the diverse nature of the City's population.”

Section 7. Section 1.72(6)(b)3 of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“3. Nominate candidates for positions on City committees, boards and commissions and forward those nominations to the City Council President. The City Council President may appoint a candidate, subject to confirmation by the City Council, if the committee fails or refuses to take action on an application.”

Section 8. Section 1.72(6)(b)4 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“4. Retain copies of all applications filed as required by law for 2 years.”

Section 9. Section 1.72(6)(b)5 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“5. Conduct public hearings on complaints ~~issued by other boards, committees and commissions~~ charging that a member should be removed for cause.”

Section 10. Section 1.72(7)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Regular Meetings. Regular meetings of the committee shall be held each month ~~in the City Manager's Conference Room in Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~ at a location designated in the notice of the meeting.”

Section 11. Section 1.72(7)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Special Meetings. Special meetings shall be held ~~at the City Manager's Conference Room in Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~ at the location designated in the notice of the meeting. Special meetings may be called by the committee chair or by written request of 3 committee members.”

Section 12. Section 1.72(15) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(15) REMOVAL. Any member may be removed for cause. Prior to such action, a verified written complaint setting forth the facts that constitute cause shall be filed with the City Clerk. A verified written complaint may be filed by a city resident. The member charged in the complaint shall either resign or request a public hearing on the complaint before the City Council. If the member charged in the complaint requests a hearing, the City Council shall conduct a public hearing to determine whether the allegations of the complaint are true. At the conclusion of the hearing, the City Council shall enter written findings of fact and furnish copies of those findings to the member charged, the resident who filed the complaint, and to the committee. Any hearing conducted pursuant to this section shall comply with the provisions of §17.12, Wis. Stats.”

BOARD OF ETHICS

Section 13. Section 1.73(1)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Membership. The Ethics Board shall consist of 7 members as follows:~~one of whom shall be a former City Councilor.~~

1. Ex Officio Members.
 - a. Chair of the Community Development Authority
 - b. Chair of the Library Board
 - c. Chair of the Park, Recreation and Conservation Advisory Commission
 - d. Chair of the Planning Commission
 - e. President of the Police and Fire Commission
2. Citizen Members. Two citizen members. The citizen members should reflect the diverse nature of the City's population.
3. Rights and Privileges. All members of the board shall have the same rights and privileges.”

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Section 14. Section 1.73(1)(c) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(c) Appointment. The citizen members may be nominated by the Appointment Review Committee and appointed by the City Council President, subject to confirmation by the City Council. The membership of the board should reflect the diverse nature of the City's population.”

Section 15. Section 1.73(1)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(d) Term of Office.

1. Term of Appointment. Citizen Board~~members~~ shall be appointed for 3-year terms beginning January 1 of the first year and ending December 31 of the third year.
2. Reserved.
3. Subsequent Terms. No citizenboard member,~~except a former City Councilor,~~ may be appointed for more than 2 successive, full terms. ~~A former City Councilor may be appointed for more than 2 successive terms only when no other former City Councilor wishes to serve.~~ A citizenboard member who serves 2 successive, full terms shall be eligible for reappointment one year after the member completes his/her last full term.
4. Membership on Other Committees. No citizenboard member may serve on any other City board, committee or commission while that member is serving on this board.

5. Incumbents. Incumbents may continue to serve beyond the end of their terms until their successors have been appointed and seated.
6. Vacancies. Vacancies shall be filled for the balance of the term. A citizen member appointed to fill a vacancy shall be appointed in the same manner as that member's predecessor."

Section 16. Section 1.73(1)(e)1 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"(e) Qualifications.

1. Residency. All citizen members of the board shall be residents of the City of Beloit."

Section 17. Section 1.73(1)(g)1 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"(g) Meetings.

1. Meetings. Meetings of the board shall be held at the ~~Forum in Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~ location designated in the notice of the meeting. The meetings shall be held as needed, except that the annual meeting of the Ethics Board shall be held on the third Thursday of January of each year."

Section 18. Section 1.73(1)(h) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- "(h) Officers and Duties.** The Ethics Board shall select a chair and vice-chair annually on the third Thursday in January. The board shall submit the chair's name to the City Clerk immediately after the election. The chair shall preside over all meetings of the board. The vice-chair shall preside over the meetings in the chair's absence. In the absence of both the chair and vice-chair of the board a president pro tem shall be chosen from those present and shall preside. The ~~Human Resources Personnel~~ Director shall serve as secretary of the board. The secretary shall record the minutes of each meeting and shall transmit a written copy of the minutes and the records of the board to the City Clerk. The City Clerk shall be the custodian of the records of the board."

Section 19. Section 1.73(1)(o) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

- "(o) Removal.** Any member may be removed for cause. Prior to such action, a verified written complaint setting forth the facts that constitute cause shall be filed with the City Clerk. A verified written complaint may be filed by a city resident. The member charged in the complaint shall either resign or request a public hearing on the complaint before the City Council. If the member charged in the complaint requests a hearing, the City Council shall conduct a public hearing to determine whether the allegations of the complaint are true. At the conclusion of the hearing, the City Council shall enter written findings of fact and furnish copies of those findings to the member charged, the resident who filed the complaint, and to the committee. Any hearing conducted pursuant to this section shall comply with the provisions of §17.12, Wis. Stats."

BOARD OF REVIEW

Section 20. Section 1.76(3) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(3) APPOINTMENT. Board members ~~shall~~may be nominated by the Appointment Review Committee and appointed by the City Council President, subject to confirmation by the City Council. The City Council shall interview nominees to the board prior to appointment and confirmation.”

Section 21. Section 1.76(7)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Initial Meeting. The Board of Review shall hold its initial meeting annually at any time during the 30-day period beginning on the second Monday of May. The meeting shall be held ~~in the Forum in Beloit City Hall, 100 State Street, Beloit, Wisconsin, or at such other the~~ location designated in the notice of the meeting. At least 15 days before the first annual meeting, the City Clerk shall publish a Class 1 notice, place a notice in at least 3 public places and place a notice on the door of the ~~place of the meeting~~council chambers indicating the time and place of the initial meeting of the Board of Review. At the initial meeting, the board shall perform the duties prescribed by §70.47(3), Wis. Stats.”

Section 22. Section 1.76(14) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(14) REMOVAL. Any member may be removed for cause. Prior to such action, a verified written complaint setting forth the facts that constitute cause shall be filed with the City Clerk. A verified written complaint may be filed by a city resident. The member charged in the complaint shall either resign or request a public hearing on the complaint before the City Council. If the member charged in the complaint requests a hearing, the City Council shall conduct a public hearing to determine whether the allegations of the complaint are true. At the conclusion of the hearing, the City Council shall enter written findings of fact and furnish copies of those findings to the member charged, the resident who filed the complaint, and to the committee. Any hearing conducted pursuant to this section shall comply with the provisions of §17.12, Wis. Stats.”

BOARD OF APPEALS

Section 23. Section 1.77(3) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(3) APPOINTMENT. All board members and both alternates ~~may~~shall be nominated by the Appointment Review Committee and, in accordance with Charter Ordinance No. 7, shall be appointed by the City Council President, subject to confirmation by the City Council. The City Council may interview nominees to the board prior to appointment and confirmation. The Council President shall, annually, designate one of the alternate members as "first alternate" and the other as "second alternate." The first alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the board so refuses or is absent. ”

Section 24. Section 1.77(7)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Regular Meetings. Regular meetings of the board shall be held at ~~the Forum at Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~ the location designated in the notice of the meeting, ~~starting at a time no sooner than 6:30 p.m. and no later than 8:00 p.m., at 7:00 p.m.~~ on the second Tuesday of each month.”

Section 25. Section 1.77(7)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Special Meetings. Special meetings shall be held at the ~~Forum at Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~ location designated in the notice of the meeting. Special meetings may be called by the board chair or as the board may determine.”

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Section 26. Section 1.77(15) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(15) REMOVAL. Any member may be removed for cause. Prior to such action, a verified written complaint setting forth the facts that constitute cause shall be filed with the City Clerk. A verified written complaint may be filed by a city resident. The member charged in the complaint shall either resign or request a public hearing on the complaint before the Appointment Review Committee. If the member charged in the complaint requests a hearing, the Appointment Review Committee shall conduct a public hearing to determine whether the allegations of the complaint are true. At the conclusion of the hearing, the Appointment Review Committee shall enter written findings of fact and furnish copies of those findings to the member charged, the resident who filed the complaint, and to the board. The decision of the Appointment Review Committee may be appealed to the City Council. Any hearing conducted pursuant to this section shall comply with the provisions of §17.12, Wis. Stats.”

COMMUNITY DEVELOPMENT AUTHORITY

Section 27. Section 1.79(5)(b) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(b) Citizen Members. The citizen members may be nominated by the Appointment Review Committee and appointed by the City Council President, subject to confirmation by the City Council. The citizen membership should reflect the diverse nature of the City’s population.”

Section 28. Section 1.79(6)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(d) Membership on Other Committees. No citizen member may serve on any other City board, committee or commission while that member is serving on the Community Development Authority, except for the Chair who shall serve on the Board of Ethics.

Section 29. Section 1.79(9)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Regular Meetings. Regular meetings of the Authority shall be held at the ~~Forum at Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~ location designated in the notice of the meeting, ~~at 4:30 p.m.~~ on the fourth Wednesday of each month.”

Section 30. Section 1.79(9)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Special Meetings. Special meetings shall be held at the ~~Forum at Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~ location as designated in the notice of the meeting. Special meetings may be called by the Authority chair or by written request of 3 voting members.”

Section 31. Section 1.79(17) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(17) REMOVAL. Any member may be removed for cause. Prior to such action, a verified written complaint setting forth the facts that constitute cause shall be filed with the City Clerk. A verified written complaint may be filed by a city resident. The member charged in the complaint shall either resign or request a public hearing on the complaint before the Appointment Review Committee. If the member charged in the complaint requests a hearing, the Appointment Review Committee shall conduct a public hearing to determine whether the allegations of the complaint are true. At the conclusion of the hearing, the Appointment Review Committee shall enter written findings of fact and furnish copies of those findings to the member charged, the resident who filed the complaint, and to the authority. The decision of the Appointment Review Committee may be appealed to the City Council. Any hearing conducted pursuant to this section shall comply with the provisions of §17.12, Wis. Stats.”

EQUAL OPPORTUNITIES COMMISSION

Section 32. Section 1.82(3)(b) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(b) Citizen Members. The citizen members may be nominated by the Appointment Review Committee and appointed by the City Council President, subject to confirmation by the City Council.”

Section 33. Section 1.82(2)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(c) Rights and Privileges. All members of the Equal Opportunities Commission shall have the same rights and privileges, including the right to vote, except that the City Council President and City Council representative shall not have the right to vote unless a quorum would not otherwise be present, in which case the City Council President and the City Council representative shall be counted toward quorum and shall be deemed regular voting members.”

Section 34. Section 1.82(7)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Regular Meetings. Regular meetings of the commission shall be held at ~~Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~ location designated in the notice of the meeting, ~~at 5:45 p.m.~~ on the third Wednesday of each even-numbered month. If any regular meeting date is a holiday, the commission shall establish another meeting date and time.”

Section 35. Section 1.82(7)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Special Meetings. Special meetings shall be held at ~~Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~the location designated in the notice of the meeting. Special meetings may be called by the commission chair or by written request of 3 of the voting members.”

Section 36. Section 1.82(15) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(15) REMOVAL. Any member may be removed for cause. Prior to such action, a verified written complaint setting forth the facts that constitute cause shall be filed with the City Clerk. A verified written complaint may be filed by a city resident. The member charged in the complaint shall either resign or request a public hearing on the complaint before the Appointment Review Committee. If the member charged in the complaint requests a hearing, the Appointment Review Committee shall conduct a public hearing to determine whether the allegations of the complaint are true. At the conclusion of the hearing, the Appointment Review Committee shall enter written findings of fact and furnish copies of those findings to the member charged, the resident who filed the complaint, and to the commission. The decision of the Appointment Review Committee may be appealed to the City Council. Any hearing conducted pursuant to this section shall comply with the provisions of §17.12, Wis. Stats.”

GOLF COMMITTEE

Section 37. Section 1.83(3) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(3) APPOINTMENT. The presidents of the Men's Golf Club, Senior Citizens Golf Club and Women's Golf Club, upon election to their respective offices, shall be deemed to be appointed by their clubs as ex officio members of the Municipal Golf Committee. The Appointment Review Committee may make nominations of citizens for membership on the Municipal Golf Committee. The City Council President shall appoint the citizen members to serve on the Municipal Golf Committee, subject to confirmation by the City Council.”

Section 38. Section 1.83(7)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Regular Meetings. Regular meetings of the committee shall be held at ~~Krueger-Haskell Club House, 1611 Hackett Street, Beloit, Wisconsin, or such other~~the location designated in the notice of the meeting, ~~at a time designated by the committee~~ on the third Wednesday of the months of March through October.”

Section 39. Section 1.83(7)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Special Meetings. Special meetings shall be held at ~~Krueger Club House, 1611 Hackett Street, Beloit, Wisconsin, or such other~~the location designated in the notice of the meeting. Special meetings may be called by the committee chair or upon written request of 3 voting members.”

Section 40. Section 1.83(15) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(15) REMOVAL. Any member may be removed for cause. Prior to such action, a verified written complaint setting forth the facts that constitute cause shall be filed with the City Clerk. A

verified written complaint may be filed by a city resident. The member charged in the complaint shall either resign or request a public hearing on the complaint before the Appointment Review Committee. If the member charged in the complaint requests a hearing, the Appointment Review Committee shall conduct a public hearing to determine whether the allegations of the complaint are true. At the conclusion of the hearing, the Appointment Review Committee shall enter written findings of fact and furnish copies of those findings to the member charged, the resident who filed the complaint, and to the committee. The decision of the Appointment Review Committee may be appealed to the City Council. Any hearing conducted pursuant to this section shall comply with the provisions of §17.12, Wis. Stats.”

LANDMARKS COMMISSION

Section 41. Section 1.84(2)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(c) Rights and Privileges. All members of the Landmarks Commission shall have the same rights and privileges ~~including, except that the City Council President and the City Council representative shall not have~~ the right to vote.”

Section 42. Section 1.84(3)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Citizen Members. The 5 citizen members ~~shall~~may be nominated by the Appointment Review Committee and appointed by the City Council President, subject to confirmation by the City Council. ~~The City Council may interview nominees to the commission prior to appointment and confirmation.~~ The membership should reflect the diverse nature of the City’s population.”

Section 43. Section 1.84(3)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(c) Other Members. The representatives from the Bluff Street National Register Historic District, the Merrill Street National Register Historic District and the Near East Side (College Park) National Register Historic District shall be nominated by the governing bodies of their respective organizations and appointed by the City Council President, subject to confirmation by the City Council. ~~The City Council may interview nominees to the commission prior to appointment and confirmation.~~”

Section 44. Section 1.84(6)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Purpose. The commission has been created for the purpose of carrying out the public policy set forth in §32.01 ~~of this Municipal Code.~~”

Section 45. Section 1.84(6)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Powers and Duties. The commission shall exercise the powers and perform the duties set forth in §32.05 ~~of this Municipal Code.~~”

Section 46. Section 1.84(7)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Regular Meetings. Regular meetings of the commission shall be held at the ~~Forum in Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~ location designated in the notice of the meeting, ~~starting at a time no sooner than 6:30 p.m. and no later than 8:00 p.m., at 7:00 p.m.~~ on the third Tuesday of each month.”

Section 47. Section 1.84(7)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Special Meetings. Special meetings shall be held at the ~~Forum in Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~ location designated in the notice of the meeting. Special meetings may be called by the commission chair or by written request of 2 voting members.”

Section 48. Section 1.84(15) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(15) REMOVAL. Any member may be removed for cause. Prior to such action, a verified written complaint setting forth the facts that constitute cause shall be filed with the City Clerk. A verified written complaint may be filed by a city resident. The member charged in the complaint shall either resign or request a public hearing on the complaint before the Appointment Review Committee. If the member charged in the complaint requests a hearing, the Appointment Review Committee shall conduct a public hearing to determine whether the allegations of the complaint are true. At the conclusion of the hearing, the Appointment Review Committee shall enter written findings of fact and furnish copies of those findings to the member charged, the resident who filed the complaint, and to the commission. The decision of the Appointment Review Committee may be appealed to the City Council. Any hearing conducted pursuant to this section shall comply with the provisions of §17.12, Wis. Stats.”

LIBRARY BOARD

Section 49. Section 1.85(3)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Citizen Members. The citizen members ~~mays~~ shall be nominated by the Appointment Review Committee and appointed by the City Council President, subject to confirmation by the City Council. The City Council may interview nominees to the board prior to appointment and confirmation.”

Section 50. Section 1.85(3)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(c) School District Administrator. The School District Administrator shall be nominated by the Superintendent of Schools of the City of Beloit School District and appointed by the City Council President, subject to confirmation by the City Council. The City Council may interview nominees to the board prior to appointment and confirmation.”

Section 51. Section 1.85(3)(d) of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

“(d) Membership on Other Committees. No citizen member may serve on any other City board, committee or commission while that member is serving on this board, except for the Chair who shall serve on the Board of Ethics.”

Section 52. Section 1.85(7)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Regular Meetings. Regular meetings of the board shall be held at the ~~Beloit Public Library or such other~~ location designated in the notice of the meeting, ~~at 4:00 p.m.~~ on the third Wednesday of each month.”

Section 53. Section 1.85(7)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Special Meetings. Special meetings shall be held at the ~~Beloit Public Library or such other~~ location designated in the notice of the meeting. Special meetings may be called by the board chair or by written request of 2 other board members.”

Section 54. Section 1.85(15) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(15) REMOVAL. Any member may be removed for cause. Prior to such action, a verified written complaint setting forth the facts that constitute cause shall be filed with the City Clerk. A verified written complaint may be filed by a city resident. The member charged in the complaint shall either resign or request a public hearing on the complaint before the City Council. If the member charged in the complaint requests a hearing, the City Council shall conduct a public hearing to determine whether the allegations of the complaint are true. At the conclusion of the hearing, the City Council shall enter written findings of fact and furnish copies of those findings to the member charged, the resident who filed the complaint, and to the committee. Any hearing conducted pursuant to this section shall comply with the provisions of §17.12, Wis. Stats.”

PARK, RECREATION AND CONSERVATION ADVISORY COMMISSION

Section 55. Section 1.86(2)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(c) Rights and Privileges. All members of the commission shall have the same rights and privileges, except that the ex officio members and youth representative shall not have the right to vote except as otherwise provided herein. The City Council President and the City Council representative shall not have the right to vote unless a quorum would not otherwise be present, in which case the City Council President and the City Council representative shall be counted toward quorum and shall be deemed regular voting members.”

Section 56. Section 1.86(3)(b) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(b) Citizen Members. The citizen members may be nominated by the Appointment Review Committee and appointed by the City Council President, subject to confirmation by the City Council.”

Section 57. Section 1.86(4)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(d) Membership on Other Committees. No citizen member may serve on any other City board, committee or commission while that member is serving on this commission, except for the Chair who shall serve on the Board of Ethics.”

Section 58. Section 1.86(7)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Regular Meetings. Regular meetings of the commission shall be at the location designated in the notice of the meeting, starting at a time no sooner than 6:30 p.m. and no later than 8:00 p.m., held on the second Wednesday of each month, at a time and location determined annually at the October meeting.”

Section 59. Section 1.86(7)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Special Meetings. Special meetings shall be held at the location designated in the notice of the meeting determined under subparagraph (a), or such other location designated in the notice of the meeting. Special meetings may be called by the commission chair or by written request of 4 of the voting members.”

Section 60. Section 1.86(15) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(15) REMOVAL. Any member may be removed for cause. Prior to such action, a verified written complaint setting forth the facts that constitute cause shall be filed with the City Clerk. A verified written complaint may be filed by a city resident. The member charged in the complaint shall either resign or request a public hearing on the complaint before the Appointment Review Committee. If the member charged in the complaint requests a hearing, the Appointment Review Committee shall conduct a public hearing to determine whether the allegations of the complaint are true. At the conclusion of the hearing, the Appointment Review Committee shall enter written findings of fact and furnish copies of those findings to the member charged, the resident who filed the complaint, and to the commission. The decision of the Appointment Review Committee may be appealed to the City Council. Any hearing conducted pursuant to this section shall comply with the provisions of §17.12, Wis. Stats.”

PLAN COMMISSION

Section 61. Section 1.87(2)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(c) Rights and Privileges. All members of the Plan Commission shall have the same rights and privileges except that the City Council President and the City Council representative shall not have the right to vote unless a quorum would not otherwise be present, in which case the City Council President and the City Council representative shall be counted toward quorum and shall be deemed regular voting members.”

Section 62. Section 1.87(2)(d) of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

“(d) Membership on Other Committees. No citizen member may serve on any other City board, committee or commission while that member is serving on this commission, except for the Chair who shall serve on the Board of Ethics.”

Section 63. Section 1.87(3)(b) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(b) Citizen Members. The citizen members may be nominated by the Appointment Review Committee and appointed by the City Council President, subject to confirmation by the City Council.”

Section 64. Section 1.87(7)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Regular Meetings. Regular meetings of the commission shall be held at the ~~Council Forum in Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~ location as designated in the notice of the meeting, ~~starting at a time no sooner than 6:30 p.m. and no later than 8:00 p.m.,~~ ~~at 7:00 p.m.~~ on the Wednesdays following the regular meetings of the City Council.”

Section 65. Section 1.87(7)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Special Meetings. Special meetings shall be held at the ~~Council Forum in Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~ location designated in the notice of the meeting. Special meetings may be called by the commission chair or by written request of 3 voting members.”

Section 66. Section 1.87(15) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(15) REMOVAL. Any member may be removed for cause. Prior to such action, a verified written complaint setting forth the facts that constitute cause shall be filed with the City Clerk. A verified written complaint may be filed by a city resident. The member charged in the complaint shall either resign or request a public hearing on the complaint before the Appointment Review Committee. If the member charged in the complaint requests a hearing, the Appointment Review Committee shall conduct a public hearing to determine whether the allegations of the complaint are true. At the conclusion of the hearing, the Appointment Review Committee shall enter written findings of fact and furnish copies of those findings to the member charged, the resident who filed the complaint, and to the commission. The decision of the Appointment Review Committee may be appealed to the City Council. Any hearing conducted pursuant to this section shall comply with the provisions of §17.12, Wis. Stats.”

POLICE AND FIRE COMMISSION

Section 67. Section 1.88(3) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(3) APPOINTMENT. The 5 citizen members ~~may~~ shall be nominated by the Appointment Review Committee and appointed by the City Council President, subject to confirmation by the City Council. The City Council shall interview nominees to the board prior to appointment and confirmation.”

Section 68. Section 1.88(4)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(d) Membership on Other Committees. No member may serve on any other City board, committee or commission while that member is serving on this commission, except for the Chair who shall serve on the Board of Ethics.”

Section 69. Section 1.88(7)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Regular Meetings. Regular meetings of the commission shall be held at ~~the Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~ location designated in the notice of the meeting, ~~starting at a time no sooner than 6:30 p.m. and no later than 8:00 p.m., at 5:00 p.m.~~ on the fourth Monday of each month.”

Section 70. Section 1.88(7)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Special Meetings. Special meetings shall be held at ~~the Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~ location designated in the notice of the meeting. Special meetings may be called by the commission president or by written request of 2 members.”

Section 71. Section 1.88(15) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(15) REMOVAL. Any member may be removed for cause. Prior to such action, a verified written complaint setting forth the facts that constitute cause shall be filed with the City Clerk. A verified written complaint may be filed by a city resident. The member charged in the complaint shall either resign or request a public hearing on the complaint before the City Council. If the member charged in the complaint requests a hearing, the City Council shall conduct a public hearing to determine whether the allegations of the complaint are true. At the conclusion of the hearing, the City Council shall enter written findings of fact and furnish copies of those findings to the member charged, the resident who filed the complaint, and to the committee. Any hearing conducted pursuant to this section shall comply with the provisions of §17.12, Wis. Stats.”

TRAFFIC REVIEW COMMITTEE

Section 72. Section 1.89(2)(c)1 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“1. The City Council President and the City Council representative shall not have the right to vote ~~unless a quorum would not otherwise be present, in which case the City Council President and the City Council representative shall be counted toward quorum and shall be deemed regular voting members.~~”

Section 73. Section 1.89(3)(b) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(b) Citizen Members. The citizen members may be nominated by the Appointment Review Committee and appointed by the City Council President, subject to confirmation by the City Council. The citizen members should reflect the diverse nature of the City's population.”

Section 74. Section 1.89(7)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) Regular Meetings. Regular meetings of the committee shall be held at the ~~City Manager's Conference Room, Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~ location designated in the notice of the meeting, ~~at 1:30 p.m.~~ on the fourth Monday of each month.”

Section 75. Section 1.89(7)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) ~~Special Meetings.~~ Special meetings shall be held at the ~~City Manager's Conference Room, Beloit City Hall, 100 State Street, Beloit, Wisconsin, or such other~~ location designated in the notice of the meeting. Special meetings may be called by the committee chair or by written request of 3 voting members.”

Section 76. Section 1.89(15) of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“(15) REMOVAL. Any member may be removed for cause. Prior to such action, a verified written complaint setting forth the facts that constitute cause shall be filed with the City Clerk. A verified written complaint may be filed by a city resident. The member charged in the complaint shall either resign or request a public hearing on the complaint before the Appointment Review Committee. If the member charged in the complaint requests a hearing, the Appointment Review Committee shall conduct a public hearing to determine whether the allegations of the complaint are true. At the conclusion of the hearing, the Appointment Review Committee shall enter written findings of fact and furnish copies of those findings to the member charged, the resident who filed the complaint, and to the committee. The decision of the Appointment Review Committee may be appealed to the City Council. Any hearing conducted pursuant to this section shall comply with the provisions of §17.12, Wis. Stats.”

Section 77. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the City Council would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provision of this Ordinance, or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Section 78. This ordinance shall be in force and take effect upon passage and publication.

Adopted this _____ day of April, 2016.

CITY COUNCIL FOR THE CITY OF BELOIT

By: _____
Charles M. Haynes, President

ATTEST:

By: _____
Lorena Rae Stottler, City Clerk

PUBLISHED: _____
EFFECTIVE DATE: _____
01-611100-5231- _____

CITY OF БЕЛОIT



REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Ordinance Amending Various Sections of 14.22 of the Code of General Ordinances of the City of Beloit
Pertaining to Sidewalk Cafes

Date: April 18, 2016

Presenter: Julie Christensen

Department: Community Development

Overview/Background Information:

The City of Beloit has a Sidewalk Café Ordinance which allows a sidewalk café to be located on sidewalks in the Business Improvement District (see attached map) if the business owner has obtained an annual Sidewalk Café License. No other encroachments or obstruction are allowed on the City's Downtown Sidewalks.

Key Issues (maximum of 5):

1. The City's Sidewalk Café Ordinance requires the removal of all sidewalk café furniture, furnishings and equipment from the public sidewalk between the hours of 1:00 AM and 5:00 PM. The City has received a request from a downtown business to allow a bench to be permanently located on the sidewalk in front of its business. This is currently not allowed under City Code.
2. This ordinance amendment would allow for the permanent location of sidewalk café furniture, furnishings, and equipment on the public sidewalk. However, it would require the items to be secured. This would ensure that the items would not be picked up and removed while the business is closed or potentially be picked up by the wind and destroy nearby property. This amendment is outlined in Section 2 of the attached ordinance.
3. Additional amendments are listed in Sections 1, 3, 4 & 5 of the attached ordinance. Section 1 allows the Downtown Beloit Association to have any of their authorized committees review the Sidewalk Café Licenses before issuance. Typically, they would have the Design Committee review these instead of their full board.
4. Section 3 removes an incorrect code reference.
5. Section 4 removes a section of code which we do not believe is necessary since a similar condition is included in 14.22(12)(b)(7).
6. Section 5 removes a requirement that people may only have an alcoholic beverage served to them in an outdoor seating area in conjunction with a meal. Under this condition, someone could not sit out in an approved outdoor seating area on a nice night and have an alcoholic beverage. We do not believe this condition is necessary.

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

Approval of this project would conform with Goal #5's stated purpose of applying sound, sustainable practices to promote a high quality community through historic preservation, community revitalization and new development.

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 This ordinance will provide downtown businesses a greater ability to attract customers to their shops and restaurants.

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:

Recommendation to Council to approve the Ordinance Amending the Sidewalk Café Ordinance.

Fiscal Note/Budget Impact:

No fiscal and/or budget impact to the City.

Attachments:

Ordinance and Business Improvement District Map

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF
14.22 OF THE CODE OF GENERAL ORDINANCES OF THE
CITY OF БЕЛОIT PERTAINING TO SIDEWALK CAFÉS**

Section 1. Section 14.22(1)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(b) Cafe Management and Review Committee (CMRC) means the Director of Planning and Building Services, or his/her designee, and the Downtown Beloit Association, or an authorized committee thereof.”

Section 2. Section 14.22(11)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(a) The licensee may be required to~~shall~~ remove all sidewalk cafe furniture, furnishings and equipment from the public sidewalk between the hours of 1:00 a.m. and 5:00 a.m. If such furniture, furnishings and equipment will remain on the public sidewalk during the hours of 1:00 a.m. and 5:00 a.m., such items shall be secured. During the time that the sidewalk cafe furniture, furnishings and equipment are on the public sidewalk, the licensee shall keep that area sufficiently illuminated so as to prevent injury to persons using the same.”

Section 3. Section 14.22(12)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“~~Section 6.10-7 of the Zoning Code of the City of Beloit allows~~ licensees ~~may~~ serve alcohol beverages in outdoor cafes between 11:00 a.m. and 12:00 midnight provided that the licensee complies with all of the requirements of this subsection.”

Section 4. Section 14.22(12)(b)4 of the Code of General Ordinances of the City of Beloit is hereby repealed.

Section 5. Section 14.22(12)(b)7 of the Code of General Ordinances of the City of Beloit is hereby repealed.

Section 6. This ordinance shall be in force and take effect upon passage and publication.

Adopted this 18th day of April, 2016.

CITY COUNCIL FOR THE CITY OF БЕЛОIT

By: _____
Charles M. Haynes, President

ATTEST:

By: _____
Lorena Rae Stottler, City Clerk

PUBLISHED: _____

EFFECTIVE DATE: _____

01-611100-5231- _____

tdh/ordinances/14.22(1)(b), (11)(a), (12)(a), (b)4 and (b)7 = ORD = 20160406 (16-1061)

**APPOINTMENT REVIEW COMMITTEE
REPORT TO CITY COUNCIL
APPOINTMENT RECOMMENDATION**

The undersigned Charles M. Haynes, duly elected President of the Beloit City Council, subject to confirmation by the Beloit City Council, does hereby appoint the following citizen members to the vacancies and terms indicated below, said appointments being pursuant to nominations made and approved by the Appointment Review Committee at the Regular meeting held April 11, 2016:

Charles M. Haynes, President
Beloit City Council

Appointments

Alcohol Beverage License Control Committee

Leno Jerome Jennings, 1325 Whipple St. (replacing Ralph Berkley) for a term expiring June 30, 2018

Appointment Review Committee

Dan Gifford, 1604 Whipple St. (replacing Marlene Erickson) for a term expiring December 31, 2018

Board of Appeals

Willis J. Zick, 1119 Milwaukee Road (as 1st Alternate) for a term expiring May 31, 2017

Judy Robson, 2411 E. Ridge Road (as 2nd Alternate) for a term expiring May 31, 2018

Board of Ethics

John S. Emery, 1626 Oakwood Ave. (replacing Mr. Brown) for a term expiring December 31, 2016

Community Development Authority

Tressie Webster, 2715 Scotties Drive (replacing Erin Moffitt) for a term expiring December 31, 2016

Municipal Golf Committee

William K. Maze, Jr., 2101 Freeman Pky., #104 (replacing Andrew Insko) for a term expiring December 31, 2016

Ida Lenz, 1519 Hackett Street (replacing William F. Howard) for a term expiring December 31, 2018

Municipal Library Board

Angela P. Moore, 2012 East Ridge Road (replacing Lori Dotson) for a term expiring June 30, 2016

Plan Commission

Incumbent **Matthew L. Finnegan** to a term ending April 30, 2019

Timothy L. Weeden, 2263 Cobblestone Lane (replacing Angela Moore) for a term expiring April 30, 2019

Police and Fire Commission

Tressy (Gustina) Brown, 3655 Bee Lane (replacing Craig W. Zastrow) for a term expiring April 30, 2019

Ana Kelly, 1747 Sherwood Dr., SW (replacing Timmy Link) for a term expiring April 30, 2018

PLEASE ANNOUNCE THE FOLLOWING VACANCIES

Appointment Review Committee (1 vacancy for resident)

Board of Appeals (3 vacancies for residents)

Board of Ethics (1 vacancy for former City Councilor, 3 vacancies for residents)

Board of Review (1 vacancy for resident; 2 vacancies [Alternate] for residents)

Equal Opportunities Commission (2 vacancies for residents)

Municipal Golf Committee (1 vacancy for youth representative)

Park, Recreation & Conservation Advisory Commission (1 vacancy for resident, 1 vacancy for Youth Representative)

Plan Commission (1 vacancy for resident)

Police and Fire Commission (1 vacancy for resident)

RESOLUTION AMENDING THE 2016 CAPITAL IMPROVEMENT BUDGET

WHEREAS, City Council approved the 2016 Capital Improvement Project (CIP) Budget on November 2, 2015; and

WHEREAS, the approved CIP budget included two projects for the police department – which included the purchase of tasers and one specialty vehicle – and also included one project for the Department of Public Works (DPW) Operations Division for roof and HVAC replacement; and

WHEREAS, the estimated cost for the tasers, specialty vehicle, and roof and HVAC replacement is \$75,000, \$50,000, and \$569,250, respectively, for a total of \$694,250; and

WHEREAS, the Police Department has requested to reappropriate the funds previously approved from the two police department projects and a portion of the DPW project in order to finance an audio and video platform project that was not originally included in the 2016 CIP Budget.

NOW, THEREFORE BE IT RESOLVED, that the CIP Budget shall be amended to include the audio and video platform project and reflect amended appropriations as follows:

<u>FUNDING SOURCES:</u>		<u>Original</u>	<u>Amended</u>	<u>Difference</u>
P2901474 – 4900 – 2016	Bond Proceeds	\$569,250	\$339,250	\$ -230,000
P2962703 – 4900 – 2016	Bond Proceeds	\$50,000	\$0	\$ -50,000
P2962642 – 4900 – 2016	Bond Proceeds	\$75,000	\$0	\$ -75,000
P2962XXX-4900 – 2016	Bond Proceeds	\$0	\$355,000	\$ 355,000
TOTAL FUNDING SOURCES		\$694,250	\$694,250	\$ 0
<u>EXPENDITURES:</u>		<u>Original</u>	<u>Amended</u>	<u>Difference</u>
P2901474 – 5240 – 2016	Engineering	\$569,250	\$339,250	\$ -230,000
P2962703 – 5531 – 2016	Veh-Over \$1,000	\$50,000	\$0	\$ -50,000
P2962642 – 5533 – 2016	Equip-Over \$1,000	\$75,000	\$0	\$ -75,000
P2962XXX – 5533 – 2016	Equip-Over \$1,000	\$0	\$355,000	\$ 355,000
TOTAL FUNDING SOURCES		\$694,250	\$694,250	\$ 0

Dated at Beloit, Wisconsin this 18th day April, 2016.

CITY COUNCIL OF THE CITY OF БЕЛОIT

Charles M. Haynes, Council President

ATTEST:

Lorena Rae Stottler, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: RESOLUTION AMENDING THE 2016 CAPITAL IMPROVEMENT BUDGET

Date: April 18, 2016

Presenter: Chief David Zibolski / Eric Miller

Department: Police Department / Finance Director

Overview/Background Information:

The Police Department submitted a CIP request in 2016 to replace certain equipment. A leadership change in the Department led to a focused review of future needs and evaluation of its resources, which resulted in a request to amend the original proposal.

The original CIP request was intended to replace the prisoner transport van (\$50K) and department-issued controlled electronic weapons (CEW), i.e. Tasers (\$75K). It has been determined that the prisoner van does not need replacement. The departments CEWs will need replacement by 2017, as replacement parts will be unavailable. However, the department is also in dire need of an upgraded and functional audio/video platform. The current mobile video/audio recording system (MVARs) is inefficient, does not meet the needs of current law enforcement functionality, and is stockpiling terabytes of data that is straining IT resources and therefore unsustainable. Likewise, the department's interrogation rooms (3) are outfitted with inadequate, non-criminal justice-standard audio and video systems. The department has no body camera capacity, although there are 10 Axon body cameras purchased in 2014, but never placed into service.

The amended request addresses all of the above-listed needs, while providing CJIS compliant cloud storage for all applications and technologies. Implementation of the amended CIP request will provide the department with a modern-day audio/video IT platform, place the department in a position to sustain and grow future IT applications, increase efficiency of operations, and decrease financial and personnel waste while enhancing transparency with our community.

Key Issues:

1. Each officer will have an upgraded CEW, to include replacement at 2.5 & 5 years
2. Each patrol vehicle will have an updated audio/video capability that will upload via Internet
3. Each interrogation room will be outfitted with CJIS quality audio/video
4. Each officer will have an Axon body camera and the existing 10 units will be placed into service
5. All audio/video files will be stored via the cloud, reducing the need to purchase insatiable terabytes of space
6. The evidence.com cloud storage is accessible by the District Attorney's and City Attorney's Offices, thus reducing copying of audio/video by police personnel.

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

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

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:

Staff recommends adoption of the attached resolution

Fiscal Note/Budget Impact:

This is a budget neutral request.

Attachments:

Resolution

20160413

RESOLUTION AWARDING THE SALE OF
\$1,750,000* GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2016A

WHEREAS, on March 21, 2016, the City Council of the City of Beloit, Rock County, Wisconsin (the "City") adopted a resolution (the "Set Sale Resolution") providing for the sale of general obligation promissory notes for public purposes, including general public works projects, repair and renovation of park parking lots, operations roof replacement and HVAC improvements, and the acquisition of equipment and fire engines (the "Project");

WHEREAS, pursuant to the Set Sale Resolution, the City has directed Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary to sell general obligation promissory notes designated "General Obligation Promissory Notes, Series 2016A" (the "Notes") to pay the cost of the Project;

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Notes and indicating that the Notes would be offered for public sale on April 18, 2016;

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Notes for public sale on April 18, 2016;

WHEREAS, the City has duly received bids for the Notes as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"); and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the City. Ehlers has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City that:

Section 1A. Ratification of the Notice of Sale and Offering Materials. The City Council of the City hereby ratifies and approves the details of the Notes set forth in Exhibit A attached hereto as and for the details of the Notes. The Notice of Sale and any other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all respects. All actions taken by officers of the City and Ehlers in connection with the preparation and distribution of the Notice of Sale and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Authorization and Award of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes, the

* Preliminary, subject to change.

principal sum of ONE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$1,750,000*) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal of the Purchaser offering to purchase the Notes for the sum set forth on the Proposal [(as modified on the Bid Tabulation and reflected in the Pricing Summary referenced below and incorporated herein)], plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal [(as modified on the Bid Tabulation)] is hereby accepted. The City Manager and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be retained by the City Treasurer until the closing of the note issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Notes shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2016A"; shall be issued in the aggregate principal amount of \$1,750,000*; shall be dated May 12, 2016; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on April 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2017. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Notes maturing on April 1, 2025 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on April 1, 2024 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. [If the Proposal specifies that any of the Notes are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Notes subject to mandatory redemption, the principal amount of such Notes so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Notes in such manner as the City shall direct.]

Section 4. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

* Preliminary, subject to change.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2016 through 2025 for the payments due in the years 2017 through 2026 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Notes remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Notes, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Notes when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Promissory Notes, Series 2016A, dated May 12, 2016" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the City above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and the Notes

canceled; provided (i) the funds to provide for each payment of principal of and interest on the Notes prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Notes may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Notes as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the City Council directs otherwise.

Section 7. Proceeds of the Notes; Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Notes. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Notes and the ownership, management and use of the projects will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of

the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified Tax-Exempt Obligations. The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the City Manager and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

Section 12. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent").

Section 13. Persons Treated as Owners; Transfer of Notes. The City shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the City Manager and City Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The City shall cooperate in any such transfer, and the City Manager and City Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 14. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the City at the close of business on the Record Date.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 16. Payment of Issuance Expenses. The City authorizes the Purchaser to forward the amount of the proceeds of the Notes allocable to the payment of issuance expenses to KleinBank, Chaska, Minnesota at Closing for further distribution as directed by Ehlers.

Section 17. Official Statement. The City Council hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda to be distributed to the Purchaser.

Section 18. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

To the extent required under the Rule, the City Manager and City Clerk, or other officer of the City charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 19. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 20. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Notes, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The City Manager and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the City Manager and City Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

DRAFT

Section 21. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the City Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded April 18, 2016.

City Council President

ATTEST:

City Clerk

(SEAL)

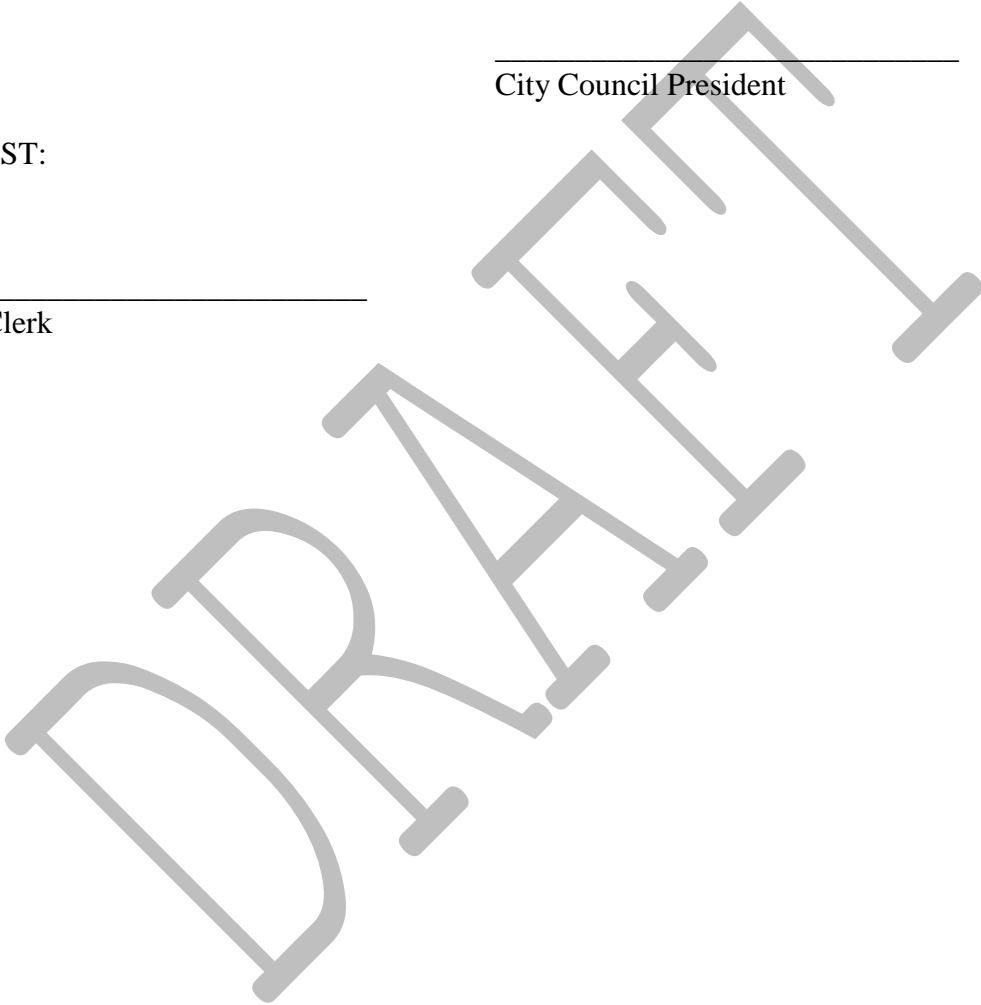


EXHIBIT A

Notice of Sale

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B

Bid Tabulation

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT C

Winning Bid

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT D-1

Pricing Summary

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

[EXHIBIT MRP

Mandatory Redemption Provision

The Notes due on April 1, ____, ____, ____ and ____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on April 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on April 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on April 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on April 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on April 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)]

EXHIBIT E

(Form of Note)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
ROCK COUNTY
CITY OF БЕЛОIT \$ _____
GENERAL OBLIGATION PROMISSORY NOTE, SERIES 2016A

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
April 1, _____ May 12, 2016 _____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$ _____)

FOR VALUE RECEIVED, the City of Beloit, Rock County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2017 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Note are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Note is registered on the Bond Register maintained by the City Clerk or City Treasurer (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Note is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Note together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Note is one of an issue of Notes aggregating the principal amount of \$1,750,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, for public purposes, including general public works projects, repair and renovation of park

parking lots, operations roof replacement and HVAC improvements and the acquisition of equipment and fire engines, all as authorized by resolutions of the City Council duly adopted by said governing body at meetings held on March 21, 2016 and April 18, 2016. Said resolutions are recorded in the official minutes of the City Council for said dates.

The Notes maturing on April 1, 2025 and thereafter are subject to redemption prior to maturity, at the option of the City, on April 1, 2024 or on any date thereafter. Said Notes are redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

[The Notes maturing in the years _____, _____ and _____ are subject to mandatory redemption by lot as provided in the resolution awarding the sale of the Notes at the redemption price of par plus accrued interest to the date of redemption and without premium.]

In the event the Notes are redeemed prior to maturity, as long as the Notes are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Notes of a maturity are to be called for redemption, the Notes of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Notes called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Notes shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Notes shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Note and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrevocable tax has been levied sufficient to pay this Note, together with the interest thereon, when and as payable.

This Note has been designated by the City Council as a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Note is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Notes, and the City appoints another depository, upon surrender of the Note to

the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Note in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Notes (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Notes, or (iii) with respect to any particular Note, after such Note has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Notes are issuable solely as negotiable, fully-registered Notes without coupons in the denomination of \$5,000 or any integral multiple thereof.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of Beloit, Rock County, Wisconsin, by its governing body, has caused this Note to be executed for it and in its name by the manual or facsimile signatures of its duly qualified City Manager and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF BELOIT,
ROCK COUNTY, WISCONSIN

By: _____
Lori S. Curtis Luther
City Manager

By: _____
Lorena Rae Stottler
City Clerk

(SEAL)

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Note and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatever.

(Authorized Officer)

RESOLUTION AWARDING THE SALE OF
\$3,280,000* GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2016B

WHEREAS, on March 21, 2016, the City Council of the City of Beloit, Rock County, Wisconsin (the "City") adopted initial resolutions authorizing the issuance of general obligation bonds (1) in an amount not to exceed \$2,520,000 for the public purpose of paying the cost of street improvement projects; (2) in an amount not to exceed \$370,000 for the public purpose of paying the cost of parks and public grounds projects; (3) in an amount not to exceed \$285,000 for the public purpose of providing financial assistance to community development projects under Sections 66.1105, 66.1333, 66.1335 and 66.1337, Wisconsin Statutes; and (4) in an amount not to exceed \$105,000 for the public purpose of paying the cost of library projects (collectively, the "Initial Resolutions");

WHEREAS, pursuant to the provisions of Section 67.05, Wisconsin Statutes, within 15 days following the adoption of the Initial Resolutions, the City Clerk caused a notice to electors to be published in the Beloit Daily News, stating the purpose and maximum principal amount of the bond issues authorized by the Initial Resolutions and describing the opportunity and procedure for submitting a petition requesting a referendum on the bond issues authorized by the Initial Resolutions;

WHEREAS, to date, no petition for referendum has been filed with the City Clerk, and the time to file such a petition shall expire on April 20, 2016;

WHEREAS, on March 21, 2016, the City Council of the City also adopted a resolution (the "Set Sale Resolution"), providing that the general obligation bond issues authorized by the Initial Resolutions be combined, issued and sold as a single issue of bonds designated as "General Obligation Corporate Purpose Bonds, Series 2016B" (the "Bonds") for the purpose of paying the cost of the projects described in the Initial Resolutions (collectively, the "Project");

WHEREAS, pursuant to the Set Sale Resolution, the City has directed Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary to sell the Bonds;

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on April 18, 2016;

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on April 18, 2016;

WHEREAS, the City has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation");

* Preliminary, subject to change.

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the City. Ehlers has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference; and

WHEREAS, the City Council now deems it to be necessary, desirable and in the best interest of the City that the Bonds be issued in the aggregate principal amount of \$3,280,000* for the following purposes and in the following principal amounts: \$2,520,000* for the public purpose of paying the cost of street improvement projects; \$370,000* for the public purpose of paying the cost of parks and public grounds projects; \$285,000* for the public purpose of paying the cost of providing financial assistance to community development projects under Sections 66.1105, 66.1333, 66.1335 and 66.1337, Wisconsin Statutes; and \$105,000* for the public purpose of paying the cost of library projects.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City that:

Section 1A. Ratification of the Notice of Sale and Offering Materials. The City Council of the City hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Notice of Sale and any other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all respects. All actions taken by officers of the City and Ehlers in connection with the preparation and distribution of the Notice of Sale and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Award of the Bonds. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal [(as modified on the Bid Tabulation and reflected in the Pricing Summary referenced below and incorporated herein)], plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal [(as modified on the Bid Tabulation)] is hereby accepted (subject to the condition that no valid petition for a referendum is filed by April 20, 2016 in connection with any of the Initial Resolutions). The City Manager and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be retained by the City Treasurer until the closing of the bond issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Corporate Purpose Bonds, Series 2016B"; shall be issued in the aggregate principal amount of \$3,280,000*; shall be dated May 12, 2016; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on April 1 of each year, in the years and principal amounts as set forth on the

* Preliminary, subject to change.

Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2017. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on April 1, 2025 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on April 1, 2024 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. [If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Bonds in such manner as the City shall direct.]

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2016 through 2035 for the payments due in the years 2017 through 2036 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Corporate Purpose Bonds, Series 2016B, dated May 12, 2016" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the City Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and

disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Bonds. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purposes for which the Bonds have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and the ownership, management and use of the projects will not cause the Bonds to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the City Manager and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the

Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 12. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent").

Section 13. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the City Manager and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the City Manager and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 14. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the

Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 16. Payment of Issuance Expenses. The City authorizes the Purchaser to forward the amount of the proceeds of the Bonds allocable to the payment of issuance expenses to KleinBank, Chaska, Minnesota at Closing for further distribution as directed by Ehlers.

Section 17. Official Statement. The City Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda to be distributed to the Purchaser.

Section 18. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the City Manager and City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 19. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 20. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The City Manager and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the City Manager and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 21. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the City Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded April 18, 2016.

City Council President

ATTEST:

City Clerk

(SEAL)

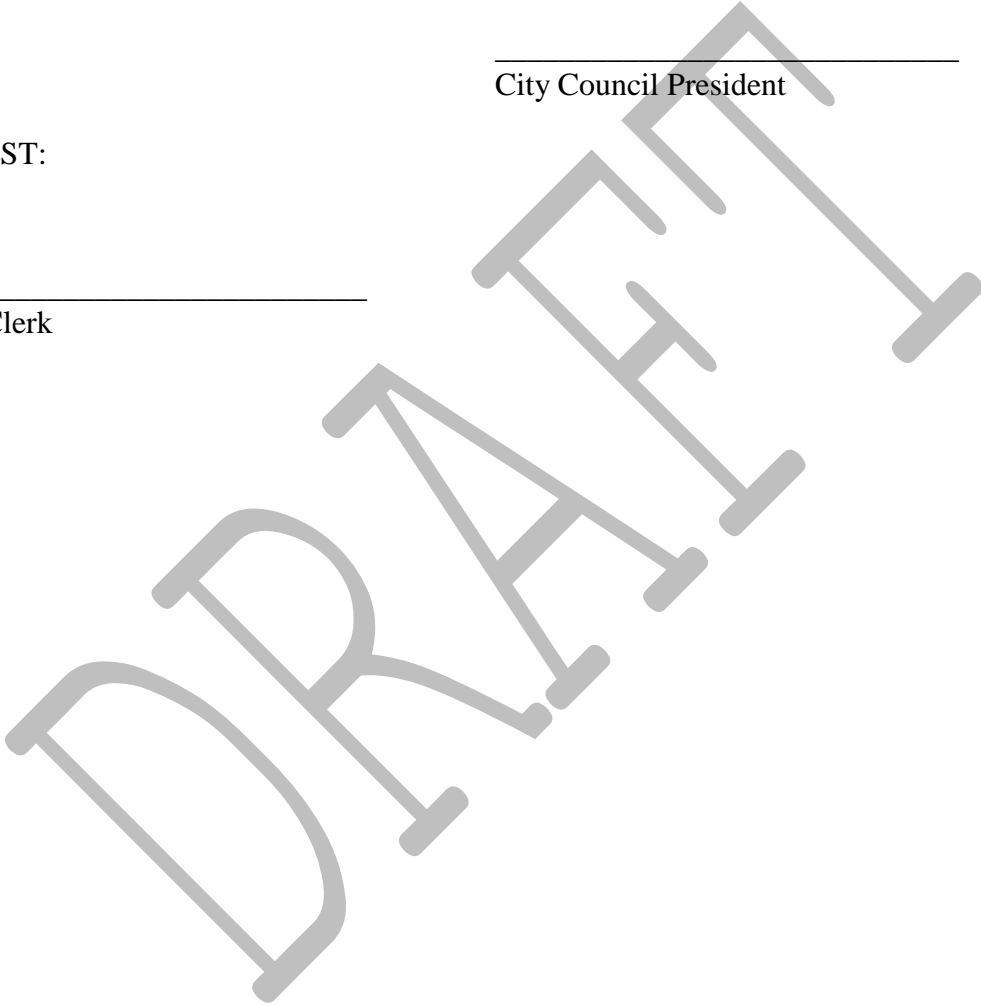


EXHIBIT A

Notice of Sale

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B

Bid Tabulation

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT C

Winning Bid

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT D-1

Pricing Summary

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

[EXHIBIT MRP]

Mandatory Redemption Provision

The Bonds due on April 1, _____, _____, _____ and _____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on April 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)]

EXHIBIT E

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
ROCK COUNTY
NO. R-____ CITY OF БЕЛОIT \$_____
GENERAL OBLIGATION CORPORATE PURPOSE BOND, SERIES 2016B

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
April 1, _____ May 12, 2016 _____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$_____)

FOR VALUE RECEIVED, the City of Beloit, Rock County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2017 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by the City Clerk or City Treasurer (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$3,280,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the following public purposes and in the following not to exceed amounts: \$2,520,000 for the public purpose of paying the cost of street improvement projects; \$370,000 for the public purpose of paying the cost of parks and public grounds projects; \$285,000 for the public purpose of providing financial assistance to community development projects under Sections 66.1105, 66.1333, 66.1335 and 66.1337, Wisconsin Statutes; and \$105,000 for the public purpose of paying the cost of library projects, all as authorized by resolutions of the City Council duly adopted by said governing body at meetings held on March 21, 2016 and April 18, 2016. Said resolutions are recorded in the official minutes of the City Council for said dates.

The Bonds maturing on April 1, 2025 and thereafter are subject to redemption prior to maturity, at the option of the City, on April 1, 2024 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

[The Bonds maturing in the years _____, _____ and _____ are subject to mandatory redemption by lot as provided in the resolution awarding the sale of the Bonds at the redemption price of par plus accrued interest to the date of redemption and without premium.]

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual

irrepealable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond has been designated by the City Council as a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

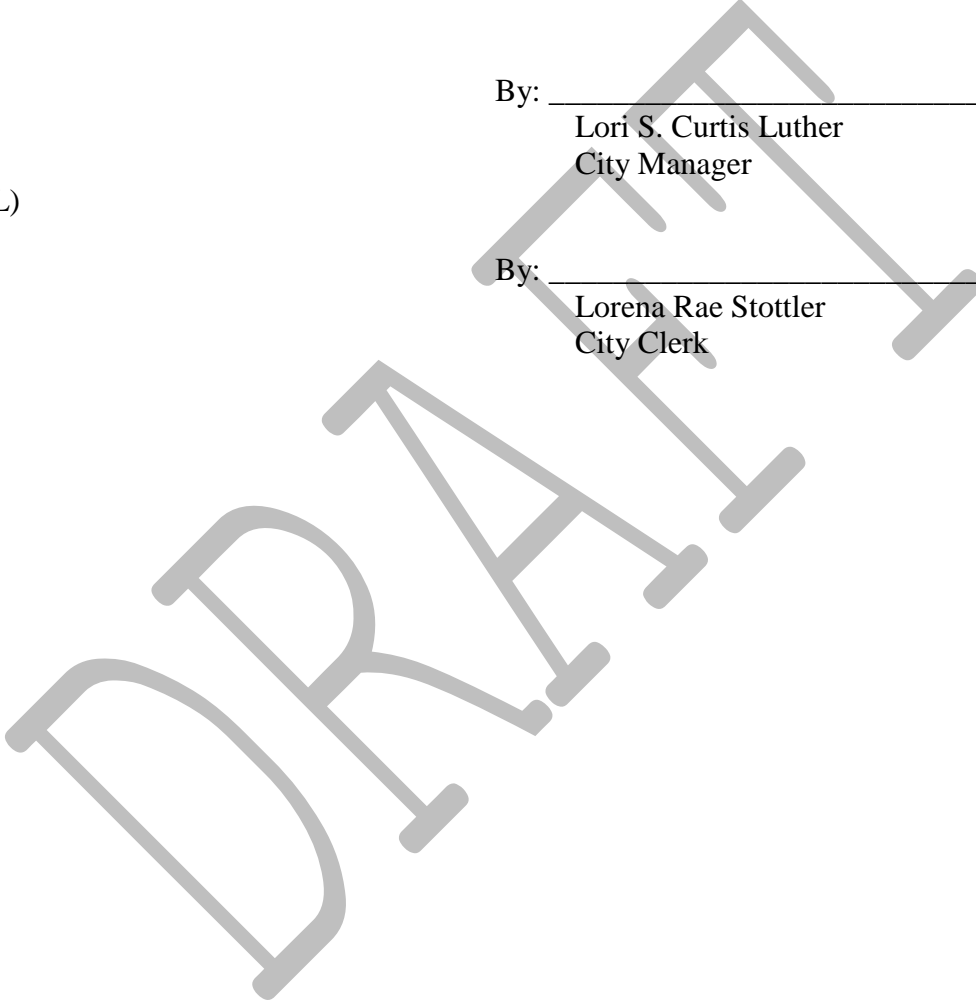
IN WITNESS WHEREOF, the City of Beloit, Rock County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified City Manager and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF BELOIT,
ROCK COUNTY, WISCONSIN

By: _____
Lori S. Curtis Luther
City Manager

(SEAL)

By: _____
Lorena Rae Stottler
City Clerk



ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

(Authorized Officer)

**RESOLUTION AUTHORIZING SCHEDULE OF FEES AND CHARGES
FOR STORMWATER MANAGEMENT**

WHEREAS, the City of Beloit has the authority to establish reasonable fees for services provided or costs incurred in the administration of government; and

WHEREAS, Sections 8-900 and 9-1000 of Chapter 19 of the Municipal Code provides that certain fees shall be established by City Council resolution; and

WHEREAS, the City manages numerous enterprise operations which are either fully or primarily supported through the establishment of user fees necessary to cover related costs for those services, and;

WHEREAS, the fees and charges set forth hereinafter are reasonable, equitable and necessary to defray the cost of construction site erosion control permit issuance and site inspections.

NOW, THEREFORE, BE IT RESOLVED, that the City Council adopts the fees as outlined hereinafter.

STORMWATER FEE SCHEDULE

<u>Description</u>	<u>Amount</u>	<u>Unit</u>
Erosion Control Permit – Less than 5 Acres	\$50.00	Each
Erosion Control Permit – 5-20 Acres	\$100.00	Each
Erosion Control Permit – More than 20 Acres	\$200.00	Each
Amendment to Erosion Control Permit	\$50.00	Each

Dated at Beloit, Wisconsin this 18th day of April, 2016.

CITY COUNCIL FOR CITY OF БЕLOIT

By: _____
Charles M. Haynes, President

Attest:

Lorena Rae Stottler, City Clerk

Tdh/files/15-1186/2016 Fee Resolution Storm Water Fees 20160312 (15-1186)

CITY OF БЕЛОIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Updated Storm Water Fee Schedule

Date: April 18, 2016

Presenter(s): Greg Boysen P.E., Public Works Director

Department(s): Public Works/ Engineering

Overview/Background Information:

The City is updating the storm water management and erosion control ordinances. To be consistent with how the City handles fees within ordinances, a new fee schedule has been created by resolution for approval.

Key Issues (maximum of 5):

1. Current erosion control fees do not come close to covering the cost of plan review, permit issuance and site inspections.
 2. Engineering staff performed a survey of 12 neighboring and similarly sized communities in Wisconsin to determine how our existing fees compared. (Janesville, Kenosha, LaCrosse, Brookfield, Wausau, New Berlin, Fond du Lac, Greenfield, Menomonee Falls, Franklin, Oak Creek and Wauwatosa were surveyed)
 3. Most communities had fees significantly higher than Beloit. Most maxed out in the \$2,000 - \$2,500 range.
 4. Janesville is \$560 for a 1 – 5 acres site and \$1,360 for a site more than 5 acres.
 5. Rock County was surveyed after the rest and the fee continuously varies based on square feet of impervious. A 5 acre site would have a fee of \$1,389 plus fees for additional site inspections.
-

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

1. **Develop a high quality community through the responsible stewardship and enhancement of City resources to further Beloit's resurgence as a gem of the Rock River Valley.**

Construction site erosion control will enhance the quality of life in Beloit by improving the quality of our waterways.

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**
Regulating construction sites for erosion will help keep sediment out of our waterways.
 - **Meet the hierarchy of present and future human needs fairly and efficiently**
n/a
-

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:

The Engineering Division recommends approval of the erosion control fee schedule.

Fiscal Note/Budget Impact:

Proposed fees will bring in an additional \$5,500 in revenue.
