



**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 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)
    - 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 10<sup>th</sup> 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 11<sup>th</sup> 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 4<sup>th</sup> 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 18<sup>th</sup> 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 5<sup>th</sup>. 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 and 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 agree 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.

  
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Lorena Rae Stottler, City Clerk

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

Date approved by City Council: April 18, 2016