



**AGENDA
BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, December 5, 2016**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
4. PUBLIC HEARINGS
 - a. Resolution authorizing a Conditional Use Permit to allow Indoor Entertainment-Oriented Venue for the purpose of a banquet hall facility, in a C-2, Neighborhood Commercial District, for the property located at 1703 Park Avenue in the City of Beloit (Christensen) Plan Commission recommendation for denial 6-0
 - b. Proposed Ordinance amending the City of Beloit Zoning District Map to change the Zoning District Classification of the properties located at 631, 640, 654 & 657 Bluff Street, from R-1B, Single-Family Residential District to C-1, Office District (Christensen) Plan Commission recommendation for approval 6-0 First Reading
5. CITIZEN PARTICIPATION
6. CONSENT AGENDA

All items listed under the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the General Order of Business and considered at this point on the agenda.

- a. Approval of the Minutes of the Regular meeting of November 21 and Special Meeting of November 28, 2016 (Stottler)
 - b. Application for a Planned Unit Development (PUD) - Master Land Use Plan, to allow mini-storage units and duplexes, for property located at 1402 Townline Avenue and 1405 Madison Road (Christensen) Refer to Plan Commission
 - c. Application for a Zoning Map Amendment to change the Zoning District Classification of the properties located at 1402 Townline Avenue and 1405 Madison Road, from C-2, Neighborhood Commercial District to Planned Unit Development (PUD) (Christensen) Refer to Plan Commission
 - d. Application for a Conditional Use Permit to allow a 6-story hotel, in a C-3, Community Commercial District for property located at 3022 Ford Street (former Wicks Lumber site) (Christensen) Refer to Plan Commission
 - e. Resolution rejecting all Bids for Public Works Contract C16-21, Beloit Public Library Blender Café (Boysen)
7. ORDINANCES

8. APPOINTMENTS

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

10. CITY MANAGER'S PRESENTATION

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Resolution approving the State Plan of Operations Agreement between the State of Wisconsin and the City of Beloit related to the LESO Program (Zibolski)
- b. Resolution authorizing the City of Beloit to apply for the 2017 Alcohol Enforcement Task Grant from the State of Wisconsin Department of Transportation-Bureau of Transportation Safety (Zibolski)
- c. The City Council may adjourn into closed session pursuant to Wis. Stats. §19.85 (1)(e) to discuss potential real estate transaction, the discussion of which would harm the City's competitive or bargaining interest if held in open session, namely the potential sale of a portion of 1801 Gateway Boulevard (Janke)

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: November 30, 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.

**RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT
TO ALLOW AN INDOOR ENTERTAINMENT-ORIENTED VENUE
IN A C-2, NEIGHBORHOOD COMMERCIAL DISTRICT,
FOR THE PROPOERTY LOCATED AT 1703 PARK AVENUE**

WHEREAS, the application of Mario Mendoza for a Conditional Use Permit to allow an indoor entertainment-oriented venue in a C-2, Neighborhood Commercial District, for a proposed banquet hall/event space within the building located at 1703 Park Avenue, having been considered by the City Council of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Beloit, Rock County, Wisconsin does hereby grant a Conditional Use Permit to allow an indoor entertainment-oriented venue in a C-2, Neighborhood Commercial District, for a proposed banquet hall/event space within the building located at 1703 Park Avenue in the City of Beloit, for the following described premises:

LOT 10, BLOCK 2 OF SUMMIT ADDITION AND WEST ½ OF ALLEY
VACATED ADJACENT, CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN.
SAID PARCEL CONTAINS 0.2 ACRE.

Adopted this 5th day of December, 2016.

BELOIT CITY COUNCIL

David F. Luebke, Council President

ATTEST:

Lorena Rae Stottler, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Conditional Use Permit Application for the property located at 1703 Park Avenue

Date: December 5, 2016

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Mario Mendoza has filed an application for a Conditional Use Permit to allow an indoor entertainment-oriented venue in a C-2, Neighborhood Commercial District, for a proposed banquet hall/event space within the building located at 1703 Park Avenue. The proposed use is classified as "Entertainment-Oriented Retail Sales/Service," which requires a Conditional Use Permit to operate in a C-2 District. If the Conditional Use Permit is approved, the City Council is authorized to impose conditions it deems necessary to reduce or minimize any potential adverse effects on surrounding properties.

Key Issues (maximum of 5):

- As shown on the attached map, the subject property is located at the NE corner of the intersection of Park Avenue and Summit Avenue. There are residential uses to the north, east, and south of the subject property. There is a bank to the west of the subject property, located on the opposite side of Park Avenue.
 - The subject building is the former Gearhart's TV repair business, which includes vacant commercial space and two dwelling units. The building has 2,720 square feet of floor area. There are approximately 10 unstriped parking stalls on the subject property, which are accessible from Summit Avenue.
 - If approved, the applicant intends to make the first floor of the subject building available for private parties, receptions, etc. The applicant does not intend to sell any alcoholic beverages, and requested permission to allow his customers to bring their own beverages. This practice is unlawful and will not be allowed, as detailed below.
 - The attached Public Notice was published in the newspaper, mailed to neighboring property owners, and posted on the City's website. Planning staff has been contacted by five neighboring property owners (including First Community Credit Union) who are opposed to the use due to concerns about traffic, parking, noise, and loitering.
 - The City Engineer has reviewed this request and expressed concern regarding the lack of off-street parking, which would cause customers to park on-street in the adjacent residential neighborhood.
 - According to Section 8-103 of the Zoning Ordinance, at least one parking stall per 150 square feet of floor area is required, and if approved, the applicant would be required to meet this requirement on site or via agreement.
 - The proposed indoor entertainment-oriented venue would likely draw large groups of people to special events at various times of the day. Given that the subject property is surrounded by residential uses on three sides, the noise, light, and overall increase in commercial activity within or immediately adjacent to a single-family neighborhood would be problematic, and may be detrimental to public comfort and welfare.
 - The Plan Commission reviewed this item on November 22, 2016 and voted unanimously (6-0) to recommend denial of the Conditional Use Permit.
-

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

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

Sustainability:

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

Action required/Recommendation:

- City Council consideration and action on the proposed Resolution
-

Fiscal Note/Budget Impact: N/A

Attachments: Resolution and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: November 22, 2016

Agenda Item: 3

File Number: CU-2016-07

Applicant: Mario Mendoza

Owner: Mario Mendoza

Location: 1703 Park Avenue

Existing Zoning: C-2, Neighborhood Commercial District

Existing Land Use: Duplex

Parcel Size: 0.2 Acre

Request Overview/Background Information:

Mario Mendoza has filed an application for a Conditional Use Permit to allow an indoor entertainment-oriented venue in a C-2, Neighborhood Commercial District, for a proposed banquet hall/event space within the building located at 1703 Park Avenue. The proposed use is classified as "Entertainment-Oriented Retail Sales/Service," which requires a Conditional Use Permit to operate in a C-2 District. If the Conditional Use Permit is approved, the City Council is authorized to impose conditions it deems necessary to reduce or minimize any potential adverse effects on surrounding properties.

Key Issues:

- As shown on the attached map, the subject property is located at the NE corner of the intersection of Park Avenue and Summit Avenue. There are residential uses to the north, east, and south of the subject property. There is a bank to the west of the subject property, located on the opposite side of Park Avenue.
- The subject building is the former Gearhart's TV repair business, which includes vacant commercial space and two dwelling units. The building has 2,720 square feet of floor area. There are approximately 10 unstriped parking stalls on the subject property, which are accessible from Summit Avenue.
- If approved, the applicant intends to make the first floor of the subject building available for private parties, receptions, etc. The applicant does not intend to sell any alcoholic beverages, and requested permission to allow his customers to bring their own beverages. This practice is unlawful and will not be allowed, as detailed below.
- A copy of the application and a sketch of the floor layout provided by the applicant are attached to this report.
- The attached Public Notice was published in the newspaper, mailed to neighboring property owners, and posted on the City's website. Planning staff has been contacted by five neighboring property owners who are opposed to the proposed use due to concerns about traffic, parking, noise, and loitering.
- The City Engineer has reviewed this request and expressed concern regarding the lack of off-street parking, which would cause customers to park on-street in the adjacent residential neighborhood.
- According to Section 8-103 of the Zoning Ordinance, at least one parking stall per 150 square feet of floor area is required, and if approved, the applicant would be required to meet this requirement on site or via agreement.
- **Findings of Fact**

Based on Section 2-504 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:

- a. *Whether the establishment, maintenance, or operation of the conditional use will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;*
 - The proposed indoor entertainment-oriented venue would likely draw large groups of people to special events at various times of the day. Given that the subject property is surrounded by residential uses on three sides, the noise, light, and overall increase in commercial activity within or immediately adjacent to a single-family neighborhood would be problematic, and may be detrimental to public comfort and welfare.
- b. *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*
 - The proposed indoor entertainment-oriented venue is likely to increase both vehicle and pedestrian traffic and to generate noise and light that would be detrimental to the use and enjoyment of surrounding residential dwellings. The neighborhood is opposed to the proposed use due to concerns about parking, noise, and loitering in their neighborhood.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - The impacts of the proposed indoor entertainment-oriented venue may negatively impact property values within the adjacent neighborhood.
- d. *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
 - The surrounding area is fully developed.

- e. *Whether the exterior architectural design or site layout of the proposed conditional use is so dissimilar or otherwise incompatible with existing or proposed development in the immediate neighborhood that it will cause a depreciation in property values;*
 - The applicant has not proposed a change in exterior design or site layout.
- f. *Whether adequate utilities, access roads, drainage or other necessary facilities will be available to serve the proposed use at the time of its occupancy or use;*
 - Adequate facilities and infrastructure are available to serve the conditional use.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
 - There is inadequate off-street parking on the subject property and restricted parking on Park Avenue, which would force customers to encroach into the adjacent residential neighborhood. The neighborhood is opposed to this request due to concerns about this potential impact.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
 - The applicant indicated his intent to allow customers to bring their own alcoholic beverages for on-site consumption. The City Clerk has advised that state law classifies the subject property as a public space, and therefore a liquor license would be necessary for any on-site consumption. This prohibition of alcohol consumption during special events and parties would be very difficult to monitor and police, which would increase the likelihood of zoning and liquor law violations occurring on the subject property.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan recommends Neighborhood Commercial uses for the subject property. The underlying zoning district classification is consistent with the Comprehensive Plan, as required by Section 66.1001(3) of Wisconsin Statutes. Consideration of this request supports City of Beloit Strategic Goal #5.

Sustainability: (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

Staff Recommendation:

The Planning & Building Services Division recommends **denial** of a Conditional Use Permit to allow an indoor entertainment-oriented venue in a C-2, Neighborhood Commercial District, for a proposed banquet hall/event space within the building located at 1703 Park Avenue, based on the above Findings of Fact.

Fiscal Note/Budget Impact: N/A

Attachments: Location Map, Photos, Application, Floor Plan, Public Notice, & Mailing List.



4.a CU-2016-07, Indoor Entertainment Venue, 1703 Park Avenue, Council Report



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: ~~2050130~~ CU-2016-0

1. Address of subject property: 1703 Park Ave Beloit WI
2. Legal description: Lot 10 and the w. 1/2 of vacated alley adjacent and to the E. Block 2, Summit First Addition, City of Beloit, Rock County - WI
If property has not been subdivided, attach a copy of the complete legal description from deed.
Property dimensions are: 22 feet by 55 feet = _____ square feet.
If more than two acres, give area in acres: _____ acres.
3. Tax Parcel Number(s): 1258-0510
4. Owner of record: Mario Mendoza Phone: 608 207-0326
2213 Merrill Beloit WI 53511
(Address) (City) (State) (Zip)
5. Applicant's Name: Mario Mendoza
2213 Merrill Ave Beloit WI 53511
(Address) (City) (State) (Zip)
1 608 207-0326 1 -
(Office Phone #) (Cell Phone #) (E-mail Address)
6. All existing use(s) on this property are: Commercial

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

A Conditional Use Permit for: a banquet hall/event space
in a(n) C-2, Neighborhood Commercial zoning District.

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

Principal use: Event space

Secondary use: Apartments

Accessory use: _____

9. Project timetable: Start date: ASAP Completion date: _____

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

- Owner
- Leasehold, length of lease: _____
- Contractual, nature of contract: _____
- Other, explain: _____

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/We, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/We represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/We also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

X Mario Mendoza / Mario Mendoza / _____
(Signature of Owner) (Print name) (Date)

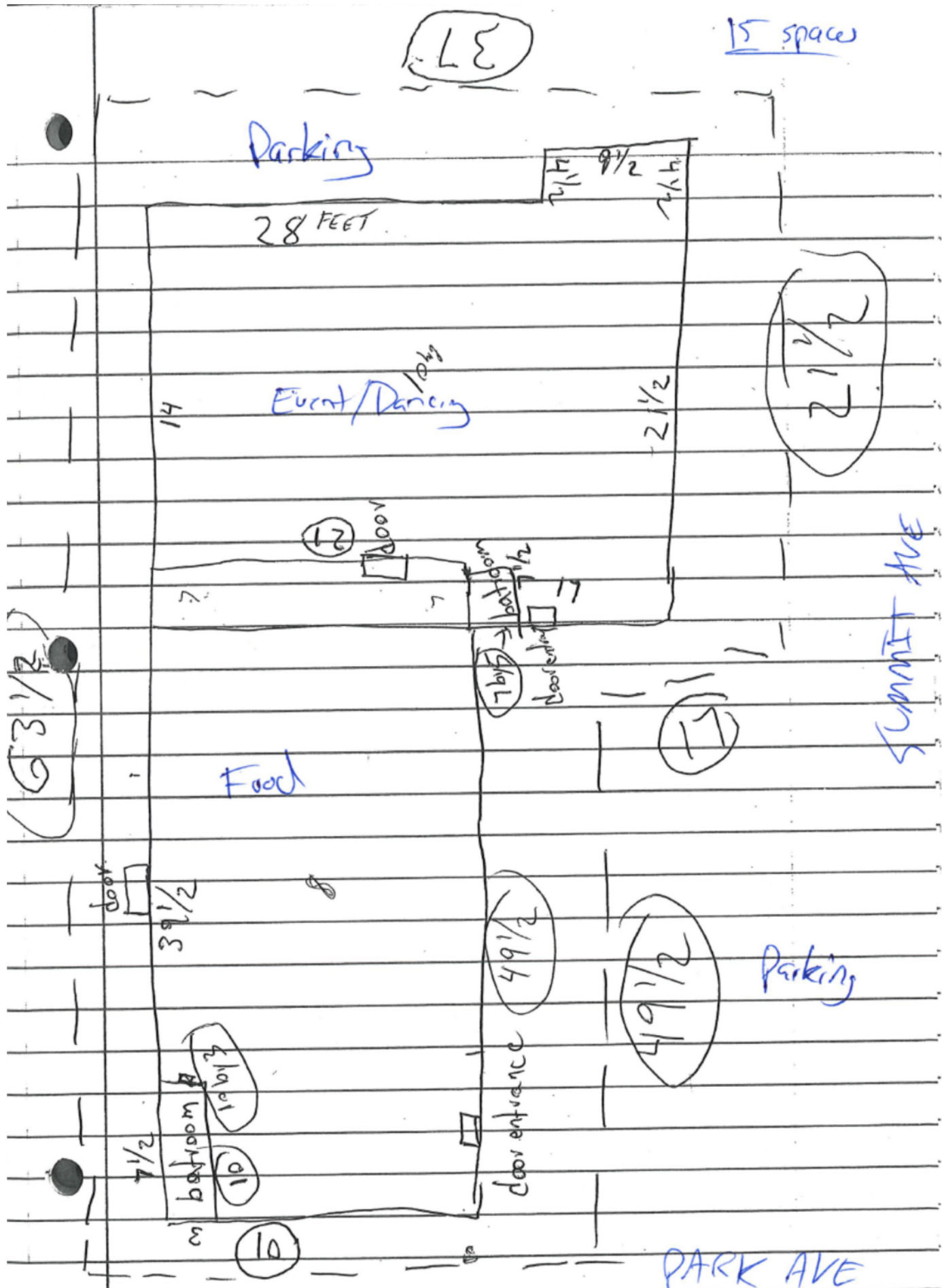
_____/_____/_____
(Signature of Applicant, if different) (Print name) (Date)

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: <u>275.00</u> Meeting date: <u>Nov 9, 2016</u>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u>Alex Morgan</u>	Date: <u>11/1/16</u>

4.a CU-2016-07, Indoor Entertainment Venue, 1703 Park Avenue, Council Report





NOTICE TO THE PUBLIC

November 9, 2016

To Whom It May Concern:

Mario Mendoza has filed an application for a Conditional Use Permit to allow an indoor entertainment-oriented venue in a C-2, Neighborhood Commercial District, for a proposed banquet hall/event space within the building located at **1703 Park Avenue**.

The subject building is the former Gearhart's TV repair business, which includes vacant commercial space and two dwelling units. If approved, the applicant intends to make the first floor of the subject building available for private parties, receptions, etc.

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

City Plan Commission: Tuesday, November 22, 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, December 5, 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, AICP in the Planning & Building Services Division at (608) 364-6711 or penningtond@beloitwi.gov. Comments will be accepted via telephone, email, and U.S. Mail.

SUZANNE R & WALTER J KAMINSKAS
1924 WALNUT ST
JANESVILLE, WI 53546

MARIO MENDOZA
2213 MERRILL ST
BELOIT, WI 53511

JOHN STAFFORD
1709 PARK AVE
BELOIT, WI 53511

#5 BROTHERS INTERNATIONAL
INVESTMENT
717 NEWFIELD DR
BELOIT, WI 53511

HENDRICKS COMMERCIAL PROPERTIES
LLC
525 THIRD ST STE 300
BELOIT, WI 535116211

STACEY STACKHOUSE
1716 HARRISON AVE
BELOIT, WI 53511

JOSEPH & JEANETTE HANSEN
2516 CLIFCORN DR
BELOIT, WI 53511

MARY WILSON
1708 HARRISON AVE
BELOIT, WI 53511

S & Z RENTALS LLC
712 PRAIRIE AVE
JANESVILLE, WI 53545

FIRST COMMUNITY CREDIT UNION OF
BELOIT
1702 PARK AVE
BELOIT, WI 53511

HECTOR GUZMAN
926 SUMMIT AVE
BELOIT, WI 535113502

DIANE SISSON
1719 PARK AVE
BELOIT, WI 53511

JESUS VALDEZ
1717 PARK AVE
BELOIT, WI 535113535

KAJA HOLDINGS 2 LLC
16 BERRYHILL RD STE 200
COLUMBIA, SC 292106433

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE
ZONING DISTRICT MAP OF THE CITY OF БЕЛОIT**

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

Section 1. The Zoning District Map of the City of Beloit, mentioned in the Zoning Code, Chapter 19 of the Code of General Ordinances of the City of Beloit, is amended as follows:

The following described land, also known as 631, 640, 654, & 657 Bluff Street, is hereby changed from R-1B, Single-Family Residential District to C-1, Office District:

Lot 34 of Tenney's Addition, City of Beloit, Rock County, Wisconsin. Said parcel contains 0.7 acre, more or less (also known as 631 Bluff Street, parcel number 13530340).

East 99 feet of Lot 37 and the South 27 feet of the East 115 feet of Lot 36 of Tenney's Addition, City of Beloit, Rock County, Wisconsin. Said parcel contains 0.31 acre, more or less (also known as 640 Bluff Street, parcel number 13561360).

North 78.6 feet of the East 115.11 feet of Lot 36 of Tenney's Addition, except the West 18 inches thereof, City of Beloit, Rock County, Wisconsin. Said parcel contains 0.2 acre, more or less (also known as 654 Bluff Street, parcel number 13561370).

Lot 1 of Gaston's Subdivision and part of Lot 33 of Tenney's Addition (commencing northwest corner of Lot 33, thence southerly 204 feet, thence easterly 231.66 feet, thence northerly 72 feet, thence westerly 66 feet, thence northerly 132 feet, thence westerly 165.66 feet the point of beginning), City of Beloit, Rock County, Wisconsin. Said parcel contains 1.09 acres, more or less (also known as 657 Bluff Street, parcel number 13530330).

Section 2. This Ordinance shall take effect and be in force upon its passage and publication.

Adopted this ____ day of _____, 2016.

City Council of the City of Beloit

David F. Luebke, Council President

Attest:

Lorena Rae Stottler, City Clerk

Published this ____ day of _____, 2016

Effective this ____ day of _____, 2016

01-611100-5231-_____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Zoning Map Amendment Application for 631, 640, 654, & 657 Bluff Street

Date: December 5, 2016

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Planning staff has initiated an application for a Zoning Map Amendment to change the zoning district classification from R-1B, Single-Family Residential District to C-1, Office District, for the properties located at 631, 640, 654, & 657 Bluff Street.

Key Issues (maximum of 5):

- The subject properties are currently zoned for Single-Family Residential uses, and have come to the attention of Planning staff primarily due to the long-term vacancy and deteriorating conditions at the historic apartment building located at 640 Bluff Street.
- The intent of the proposed amendment is to create a zoning classification that will allow the future rehab and occupancy of the historic, vacant apartment building at 640 Bluff Street as a conditional use in an office district. Since this 11-unit apartment building has been vacant for more than a year, it has technically lost its nonconforming status and must conform to the single-family zoning. For obvious reasons, this is both unlikely and unrealistic, and maintaining the existing R-1B zoning would be a major barrier to the future rehab and re-occupancy of the historic apartment building at 640 Bluff Street. The building located at 640 Bluff Street is a contributing structure in the Bluff Street Historic District, constructed around 1907 and notable for its architecture. It has been vacant since being posted Unfit for Human Habitation in May 2015, and is in the midst of a foreclosure action with a default judgment entered on July 15, 2016. The property was sold at Rock County Sheriff's Sale on October 20, 2016, but the City has not received a deed showing an ownership change.
- In addition, the proposed amendment will make the other uses (senior center, medical office, & church) more conforming to the Zoning Map, thereby supporting their continued operation and future expansion.
- Multifamily residential uses are a conditional use in the Office District; therefore future buyers of 640 Bluff Street will need a Conditional Use Permit before occupancy and will be required to satisfy certain conditions of approval to address neighborhood and operational concerns. The subject properties are located immediately north of the West Grand Avenue corridor, which is zoned C-1, Office District. As shown on the attached maps, the proposed rezoning from Single-Family Residential to Office is a logical northern extension of an existing Office District that will achieve historic preservation and community development goals.
- The Plan Commission reviewed this item on November 22, 2016 and voted unanimously (6-0) to recommend approval of this Zoning Map Amendment.

Consistency with Comprehensive Plan and Strategic Plan:

The City Council recently approved an amendment to the Future Land Use Map (Map 10) of the City's Comprehensive Plan to recommend a zoning classification of C-1 for the subject properties. 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**

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: November 22, 2016

Agenda Item: 4

File Number: ZMA-2016-04

Applicant: Planning Staff

Owner: Various

Location: 631, 640, 654, & 657 Bluff Street

Current Zoning: R-1B, Single-Family

Existing Land Use: Various

Proposed Zoning: C-1, Office District

Request Overview/Background Information:

Planning staff has initiated an application for a Zoning Map Amendment to change the zoning district classification from R-1B, Single-Family Residential District to C-1, Office District, for the properties located at 631, 640, 654, & 657 Bluff Street.

The Zoning Ordinance directs the Plan Commission to hold a hearing and make a recommendation regarding a Zoning Map Amendment when the specific site and context are suitable for the uses permitted in the proposed zoning district.

Key Issues:

- The subject properties are currently zoned for Single-Family Residential uses, and have come to the attention of Planning staff primarily due to the long-term vacancy and deteriorating conditions at the historic apartment building located at 640 Bluff Street.
- The City Council recently approved an amendment to the Future Land Use Map (Map 10) of the City's Comprehensive Plan to recommend Office uses for the subject properties.
- The intent of the proposed amendment is to create a zoning classification that will allow the future rehab and occupancy of the historic, vacant apartment building at 640 Bluff Street as a conditional use in an office district. Since this 11-unit apartment building has been vacant for more than a year, it has technically lost its nonconforming status and must conform to the single-family zoning. For obvious reasons, this is both unlikely and unrealistic, and maintaining the existing R-1B zoning would be a major barrier to the future rehab and re-occupancy of the historic apartment building at 640 Bluff Street. The building located at 640 Bluff Street is a contributing structure in the Bluff Street Historic District, constructed around 1907 and notable for its architecture. It has been vacant since being posted Unfit for Human Habitation in May 2015, and is in the midst of a foreclosure action with a default judgment entered on July 15, 2016. The property was sold at Rock County Sheriff's Sale on October 20, 2016, but the City has not received a deed showing an ownership change.
- In addition, the proposed amendment will make the other uses (senior center, medical office, & church) more conforming to the adopted Land Use Map (and Zoning Map), thereby supporting their continued operation and future expansion. The following table describes the status of the subject properties:

Address	Land Use	Status in Single-Fam District	Status in Office District
640 Bluff Street	Apartments	Prohibited	Conditional
654 Bluff Street	Medical Office	Legal Nonconforming	Permitted By-Right
631 Bluff Street	Senior Center	Legal Nonconforming	Conditional
657 Bluff Street	Church	Conditional	Permitted By-Right

- Planning staff mailed the attached Public Notice to the owners of nearby properties and installed a sign on the property. Planning staff has spoken with the affected stakeholders, including the Director of Grinnell Senior Center, the Church Pastor, and the Chiropractor at 654 Bluff Street. All three stakeholders support Planning staff's proposal and are concerned about the long-term vacancy and deterioration at 640 Bluff Street.
- **Findings of Fact** - Based on Section 2-304 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:
 - a. *The existing use of property within the general area of the subject property;*
 - An Office zoning district classification was selected because it provides the greatest fit with the existing senior center, medical office, & church while creating a potential path for buyers of the apartment building at 640 Bluff Street. Multifamily residential uses are a conditional use in the Office District; therefore future buyers of 640 Bluff Street will need a Conditional Use Permit before occupancy and will be required to satisfy certain conditions of approval to address neighborhood and operational concerns.

- b. *The zoning classification of property within the general area of the subject property;*
- The subject properties are located immediately north of the West Grand Avenue corridor, which is zoned C-1, Office District. As shown on the attached maps, the proposed rezoning from Single-Family Residential to Office is a logical northern extension of an existing Office District that will achieve historic preservation and community development goals.
- c. *The suitability of the subject property for the uses permitted under the existing zoning classification; and*
- The subject properties are not suitable for single-family uses.
- d. *The trend of development and zoning map amendments in the general area of the subject property.*
- There has been very little development pressure in the general area of the subject property during the past decade, and a net loss in dwelling units due to demolition. The goal of this action is to stimulate the rehabilitation and re-occupancy of the 640 Bluff Street building.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan's Future Land Use Map (#10) recommends a zoning district classification of C-1 for the subject properties. This proposed Zoning Map Amendment is consistent with the Comprehensive Plan.

Consideration of this request supports City of Beloit 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

Staff Recommendation:

Based upon the above Findings of Fact and the City's Comprehensive Plan, the Planning & Building Services Division recommends **approval** of a Zoning Map Amendment to change the zoning district classification from R-1B, Single-Family Residential District to C-1, Office District, for the properties located at 631, 640, 654, & 657 Bluff Street.

Fiscal Note/Budget Impact: N/A

Attachments: Zoning Maps, Application, Public Notice, and Mailing List.

Existing Zoning Map: R-1B in Yellow, C-1 Office in Orange



Proposed Zoning Map: R-1B in Yellow, C-1 Office in Orange



CITY of BELOIT

PLANNING & BUILDING SERVICES DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

Zoning Map Amendment Application Form

(Please Type or Print)

File No.: ZMA-2016-04

1. Address of subject property: 631, 640, 654, & 657 Bluff Street

2. Legal description: Lot: _____ Block: _____ Subdivision: _____

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

Property dimensions are: _____ feet by _____ feet = _____ square feet.

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

3. Tax Parcel Number(s): Various

4. Owner of record: Various – All Notified Phone: _____

(Address)

(City)

(State)

(Zip)

5. Applicant's Name: Planning & Building Services Division

100 State Street

Beloit

WI

53511

(Address)

(City)

(State)

(Zip)

(Office Phone #)

(Cell Phone #)

(E-mail Address)

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

Change zoning district classification from: R-1B to: C-1

All existing uses on this property are: Senior Center, Apartment Building (vacant), Medical Office, and Church

7. All the proposed uses for this property are:

Principal use(s): Same as existing

Secondary use(s): _____

Accessory use(s): _____

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

- () Owner
- () Leasehold, Length of lease: _____
- () Contractual, Nature of contract: _____
- (X) Other, explain: Planning staff

9. Individual(s) responsible for compliance with conditions (if any), if request is granted:

Name(s): _____ Phone: _____

(Address) (City) (State) (Zip)

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/we, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/we represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/we also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

_____/	_____/	_____/
(Signature of Owner)	(Print name)	(Date)
<u>Drew Pennington</u>	<u>Drew Pennington</u>	<u>10/31/16</u>
(Signature of Applicant, if different)	(Print name)	(Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application and all accompanying documents to the Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant, and it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff	
Filing Fee: \$275.00	Amount Paid: <u>N/A</u> Meeting Date: <u>Nov. 22, 2016</u>
Number of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u>Drew Pennington</u>	Date: <u>10/31/16</u>
Date Notice Published: _____	Date Notice Mailed: _____



NOTICE TO THE PUBLIC

November 9, 2016

To Whom It May Concern:

Planning staff has initiated an application for a Zoning Map Amendment to change the zoning district classification from R-1B, Single-Family Residential District to C-1, Office District, for the properties located at **631, 640, 654, & 657 Bluff Street**.

The subject properties are currently zoned for Single-Family Residential uses, and have come to the attention of Planning staff primarily due to the long-term vacancy and deteriorating conditions at the historic apartment building located at 640 Bluff Street. The intent of the proposed amendment is to create a zoning classification that will allow the future rehab and occupancy of the historic, vacant apartment building at 640 Bluff Street as a conditional use in an office district. In addition, the proposed amendment will make the other uses (senior center, medical office, & church) more conforming to the Zoning Map, thereby supporting their continued operation and future expansion.

The following public hearings will be held regarding this application:

City Plan Commission: Tuesday, November 22, 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, December 5, 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, AICP in the Planning & Building Services Division at (608) 364-6711 or penningtond@beloitwi.gov. Comments will be accepted via telephone, email, and U.S. Mail.

RICHARD J & JENNIFER D SCULLY
3644 S TRACEY RD
JANESVILLE, WI 53548

KIM A HOWARTH HOWSWORK LLC
354 SEYMOUR CT
ELKHORN, WI 531214236

STANLEY & BEVERLY J KOWALCZYK
8136 S KEMMERER RD
CLINTON, WI 53525

MASONIC TEMPLE
229 W GRAND AVE
BELOIT, WI 535116110

SANDRA MANNING
1127 RIDGEWAY ST
BELOIT, WI 53511

WEP ENTERPRISE LLC
1313 ELEVENTH ST
BELOIT, WI 53511

KEVIN KERWIN
623 BLUFF ST
BELOIT, WI 53511

RDM ENTERPRISE LLC
1643 OAK ST
BELOIT, WI 53511

KEVIN KERWIN
623 BLUFF ST
BELOIT, WI 53511

CLIFTON & JACQUELINE BLACKWELL
735 LYNWOOD AVE
MOUNTAIN VIEW, CA 94043

DOUGLAS CASH
P O BOX 1317
BELOIT, WI 535121317

WG HOLDINGS LLC
12050 TAMA RUN LANE
DARLINGTON, WI 53530

MIRIAM ALVAREZ GUTIERREZ
631 GASTON DR
BELOIT, WI 53511

KEVIN KERWIN
623 BLUFF ST
BELOIT, WI 53511

MIGUEL & MARIE CEPEDA
7372 ADRIANNA DR
ROSCOE, IL 61073

MARK GLAZER
446 W ARLINGTON PL
CHICAGO, IL 60614

JESENIA SOTO
339 LOCUST ST
BELOIT, WI 53511

NORRIS JOHNSON
336 LOCUST ST
BELOIT, WI 53511

MIGUEL JUAREZ
340 LOCUST ST
BELOIT, WI 53511

CRISTINA GUTIERREZ
340 LOCUST ST
BELOIT, WI 53511

MAURICIO FLORES
315 LOCUST ST
BELOIT, WI 53511

ROBERT JOHN
7702 KINNIKINNICK DR
ROSCOE, IL 610737542

BARRY & BECKY BOVEE
325 LOCUST ST
BELOIT, WI 535115312

MULINDA WILLIAMS
311 LOCUST ST
BELOIT, WI 53511

LATOYA JONES
1146 HARRISON AVE
BELOIT, WI 53511

SCOTT WEIDNER
259 ST LAWRENCE AVE
BELOIT, WI 53511

GENARO GILES
716 FIFTH ST
BELOIT, WI 53511

ALLEN CARLEY
729 BLUFF ST
BELOIT, WI 53511

LONNEL DERRING
1222 ELEVENTH ST
BELOIT, WI 53511

ILDEFONSO XIQUE
720 PARKER AVE
BELOIT, WI 53511

DODI CUMMINGS
707 PARKER CT
BELOIT, WI 53511

SHAWN TOWNSEND
2020 GLEN AVE
BELOIT, WI 53511

BENJAMIN HUDSON
239 ST LAWRENCE AVE
BELOIT, WI 53511

STEVEN HINCH
131 HILL DALE AVE
HAVERHILL, MA 01832

LAURIE TUTTLE
227 ST LAWRENCE AVE
BELOIT, WI 535115318

GERALD & LINDA REIGLE
717 PARKER AVE
BELOIT, WI 535115354

LEON J & WILMA J FOXEN
10703 S HICKORY CT
BELOIT, WI 53511

DARIAN & ANGELA SNOW
911 PARK AVE
BELOIT, WI 53511

IGNACIO & ELIZABETH DOMINGUEZ
708 PARKER AVE
BELOIT, WI 53511

SANDRA HINTZ
720 FIFTH ST
BELOIT, WI 53511

JOAN DAVISSON
810 BENTSEN PALM DR W-3
MISSION, TX 78572

GARRETT BAPP
2416 N 12TH ST
BROKEN ARROW, OK 740129252

ALBERT H & KIMBERLY A MILLER
3931 S CARVERS ROCK RD
AVALON, WI 53505

AMERICAN LEGION POST #48
236 ST LAWRENCE AVE
BELOIT, WI 535115358

UNITED CHURCH OF BELOIT
657 BLUFF ST
BELOIT, WI 53511

KENNETH & THEO RYER
N1185 RYER CT
WALWORTH, WI

JOE WALL
W7947 TOWNHALL RD
SHARON, WI 53585

MIGUEL & MARIE CEPEDA
7372 ADRIANNA DR
ROSCOE, IL 61073

FPS RENTAL INC
P O BOX 41
BELOIT, WI 535120041

NANCY BRUSVEN
35W472 ELMWOOD AVE
ST CHARLES, IL 60174

DAVID AMSTUTZ
710 BLUFF ST
BELOIT, WI 53511

EUGENE KOLODZINSKI
326 ST LAWRENCE AVE
BELOIT, WI 53511

RJK PROPERTIES LLC
P O BOX 33
BELOIT, WI 535120033

SUSAN LEONARD
714 BLUFF ST
BELOIT, WI 535115351

KHALID ABDELRAHEM
411 ST LAWRENCE AVE
BELOIT, WI 53511

JAAS REAL ESTATE MANAGEMENT CO
P O BOX 1183
BELOIT, WI 535121183

CASCADE PROPERTY MANAGEMENT
LLC
8332 NORTH ST
SHIRLAND, IL 61079

EDUARDO & CLAUDIO BRITO
7041 W 63RD ST
CHICAGO, IL 60638

JEROME FAGERSTROM
654 BLUFF ST
BELOIT, WI 53511

THERESA MULLVAIN
410 ST LAWRENCE AVE
BELOIT, WI 535115323

CLAIRE EARHART
403 ST LAWRENCE AVE
BELOIT, WI 535115322

MONICA CLEVELAND
2063 SUN VALLEY DR
BELOIT, WI 53511

JASON HAKIM
717 VINE ST
BELOIT, WI 53511

DAVID & NANCY HEPLER
2150 MERRILL ST
BELOIT, WI 535114822

C/O CALVIN AKIN AGENT PREMIER
GRAND AVENUE BELOIT LLC
19105 W CAPITOL DR #200
BROOKFIELD, WI 53045

J & C REAL ESTATE LLC
321 OBISPO AVE
MACHESNEY PARK, IL 611151257

FREEDOM PROPERTY INVESTMENTS
LLC
1655 COPELAND AVE #130
BELOIT, WI 53511



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, November 21, 2016

Presiding: David F. Luebke
Present: Sheila De Forest, Regina Dunkin, Kevin Leavy, Mark Preuschl, Marilyn Sloniker
Absent: Regina Hendrix

1. President Luebke called the meeting to order at 7:00 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Councilor De Forest presented a proclamation recognizing City of Beloit Election Inspectors for 2016. File 7148
4. PUBLIC HEARINGS - None
5. CITIZEN PARTICIPATION
 - a. Darryl Addams, 1431 Bittel Street, addressed the council and said that he was back because he has not heard from the City of Beloit regarding the water problem in his back yard that he previously addressed at the last council meeting. He said he would like to have it looked at before we have snow because the water is getting worse. President Luebke said that someone would contact him.
 - b. Beth Walker, 1424 Merrill Street, addressed the council regarding garbage on the ramp to Beloit from I-90 Exit 185B. She said it is cluttered with so much trash that it looks like a garbage dump. She said that she cleans at the Beloit Visit rest area working with challenged adults to give them learning skills. President Luebke said that he will forward it to the proper state officials. She also asked if we will be revamping the exit and entrance ramps. President Luebke said that we have been working with the state for five years and it will be an ongoing process, but he will get the information to them. Councilor De Forest asked that Ms. Walker leave her information for possible contact with her group to maybe help with the cleanup.
6. CONSENT AGENDA

Councilor De Forest requested to have item 6.e removed from the consent agenda.
Councilors Leavy and Dunkin mad a motion to adopt the consent Agenda consisting of items 6.a-6.d and 6.f. Motion carried.

- a. The minutes of the regular meeting of November 7, 2016 were approved.
- b. A resolution approving a new application for Class "B" Beer and "Class B" Liquor License of Game On Bar and Grill, LLC, d/b/a Game on Bar and Grill, located at, 443 East Grand Avenue, Joseph A Jensen Agent, for the licensing period ending June 30, 2017 was adopted. File 8721
- c. A resolution approving Change of Agent on the Class "A" Beer and Class "A" *Cider Only* license for Speedway LLC owned by MPC Investment LLC, d/b/a Speedway #4293, 2781 Milwaukee Road to Jane M. Erbe for the licensing period ending June 30, 2017 was adopted. File 8721
- d. A resolution approving a Six-Lot Final Plat of Subdivision called Eagles Ridge Plat No. 2 for the properties located at 1710 & 1725 Raven Court was adopted. File 8073
- e. An application for a Conditional Use Permit to allow Other Entertainment-Oriented Retail for the purposes of a banquet hall facility, in a C-2 Neighborhood Commercial District for property located at 1703 Park Avenue in the City of Beloit was referred to Plan Commission. Ms. Christensen said this was an application being referred to the plan commission and was a request for a Banquet Facility. Councilor De Forest asked what amount of notification was given to residents in the neighborhood. Ms. Christensen stated that they were notified and four were opposed and one opposed from the First Community Credit Union, but all would be in the staff report when it comes back from the Plan

Commission meeting at the next council meeting. Councilor De Forest also asked Ms. Christensen for the record to ask the applicant to attend the next meeting for questions. Councilor Preuschl and De Forest made a motion to refer the item to the Plan Commission. Motion carried. File 8288

- f. An application for a Zoning Map Amendment to change the Zoning District Classification of the properties located at 631, 640, 654 & 657 Bluff Street, from R-1B, Single-Family Residential District to C-1, Office District was referred to Plan Commission. File 7940

7. ORDINANCES - None

8. APPOINTMENTS - None

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor De Forest attended a ceremony held at 1st Congregational Church to recognize and celebrate the contributions of the Beloit Police Officers, Firefighters and EMT's. She thanked the congregation and echoed the sentiments made at the event, that they are appreciated for their tireless sacrifice and thanked Reverend Baumgartner for his leadership. She also attended the solidarity event held November 20, 2016, said it was well attended. She pledged personally that she would do everything in her power to make sure that Beloit is place where everyone feels safe and valued, and thanked everyone who had hand in organizing the event.
- Councilor Sloniker attended the YWCA Social Justice Conference.
- Councilor Dunkin thanked the Clerks office for a successful election, she referenced a letter from John Emery regarding the election. He mentioned that it is the City council who elected to provide leadership through words, actions and by enacting policies and directives to formalize City Employee and citizen's responsibilities. She said that she understands that as a council, we are here to protect the rights of Beloit citizens and she looks forward to assisting her colleagues in putting forth efforts so no one feels threatened, isolated or powerless. She said that the recent election process has been like no other, but we can get through this time of transition, by respecting one another and conquering hate and fear by showing love and she encouraged every individual to do just that.
- Councilor Preuschl echoed previous comments from Councilors De Forest and Dunkin. He thanked the people who pulled the Beloit Together gathering. He thanked the City Manager for representing the City. He said he attended the BIFF Casino night fundraiser and also attended Welty's Moonlight Hike at Big Hill Park which was well attended.
- Councilor Leavy was glad to see that they can have fun as a council. He said that even though they conduct a lot of business and it seems that they are at each other, they have a mutual respect for one another and all care about the city.
- President Luebke announced the passing of City employee Roger Yaun, he reflected on his service to the city and mourns his loss. He said he attended the 1st Congregational Church ceremony, Latino Service Luncheon at the Garden Inn, and attended the Vet's day ceremonies at Grinnell Hall and Culvers. He thanked the City Managers comments at the 1st Congregational Church. He said we may have different opinions, and may not agree but are unified in what is best for Beloit.

10. CITY MANAGER'S PRESENTATION - None

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Fire Chief, Brad Liggett, presented a resolution authorizing Application and Acceptance of a Community Grant from the Walmart Foundation for "Shop with a Hero" Program and amending the 2016 General Fund Operating Budget. The Fire Department has received non-competitive grants for 12 years from Wal-Mart in support of the "Shop with a Hero" program. The grant is received just prior to the holiday season in order to provide opportunities for children in the community to have a positive interaction with local firefighters in a non-enforcement situation. This year the City received \$2,000.00. This is a non-competitive grant with no financial exposure to the City of Beloit. This is a grant for the purpose of community engagement activities. This is a jointly coordinated with other community partners like the Town of Beloit Police and Fire Departments and the Madison Field Office of the FBI. This provides a broad opportunity for this positive interaction with the children and families in our community. Councilors Leavy and De Forest made a motion to adopt the resolution as presented. Motion carried. File 8703/8695
- b. Fire Chief, Brad Liggett, presented a resolution authorizing Application and Acceptance of a Risk Reduction Grant from Cities and Villages Mutual Insurance Company (CVMIC) and Amending the 2016 General Fund Operating Budget. The Police Department and Fire Department are subject to a

significant amount of risk in the work and decisions that are required to be made. The Cities & Villages Mutual Insurance Company (CVMIC) provides a broad spectrum of insurance and risk reduction services to its member agencies. The City of Beloit is a charter member of CVMIC. CVMIC supports a risk reduction program that trains employees on leadership, management, safety, and reducing risk through training employees in the prevention of harassment and poor employment practices. CVMIC also offers a grant program to member agencies for a reimbursement of up to \$7,000 for participation in a risk-reduction program. The City will use any awarded grant funds towards the Lexipol policy management system. CVMIC recommends and endorses the program. This is the second consecutive year that the City will be utilizing the grant within the Police and Fire Departments. This is a non-competitive grant that requires a match of \$7,000. The total package for the project is \$15,055, \$10,055 for the police department and \$4,995 for the fire department. This program will provide model policies compliant with Wisconsin and Federal law, OSHA workplace safety, and national best practices. This will provide a training and accountability platform through Lexipol's Knowledge Management System and Supplemental Publication Service for all department personnel review new and updated policies. Policies are updated automatically by Lexipol which creates an administrative and project management efficiency for both departments' administrative teams. The system will provide the City with a national best practices model which includes 150 policies for the police department and 165 policies for the fire department. Councilors Dunkin and Sloniker made a motion to adopt the resolution as presented. Motion carried. File 7947/8695

- c. Councilors Leavy and De Forest made a motion to adjourn into closed session pursuant to Wis. Stats. 19.85 (1)(e) to discuss potential real estate transaction, the discussion of which would harm the City's competitive or bargaining interests if held in open session, namely the potential transfer of Outlot #1 of Walnut Grove Plat No. 2 (2278 Winchester Drive) to the City of Beloit. Motion carried 6-0.
- d. Councilors Leavy and Dunkin made a motion to reconvene in open session at 7:36 p.m. pursuant to section 19.85(2), Wis. Stats., for possible action on the matter discussed in closed session. Motion carried 6-0.
- e. Councilors De Forest and Dunkin made a motion to approve a resolution Approving Residential offer to Purchase the property located at 2278 Winchester Drive, Beloit Wisconsin. Motion carried 6-0 File 8736

12. Councilors Preuschl and Sloniker made a motion to adjourn at 7:40 p.m. Motion Carried.

Lorena Rae Stottler, City Clerk

www.beloitwi.gov

Date approved by City Council: December 5, 2016



**PROCEEDINGS OF THE BELOIT CITY COUNCIL
Special Meeting
100 State Street, Beloit WI 53511
4th Floor City Manager's Conference Room
Monday, November 28, 2016**

Presiding: David F. Luebke
Present: Sheila De Forest, Regina Dunkin, Regina Hendrix (arrived at 6:07 p.m.), Kevin D. Leavy, Mark Preuschl, Marilyn Sloniker
Absent: None

1. President Luebke called the meeting to order at 6:03 p.m.
2. Councilors Leavy and Dunkin made a motion to adjourn into closed session pursuant to Wis. Stats. 19.85(1)(e) for the purposes of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session and § 19.85(1)(g), Wis. Stats. for the purposes of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved; namely, to discuss the Town of Beloit's request for a possible boundary agreement. Motion carried and council proceeded into closed session at 6:04 p.m.
3. Councilors DeForest and Preuschl made a motion to adjourn the closed session at 7:20 p.m.

Lorena Rae Stottler, City Clerk

www.beloitwi.gov

Date Approved by Council: December 5, 2016

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Planned Unit Development (PUD) - Master Land Use Plan for 1405 Madison Road & 1402 Townline Avenue – Council Referral to the Plan Commission

Date: December 5, 2016

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

R.H. Batterman, on behalf of Jeff Adleman, has submitted an application for review and consideration of a Planned Unit Development (PUD) - Master Land Use Plan for the properties located at 1405 Madison Road & 1402 Townline Avenue. A copy of the PUD - Master Land Use Plan is attached to this report.

Key Issues (maximum of 5):

- The applicant has submitted an application for a PUD – Master Land Use Plan for a redevelopment project involving the construction of storage unit buildings and duplexes on the properties located at 1405 Madison Road & 1402 Townline Avenue.
 - As shown on the attachment, the proposed PUD – Master Land Use Plan involves the construction of two duplex buildings on the vacant property at the SW corner of Townline Avenue and Whipple Street (1402 Townline Avenue). The applicant has also proposed the construction of three self-service storage buildings on this vacant land, along with the construction of a driveway connection to the existing commercial property at 1405 Madison Road, which will be remodeled and expanded into an office building for this storage complex.
 - The PUD District is a special-purpose zoning district that permits greater flexibility in land planning and site design standards than conventional zoning districts and is intended to provide flexibility in architectural design and clustering of buildings.
 - This PUD request is one of three land use applications needed for this project. The others are a change in the Future Land Use Map and a rezoning request from C-2, Neighborhood Commercial to PUD. All three applications will be reviewed on the same meeting schedule. If approved, these properties and a 2,200 square-foot triangular piece of the gas station parcel will be consolidated via Certified Survey Map (CSM).
-

Conformance to Strategic Plan:

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

Sustainability:

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

Action required/Recommendation:

- Referral to the Plan Commission for the December 7, 2016 meeting
 - This item will most likely return to the City Council for a public hearing and possible action on January 17, 2017
-

Fiscal Note/Budget Impact: N/A

Attachments: Proposed PUD – Master Land Use Plan and Application

CITY of BELOIT

Planning & Building Services Division

100 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-6609

PUD - Master Land Use Plan Application

(Please Type or Print)

File Number: PUD-2016-04

1. Address of subject property: 1405 MADISON RD., 1343 1/2 MADISON RD., 1402 TOWNLINE AVE.
2. Legal description: LOT 1 CSM VII P. 5376; LOT 1 CSM V 20 P. 381; PARCEL A, ATTACHED
If necessary attach a copy of the complete legal description.
3. Area of parcel in square feet or acres: ~~3.94~~ ACRES 4.00 ACRES
4. Tax Parcel Number(s): 12760005, 12760020, 12760010
5. Owner of record: JEFFREY ADLEMAN Phone: 289-6340
PO Box 598 SOUTH BELOIT IL 61080
(Address) (City) (State) (Zip)
6. Applicant's Name: ~~JEFFREY ADLEMAN~~ PH BATTERMAN - FRANK MCKEAKN
2857 BARTELS DR. BELOIT WI 53511
(Address) (City) (State) (Zip)
(608) 365-4464 1 MA 1 FMCKEAKN@PHBATTERMAN.COM
(Office Phone #) (Cell Phone #) (E-mail Address)
7. All existing use(s) on this property are: VACANT LAND - RESIDENTIAL; B - COMMERCIAL
8. The applicant requests review and approval of a PLANNED UNIT DEVELOPMENT /
Master Land Use Plan: in a(n) C-2 Zoning District.
9. A Preapplication Conference was held on: 8/18/16
10. All the proposed use(s) for this property will be:
Principal use(s): STORAGE UNITS AND DUPLEXES
Secondary use(s): _____
11. State how the proposed development differs from the type of development that would
be permitted under the existing zoning regulations. CURRENT ZONING DOES NOT
ALLOW STORAGE UNITS
12. Describe how the proposed development provides greater benefits to the City of Beloit
than an otherwise permitted development. NEW HOUSING ON
THE WEST SIDE OF THE CITY; DEVELOPMENT
OF AN EMPTY LOT. INCREASED TAX BASE,
POTENTIAL OF JOBS DURING CONSTRUCTION & PART
OF RUNNING THE BUSINESS.

13. Project timetable: Start date: MARCH 2017 Completion date: Aug 2017

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

- Owner
- Leasehold, length of lease: _____
- Contractual, nature of contract: OFFER TO PURCHASE
- Other, explain: _____

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/We, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/We represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/We also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

_____ (Signature of Owner)	_____ (Print name)	_____ (Date)
<u>Frank M. Kearn</u>	<u>Frank M^eKearn</u>	<u>11/1/16</u>
_____ (Signature of Applicant, if different)	_____ (Print name)	_____ (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application and all accompanying documents to the Planning & 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 \$200.00 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: \$200.00	Amount paid: <u>\$200.⁰⁰</u> Meeting date: <u>Dec. 7, 2016</u> <i>check # 629116</i>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u>Draw Pennington</u>	Date: <u>11/1/16</u>

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Zoning Map Amendment Application for 1405 Madison Road & 1402 Townline Avenue – Council Referral to the Plan Commission

Date: December 5, 2016

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

R.H. Batterman, on behalf of Jeff Adleman, has submitted an application for a Zoning Map Amendment to change the zoning district classification from C-2, Neighborhood Commercial District to PUD, Planned Unit Development District, for the properties located at 1405 Madison Road & 1402 Townline Avenue.

Key Issues (maximum of 5):

- The applicant has submitted an application for a PUD – Master Land Use Plan for a redevelopment project involving the construction of storage unit buildings and duplexes on the properties located at 1405 Madison Road & 1402 Townline Avenue.
- As shown on the attachment, the proposed PUD – Master Land Use Plan involves the construction of two duplex buildings on the vacant property at the SW corner of Townline Avenue and Whipple Street (1402 Townline Avenue). The applicant has also proposed the construction of three self-service storage buildings on this vacant land, along with the construction of a driveway connection to the existing commercial property at 1405 Madison Road, which will be remodeled and expanded into an office building for this storage complex.
- This application is being considered in accordance with the Zoning Map Amendment procedures contained in Section 2-300 of the Zoning Ordinance.

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

- Consideration of this request supports Strategic Goal #5.

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

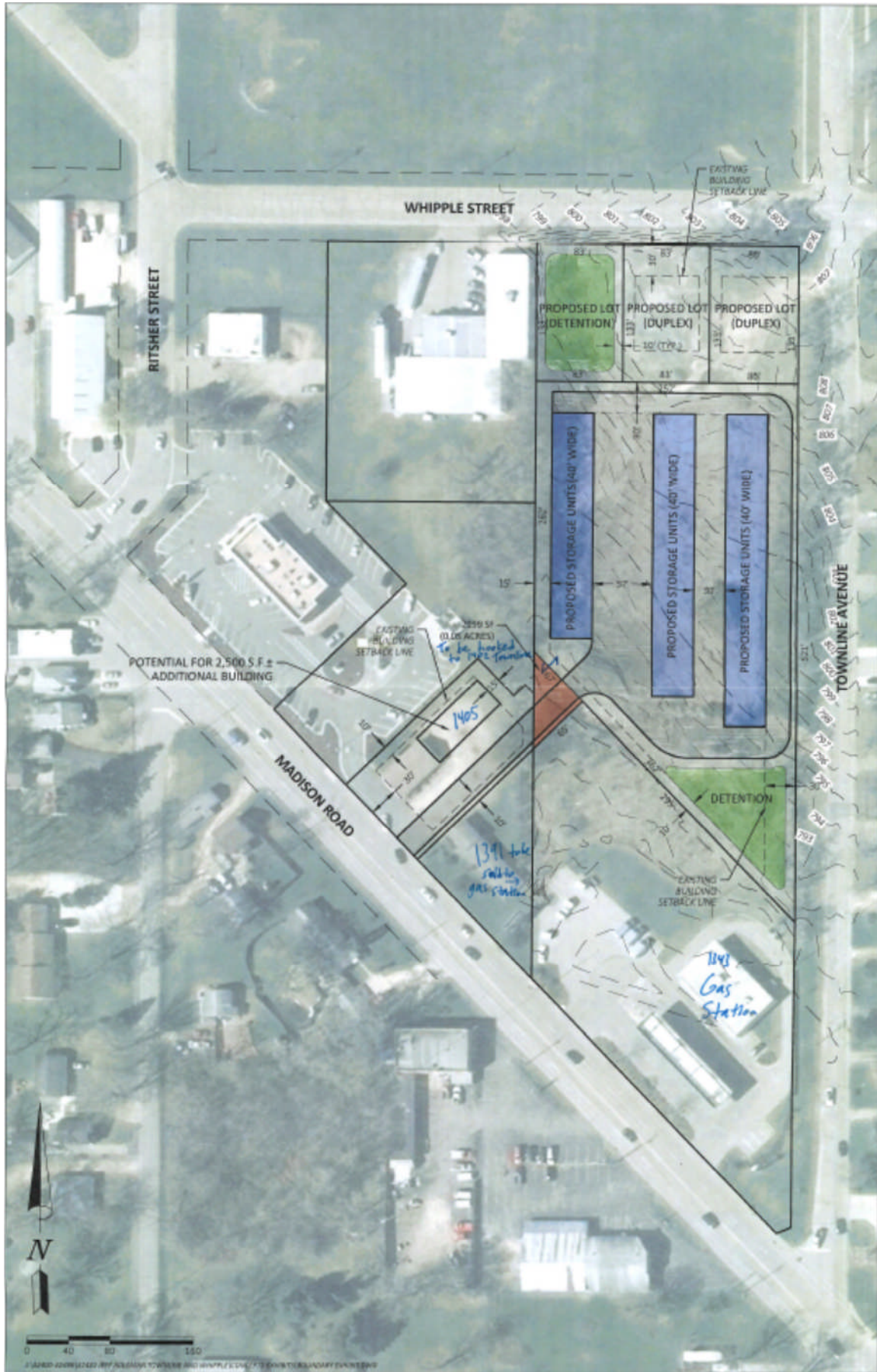
- **Reduce dependence upon fossil fuels** – N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and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

Action required/Recommendation:

- Referral to the Plan Commission for the December 7, 2016 meeting
- This item will most likely return to the City Council for a public hearing and possible action on January 17, 2017

Fiscal Note/Budget Impact: N/A

Attachments: Proposed PUD – Master Land Use Plan and Application



6.c ZMA-2016-05, 1405 Madison Road + 1402 Townline Avenue, Council Referral

CITY of BELOIT

PLANNING & BUILDING SERVICES DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

Zoning Map Amendment Application Form

(Please Type or Print)

File No.: 2MA-2016-05

1. Address of subject property: 1405 MADISON RD, 1343 1/2 MADISON RD, 1402 TOWNLINE AVE.

2. Legal description: Lot: _____ Block: _____ Subdivision: LOT 1 CSM V 11 P. 538
LOT 1 CSM V 20 P. 381 1/2 PARCEL A
(If property has not been subdivided, attach a copy of the complete legal description from deed.) ATTACHED

Property dimensions are: _____ feet by _____ feet = _____ square feet.

If more than two acres, give area in acres: 3.44 4.00 acres.

3. Tax Parcel Number(s): 12760005, 12760010, 12760020

4. Owner of record: JEFFREY ADLEMAN Phone: 289-6340
PO Box 598 SOUTH BELOIT IL 61080
(Address) (City) (State) (Zip)

5. Applicant's Name: RH BATTERMAN - FRANK MCKEAN
2857 BARTELLS DR BELOIT WI 53511
(Address) (City) (State) (Zip)
(608) 365-4464 / MA / FRANKMCKEAN@RHBATTERMAN.COM
(Office Phone #) (Cell Phone #) (E-mail Address)

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

Change zoning district classification from: C-2 to: PUD

All existing uses on this property are: VALENT/UNDEVELOPED; B-COMMERCIAL

7. All the proposed uses for this property are:

Principal use(s): STORAGE UNITS AND DUPLEXES

Secondary use(s): N/A

Accessory use(s): N/A

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

Owner

Leasehold, Length of lease: _____

Contractual, Nature of contract: OFFER TO PURCHASE

Other, explain: _____

9. Individual(s) responsible for compliance with conditions (if any), if request is granted:

Name(s): JEFF ADLEMAN Phone: 608.289.6340
P.O. Box 598 SOUTH BELOIT IL 61080
(Address) (City) (State) (Zip)

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/we, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/we represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/we also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

(Signature of Owner) (Print name) (Date)
Frank McKeown | Frank McKeown | 11/1/16
(Signature of Applicant, if different) (Print name) (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application and all accompanying documents to the Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant, and it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff

Filing Fee: \$275.00 Amount Paid: \$275.00 Meeting Date: Dec. 7, 2016
check # 62415
Number of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: Drew Pennington Date: 11/1/16
Date Notice Published: _____ Date Notice Mailed: _____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Conditional Use Permit Application for the property located at 3022 Ford Street – Council Referral to the Plan Commission

Date: December 5, 2016

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Richard Steldt, on behalf of KDN Hospitality LLC, has filed an application for a Conditional Use Permit to allow a 6-story hotel building in a C-3, Community Commercial District, for the property located at 3022 Ford Street.

Key Issues (maximum of 5):

- The applicant has proposed the redevelopment of the subject property, which is a former lumberyard at the SW corner of the I-43 & I-39/90 interchange. This height request is related to the proposed reconstruction of this interchange, which contemplates elevated on-ramps to southbound I-39/90 from Milwaukee Road and I-43 southbound that will be immediately adjacent to the subject property.
- As shown on the attached plan, the applicant has proposed the construction of a 127-unit hotel building with an overall height of 6 stories/73 feet above grade. While the hotel use is permitted by-right in the C-3 district, the maximum height in the C-3 district is 4 stories/55 feet unless exceeded through review and approval of a Conditional Use Permit.
- The application and preliminary plans are attached to this report. If this request is approved, the applicant will submit detailed site & architectural plans for staff review & approval.

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

- Consideration of this request supports Strategic Goal #5.

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

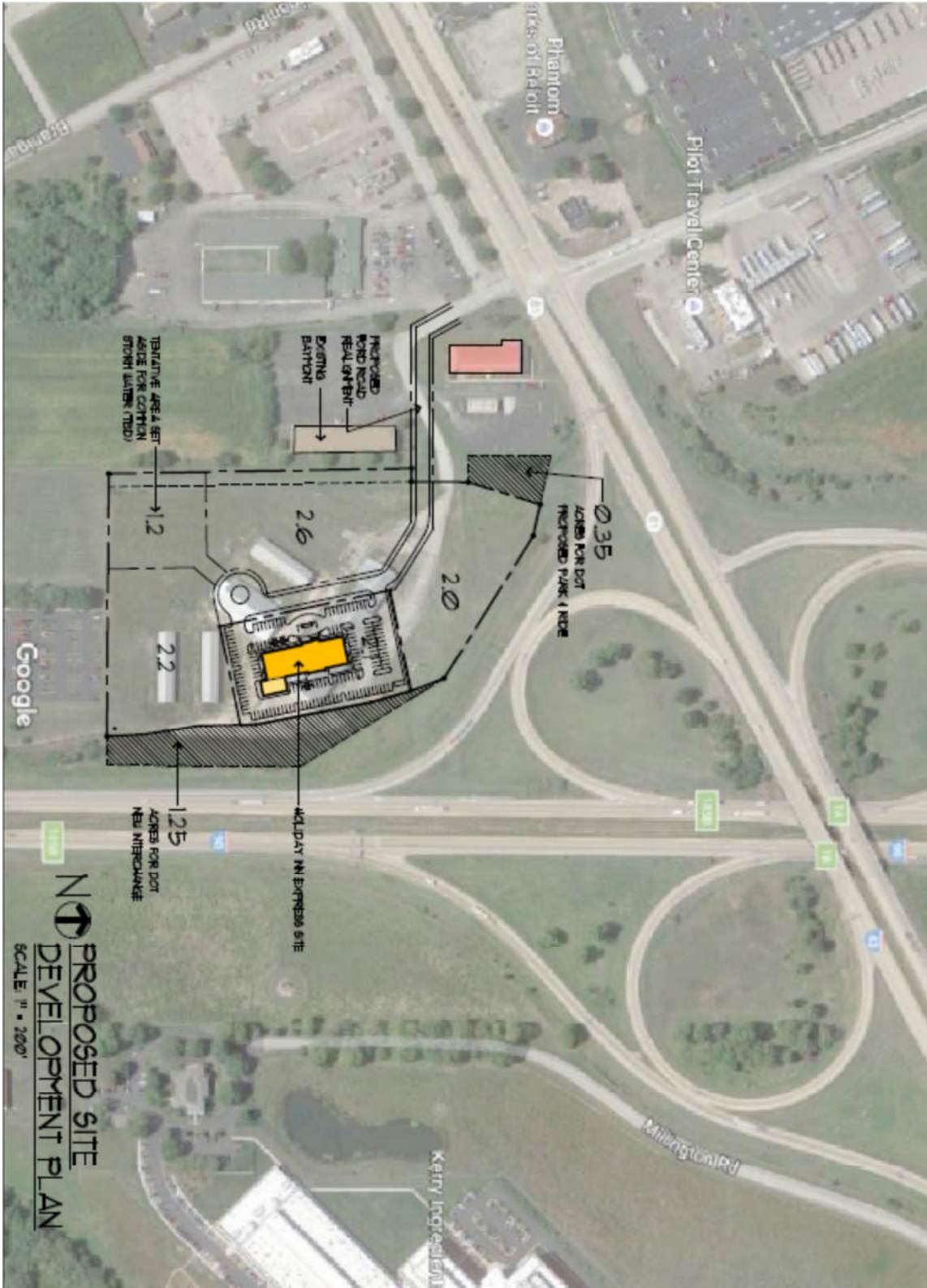
- Reduce dependence upon fossil fuels – N/A
- Reduce dependence on chemicals and other manufacturing substances that accumulate in nature – N/A
- Reduce dependence on activities that harm life sustaining eco-systems – N/A
- Meet the hierarchy of present and future human needs fairly and efficiently –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

Action required/Recommendation:

- Referral to the Plan Commission for the December 7, 2016 meeting
- This item will most likely return to the City Council for a public hearing and possible action on December 19, 2016

Fiscal Note/Budget Impact: N/A

Attachments: Preliminary Plans & Application




PROPOSED SITE DEVELOPMENT PLAN
 SCALE: 1" = 200'

1 OF 4	<p> PROPOSED HOLIDAY INN EXPRESS BELOIT, WISCONSIN </p>	<p> This document is the property of Richard F. Steldt & Associates, Ltd. It is to be used only for the project and site described herein. It is not to be distributed, copied, or otherwise used for any other project or site without the written consent of Richard F. Steldt & Associates, Ltd. </p>	<p> RICHARD F. STELDT & ASSOCIATES, LTD. ARCHITECTS <small>(608) 831-8500</small> <small>815 WILSON APPELTON AVE., MENAISHOHN PARK, WI 53051</small> </p>
		<p>DATE: 11-07-16</p>	



PROPOSED HOLIDAY INN EXPRESS
LOOKING SOUTH-EAST

CITY of BELOIT

Planning and Building Services Division

100 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-6609

Conditional Use Permit Application

(Please Type or Print)

File Number: Cu-2016-08

1. Address of subject property: 3022 FORD STREET

2. Legal description: SEE attached site plan

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

Property dimensions are: _____ feet by _____ feet = _____ square feet.

If more than two acres, give area in acres: 10 plus acres acres.

3. Tax Parcel Number(s): 229 100 15

4. Owner of record: KDN HOSPITALITY LLP Phone: 608 289 2598

616 MIDLAND RD JANESVILLE WI 53516
(Address) (City) (State) (Zip)

5. Applicant's Name: RICHARD F. STELDT - ARCHITECT

N85 W1605B Appleton Ave. Medaconnoc Falls, WI 53051
(Address) (City) (State) (Zip)

262-502-4500 1262-388-1098 rfsteldt@sbcglobal.net
(Office Phone #) (Cell Phone #) (E-mail Address)

6. All existing use(s) on this property are: VACANT O LUMBER BUILDING

7. THE FOLLOWING ACTION IS REQUESTED:

A Conditional Use Permit for: 6 story Holiday Inn Express

_____ in a(n) _____ Zoning District.

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

Principal use: hotel

Secondary use: T.B.O.

Accessory use: T.B.O.

9. **Project timetable:** Start date: Spring 2017 Completion date: Spring 2018
10. I/We represent that I/we have a vested interest in this property in the following manner:
- Owner
 - Leasehold, length of lease: _____
 - Contractual, nature of contract: _____
 - Other, explain: _____

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/We, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/We represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/We also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

Daniel Weitzel / DANIEL J WEITZEL / 11-11-16
(Signature of Owner) (Print name) (Date)

Richard F. SteLOT / RICHARD F STELOT / 10.25.16
(Signature of Applicant, if different) (Print name) (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application, and all accompanying documents, to the Planning and Building Services Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with one copy of a scaled drawing showing the layout of the proposed development in accordance with all code requirements, and the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant and these costs are typically between \$5.00 and \$15.00.

To be completed by Planning Staff		
Filing fee: <u>\$275.00</u>	Amount paid: <u>\$275.⁰⁰</u>	Meeting date: <u>Dec. 7, 2016</u>
No. of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____		
Application accepted by: <u>Don Livingston</u>		Date: <u>11/11/16</u>

RESOLUTION
REJECTING ALL BIDS FOR PUBLIC WORKS CONTRACT C16-21
Beloit Public Library Blender Café

WHEREAS, the capital improvements budget for 2016 provided funding and an appropriation for a project to convert the Beloit Public Library Children's Preschool Area and Program Room into the Blender Café at Beloit Public Library; and

WHEREAS, the Beloit Public Library is responsible for funding above the amount budgeted in the 2016 capital improvements budget; and

WHEREAS, project design and construction bid specifications were developed by the Library's Consulting Architect and distributed to qualified contractors; and

WHEREAS, on November 22, 2016, six competitive bids were received; and

WHEREAS, all bids received were significantly higher than the available funding for the project; and

NOW, THEREFORE, BE IT RESOLVED that the City of Beloit has determined that it is in the best interest of the City to reject any and all bids received for the Beloit Public Library Blender Café project and said bids are hereby rejected pursuant to the City of Beloit reservation of the right to reject said bids.

Dated at Beloit, Wisconsin this 5th day of December, 2016.

City Council of the City of Beloit

David F. Luebke, President

ATTEST:

Lorena Rae Stottler, City Clerk

CITY OF БЕЛОIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Rejection of Bids for Contract C16-21, Beloit Public Library Blender Café

Date: December 5, 2016

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

Overview/Background Information:

This project will convert the Beloit Public Library Children's Preschool Area and Program Room into the Blender Café.

Key Issues (maximum of 5):

1. Six bids were received for this project. The low bid of \$ 216,200.00 was from Gilbank Construction and is 48.94% more than the architect's estimate of \$ 145,160.00.
2. The bids ranged from \$ 216,200.00 to \$ 270,188.00.
3. The budget for this project was \$ 166,000.00.

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 enhance the use of the facility by attracting Library patrons and encouraging them to linger.

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 cafe will become a place to meet friends and nourish the body as well as the mind.

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 the rejection of all bids and no award at this time. The project would then be sent back to the Architect for the preparation of cost saving revisions and alternates, and / or additional funding may be identified. A revised project may be re-bid early next year.

Fiscal Note/Budget Impact:

Adequate funding is currently not available from the Library budget.

CITY OF BELOIT

DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch
FROM: Andy Hill, Project Engineer 
DATE: November 22, 2016
SUBJECT: Bid Results for Contract C16-21
Beloit Public Library Blender Café

Pursuant to advertisements placed November 2 and November 14, bids were received until 2:00 PM on November 22 for the Beloit Public Library Blender Café.

Six bids were received for this project as follows:

1. Gilbank Construction	Clinton, WI	\$ 216,200.00	*Low
2. Klobucar Construction	Beloit, WI	\$ 217,000.00	
3. Scherrer Construction	Burlington, WI	\$ 241,613.00	
4. Magill Construction	Elkhorn, WI	\$ 245,000.00	
5. Rockford Structures	Machesney Park, IL	\$ 256,800.00	
6. Corporate Contractors	Beloit, WI	\$ 270,188.00	
Engineer's Estimate		\$ 145,160.00	

Upon review of the Contractor's Proof of Responsibility Statement, Gilbank Construction is determined to be a responsible bidder.

I recommend that the project scope be revised to lie within the available funding or that available funding be increased. The project should not be awarded at this time.

PROJECT INFORMATION

This project will convert the Beloit Public Library Children's Preschool Area and Program Room into the Blender Café.

RESOLUTION APPROVING THE STATE PLAN OF OPERATIONS AGREEMENT BETWEEN THE STATE OF WISCONSIN AND THE CITY OF БЕЛОIT RELATED TO THE LESO PROGRAM

WHEREAS, the City of Beloit Police Department has received equipment through the U.S. Department of Defense (DOD), 1033 program (k/n/a LESO Program); and

WHEREAS, the City of Beloit Police Department Honor Guard has benefited from the excess DOD property by saving City of Beloit from purchasing rifles for this purpose; and

WHEREAS, the City of Beloit Police Department intends to use the four rifles solely for the department's honor guard; and

WHEREAS, the program requires the State Plan of Operations (SPO) agreement between the City of Beloit and the State of Wisconsin be approved by its governing body.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beloit hereby approves the attached *State Plan of Operations Agreement between the State of Wisconsin and the City of Beloit* and authorizes the City Manager of the City of Beloit to execute said Agreement and any other documents necessary to carry out the terms and conditions of this resolution on behalf of the City of Beloit.

Adopted this 5th day of December 2016.

CITY COUNCIL OF THE CITY OF БЕЛОIT

David F. Luebke, Council President

ATTEST:

Lorena Rae Stottler, City Clerk

CITY OF БЕЛОIT



REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: RESOLUTION APPROVING STATE PLAN OF OPERATIONS AGREEMENT BETWEEN THE STATE OF WISCONSIN AND THE CITY OF БЕЛОIT

Date: December 5, 2016

Presenter: Chief David Zibolski

Department: Police Department

Overview/Background Information:

The U.S. Department of Defense 1033 Program permits the Secretary of Defense to transfer excess Department of Defense supplies and equipment to local law enforcement agencies for use in their law enforcement duties. This property is procured at no cost to the agency with the exception of any shipping or transportation costs. The Beloit Police Department received four - 7.62 MM rifles through the 1033 program several years ago. The rifles are fully functional and assigned to the department's honor guard. The City is required to execute the attached agreement with the State of Wisconsin as part of this program.

Key Issues:

1. The State Plan of Operation (SPO) Agreement is entered into between the State of Wisconsin and the Chief Law Enforcement Official of the Law Enforcement Agency (LEA), to set forth the terms and conditions which will be binding on the parties with respect to excess Department of Defense (DOD) personal property which is transferred pursuant to Title 10 USC § 2576a and to promote the efficient and expeditious transfer of the property and to ensure accountability.
2. The only equipment the City has under the 1033 program is four rifles assigned and used by the honor guard.
3. The program requires an agreement between the state and recipient agency as a condition of receipt of the DOD property.

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

This agreement supports Strategic Goal #1 to create and sustain safe and healthy neighborhoods and Goal #4 to create and sustain a high quality of life.

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 approval of the agreement

Fiscal Note/Budget Impact:

The fiscal impact of this agreement is minimal and included within the approved budget for the Police Department.

Attachments:

Agreement
Resolution

**STATE PLAN OF OPERATIONS
BETWEEN THE STATE OF**

Wisconsin

AND THE

I. PURPOSE

This State Plan of Operation (SPO) is entered into between the State of Wisconsin and the (*LEA name*) _____, to set forth the terms and conditions which will be binding on the parties with respect to excess Department of Defense (DOD) personal property transferred pursuant to 10 USC § 2576a in order to promote the efficient and expeditious transfer of property and to ensure accountability of the same.

II. AUTHORITY

The Secretary of Defense is authorized by 10 USC § 2576a to transfer to State Law Enforcement Agencies, personal property that is excess to the needs of the DOD and that the Secretary determines is suitable to be used by such agencies in law enforcement activities, with preferences for counter-drug / counter-terrorism or border security activities, under such terms prescribed by the Secretary. The authorities granted to the Secretary of Defense have been delegated to the Defense Logistics Agency (DLA) in determining whether property is suitable for use by agencies in Law Enforcement Activities (LEAs). DLA defines law enforcement activities as activities performed by governmental agencies whose primary function is the enforcement of applicable Federal, State, and local laws and whose compensated law enforcement officers have powers of arrest and apprehension. This program is also known as the “1033 Program” or the “LESO Program” and is administered by DLA Disposition Services, Law Enforcement Support Office (LESO).

III. GENERAL TERMS AND CONDITIONS

A. OPERATIONAL AUTHORITY

The Governor of the State of Wisconsin has designated in writing with an effective date of November 14, 2013 to implement this program statewide as well as conduct management and oversight of this program. Funding / Budgeting to administer this program is provided by the Wisconsin Department of Administration and Wisconsin Law Enforcement Agencies.

The provided funding is used to support assistance to the LEAs with customer service to include computer / telephone assistance and physical visits to the LEAs to assist with acquiring access to

the LESO Program. The staffing to provide the support to the LEAs within the State of Wisconsin is as follows:

State Coordinator (SC): Brian M. Satula

State Point of Contact (SPOC): Lara Kenny

State Point of Contact (SPOC): Michael Jordan

State Point of Contact (SPOC): Caitlin Snyder

The following is the facility / physical location and business hours to provide customer service to those LEAs currently enrolled, as well as interested participants of the LESO Program:

Agency Address / Location:

Wisconsin Emergency Management, 2400 Wright Street, Madison, WI 53707

EMAIL / Contact Phone Numbers:

Brian.satula@wisconsin.gov, 608-242-3210

Lara.kenny@wisconsin.gov, 608-242-3230

Michael.jordan@wisconsin.gov, 608-242-3335

Caitlin.snyder@wisconsin.gov, 608-242-3332

Fax Number: 608-242-3247

Hours of Operation: 8am -5pm

B. The DLA LESO has final authority to determine the type, quantity, and location of excess DOD personal property suitable for law enforcement activities, if any, which will be transferred to the (*LEA name*) _____.

C. This agreement creates no entitlement to the LEA to receive excess DOD personal property.

D. The (*LEA name*) _____ understands that property made available under this agreement is for the use of authorized program participants only. Property may not be obtained for any individual, organization, or agency that has not been approved as a participant in the LESO Program. All requests for property must be based on bona fide law enforcement requirements. Property will not be obtained by any authorized participant for the purpose of sale, lease, loan, personal use, rent, exchange, barter, transfer, or to secure a loan.

E. Controlled property (equipment) includes any property that has a demilitarization (DEMIL) Code of B, C, D, F, G, and Q; and property, regardless of demilitarization code, that was specifically identified in the Law Enforcement Equipment Working Group Report from

May 2015, created pursuant to Executive Order 13688 (EO). The Working Group Report mandates that the following items be treated as controlled property:

- 1) Manned Aircraft, fixed or rotary wing
- 2) Unmanned Aerial Vehicles
- 3) Wheeled Armored Vehicles
- 4) Wheeled Tactical Vehicles
- 5) Command and Control Vehicles
- 6) Specialized Firearms and Ammunition Under .50 Cal (excluded firearms and ammunition for service-issued weapons)
- 7) Explosives and Pyrotechnics
- 8) Breaching apparatus
- 9) Riot Batons
- 10) Riot Helmets
- 11) Riot Shields

For more information on Executive Order 13688 and the Working Group Report that outlines the rationale behind the recommendations and restrictions, the full documents can be read at: <https://www.gpo.gov/fdsys/pkg/FR-2015-01-22/pdf/2015-01255.pdf> and https://www.whitehouse.gov/sites/default/files/docs/le_equipment_wg_final_report_final.pdf.

F. LEAs that request items in Paragraph E above must provide all required information outlined in the Law Enforcement Equipment Working Group Report and all information on the LESO request form. Among other specific requirements identified in these documents, LEAs will be required to certify and submit:

- 1) A detailed written justification with a clear and persuasive explanation of the need for the property and the law enforcement purposes it will serve;
- 2) Evidence of approval or concurrence by the LEA's civilian governing body (city council, mayor, etc.);
- 3) The LEA's policies and protocols on deployment of this type of property;
- 4) Certifications on required training for use of this type of property; and
- 5) Information on whether the LEA has applied, or has pending an application, for this type of property from another Federal agency.

G. The (*LEA name*) _____ must maintain and enforce regulations designed to impose adequate security measures for controlled property to mitigate the risk of loss or theft.

H. Under no circumstances will controlled property be sold or otherwise transferred to non-U.S. persons, or exported. All transfers must be approved by the State and DLA Disposition Services LESO.

I. Cannibalization requests for controlled property must be submitted in writing to the State,

with final approval by the LESO. The LESO will consider cannibalization requests on a case-by-case basis.

J. The LESO conditionally transfers all excess DOD property to States / LEAs enrolled in the LESO Program. Title or ownership of controlled property will remain with the LESO in perpetuity and will not be relinquished to the LEAs. When the LEA no longer has legitimate law enforcement uses for controlled property, the LEA must notify the State, who will then notify the LESO, and the controlled property must either be transferred to another enrolled LEA (via standard transfer process) or returned to DLA Disposition Services for disposal. The LESO reserves the right to recall controlled and non-controlled property issued through the LESO Program at any time. In the event of a recall, the LEA may be responsible for costs of property turn-in.

K. Property with a DEMIL Code of "A" is also conditionally transferred to the LEA. However, after one year from the Ship Date, the LESO will relinquish ownership and title to the LEA. Prior to this date, the State and LEA remains responsible for the accountability and physical control of the item(s) and the LESO retains the right to recall the property. Title will not be relinquished to any property with DEMIL Code of "A" that is controlled property identified in Paragraph III E.

- 1) Property with DEMIL Code of "A" will automatically be placed in an archived status on the LEAs property book upon meeting the one year mark.
- 2) Once archived, the property is no longer subject to annual inventory requirements and will not be inventoried during a LESO Program Compliance Review (PCR).
- 3) Ownership and title of DEMIL "A" items that have been archived will pass automatically from the LESO to the LEA when they are archived at the one year mark (from Ship Date) without issuance of any further documentation.
- 4) LEAs receive title and ownership of DEMIL "A" items as governmental entities. Title and ownership of DEMIL "A" property does not pass from DOD to any private individual or LEA official in their private capacity. Accordingly, such property should be maintained and ultimately disposed of in accordance with provisions in State and local law that govern public property. Sales or gifting of DEMIL "A" property after the one year mark in a manner inconsistent with State or local law may constitute grounds to deny future participation in the LESO Program.

L. The LEAs are not authorized to transfer controlled property or DEMIL Code "A" property carried on their inventory without LESO notification and approval. Property will not physically move until the State and LESO approval process is complete.

IV. ENROLLMENT

A. An LEA must have at least one full-time law enforcement officer in order to enroll and/or receive property via the LESO Program. Only full-time and part-time law enforcement officers

are authorized to receive property. Reserve officers are not authorized to receive property.

In Wisconsin, LEA enrollment is governed by WEM Policy 3003.2:

http://emergencymanagement.wi.gov/1033/docs/WEM_Policy_3003.2_1033_Program_Enrollment.pdf

B. The State shall:

- 1) Implement LESO Program eligibility criteria in accordance with 10 USC § 2576a, DLA Instructions and Manuals, and the DLA MOA the State signs.
- 2) Receive and process applications for participation from LEAs currently enrolled and those LEAs that wish to participate in the LESO Program.
- 3) Receive and recommend approval or disapprove LEA applications for participation in the LESO Program. The State Coordinators have sole discretion to disapprove LEA applications on behalf of the Governor of their State. The

LESO should be notified of any applications disapproved at the State Coordinator level. The State Coordinator will only forward and recommend certified LEAs to the LESO that are government agencies whose primary function is the enforcement of applicable Federal, State, and local laws and whose compensated officers have the powers of arrest and apprehension. The LESO retains final approval / disapproval authority for all LEA applications forwarded by State Coordinators.

- 4) Ensure LEAs enrolled in the LESO Program update the LEAs account information annually (accomplished during the FY Annual Inventory in the Federal Excess Property Management Information System [FEPMIS]).
- 5) Provide a comprehensive overview of the LESO Program to all LEAs once they are approved for enrollment. This comprehensive overview must be done within thirty (30) days and include, verbatim, the information contained in Paragraph III E of this SPO.
- 6) Ensure that screeners of property are employees of the LEA. Contractors may not conduct screening on behalf of the LEA.
- 7) Ensure that at least one person per LEA maintains access to the FEPMIS. Account holders must be employees of the LEA.

V. ANNUAL INVENTORY REQUIREMENTS

A. Per the DLA Instructions and Manuals and the DLA MOA, each State and participating LEA within is required to conduct an annual inventory certification of controlled property, which includes DEMIL "A" for one (1) year from Ship Date. Annual inventories start on October 1 of each year and end January 31 of each year. LEAs in Wisconsin must submit certified inventories by the date established by the State Coordinator in order to meet the January 31 deadline.

B. The State shall:

- 1) Receive, validate, and reconcile incoming certified inventories from the LEAs.
- 2) Ensure LEAs provide serial numbers and photos identified during the annual inventory process for inclusion in the LESO property accounting system for all controlled property identified in Paragraph III E, small arms and other unique items as required. For equipment that does not contain a serial number, such as riot control or breaching equipment, a photograph will suffice.
- 3) Suspend the LEA as a result of the LEAs failure to properly conduct and/or certify and submit certified inventories, according to the aforementioned requirements.

C. The LEA shall:

- 1) Complete the annual physical inventory as required.
- 2) Provide serial numbers and photos identified in the annual inventory process for inclusion in the LESO property accounting system for all controlled property identified in Paragraph III E, small arms and other unique items, as required. For equipment that does not contain serial number, such as riot control or breaching equipment, a photograph will suffice.
- 3) Certify the accountability of all controlled property received through the LESO Program annually by conducting and certifying the physical inventory. The LEA must adhere to additional annual certification requirements as identified by the LESO.
 - a. The State and the LESO requires each LEA to submit certified inventories for their Agency by January 31 of each year. The Fiscal Year (FY) is defined as October 1 through September 30 of each year. This gives the LEA four (4) months to physically inventory LESO Program property in their possession and submit their certified inventories to the State Coordinators.
 - (1) The LESO requires a front or side and data plate photo for Aircraft and Tactical Vehicles that are serial number controlled, received through the LESO Program.
 - (2) The LESO requires serial number photos for each small arm received through the LESO Program.
 - (3) Photos of other general property may be required as needed.
 - b. The LEAs failure to submit the certified annual inventory by January 31 or the date established by the State Coordinator may result in the agency being suspended from operations within the LESO Program. Further failure to submit the certified annual inventory may result in a LEA termination.

- 4) Be aware that High Profile Commodities (Aircraft, Tactical Vehicles and Small Arms) and High Awareness (controlled) property are subject to additional controls.

VI. PROGRAM COMPLIANCE REVIEWS

A. The LESO conducts a Program Compliance Review (PCR) for each State that is enrolled in the LESO Program every two (2) years. The LESO reserves the right to require an annual PCR, or similar inspection on a more frequent basis for any State. The LESO PCRs are performed in order to ensure that State Coordinators, SPOCs and all LEAs within a State are compliant with the terms and conditions of the LESO Program as required by 10 USC § 2576a, DLA Instructions and Manuals, and the DLA MOA signed by the State.

- 1) If a State and/or LEA fails a PCR, the LESO will immediately suspend their operations and will subsequently issue corrective actions (with suspense dates) to the State Coordinator, which will identify what is needed to rectify the identified deficiencies within the State and/or LEA.
- 2) If a State and/or LEA fails to correct identified deficiencies by the given suspense dates, the LESO will move to terminate the LESO Program operations within the State and/or LEA.

B. The State shall:

- 1) Support the LESO PCR process by:
 - a. Contacting LEAs selected for the PCR review via phone and/or email to ensure they are aware of the PCR schedule and prepared for review.
 - b. Receiving inventory selection from the LESO. The LEA POCs shall gather the selected items in a centralized location to ensure that the LESO can efficiently inventory the items.
 - c. Providing additional assistance to the LESO as required, prior to and during the course of the PCR.
- 2) Conduct internal Program Compliance Reviews of LEAs participating in the LESO Program in order to ensure accountability, program compliance and validate annual inventory submissions are accurate. The State Coordinator must ensure an internal PCR of at least 5% of LEAs that have a property book from the LESO Program within his / her State is completed annually. This may result in a random review of all or selected property at the LEA. Wisconsin's internal PCR of LEAs is governed by WEM Policy 3003.4:
http://emergencymanagement.wi.gov/1033/docs/WEM_Policy_3003.4_1033_Program_Compliance.pdf
 - a. The internal PCR will include, at minimum:
 - (1) A review of each selected LEAs LESO Program files.

- (2) A review of the signed State Plan of Operation (SPO).
 - (3) A review of the LEA application and screener's letter.
 - (4) A physical inventory of the LESO Program property at each selected LEA.
 - (5) A specific review of each selected LEAs files for the following:
DD Form 1348-1A for each item currently on inventory, small arms documentation, transfer documents, turn-in documents, inventory adjustment documents, exception to policy letters (if any), approved cannibalization requests (if any), and other pertinent documentation as required.
- b. The State and/or LEA will bear all expenses related to the repossession and/or turn-in of LESO Program property to the nearest DLA Disposition Services site. In Wisconsin, the LEA will bear all expenses related to the repossession, transfer, or turn-in of LESO Program property.

VII. STATE PLAN OF OPERATION (SPO)

A. The State shall:

- 1) Identify, establish, and issue minimum criteria to be included in the SPO for the State and each participating LEA.
- 2) Establish a State Plan of Operation, developed in accordance with Federal and State law, and conforming (at minimum) to the provisions of the DLA Instruction and Manuals and the DLA MOA.
 - a. The SPO will include detailed organizational and operational authority including: staffing, budget, facilities, and equipment that the State believes is sufficient to manage the LESO Program within their State.
 - b. The SPO must address procedures for making determinations of LEA eligibility, allocation, and equitable distribution of material, accountability and responsibility concerning excess DOD personal property, inventory requirements, training and education, State-level internal Program Compliance Reviews (PCR), and procedures for turn-in, transfer, and disposal.
- 2) Enter into written agreement with each LEA, via the LESO approved State Plan of Operation, to ensure the LEA fully acknowledges the terms, conditions, and limitations applicable to property transferred pursuant to this agreement. The State Plan of Operation must be signed by the Chief Law Enforcement Official (CLEO), or assigned designee of the respective LEA, and the current State Coordinator.

- 3) Request that the LESO Suspend or Terminate an LEA(s) from the LESO Program when an LEA fails to comply with any term of DLA MOA, the DLA Instruction and Manuals, any Federal statute or regulation, or the State Plan of Operation.

VIII. REPORTING REQUIREMENTS FOR LOST, MISSING, STOLEN, DAMAGED OR DESTROYED LESO PROGRAM PROPERTY

A. All property Lost, Missing, Stolen, (LMS) damaged, or destroyed carried on a LEA's current inventory must be reported to the LESO.

- 1) Controlled property must be reported to the State and the LESO within twenty-four (24) hours. The aforementioned property may require a police and National Crime Information Center (NCIC) report submitted to the LESO, to include DEMIL "A" items that are considered controlled items in Paragraph III E.
 - 2) In the case of lost, missing, or stolen property the LEA must:
 - a. Report LMS property to the State within twenty-four (24) hours.
 - b. Enter any missing weapon information in the National Crime Information Center (NCIC).
 - c. Prepare a police report.
 - d. Conduct an internal investigation to determine cause.
 - e. Submit all requested documentation to the State Coordinator's Office.
 - 3) The State will:
 - a. Notify LESO immediately upon notice of LMS property from the LEA.
 - b. Notify LEA of suspension as outlined in Section XIII of the State Plan of Operations.
 - c. Collaborate with the LEA and LESO to comply with all directives from LESO.
 - 4) Property with a DEMIL Code of "A" must be reported to the State and the LESO within seven (7) days.
- 3) All reports are subject to review by the DLA Office of the Inspector General (OIG).

B. LESO may grant extensions to the reporting requirements listed above on a case-by-case basis.

IX. AIRCRAFT AND SMALL ARMS

A. All aircraft are considered controlled property, regardless of DEMIL Code. Aircraft may not be sold and must be returned to the LESO at the end of their useful life. This State Plan of Operation ensures that all LEAs and all subsequent users are aware of and agree to provide all required controls and documentation in accordance with applicable laws and regulations for these items.

B. LEAs no longer requiring small arms issued through the LESO Program must request authorization to transfer or turn-in small arms. Transfers and turn-ins must be forwarded and

endorsed by the State Coordinator's office first, and then approved by the LESO. Small Arms will not physically transfer until the approval process is complete.

C. Small Arms that are issued must have a documented chain of custody, with the chain of custody including a signature of the receiving officer indicating that he / she has received the appropriate small arm(s) with the correct, specific serial number(s). Small Arms that are issued to an officer will be issued utilizing an Equipment Custody Receipt (ECR); this Custody Receipt obtains the signature of the officer responsible for the small arm and must be updated every time possession of the small arm changes from one officer to another. Two processes that would meet this requirement are:

- 1) Physical signature using the DLA LESO Equipment Custody Receipt (ECR):
http://www.dla.mil/Portals/104/Documents/DispositionServices/LESO/DISP_CustodyCard_151023.pdf
- 2) Internal LEA inventory tracking system that at a minimum captures all required information from the DLA LESO ECR card to include:
 - a) Agency Name
 - b) Officer Name
 - c) Item Nomenclature
 - d) Serial Number
 - e) Quantity
 - f) Original signature or personally identifiable electronic signature

X. RECORDS MANAGEMENT

The LESO, State Coordinator, and LEAs enrolled in the LESO Program must maintain all records in accordance with the DLA Records Schedule. Records for property acquired through the LESO Program have retention controls based on the property's DEMIL Code. All documents concerning a property record must be retained.

- 1) Property records for items with DEMIL Code of "A" must be retained for two (2) calendar years from ship date, and then may be destroyed.
- 2) Property records for controlled property must be retained for five (5) calendar years or for the life span of the property, whichever is longer.
- 3) Environmental Property records must be retained for fifty (50) years, regardless of DEMIL Code (Chemicals, Batteries, Hazardous Material / Hazardous Waste).
- 4) LESO Program files must be segregated from all other records.
- 5) All property records must be filed, retained, and destroyed in accordance with DLA Records Schedule. These records include, but are not limited to, the following:
DD Form 1348-1A, requests for transfer, turn-in, or disposal, approved Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) Forms 10 and 5, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application

(AC 8050-1) and any other pertinent documentation and/or records associated with the LESO Program.

XI. LESO PROGRAM ANNUAL TRAINING

A. 10 USC § 380 provides that the Secretary of Defense, in cooperation with the U.S. Attorney General, shall conduct an annual briefing of law enforcement personnel of each state. The briefing will include information on training, technical support, equipment, and facilities that are available to civilian law enforcement personnel from the Department of Defense.

B. The State shall organize and conduct training pertaining to information, equipment, technical support and training available to LEAs via the LESO Program.

C. The State shall ensure at least one representative (i.e. the State Coordinator or SPOC) attend the annual training that the LESO conducts.

XII. PROPERTY ALLOCATION

A. The State Shall:

- 1) Provide the LESO website that will afford timely and accurate guidance, information, and links for all LEAs who work, or have an interest in, the LESO Program.
- 2) Upon receipt of a valid State / LEA request for property through the DLA Disposition Services RTD website, a preference will be given to those applications indicating that the transferred property will be used in the counter-drug, counter-terrorism, or border security activities of the recipient agency. Additionally, to the greatest extent possible, the State will ensure fair and equitable distribution of property based on current LEAs inventory and justification for property.
- 3) The State and the LESO reserve the right to determine and/or adjust allocation limits. Generally, no more than one of any item per officer will be allocated to an LEA. Quantity exceptions may be granted on a case-by-case basis by the LESO. Currently, the following quantity limits apply:
 - a. Small Arms: one (1) type for each qualified officer, full-time / part-time;
 - b. HMMWVs: one (1) vehicle for every three (3) officers;
 - c. MRAPs: one (1) vehicle per LEA;
 - d. General Property: If an agency requests more than one of any item of general property per officer, their RTD justification must be clear and convincing as to why a larger quantity is needed.
- 4) The State and the LESO reserve final authority on determining the approval and/or disapproval for requests of specific types and quantities of excess DOD property.

B. The LEA shall:

- 1) Ensure an appropriate justification is submitted when requesting excess DOD property via the LESO Program and will ensure LESO Program property will be used for the law enforcement activity and for law enforcement purposes only within his / her State and agency.
- 2) When requesting property, provide a justification to the State and the LESO on how the requests for property will be used in counter-drug, counter-terrorism, or border security activities of the recipient agency. Additionally, the LEA should be fair and equitable when making requisitions based on current LEA inventory and the justification for property. Generally, no more than one of any item per officer will be allocated.
- 3) Ensure screeners of property are employees of the LEA. Contractors may not conduct screening on behalf of the LEA.
- 4) Obtain access to FEPMIS to ensure the property book is properly maintained, to include but not limited to transfers, turn-ins, and disposal requests and to generate these requests at the LEA level and forward all approvals to the State for action.
- 5) Ensure at least one person per LEA maintains access to FEPMIS. FEPMIS account must be employees of the LEA.
- 6) DLA typically allows fourteen (14) days for allocated property to be picked up or for shipping arrangements to be made. If an LEA cannot meet this timeframe, direct coordination with the Disposition Services Site must be made before the end of the 14-day period.
- 7) Once the property has been received, the LEA has 30 days to accept the receipt in FEPMIS.

C. Wisconsin LEA's are not authorized to dispose of controlled property in any other way other than transferring to another eligible LEA or turning in to a DLA Disposition Services Site. Transfers and turn-ins of property will not be executed without the express approval of the State Coordinator and LESO.

XIII. PROGRAM SUSPENSION & TERMINATION

A. The State and LEA are required to abide by the terms and conditions of the DLA MOA in order to maintain active status.

B. The State shall:

- 1) Suspend LEAs for a minimum of sixty (60) days in all situations relating to the suspected or actual abuse of LESO Program property or requirements and/or repeated failure to meet the terms and conditions of the DLA MOA. Suspension

may lead to TERMINATION.

- 2) The State and/or the LESO have final discretion on reinstatement requests. Reinstatement to full participation from a suspension and/or termination is not automatic.
- 3) In coordination with the LESO, issue corrective action guidance to the LEA with suspense dates to rectify issues and/or discrepancies that caused suspension and/or termination.
- 4) Require the LEA to submit results regarding all completed police investigations and/or reports regarding lost, missing, stolen and/or damaged LESO Program property, to include the LEAs Corrective Action Plan (CAP).
- 5) Suspend or terminate an LEA from the LESO Program if an LEA fails to comply with any term of the DLA MOA, the DLA Instruction and Manuals, any Federal statute or regulation, or the State Plan of Operation.
 - a. In the event of an LEA termination, the State Coordinator will make every attempt to transfer the LESO Program property of the terminated LEA to an authorized State or LEA, as applicable, prior to requesting a turn-in of the property to the nearest DLA Disposition Services location.
 - b. In cases relating to an LEA termination, the LEA will have ninety (90) days to complete the transfer or turn-in of all LESO Program property in their possession.

C. The LEA shall:

- 1) Notify the State Coordinator's office and initiate an investigation into any questionable activity or actions involving LESO property issued to the LEA that comes to the attention of the CLEO, and is otherwise within the authority of the Governor / State to investigate. LEAs must understand that the State Coordinators, acting on behalf of their Governor, may revoke or terminate their concurrence for LEA participation in the LESO Program at any time, and for any reason.
- 2) Understand that the State may suspend LEA(s) and/or LEA POC(s) from within their State, based upon their findings during internal Program Compliance Reviews and/or spot checks at the State level.
- 3) Initiate corrective action to rectify suspensions and/or terminations placed upon the LEA for failure to meet the terms and conditions of the LESO Program.
- 4) Be required to complete and submit results regarding all completed police investigations and/or reports regarding lost, missing, stolen and/or damaged LESO Program property. The LEA must submit all documentation to the State and the LESO upon receipt.

- 5) Provide documentation to the State and the LESO when actionable items are rectified for the State and/or LEA(s).
- 6) The LEAs Chief Law Enforcement Official must request reinstatement as required, via the State Coordinator or SPOC(s), to full participation status at the conclusion of a suspension period.

XIV. COSTS & FEES

All costs associated with the transportation, turn-in, transfer, repair, maintenance, insurance, disposal, repossession or other expenses related to property obtained through the LESO Program is the sole responsibility of the State and/or LEA. In Wisconsin, the LEA will bear all expenses related to the transportation, turn-in, transfer, repair, maintenance, insurance, disposal, repossession or other expenses related to LESO Program property.

XV. NOTICES

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XVI. ANTI-DISCRIMINATION

A. By signing this SPO, or accepting excess DOD personal property under this SPO, the State pledges that it and each LEA agrees to comply with applicable provisions of the following national policies prohibiting discrimination:

- 1) On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.) as implemented by DOD regulations 32 CR Part 195.
- 2) On the basis of age, in the Age Discrimination Act of 1975 (42 USC 6101, et seq) as implemented by Department of Health and Human Services regulations in 45 CFR Part 90.
- 3) On the basis of handicap, in Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, P.L. 93-516 (29 USC 794), as implemented by Department of Justice regulations in 28 CFR Part 41 and DOD regulations at 32 CFR Part 56.

B. These elements are considered the minimum essential ingredients for establishment of a satisfactory business agreement between the State and the DOD.

XVII. INDEMNIFICATION CLAUSE

The State / LEA is required to maintain adequate insurance to cover damages or injuries to persons or property relating to the use of property issued under the LESO program. Self-insurance by the State / LEA is considered acceptable. The U.S. Government assumes no liability for damages or injuries to any person(s) or property arising from the use of property issued under the LESO program. It is recognized that State and local law generally limit or preclude State Coordinators / LEAs from agreeing to open-ended indemnity provisions. However, to the extent

permitted by State and local laws, the State / LEA shall indemnify and hold the U.S. Government harmless from any and all actions, claims, debts, demands, judgments, liabilities, cost, and attorney's fees arising out of, claimed on account of, or in any manner predicated upon loss of, or damage to property and injuries, illness or disabilities to, or death of any and all persons whatsoever, including members of the general public, or to the property of any legal or political entity including states, local and interstate bodies, in any manner caused by or contributed to by the State / LEA, its agents, servants, employees, or any person subject to its control while the property is in the possession of, used by, or subject to the control of the State / LEA, its agents, servants, or employees after the property has been removed from U.S. Government control.

XVIII. TERMINATION

A. This SPO may be terminated by either party, provided the other party receives thirty (30) days' notice, in writing, or as otherwise stipulated by Public Law.

B. The undersigned State Coordinator and CLEO hereby agree to comply with all provisions set forth herein and acknowledge that any violation of the terms and conditions of this SPO may be grounds for immediate termination and possible legal consequences, to include pursuit of criminal prosecution if so warranted.

XIX. IN WITNESS THEREOF, the parties hereto have executed this agreement as of the last date written below.

Date (MM/DD/YYYY)

Type / Print State Coordinator Name

State Coordinator Signature

Date (MM/DD/YYYY)

RESOLUTION AUTHORIZING THE CITY OF БЕЛОIT TO APPLY FOR THE 2017 ALCOHOL ENFORCEMENT TASK FORCE GRANT FROM THE STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION-BUREAU OF TRANSPORTATION SAFETY

WHEREAS, the City of Beloit desires to apply to the Wisconsin Department of Transportation-Bureau of Transportation Safety for the 2017 Alcohol Enforcement Task Force Grant; and

WHEREAS, the City of Beloit will act as the administrator of this grant, partnering with other Rock County law enforcement agencies in order to conduct specialized enforcement with a focus of alcohol-related offenses; and

WHEREAS, the City recognizes the benefits of partnering with other Rock County law enforcement agencies to address community concerns, specifically alcohol-related traffic offenses in our neighborhoods; and

WHEREAS, the task force will conduct monthly deployments in identified target areas, take enforcement action against impaired drivers, educate the public, reduce alcohol related incidents involving automobiles, and encourage voluntary sobriety for motorists.

NOW, THEREFORE, BE IT RESOLVED that the City Manager of the City of Beloit is hereby authorized to apply for said grant, to accept the grant, if awarded, and to execute any other documents necessary to effectuate the purpose of this Resolution.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute subrecipient grant agreements with other Rock County communities that participate in the 2017 Alcohol Enforcement Grant Task Force and do all other things necessary to implement the purpose hereof on behalf of the City of Beloit.

Adopted this 5th day of December 2016.

CITY COUNCIL OF THE CITY OF БЕЛОIT

David F. Luebke, Council President

ATTEST:

Lorena Rae Stottler, City Clerk

CITY OF БЕЛОIT



REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: RESOLUTION AUTHORIZING THE CITY OF БЕЛОIT TO APPLY FOR THE 2017 ALCOHOL ENFORCEMENT TASK FORCE GRANT FROM THE STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION-BUREAU OF TRANSPORTATION SAFETY

Date: December 5, 2016

Presenter: Chief David Zibolski

Department: Police Department

Overview/Background Information:

The Beloit Police Department has received and administered an Alcohol Enforcement Grant for over ten years. In 2017 the Wisconsin DOT will be changing the grant administration process by seeking different agencies to administer each grant offered through its Bureau of Traffic Safety (BOTS).

The Beloit Police Department is seeking approval to apply for a \$50,000 Alcohol Enforcement (OWI) Taskforce Grant for 2017. As administrators of the grant, the City will coordinate deployment strategies and fund disbursement with task force members throughout Rock County, complete activity reports, and submit and process reimbursement claims for member agencies.

The grant requires a local soft match of 25%. The Grant also requires the department to participate in High Visibility Enforcements (Drive Sober Winter – 12/15/16-1/1/2-17, Click It or Ticket National Mobilization 5/22 – June 4, 2017 and Drive Sober Labor Day – 8/18 -9/3/2017. The local match for the City of Beloit would be a total of approximately \$5,000 over the twelve month period.

Key Issues:

1. The grant assists the department in expanding and sustaining its goals related to public safety through an intelligence-led approach to reduce alcohol and traffic related incidents, public education, voluntary compliance to drive sober, and enforcement action.
2. The grant funds will be used to target identified accident locations and locations where alcohol and vehicles are involved in criminal activity in the City of Beloit.
3. A memorandum of understanding will be signed by each participating subrecipient member of the task force. WI DOT has identified the task force members:
 - Rock County Sheriff's Department
 - Beloit Police Department
 - Town of Beloit Police Department
 - Clinton Police Department
 - Janesville Police Department
 - Milton Police Department
 - Town of Turtle Police Department

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

This agreement supports Strategic Goal #1 to create and sustain safe and healthy neighborhoods and Goal #4 to create and sustain a high quality of life.

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 approval of the agreement

Fiscal Note/Budget Impact:

The grant requires a soft match of 25% which is accounted for in the adopted 2017 Police Department budget

Attachments:

Agreement
Resolution

Proposed Project Title: ALCOHOL ENFORCEMENT
Type of Municipality: City
Applicant Agency/County: Rock County
 Enforcement Area: Rock County
 Agency Federal Employer ID (FEIN): 396005397
 DUNS Number 073859266

Agency Head or Authorizing Official
 Agency Head or Authorizing Official: David Zibolski
 Title: Chief of Police
 Address: 100 STATE ST
 City: BELOIT
 State: Wisconsin
 Zip Code: 53511

Project Coordinator
 First Name: Daniel
 Last Name: Molland
 Title: Captain
 Address: 100 State ST
 City: Beloit
 State: Wisconsin
 Zip Code: 53511
 Phone: 608-364-6812
 Fax: 608-364-6608
 E-mail Address: mollandd@beloitwi.gov

I agree that the above information is up-to-date and correct.*

Instructions:

- Please complete this page, then click the Save button.
- Required fields are marked with an *.

Alcohol-impaired Driving: In Wisconsin during 2015 alcohol was listed as a contributing factor in 4.2% of all crashes. 33.6% of all vehicle crash fatalities in 2015 were alcohol-related, resulting in 185 deaths. Alcohol-impaired driving is associated with other high-risk behaviors that increase the likelihood of a crash and of significant injury or death occurring; these include speeding, and failure to wear seat belts.

Enforcement Area (Targeting): WisDOT analysis has identified roadway segments patrolled by this agency as 'at-risk'. All alcohol and speed-related crash data from the three previous years for every jurisdiction in Wisconsin were analyzed, including those involving property damage through all ranges of injuries to those that resulted in death. These data were scientifically weighted, following established statistical protocol. Using the weighted data, the Bureau identified those places in Wisconsin with the largest crash frequency due to excess alcohol use or speed. After factoring in each identified, at-risk location's population density, a snapshot of the state's most likely places for similar crashes per capita was established. *Source: BOTS Analysis*

For Alcohol Enforcement Grantees, Reimbursed enforcement must take place between the hours of 6:00P and 4:30A.

Additional Justification

The Beloit Police Department will be administering the 2017 Alcohol Enforcement task Force grant for the members listed in the RPM/SPM note section. Members of the task force will conduct alcohol enforcement deployments within their jurisdiction. members will partner to coordinate deployment days to reduce alcohol related accidents and incidents in Rock County.

RPM/SPM Notes

This is a Alcohol Enforcement (OWI) Taskforce Grant.

The members of the taskforce is as follows:

- * Rock County Sheriffs Department
- * Beloit Police Department
- * Town of Beloit Milwaukee Police Department
- * Clinton Police Department
- * Janesville Police Department
- * Milton Police Department
- * Town of Milton Police Department
- * Town of Turtle Police Department

The amount of the taskforce grant shall be \$50,000.00 and a detailed funding allocation plan to participating taskforce member agencies shall be submitted.

Both Op Plan and signature page should be submitted with the grant at the beginning of the process on the "Supporting Documents" tab.

The budget is for deployments only; no grant funds are for equipment. This grant requires a 25% soft local match. Activity Reports may use one overall monthly statistical report if a pre-approved spreadsheet is attached. Such reports are due on/by the 15th of the next month (example: January's report is due by February 15th). ALL involved agencies MUST participate in mobilization periods such as click it or ticket and drive sober.

ALL agencies are encouraged to attend the quarterly traffic safety commission (TSC) meetings for their County.

- ✓ I agree to the terms and conditions above.

Instructions:

Please complete this page, then click the Save button.

Required fields are marked with an *.

Grantee agrees to adopt a zero tolerance policy for impaired driving during all motor vehicle stops.

Evaluation: Activity Report - Citations

Grantee agrees to adopt a zero tolerance policy for unrestrained occupants during all motor vehicle stops.

Evaluation: Activity Report - Citations

During past deployments, Grantees have typically initiated a recorded traffic stop about every 45 minutes. To maintain or exceed historical activity levels during grant-funded activity Grantee will, on average, initiate a recorded traffic stop every minutes.

Evaluation: Activity Report - Contacts

During past grant-funded deployments, Grantees typically maintain an agency ratio of three citations to one written warning.

Evaluation: Activity Report - Citations/Warnings

Grantee agrees to make contacts with local media, community groups or other groups to increase public awareness of information related to crashes, and subsequent enforcement efforts. This should be done a minimum of once during every quarter of grant approval. Creating partnerships with public and private community groups to enforce public awareness of this campaign is strongly encouraged.

An Agency's failure to meet project Objectives may affect their consideration for future grant awards.

Additional Objectives/Evaluation

Deploy units for a county wide initiative for alcohol enforcement.

Utilize social media to provide education to the public to reduce alcohol related accidents.

✓ I agree to the terms and conditions above.

Instructions:

Please complete this page, then click the Save button.

Required fields are marked with an *.

All grantees agree to adhere to the following policies, which are detailed in the full contract

Grantee is:

- subject to audit and is responsible for complying with appropriate maintenance of records
- subject to on-site monitoring and review of records by BOTS staff
- prohibited from using grant funds to supplant existing state or local expenditures
- prohibited from discriminating against any employee or applicant for employment
- prohibited from receiving grant funds if presently debarred
- prohibited from using these funds to further any type of political or voter activity
- prohibited from using these funds to engage in lobbying activity

If the grant funds will be expended on law enforcement, grantee further certifies:

- that it has a written departmental policy on pursuits
- that it has a written departmental policy on BAC testing of drivers involved in fatal crashes
- that it has a written departmental policy on the use of safety belts by employees
- that it complies with Title VI of the Civil Rights Act of 1964

A-133 Single Audit requirement Verification

****Please check with your Treasurer or Finance department**

The grantee has verified that their political entity (payee for this grant)

- ✓ **IS** or **IS NOT** Subject to A-133 Single Audit requirements.

If subject to A-133 Single Audit requirements, the grantee has verified that its political entity is in compliance and has filed with the Federal Audit Clearing House:

- ✓ **Yes** or **Not Applicable**.

Mandatory Grants Training:

List the name of the person or persons who have taken or are scheduled to take the Mandatory Grants Training. List the name of the person, type of training (i.e. Webinar, Governors Conference, Regional Training or online) and the date of training.

Name	Training Location	Date
Sergeant Christian Dalton	Governor's Conference	8/24/2016

Click [Here](#) for Training Locations.

- ✓ I agree to the terms and conditions above.

Instructions:

Please complete this page, then click the Save button.
 Required fields are marked with an *.

Federal Grant Period:

Grant activities are funded for one federal fiscal year. Funded fiscal year 2017 activities may begin no earlier than **October 1, 2016** and end no later than **September 30, 2017**.

Work Plan/Calendar:

The Work Plan/Calendar contained within this contract is a term of the contract. It describes timing and level of enforcement activity. At a minimum, during the term of this contract:

Grantee will implement at least one deployment each month within the specified grant period as planned in the Work Plan/Calendar. Agencies that receive funding for overtime enforcement must participate in the national mobilizations during the timeframes listed below. Sign-up for mobilizations is in Wise-Grants and is accomplished by activating an activity report under the **View Available Opportunities** button on the home screen. Completing the activity report after the two week mobilization helps BOTS to provide NHTSA with accurate information about the level of enforcement activity in the state AND will give your agency an opportunity to procure equipment.

- December 15th – January 1st, 2017 (Drive Sober - Winter)
- May 22nd – June 4th, 2017 (Click It Or Ticket National Mobilization)
- Aug 18th – Sept 3rd, 2017 (Drive Sober – Labor Day)

NOTE:

NHTSA Grant Funds dictate that during Impaired Driving Enforcement, Grantees must perform enforcement between the hours of 6:00pm and 4:30am.

If grantee cannot perform the planned patrols, BOTS must be notified. Failure to perform planned activity may be considered grounds for terminating the grant.

Month	(A) Deployments	(B) Hours per Deployment	(C) Officers per Deployment	(D) Total Officer Hours (AxB)xC = D
October	0	0	0	0
November	2	4	10	80
December	3	4	10	120
January	2	4	10	80
February	2	4	10	80
March	2	4	10	80
April	2	4	10	80
May	2	4	10	80
June	2	4	10	80
July	2	4	10	80
August	3	4	10	120

September	2	4	10	80
TOTAL	24	44	110	960

WORK PLAN ITEMS – Required:

Saturation Patrols and Sustained Enforcement Deployments:

Grantee will assign only sworn, SFST-trained officers in patrols. Part-time officers may be assigned only if the grant funded activity and their resulting weekly total hours do not exceed 39 hours.

Total Hours:

Grantee agrees to implement 24 deployments for a total of 960 enforcement hours.

Grant Reimbursable Hours & Rate:

Grantee's estimate of funded reimbursable hours is based upon an estimated average hourly wage/fringe rate of \$52.08

Total amount of Wage/Fringe Based on above deployments and rate \$49,996.80

Activity Reporting: Grantee will complete the Activity Reports and submit them to the Grantor no later than the 15th of the month following the activity:

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Instructions:

Please complete this page, then click the Save button.
 Required fields are marked with an *.

Budget Plan:

The Budget spreadsheet within this contract is a term of the contract. Eligible cost items for this project include: Wage and Fringe. Grantee must complete the Federal Share AND Estimated Local Match columns.

Relationship to Work Plan:

All budget items must relate to activities described in the Work Plan. Reimbursement will be based on actual costs, NOT budgeted rates. Only project activities and expenses described in the approved work plan and budget, incurred during the grant period, are eligible for reimbursement. Expenses incurred that are not specified in the budget or work plan will not be reimbursed.

Document Requirements:

Grantee will document hours, wage and fringe rate, and all match costs. Fringe benefit shall be actual costs. Payment for salaries and wages shall be supported by a time and attendance report, or equivalent records, which shall be kept on file at the agency for three years from the date the project closes. Grantor reserves the right to perform monitoring activities, to include ongoing review and audit of department records.

Match Requirements:

A local match of at least 25% of the grant total is required. The match budget line may consist of estimates of program match.

Budget

Item	Federal Grant	Local Match	Totals
Wage/Fringe	\$49,996.80		\$49,996.80
Travel/Mileage	Ineligible	\$2,600.00	\$2,600.00
Training	Ineligible	\$12,500.00	\$12,500.00
Contractual Services	Ineligible		\$0
Equipment	Ineligible		\$0
Materials & Supplies	Ineligible	\$500.00	\$500.00
Other	Ineligible		\$0
Total	\$49,996.80	\$15,600.00	\$65,596.80

Budget Amendments:

If the work plan or other documentation must be changed after the contract is signed, Grantee must submit an amendment request via the WISE Grants System. Amended activity may not commence prior to BOTS approval. Click [Here](#) to see Amendment Process.

Signatures:

The signature of agency head or authorizing official must be attached to this grant application under "Supporting Documents" An electronic grant submission through the WISE Grants System will initiate the grant approval process, but no reimbursement will be made until the signature page is attached.

I agree to the terms and conditions above.

Instructions:

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Forms:

Forms will only be accepted through the WISE Grants. Questions about grant submissions should be referred to either the State Program Manager or the Regional Program Manager.
Click [Here](#) to see the RPM and SPM map.

Project Match Report:

Agencies are required to report adequate match each time they request reimbursement.

Earned Media Event Documentation:

Documentation (hard-copy, faxed and/or electronic copies of media materials) of each earned media event must be submitted to BOTS. An electronic link to a print article, news online or other format is acceptable documentation.

Place of Delivery:

All Electronic Project Deliverables shall be submitted via the WISE Grants System.

Signature Pages shall be attached to this grant application under "Supporting Documentation."

Questions about the Traffic Safety Program or this project should be addressed to the State Program Manager or the Regional Program Manager.

Mailing Address:

Wisconsin State Patrol, BOTS

P.O. Box 7936

MADISON, WI 53707-7936

FAX: (608) 267-0441

I agree to the terms and conditions above.