



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, March 6, 2017

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

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. Vice President Leavy presented a Proclamation in Recognition of Emmanuel Baptist Church celebrating a Century of Service. Pastor Kevin Pullam was grateful to receive the proclamation. File 7148
4. PUBLIC HEARINGS
 - a. Community Development Director, Julie Christensen, presented a resolution approving a Conditional Use Permit to allow an outdoor seating area in a C-3, Community Commercial District, for the property located at 605 Eclipse Blvd. Beloit Public Library Director Nick Dimassis has filed an application for a Conditional Use Permit to allow an outdoor seating area in a C-3, Community Commercial District, for the property located at 605 Eclipse Blvd. The proposed outdoor seating area is related to the Blender Café project, which involves the renovation of the children's programming room into a restaurant. The applicant has proposed the renovation of the outdoor children's garden area into a patio area with stamped concrete, tables, and chairs. This request does not involve alcoholic beverages.

The existing fence around the outdoor children's garden area will be extended to the south along the sidewalk, and a gate will be constructed to serve as a secondary path in & out of the café. The applicant has requested authorization to place up to 8 tables and 32 chairs in the outdoor patio area.

The existing foundation plantings along the library façade are a required landscaping element and will need to be preserved, while the other trees & landscaping in the children's garden area may be modified or removed.

The application, site plan, and photos are attached to this report. The proposed outdoor seating area, as part of the café, will enhance the vitality of the Eclipse Center as an employment and institutional activity center. The proposed outdoor seating area is adjacent to the parking lot and an outdoor access corridor leading to the adjacent mall space. The introduction of dining noise and activity will not impact the use and enjoyment of nearby properties.

The Plan Commission reviewed this item on February 22, 2017 and voted unanimously (5-0) to recommend approval of the Conditional Use Permit, subject to the six conditions included on the resolution.

President Luebke opened the public hearing. No one spoke. President Luebke closed the public hearing. Councilors Leavy and Dunkin made a motion to approve the Resolution as presented. Motion Carried. File 8256
5. PUBLIC COMMENT
 - a. Prior to public comment, President Luebke addressed the audience expressing that the council has the utmost respect for military veterans and that nothing has changed with the City's Ordinance. The City strongly supports our veterans and full ceremonial honors, including a 21-gun salute, and are always welcome in our City cemeteries. There is an ordinance that requires approval and coordination with the Police Department for other locations to ensure public safety issues like traffic

safety and the notification of residents are managed. If a requested location is problematic, alternative locations are always recommended. There have been no prohibitions. The Council is not voting on any items related to this issue at tonight's meeting. The Police Chief is meeting with local funeral directors and the VFW post leader to discuss ways to continue honoring our veterans while meeting public safety needs.

- b. Darryl Addams, 1431 Bittel Street, Beloit addressed the council on the water in his back yard. He said this is not the first time he's addressed the council on this item and he has exhausted conversation with Public Works Director, Greg Boysen. He believes the City is responsible for rectifying the water problems as they are a result of new buildings behind his lot.
- c. Ellen Page, 1798 Post Road, Beloit spoke with concerns of the Kadlec Drive Condominium Addendum that is on the agenda this evening. She has addressed the City Council before on this issue and continues to have concerns for the community safety and traffic flow in this neighborhood.
- d. Phillip Pickett, 2713 Iva Court, Beloit spoke with concerns of the Kadlec Drive Condominium Addendum that is on the agenda this evening. A survey of the neighborhood from a traffic perspective would prove a need to relieve traffic pressures at Hart and Post roads. Extending Kadlec to Elmwood would help. He also believes that this development is an equity issue being made at the expense of existing homeowners.
- e. Prisha Gustina, 1313 11th Street, Beloit addressed the council in support of 21-gun salutes for military veterans. She explained that she doesn't believe that the City Ordinance on discharging firearms was designed to exclude military honors that include a 21-gun salute and encouraged the council to amend the ordinance to correct the issue.
- f. Bill Thorson, 2425 Murphy Woods Road, Beloit addressed the council in support of 21-gun salutes for military veterans. He is born and raised in Beloit and his wife has served 31 years in the Beloit Police Department. He said that Veterans look forward to this military honor and the shots fired from a 21-gun salute is not what causes problems in a community. The peace of a neighborhood depends on the people who serve and he questioned why the Beloit Snappers could have fireworks with no concerns or complaints but this is an issue.
- g. Jerry Murphy, 2355 Cranston Road, Beloit spoke representing Daley, Murphy, Wisch and Associates Funeral Home and Crematorium. He explained that statistically the current cremation rate is 63% nationally and it's expected to trend to 85%. In the last year in his business, 60 Veterans died and 23 were buried in a cemetery, 13 had services at the funeral home, 4 held church services with no burial and 20 had no service at all. He'd like to see the City Ordinance exempt military honors as they are a symbol of gratitude, respect and honor; not a threat to traffic or public safety.
- h. Steve Mayfield, 2023 Jackson Street, Beloit addressed the council in support of 21-gun salutes for military veterans and was representing the Marine Corps League. He too would like to see the City Ordinance exempt military honors.
- i. Maj. James E. Coutts, retired US Army, 2433 Skyline Drive, Beloit addressed the council in support of 21-gun salutes for military veterans. He delivered a handout to the Council on the Military Funeral Honors Program and requested that no Veteran and their family be prohibited from having full military honors. He too would like to see the City Ordinance exempt military honors.
- j. Bill Dorr, 836 Church St, Beloit expressed support of a solution to see all Veterans and their families be able to have full military honors.
- k. Sherry Blakeley, 745 Milwaukee Rd, Apt 2, Beloit expressed support of the speakers who have concerns about the Ordinance not allowing military honors to Veterans. She hopes Beloit can find a way to carry on a long standing tradition of providing this honor to Veterans.
- l. Jordan Lee Mc Intee, 1150 Elm St, Beloit, serves at the VFW for the pancake breakfasts every 1st Sunday of the Month and as a young man has learned much from the Veterans there. He stands behind the VFW and everything they do, including the widespread support of providing military honors off site.
- m. John Murphy, 2355 Cranston Road, Beloit spoke representing Daley, Murphy, Wisch and Associates Funeral Home and Crematorium. He explained that the officers who assisted with the funeral request were professional in asking that the 21-gun salute take place across the street at a City Park instead of on Church Property. He explained the trend is not to bury your loved ones in a cemetery and that guidelines need to be established to respect that trend. He's disappointed that this is news and believes the right thing to do is amend the City Ordinance to exclude military honors. He doesn't believe this is a safety and welfare issue and would like all Veterans to be honored in a way that says thank you for your service at their funeral.

6. CONSENT AGENDA

Councilors Leavy and Preuschl made a motion to adopt consent Agenda as presented. Motion carried.

- a. The Minutes of the regular meeting of February 20, 2017 were approved.
- b. A Resolution approving a Farm Lease between the City of Beloit and Walsh Family Farm, LLC for Burton Street Property was approved. File 7834
- c. An application for a Conditional Use Permit to allow a drive-through use and an outdoor seating area in a C-3, Community Commercial District for property located at 2787 Milwaukee Road was referred to Plan Commission. File 8740
- d. An application for Exception to Architectural Review and the Landscape Code for property located at 2787 Milwaukee Road was referred to Plan Commission. File 8740
- e. An application for a new Class "B" Beer and "Class B" Liquor License for J T Hankins LLC, d/b/a The Restaurant at "Muni", located at 1611 Hackett Street, (Krueger-Haskell Golf Course Clubhouse) Joelle K. Hankins, Agent was referred to ABLCC. File 8721
- f. An application for a new Class "B" Beer and "Class B" Liquor License for Inked Sports Bar LLC, d/b/a Inked Sports Bar, located at 443 E. Grand Avenue, Justin A. Christophersen, Agent was referred to ABLCC. File 8721

7. ORDINANCES

- a. Community Development Director, Julie Christensen, presented a proposed Ordinance amending the Zoning District Map to change the zoning district classification from C-1, Office District to M-1, Limited Manufacturing District for property located at 1895 Gateway Blvd. Gateway Brewing Company LLC has submitted an application for a Zoning Map Amendment to change the zoning district classification from C-1, Office District to M-1, Limited Manufacturing District, for the property located at 1895 Gateway Blvd (previously known as the northernmost 5.1 acres of the property located at 1801 Gateway Blvd). The applicant has made an accepted Offer to Purchase the subject property from the City of Beloit. The Plan Commission recently approved a Certified Survey Map (CSM) that created a separate 5.1-acre parcel known as 1895 Gateway Blvd, which would be purchased by the applicant and developed as a microbrewery that will do business as G5 Brewing Company.

The proposed microbrewery use is the impetus for the requested M-1 zoning district classification. The M-1 zoning district classification will give the applicant greater long-term flexibility by allowing the production & distribution functions that are associated with a growing microbrewery. The City will retain ownership of the remaining 30-acre parent parcel, which will retain its address of 1801 Gateway Blvd and will remain zoned C-1, Office District.

A Location & Zoning Map is attached to this report. As shown on the attached map, the subject property is across from the Northstar property and the Alliant Energy substation, both of which are zoned M-1. The majority of the Gateway Business Park is already zoned M-1, and if approved, this rezoning would simply extend an existing M-1 district that currently ends at the Alliant Energy substation property on the west side of Gateway Blvd.

The Gateway Business Park is planned to include a diverse mix of high-quality office, manufacturing, and warehouse uses with some supporting uses including day care centers, hotels, and restaurants. The subject property is surrounded by undeveloped agricultural land, although the Northstar facility and Alliant Energy substation are nearby. The requested M-1 zoning district classification and planned microbrewery are compatible with the existing nearby uses and the planned business park uses.

The Plan Commission reviewed this item on February 8, 2017 and voted unanimously (6-0) to recommend approval of this Zoning Map Amendment. This is second reading. Councilors Preuschl and Leavy made a motion to approve the Ordinance as presented. Motion carried. File 8642
Ordinance 3595

8. APPOINTMENTS - None

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- a. Councilor Preuschl thanked all Veterans for coming this evening to share their concerns, apologized for any trouble this has caused, and assured them the Ordinance would be reviewed. He announced the 2017 Mushing for Meals Run/Walk event that takes place March 25, 2017 at 9am. This is a fundraiser for Beloit's Meals on Wheels program and he would like people to participate and/or support the event.
- b. Councilor Dunkin congratulated Emmanuel Baptist Church for 100 years. She also thanked the Veterans who appeared this evening and thanked all Veterans for their service.
- c. Councilor Leavy had no report.
- d. Councilor Luebke was honored to present an award to Rod Beaudoin for his service to BIFF and

congratulated all who organized, volunteered or participated in this year's successful Beloit International Film Festival. He was happy to watch the PBS episode of *Around the Corner with John McGivern* that showcased what a wonderful city Beloit is and all it has to offer. It can be viewed on YouTube at <https://www.youtube.com/watch?v=3YLNvMMmhl>.

10. CITY MANAGER'S PRESENTATION

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Community Development Director, Julie Christensen, presented a Resolution approving an Addendum No. 2 to Kadlec Drive Condominium Plat for property located at 2660 Kadlec Drive. Harris & Associates, on behalf of DMW Development, has submitted the attached Condo Plat, which is officially known as Addendum No. 2 to Kadlec Drive Condominium Plat, for the property located at 2660 Kadlec Drive. The Location & Zoning Map shows the location of the property involved in this request. The proposed Condo Plat includes the construction of 42 additional units in 4 additional buildings to complete the Kadlec Drive Condominium project. This project was originally approved and zoned as a Planned Unit Development (PUD) in 2006, and the PUD Resolution authorizes up to 48 condo units. The proposed change to the condo plat is consistent with the property's existing PUD zoning classification, and no additional zoning actions are necessary.

In 2007, the developer obtained approval of a Condo Plat for 36 units. The developer constructed the first 6-unit condo building before discontinuing this development during the recession. In 2016, the applicant obtained approval of a Condo Plat for 42 additional units in 5 additional buildings, but that layout has been changed and the approved 2016 Condo Plat will not be recorded. Addendum No. 2 includes a different building type and layout as shown on the attachments, for a total of 48 units.

Of the four proposed buildings, one is a 6-unit, 1-story building similar to the existing building and three are 12-unit, 2-story buildings for a total of 42 new units. Additional accessory features include a mailroom building, office/maintenance building, and visitor parking stalls.

The Water Resources Director has reviewed the plat and noted that the existing water & sewer mains that are looped through the development are public mains according to a 2014 agreement with the property owner. The City's other Review Agents have reviewed the plat and have not submitted any comments or concerns.

The Plan Commission reviewed the proposed Condo Plat on February 8, 2017 and voted unanimously (6-0) to recommend approval, subject to two conditions. Councilor Leavy thanked the council for the time to gather facts on this matter by laying it over and thanked the citizens for their concerns as well as the developer for his patience. Councilor Preuschl said that while he is clear on what he is voting on this evening he would like to nonetheless find a way for Kadlec Drive to extend out to address the traffic concerns in this area. Councilors Leavy and Preuschl made a motion to adopt the resolution as presented. Motion carried. File 8242

- b. Due to Councilor Dunkin needing to recuse herself from this agenda item, there was not a quorum present to take up this matter so President Luebke postponed a resolution approving 2017 Community Development Block Grant (CDBG) Local funding Priorities until a quorum would be present. File 8725
- c. City Attorney, Elizabeth Krueger presented a Resolution Waiving Right of First Refusal for 1 Reynolds Drive. The City was approached about the potential sale of 1 Reynolds Drive. The City, by virtue of Declaration of Restrictive Covenants, has repurchase rights related to the property. The City has no interest in exercising those rights and wishes to consent to the transfer of the property from One Reynolds Drive, LLC to Phoenix Acquisition LLC. Declaration of Restrictive Covenants permits the City to exercise the Right of First Refusal related to the potential sale of 1 Reynolds Drive. The City has no interest in the property and wishes to consent to the sale of the property. Councilors Leavy and Dunkin made a motion to approve the resolution as presented. Motion Carried. File 3439

12. Councilors Preuschl and Leavy made a motion to adjourn at 8:10 p.m. Motion carried.



Lorena Rae Stottler, City Clerk