



**AGENDA
BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, April 17, 2017**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Proclamation honoring Tony Scodwell (Leavy)
 - b. Proclamation in recognition of Beloit Floral Celebrating 100 years in Business (Leavy)
 - c. Proclamation declaring April 28, 2017 as Arbor Day (Leavy)
 - d. Proclamation declaring April 27, 2017 as Stand Against Racism Day (Leavy)
4. PUBLIC HEARINGS
5. PUBLIC COMMENTS
6. CONSENT AGENDA

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

 - a. Approval of the Minutes of the Special and Regular meetings of April 3, 2017 (Stottler)
 - b. Resolution approving an Electric Transmission Line Easement over a portion of the Eagles Ridge Park property at 3731 Golden Eagle Drive (Christensen)
Plan Commission recommendation for approval 4-0
 - c. Resolution approving a Class “B” Beer License for Los Corrales Restaurant, LLC, d/b/a Los Corrales Restaurant, located at 946 Wisconsin Avenue, Karla P. Robledo Mendoza, Agent (Stottler) ABLCC recommendation for approval 4-0
 - d. Resolution approving Change of Agent on the Class “A” Beer License of Speedway #4293, 2781 Milwaukee Road to Sheryl L. Latronico for the licensing period ending June 30, 2017 (Stottler) ABLCC recommendation for 4-0
 - e. Resolution authorizing Final Payment for Contract C16-04, Wisconsin Avenue Reconstruction-Woodward to White (Boysen)
 - f. Application for a Conditional Use Permit to allow the removal and relocation of office space in the DH, Development Holding District, for property located at 2100 Newark Road (Christensen) Refer to Plan Commission

- g. Resolution awarding Public Works Contract C17-04, Beloit Police Evidence HVAC (Boysen)

7. LICENSES

- a. Resolution approving an Operator's (Bartender's) License for Whitney Walraven (Risse)

8. ORDINANCES

- a. Proposed Ordinance to amend various provisions of Chapters 6, 25 and 29 of the Code of General Ordinances of the City of Beloit pertaining to Hazardous Material Incident Response and the Wastewater Treatment System (Simplot) Second Reading
- b. Proposed Ordinance to remove parking on the east side of Hemlock Street across from 1772 Hemlock Street (Boysen) First Reading

9. APPOINTMENTS

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

- a. Board of Appeals

John P. Petersen, (replacing Randall Fiore) to a regular term ending May 31, 2017

Dustin Gronau, (replacing John P. Petersen) as a 1st Alternate term ending May 31, 2017

- b. Plan Commission

Incumbent James Faragher to a term ending April 30, 2020

Incumbent Erick "Otis" Johnson to a term ending April 30, 2020

- c. Police and Fire Commission

Incumbent Dennis Murphy to a term ending 2022

10. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

11. CITY MANAGER'S PRESENTATION

- a. City Branding and Logo Presentation (Luther)

12. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Resolution approving Water Utility Fees, Charges and Rates for the City of Beloit, Wisconsin (Miller)

13. ADJOURNMENT

** Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's Office at 364-6680, 100 State Street, Beloit, WI 53511.

Dated: April 12, 2017
Lorena Rae Stottler
City of Beloit City Clerk
www.beloitwi.gov

City Council meetings occur on the first and third Mondays of the month. Meetings are televised on Charter Cable Access digital channel 992, and are live streamed via the Beloit Access Television (BATV) YouTube Channel. Council meetings are rebroadcast on Charter Cable Access digital channel 992 multiple times throughout the week, and are archived on the BATV YouTube Channel for viewing at your leisure.

WHEREAS, Tony Scodwell is a Beloit native and graduate of Beloit Memorial High School; and

WHEREAS, Tony Scodwell is a jazz musician and world class trumpet player, as well as a professional photographer; and

WHEREAS, Tony Scodwell was invited to return to Beloit as the 2017 Hall of Fame inductee; and

WHEREAS, Tony Scodwell's impressive resume includes studying at the prestigious Berklee School of Music in Boston, and touring with the Stan Kenton Orchestra, the Tommy Dorsey Orchestra and Frank Sinatra, Jr.; and

WHEREAS, Tony Scodwell has appeared with prominent world performers such as Frank Sinatra, Diana Ross, Tony Bennett, Elvis Presley, Ann Margaret, Tom Jones, Roy Clark, Anthony Newley, Barbra Streisand, and Cher; and

WHEREAS, Tony Scodwell has designed custom signature trumpets and flugelhorns that have gained wide acceptance among professional musicians; and

WHEREAS, Tony Scodwell's remarkable photography skills can be viewed world-wide in numerous publications.

NOW, THEREFORE, the City Council President of the City of Beloit does hereby proclaim April 17 – 21, 2017 as "Tony Scodwell Honor Week" in honor and recognition of his professional achievements and significant influence on the musical community.

Presented this 17th day of April, 2017.

David F. Luebke, City Council President

ATTEST:

Lorena Rae Stottler, City Clerk

WHEREAS, the City Council of the City of Beloit wishes to acknowledge entrepreneurs who help to make Beloit an outstanding community in which to live, learn, work, play and do business; and

WHEREAS, Thomas Panos, a Greek immigrant, settled in Beloit at the age of 20 and opened Beloit Floral with an investment of \$500 in 1916; and

WHEREAS, Mr. Panos worked seven days a week and passed his strong work ethic along to his children and employees; and

WHEREAS, Mr. Panos originally operated Beloit Floral in the downtown area, growing the business to two locations; and

WHEREAS, after Mr. Panos passed away, the downtown location was closed in favor of consolidating and expanding the current store at 1205 Cranston Road; and

WHEREAS, Beloit Floral continued to grow and flourish under the leadership of George and Nancy Panos Spelius; and

WHEREAS, Nancy Panos Spelius continues to manage this second generation business with the assistance of her daughter, Mary Foster and dedicated, longtime employees; and

WHEREAS, Beloit Floral has had a presence at countless weddings, funerals, proms, pageants and more, providing smiles and sympathy for 100 years; and

WHEREAS, the Panos and Spelius families have been strong advocates for the City of Beloit, supporting economic development and improving our quality of life through the beauty and language of flowers and their philanthropic contributions to the Beloit community.

NOW, THEREFORE, BE IT PROCLAIMED that the Beloit City Council does hereby honor and congratulate Beloit Floral, and commemorate the legacy created by Thomas Panos over 100 years ago.

Presented on the 17th day of April, 2017 by the Beloit City Council.

David F. Luebke, City Council President

ATTEST:

Lorena Rae Stottler, City Clerk

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

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

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

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

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

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

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

NOW THEREFORE, I, David F. Luebke, President of the Beloit City Council do hereby proclaim Friday, April 28, 2017 as

ARBOR DAY

in the City of Beloit and urge all citizens to support efforts to protect our trees and woodlands and to support our city's urban forestry program.

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

Dated this 17th day of April, 2017.

David F. Luebke, President
Beloit City Council

ATTEST:

Lorena Rae Stottler, City Clerk

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

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

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

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

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

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

NOW, THEREFORE, THE CITY COUNCIL PRESIDENT OF THE БЕЛОIT CITY COUNCIL does hereby declare Thursday, April 27, 2017 as **Stand Against Racism Day** in the City of Beloit; and calls upon all Beloit citizens to support celebrating diversity and promoting racial justice in the Beloit Community.

Dated this 17th day of April 2017.

David F. Luebke, President
Beloit City Council

ATTEST:

Lorena Rae Stottler, City Clerk



**PROCEEDINGS OF THE BELOIT CITY COUNCIL
Special Meeting
City Hall - 100 State Street, Beloit, WI 53511
4th floor City Manager's Conference Room – 6:00 p.m.
Monday, April 3, 2017**

Presiding: David Luebke
Present: De Forest (arrived at 6:30 p.m.), Dunkin, Leavy and Preuschl
Absent: Hendrix with one vacant seat

1. President Luebke called the meeting to order at 6:18 p.m. in the 4th floor City Manager's Conference Room at City Hall
2. Council members considered the appointment of William Gibson (as Alternate) to the Board of Review to a term ending December 31, 2019. Appointment Review Committee recommendation for approval 5-0. Councilors Preuschl and Leavy made a motion to approve the appointment. Motion carried. File 6063.
3. Finance Director, Eric Miller, gave a presentation on the water rates. He explained the history of the prior water rate increases and the philosophy of prior leadership. Mr. Miller also explained the current rate increase application with the Public Service Commission of Wisconsin and why he believes the outcome was as it was. There will be a public hearing on the proposed increase as well as bringing a resolution with these increases to the Council on April 17, 2017.

Lorena Rae Stottler, City Clerk

www.beloitwi.gov

Date Approved by City Council: April 17, 2017



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, April 3, 2017

Presiding: David Luebke
Present: De Forest, Dunkin, Leavy and Preuschl
Absent: Hendrix
Vacant: Marilyn Sloniker

1. President Luebke called the meeting to order at 7:02 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 National Library Week April 9-15, 2017. Library Director Nick Dimassis invited staff to discuss upcoming events and shared photos of councilors with library cards stating "libraries transform". File 7148
 - b. Councilor De Forest presented a Proclamation recognizing April 21, 2017, as Roy Chapman Andrews Day. File 7148
 - c. Councilor De Forest presented a Proclamation recognizing April as National Fair Housing Month File 7148
4. PUBLIC HEARINGS
 - a. Director of Planning and Building Services, Drew Pennington, presented a resolution authorizing a Conditional Use Permit to allow a drive-through use and outdoor seating area in a C-3, Community Commercial District, for the property located at 2787 Milwaukee Road. Todd Waller of Beloit Capital LLC has filed 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 the property located at 2787 Milwaukee Road. The applicant has proposed the opening of a Dunkin Donuts restaurant in the existing Asia Buffet space at the eastern end of this existing retail strip center. The proposed restaurant includes a drive-through window and an outdoor seating area, both of which require a Conditional Use Permit. If the uses are approved, the City Council is authorized to impose conditions it deems necessary to reduce or minimize any potential adverse effects on surrounding properties. The Plan Commission reviewed this item on March 22, 2017 and voted unanimously (7-0) to recommend approval of the Conditional Use Permit, subject to the six conditions recommended by planning staff. President Luebke opened the Public Hearing. Erick Johnson, 2386 Tara Ct., who is also a member of the Plan Commission and voted for this proposal expressed one concern with the property. The adjacent property at the Speedway has overgrown pine trees and a dumpster that impedes visibility into the thoroughfare and appears to be a safety issue. He would like to see Wal-Mart, who is the property owner to remove those trees to improve safety. The applicant has offered to pay for the removal of the trees that are impeding but the property is owned by Wal-Mart. Mr. Pennington has reached out to the store manager of Wal-Mart seeking approval to remove the trees. President Luebke closed the public hearing. Councilors Leavy and De Forest made a motion to approve the resolution. Motion carried. File 8740
 - b. Director of Planning and Building Services, Drew Pennington, presented a resolution authorizing an Exception to the Architectural Review and Landscape Code for property located at 2787 Milwaukee Road. Todd Waller of Beloit Capital LLC has filed an application for an Exception to Section 34.21(2)(b) of the Architectural Review and Landscape Code to waive the open green space requirement for the property at 2787 Milwaukee Road. The applicant has proposed the opening of a Dunkin Donuts restaurant in the existing Asia Buffet space at the eastern end of this existing retail strip center. The proposed restaurant includes a drive-through window. The applicant has proposed a new one-way (southbound) drive lane around the western end of the building, which requires a

Landscape Code Exception, as it would encroach into the required 5 feet of open green space along the western lot line. The open green space requirement applies to interior side and rear lot lines, where at least 5 feet of grass must be provided. The applicant has stated that the drive lane would encroach up to 3 feet into the open space, leaving 2 feet of grass along the lot line. The proposed drive lane is a requirement of Dunkin Donuts in order to provide better access to their proposed drive-through lane, which is the subject of a Conditional Use Permit request. The applicant has limited options with respect to changing the layout of this existing retail center. Planning & Engineering staff have worked with the applicant to design the proposed drive-through to function in a counter-clockwise manner, and the new southbound drive lane is an important element. The Plan Commission reviewed this item on March 22, 2017 and voted unanimously (7-0) to recommend approval of the Exception, subject to the conditions recommended by Planning staff. President Luebke opened the Public Hearing. No one spoke. President Luebke closed the public hearing. Councilors Preuschl and De Forest made a motion to approve the resolution. Motion carried. File 8740

- c. Director of Planning and Building Services, Drew Pennington, presented a resolution authorizing a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District – Core, for the property located at 310 State Street. Erick Johnson has submitted an application for a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District – Core, for the property located at 310 State Street. This is the former “Overflowing Cup” building, which has been acquired by a new owner and will be rehabilitated into a ground-floor real estate office and upper floor housing. The applicant intends to preserve the storefront. In accordance with Section 6.2.10 of the Zoning Ordinance, office uses in the Central Business District are permitted by-right above the ground floor but require a Conditional Use Permit on the ground floor. This provision is intended to encourage retail-oriented uses in the downtown area. Uses in the Central Business District are exempt from the off-street parking requirements contained in the Zoning Ordinance, as on-street parking and City-owned parking lots are nearby. The applicant and property owner intend to renovate and revitalize this commercial building in the heart of the downtown district while maintaining a storefront appearance and first floor fenestration. The proposed office use is expected to have a positive impact by bringing clients into the area that may benefit the adjacent retail businesses. The Plan Commission reviewed this item on March 22, 2017 and voted unanimously (6-0) to recommend approval of the Conditional Use Permit, subject to the three conditions recommended by Planning staff. President Luebke opened the Public Hearing. No one spoke. President Luebke closed the public hearing. Councilors De Forest and Dunkin made a motion to approve the resolution. Motion carried. File 8741
- d. Director of Planning and Building Services, Drew Pennington, presented a resolution authorizing a Conditional Use Permit to allow food production and distribution in a C-3, Community Commercial District, for the Piggly Wiggly property located at 1827 Prairie Avenue. Miguel Guzman has filed an application for a Conditional Use Permit to allow food production and distribution in a C-3, Community Commercial District, for the Piggly Wiggly property located at 1827 Prairie Avenue. The applicant has proposed the renovation of a vacant rear portion of the Piggly Wiggly building into a spice blending and sausage production room. The sausage produced on-site will be sold both on and off-site. Manufacturing & Production uses require a Conditional Use Permit in the C-3 district. The applicant has also proposed renovations at the front of the building to the right of the store entrance, although that retail project is permitted by-right in the C-3 district. Of the existing 84,000 square-foot Piggly Wiggly building, the proposed spice blending area is approximately 1,500 square feet, and the proposed walk-in cooler is approximately 900 square feet in area. The proposed spice blending and sausage production operation will not involve on-site slaughtering, as meat will be purchased in bulk just as it is for the grocery store butcher shop. The proposed spice blending and sausage production operation will only operate during the grocery store’s regular hours. The applicant has stated that any additional truck traffic will be negligible (1-2 per day), and will utilize the existing loading docks where trucks deliver products to the grocery store. A Public Notice was sent to 21 nearby property owners. Planning staff received one phone call in support and one email with questions about the proposed use. The Plan Commission reviewed this item on March 22, 2017 and voted unanimously (7-0) to recommend approval of the Conditional Use Permit, subject to the four conditions included on the attached Resolution. President Luebke opened the Public Hearing. Jim Van De Bogart, 2091 Collingswood Dr., spoke in favor of the CUP and asked the council to allow Mr. Guzman the opportunity to remain competitive in his business. Miguel Guzman, 5989 W. St. Lawrence Ave., thanked the council for considering and supporting his business plan. President Luebke closed the public hearing. Councilors Dunkin and De Forest made a motion to approve the resolution. Motion carried. File 8742

5. PUBLIC COMMENT

- a. Alice Blue, 2621 Prairie Avenue, Beloit brought to the council's attention that this year both Christmas Eve and New Year's Eve fall on a Sunday when liquor sales are limited to opening at noon. She asked if the council might consider an exception on these dates and allow them to open at 9am like other business days. This hasn't happened in ten years but these two days is equivalent to over two weeks' worth of sales. President Luebke and Councilor De Forest asked for information from staff to review this request.

6. CONSENT AGENDA

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

- a. The Minutes of the Regular and Special meetings of March 20, 2017 were approved.
- b. An application for an Electric Line Easement for Eagles Ridge Park property at 3731 Golden Eagle Drive was referred to Plan Commission. File 8657
- c. An application for a Class "B" Beer License for Los Corrales Restaurant, LLC, d/b/a Los Corrales Restaurant, located at 946 Wisconsin Avenue, Karla P. Robledo Mendoza was referred to the Alcohol Beverage License Control Committee. File 8721
- d. A resolution approving a Relocation order to acquire a Highway Easement and a Temporary Limited Easement over portions of the properties located at 810, 830, & 850 Pleasant Street was approved. File 8744

7. ORDINANCES

- a. Cheryl Simplot, Environmental Coordinator, presented a proposed Ordinance to amend various provisions of Chapters 6, 25 and 29 of the Code of General Ordinances of the City of Beloit pertaining to Hazardous Material Incident Response and the Wastewater Treatment System. The Sewer Use Ordinance (SUO) has been updated pursuant to the requirements of Wisconsin Admin Code section NR 211 related to streamlining requirements. In addition, city staff took this opportunity to provide greater clarity and updates to various provisions of the SUO. The Wisconsin Department of Natural Resources has approved the proposed SUO and ERP that is before you for consideration. The highlights of the changes are as follows:
 - o The ordinance was updated to comply with NR 211 streamlining revisions
 - o The ordinance was updated to clarify definitions
 - o The ordinance was updated to clarify that requirement for the use of public sewers. Sewage discharge to public or private property prohibited
 - o The ordinance was updated to correct references to the administrative code
 - o The ordinance was updated to clarify on the distinction between disconnection of sewer service for failure to pay fees and disconnection of service for other reasons
 - o The ordinance contains updates to the Spill Control Prevention Program
 - o The ordinance updates the permit section to be inclusive of DNR regulations
 - o The ordinance revises language in administrative enforcement section to provide greater clarity
 - o The ordinance was updated to include continuous pH monitoring language
 - o The ERP was updated to be consistent with other ordinance penalty provisionsThis is first reading. Councilors De Forest and Preuschl made a motion to lay over to the April 17th meeting. Motion carried. File 5303

8. APPOINTMENTS - None

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- a. Councilor De Forest apologized for missing the March meetings. She thanked NAMI and BPD officer Jamie Linder for the 2-day intensive training on crisis intervention. This was a wonderful training. She attended the immigration resources workshop. She extended her condolences to the Larry Cornellier family and honored his memory for this community involvement. She let the public know that the city will be looking for feedback on the new City logo.
- b. Councilor Preuschl attended the BJSO fundraiser yesterday where the City Manager volunteered as a contestant to support the cause. He photographed the Meals on Wheels fundraiser, Mushing for Meals. He received a thank you from the hockey group who attended last meeting for the photos he took. He had a good turnout at Grinnell Hall for the "what the tech" class he is helping with. The

- Friends of Riverfront hosts the rise and shine breakfast this weekend with their annual meeting.
- c. Councilor Dunkin thanked the Library and the staff for the pictures and all they do to promote reading. She attended the Police Departments Community Conversations at Beloit College and was very pleased with the dialogue exchanged, especially the implicit bias portion. She encouraged voters to vote in the spring election tomorrow.
 - d. Councilor Leavy thanked the Chief of Police for his follow through on the community conversations project. This approach has been very beneficial and the Chief and his staff has presented with enthusiasm and measurable change. He also thanked the entire City staff for the work they do. The customer service and assistance received by all, whether it be with the City Manager or City Attorney or the City Clerk, or other departments who are so helpful in making this City be the positive place with great things happening. He reminded people that their vote matters and local elections are as important as the Presidential elections.
 - e. Councilor Luebke reported that Council Hendrix is excused tonight and is traveling with high school students who are looking at College opportunities. He was pleased to see that all six candidates on the ballot tomorrow were present at this evening's election. On April 20, Beloit Memorial High School will have their annual Hall of Fame night and Tony Scodwell will return to be honored and has been scheduled to perform in several places; April 21st at Suds; April 22nd at Beloit Club; April 23rd at the Grand Avenue Pub and April 24th at Eaton Chapel to perform with the Beloit College band.

10. CITY MANAGER'S PRESENTATION

11. REPORTS FROM BOARDS AND CITY OFFICERS

12. Councilors Preuschl and Dunkin made a motion to adjourn at 8:00 p.m. Motion carried.

Lorena Rae Stottler, City Clerk

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Date approved by City Council: April 17, 2017

**RESOLUTION
APPROVING AN ELECTRIC TRANSMISSION LINE EASEMENT
OVER A PORTION OF THE EAGLES RIDGE PARK PROPERTY
LOCATED AT 3731 GOLDEN EAGLE DRIVE**

WHEREAS, the attached Electric Transmission Line Easement will allow American Transmission Company LLC to construct an overhead transmission line over a portion of the City-owned Eagles Ridge Park property located at 3731 Golden Eagle Drive; and

WHEREAS, the proposed easement area described on Exhibit A is located in the southeast corner of the park and measures 12 feet in width by 20.8 feet in length (250 square feet); and

WHEREAS, the attached Electric Transmission Line Easement will not interfere with the continued use of the property as a City-owned public park, and has been recommended for approval by the Parks & Recreation Commission and the Plan Commission.

NOW, THEREFORE, BE IT RESOLVED that the attached Electric Transmission Line Easement is hereby approved, subject to the following conditions:

1. This approval is limited to the 250 square-foot area identified and described on Exhibit A.
2. All affected trees shall be relocated or replaced within an approved location within the park.
3. Any boring to allow underground installation of Alliant Energy service lines shall require a separate easement.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the attached Electric Transmission Line Easement on behalf of the City of Beloit.

Adopted this 17th day of April, 2017.

BELOIT CITY COUNCIL

David F. Luebke, Council President

ATTEST:

Lorena Rae Stottler, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Electric Transmission Line Easement for the Eagles Ridge Park Property at 3731 Golden Eagle Dr.

Date: April 17, 2017

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

American Transmission Company LLC has submitted the attached petition requesting an Electric Transmission Line Easement over a portion of the Eagles Ridge Park property located at 3731 Golden Eagle Drive. A copy of the proposed Electric Transmission Line Easement is attached to this report.

Key Issues:

- This request is related to the applicant's construction of a 69kV transmission line along Townhall Road to accommodate and energize the new Rock Energy Cooperative substation at Townhall Road and Colley Road in the Town of Turtle.
 - As shown on the attached Easement Description Map (Exhibit A), the proposed easement area is located in the southeast corner of the park and measures 12 feet in width by 20.8 feet in length (250 square feet).
 - According to the applicant, the proposed transmission line (and required clearance zone) will cross over Townhall Road and across the proposed easement area to connect to a light duty steel pole to be constructed along the property line of the adjacent property to the south. Several trees will be relocated or replaced during this project. A photo of the proposed easement area is also attached to this report.
 - The granting of an easement over a City park requires consideration by the Parks & Recreation Commission, Plan Commission, and City Council. The Parks & Recreation Commission recommended approval on March 8, 2017. The Plan Commission reviewed this item on April 5, 2017 and voted unanimously (4-0) to recommend approval of the Electric Transmission Line Easement.
-

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:

- City Council consideration and action on the proposed Resolution
-

Fiscal Note/Budget Impact: The proposed compensation is \$4,200.

Attachments: Resolution and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: April 5, 2017

Agenda Item: 3

File Number: RPB-2017-02

Applicant: American Transmission Company LLC
Owner: City of Beloit

Location: Eagles Ridge Park at 3731 Golden Eagle Dr.

Request Overview/Background Information:

American Transmission Company LLC has submitted the attached petition requesting an Electric Transmission Line Easement over a portion of the Eagles Ridge Park property located at 3731 Golden Eagle Drive. A copy of the proposed Electric Transmission Line Easement is attached to this report.

Key Issues:

- This request is related to the applicant's construction of a 69kV transmission line along Townhall Road to accommodate and energize the new Rock Energy Cooperative substation at Townhall Road and Colley Road in the Town of Turtle.
- As shown on the attached Easement Description Map (Exhibit A), the proposed easement area is located in the southeast corner of the park and measures 12 feet in width by 20.8 feet in length (250 square feet).
- According to the applicant, the proposed transmission line (and required clearance zone) will cross over Townhall Road and across the proposed easement area to connect to a light duty steel pole to be constructed along the property line of the adjacent property to the south. Several trees will be relocated or replaced during this project.
- The granting of an easement over a City park requires consideration by the Parks & Recreation Commission, Plan Commission, and City Council. The Parks & Recreation Commission recommended approval on March 8th.
- A photo of the proposed easement area is also attached to this report.

Consistency with Strategic 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:

The Planning & Building Services Division recommends **approval** of the attached Electric Transmission Line Easement over a portion of the Eagles Ridge Park property located at 3731 Golden Eagle Drive, subject to the following conditions:

1. This approval is limited to the 250 square-foot area identified and described on Exhibit A.
2. All affected trees shall be relocated or replaced within an approved location within the park.
3. Any boring to allow underground installation of Alliant Energy service lines shall require a separate easement.

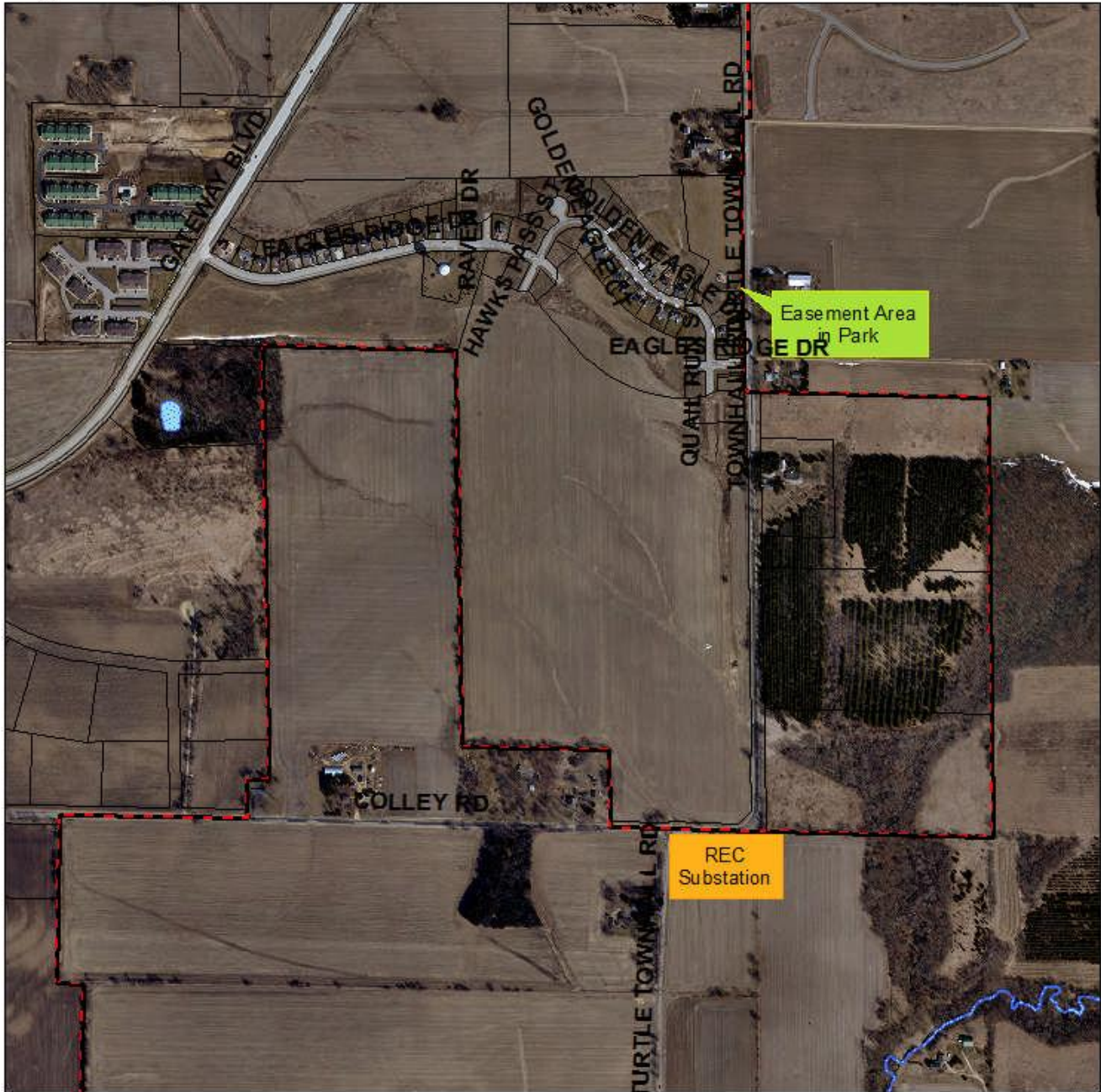
Fiscal Note/Budget Impact: The proposed compensation is \$4,200.

Attachments: Location Map, Photo, Petition, Proposed Easement, and Easement Map.

Location Map

Eagles Ridge Park


RPB-2017-02



1 inch = 796 feet

0 12840 480 720 Feet

Legend

 City Limits

Map prepared by: Drew Pennington, AICP

Date: March 2017

For: City of Beloit Planning & Building Services

Date of Aerial Photography: March 2011

PLANNING & BUILDING SERVICES DIVISION



PETITION

TO THE CITY COUNCIL FOR THE CITY OF БЕЛОIT

Your Petitioner, American Transmission Company LLC, a Wisconsin corporation, respectfully alleges and shows that it is a public utility engaged in the business of the ownership and operation of electric transmission systems which support the energy needs of the State of Wisconsin including the City of Beloit; that in order to accommodate and energize Rock Energy Cooperative's new substation, it needs to build a new tap line and obtain an Electric Transmission Line Easement from the City of Beloit upon land located in Outlot 3, Eagles Ridge Plat No. 1, located in the Northeast Quarter of Section 28, Township 1 North, Range 36 East, in the City of Beloit, Rock County, Wisconsin; and that attached hereto and incorporated herein are copies of the proposed ELECTRIC TRANSMISSION LINE EASEMENT, and a sketch showing the route of the electric line, for the future maintenance and operation of the transmission line.

Wherefore, your petitioner prays that your City Council consider this request and take the appropriate action by resolution authorizing and directing the proper City Officers to execute and convey such easement and other agreements as may be necessary to permit the construction and operation and maintenance of said electric transmission line to American Transmission Company LLC.

AMERICAN TRANSMISSION COMPANY LLC

By: 

Anita J. LaCoursiere, Real Estate & Right of Way Representative

Date: March 27, 2017

ELECTRIC TRANSMISSION LINE EASEMENT

Not subject to Wis. Stat. § 77.22(1).

Document Number

The undersigned Grantor, **City of Beloit, (hereinafter called the "Grantor")**, in consideration of the sum of Four thousand two hundred dollars and no/100, (\$4,200.00), receipt of which is hereby acknowledged, does hereby grant, convey and warrant unto Grantee, **American Transmission Company LLC, a Wisconsin limited liability company, and its manager ATC Management Inc., a Wisconsin Corporation (hereinafter jointly referred to as Grantee)**, its successors, assigns, licensees and manager, the perpetual right and easement to construct, install, operate, maintain, repair, replace, rebuild, remove, relocate, inspect and patrol a line of structures, comprised of wood, concrete, steel or of such material as Grantee may select, and wires, including associated appurtenances for the transmission of electric current, communication facilities and signals appurtenant thereto, upon, in, over and across property owned by the Grantor in the **City of Beloit, County of Rock, State of Wisconsin, described as follows:**

Outlot 3, Eagles Ridge Plat No. 1, City of Beloit, Rock County, Wisconsin being located in the Northeast Quarter (NE ¼) of Section 28, Township 1 North, Range 13 East.

The legal description and location of the easement strip is as described and shown on the attached drawing, marked Exhibit "A", and made a part of this document.

The Grantee is also granted the associated necessary rights to:

- 1) Enter upon the easement strip for the purposes of exercising the rights conferred by this easement.
- 2) Construct, install, operate, maintain, repair, replace, rebuild, remove, relocate, inspect and patrol the above described facilities and other appurtenances that the Grantee deems necessary.
- 3) Trim, cut down and remove any or all brush, trees and overhanging branches now or hereafter existing on said easement strip.
- 4) Cut down and remove such dead, dying, diseased, decayed, leaning trees or tree parts now or hereafter existing on the property of the Grantor located outside of said Perpetual Easement Strip that in Grantee's judgment, may interfere with Grantee's full use of the Perpetual Easement Strip for the purposes stated herein or that pose a threat to the safe and reliable operation of the Electric Transmission Facilities; together with the right, permission and authority to enter in a reasonable manner upon the property of the Grantor adjacent to said Perpetual Easement Strip for such purpose.

The Grantee shall pay a reasonable sum for all damages to property, crops, fences, livestock, lawns, roads, fields and field tile (other than trees trimmed or cut down and removed), caused by the construction, maintenance, replacement or removal of said facilities.

The right, permission and authority is also granted to Grantee and it's assigns, to construct, install, operate, maintain and replace electric distribution lines consisting of additional wires, on said transmission line structures and additional poles including crossarms, transformers, anchors, guy wires, conduit and cables underground, together with riser equipment, electric pad-mounted transformers including, but not limited to other necessary appurtenant equipment above and below ground, for the purpose of transmitting electric energy and communications signals appurtenant thereto, upon, over, across, under and within this easement.

Grantor, for itself, its successors and assigns, agrees that it will not locate any dwelling or mobile home intended for residential occupancy within the limits of the easement strip. Grantor, for itself, its successors and assigns, further agrees that within the limits of the easement strip it will not construct, install or erect any structures or fixtures, including but not limited to swimming pools, construct any non-residential type buildings or store any inflammable goods or products, plant trees or shrubs, place water, sewer or drainage facilities, or change the grade more than one (1) foot without first securing the prior written consent of the Grantee.

Grantor warrants and represents that Grantor has clear, merchantable, fee simple title to said property, and that Grantor knows of no claim, pending contract for sale, or negotiation for such contract of sale for any of the lands described herein.

This agreement is binding upon the heirs, successors and assigns of the parties hereto, and shall run with the lands described herein.

The Grantor shall not be responsible for, and Grantee shall hold Grantor harmless from and against, any penalties, claims, demands, liabilities, expenses (including, but not limited to, attorney's fees), injury to persons or property caused by the exercise by Grantee of the rights granted to it hereunder.

Recording Area

Name and Return Address
Land Service Company
Attn: Real Estate Department
222 N. Midvale Blvd.
Madison, WI 53705

Parcel Identification Number(s)
22823000

As provided by PSC 113, the Grantor shall have a minimum period of five days to examine materials approved or provided by the Public Service Commission of Wisconsin describing the Grantor's rights and options in the easement negotiating process. The Grantor hereby voluntarily waives the five-day review period, or acknowledges that they have had at least five (5) days to review such materials.

WITNESS the signature(s) of the Grantor this _____ day of _____, 2017.

Grantor: **CITY OF БЕLOIT**

By: _____

Name: _____

Title: _____

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
) SS
COUNTY OF ROCK)

Personally came before me this _____ day of _____, 2017, the above-named _____, _____, of the City of Beloit, to me known to be the person who executed the foregoing instrument in such capacity and acknowledged the same.

Name:
Notary Public, Wisconsin
My commission expires: _____

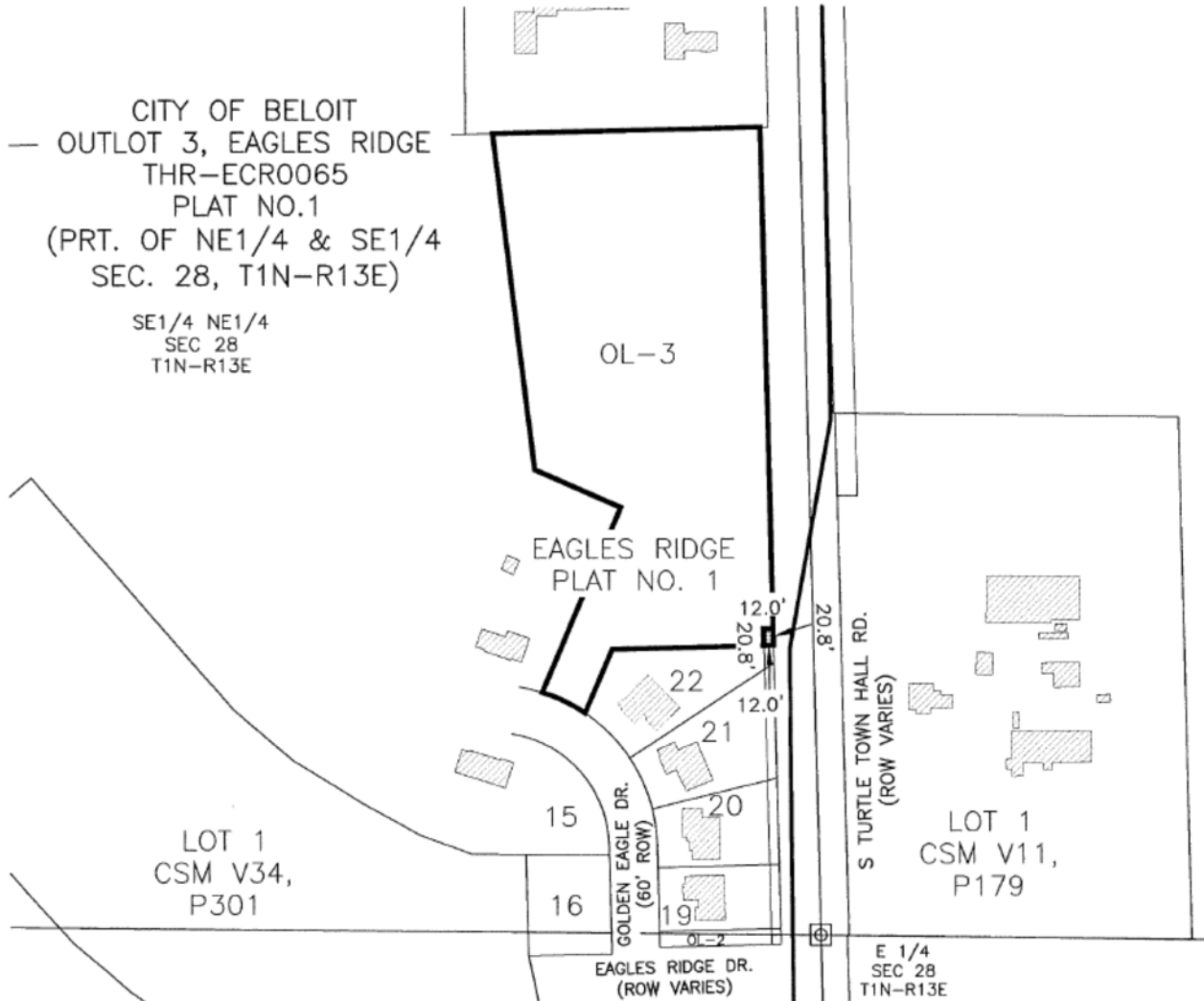
EASEMENT DESCRIPTION MAP (EXHIBIT A)

GRANTEE: AMERICAN TRANSMISSION COMPANY, LLC
 W234 W2000 RIDGEVIEW PKWY. CT.
 WAUKESHA, WI 53188


GRANTOR: CITY OF БЕЛОIT
 100 STATE ST
 БЕЛОIT, WI 53511
 PIN 22823000











CITY OF БЕЛОIT
 — OUTLOT 3, EAGLES RIDGE
 THR-ECR0065
 PLAT NO.1
 (PRT. OF NE1/4 & SE1/4
 SEC. 28, T1N-R13E)

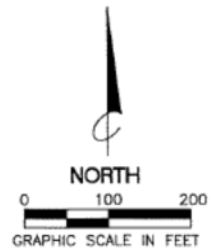
SE1/4 NE1/4
 SEC 28
 T1N-R13E



MAP KEY

 ATC TRANSMISSION LINE EASEMENT =
 249 S.F. OR 0.006 ACRES +/-

- | | |
|---|---|
|  TRANSMISSION EASEMENT |  PROPERTY LINE |
|  TRANSMISSION RIGHT OF WAY LINE |  ROAD RIGHT OF WAY LINE |
|  TRANSMISSION REFERENCE LINE |  SECTION CORNER MONUMENT |
|  SECTION LINE AND ONE-QUARTER SECTION LINE |  TYPICAL EASEMENT WIDTH FROM TRANSMISSION REFERENCE LINE |
|  QUARTER-QUARTER SECTION LINE |  EXISTING BUILDING LOCATION |



SPATIAL DATA SURVEYS

SPATIAL DATA SURVEYS, LLC
 580 ARTHUR STREET
 VERONA, WI 53593
 (608)-845-2048

NOTE: BEARINGS FOR THIS MAP ARE BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM, NAD83 (2011).
 © AMERICAN TRANSMISSION COMPANY 2016

Drawn: JDP
 Date: 10/08/2016
 Scale: 1" = 200'

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REVISIONS			SHEET NUMBER 1 OF 2
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EASEMENT DESCRIPTION MAP (EXHIBIT A)

GRANTEE: AMERICAN TRANSMISSION COMPANY, LLC
 W234 W2000 RIDGEVIEW PKWY. CT.
 WAUKESHA, WI 53188



GRANTOR: CITY OF БЕЛОIT
 100 STATE ST
 БЕЛОIT, WI 53511
 PIN 22823000

LEGAL DESCRIPTION:

AN EASEMENT WHICH CROSSES THE GRANTOR'S PREMISES LOCATED IN OUTLOT 3, EAGLES RIDGE PLAT NO. 1, RECORDED IN OFFICE OF THE REGISTER OF DEEDS OF ROCK COUNTY, WISCONSIN IN VOLUME 32, PAGES 606-607, BEING A PART OF THE NORTHEAST ONE-QUARTER OF SECTION 28, T1N-R13E, CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN, AS SHOWN ON THE ATTACHED MAP AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY 12.0 FEET OF THE SOUTHERLY 20.8 FEET, LOCATED IN THE SOUTHEASTERLY CORNER OF SAID OUTLOT 3.

SAID EASEMENT CONTAINING 249 SQUARE FEET OR 0.006 ACRES, MORE OR LESS, SUBJECT TO RECORDED AND UNRECORDED RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY AND EASEMENTS.

 ATC AMERICAN TRANSMISSION COMPANY	SPATIAL DATA SURVEYS  SPATIAL DATA SURVEYS, LLC 580 ARTHUR STREET VERONA, WI 53593 (608)-845-2048	NOTE: BEARINGS FOR THIS MAP ARE BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM, NAD83 (2011). © AMERICAN TRANSMISSION COMPANY 2016	Drawn: JDP
			Date: 10/08/2016
THIS DOCUMENT IS FOR THE USE OF AMERICAN TRANSMISSION COMPANY. AMERICAN TRANSMISSION COMPANY DISCLAIMS ALL WARRANTIES BOTH EXPRESSED AND IMPLIED. USE BY ANYONE OTHER THAN AMERICAN TRANSMISSION COMPANY IS AT THEIR OWN RISK.	REVISIONS		Scale: NA
			SHEET NUMBER 2 of 2

**RESOLUTION APPROVING A CLASS “B” BEER
FOR LOS CORRALES RESTAURANT, LLC**

WHEREAS, an application has been received for a Class “B” Beer License from Los Corrales Restaurant, LLC, d/b/a Los Corrales Restaurant, Karla P. Robledo Mendoza, Agent for property located at 946 Wisconsin Avenue, Beloit, Wisconsin; and

WHEREAS, the Alcohol Beverage License Control Committee recommended approval of this Class “B” Beer License for the remainder of the 2016-2017 license year.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beloit does hereby approve a Class “B” Beer for Los Corrales Restaurant, LLC, d/b/a Los Corrales Restaurant, Karla P. Robledo Mendoza, Agent for the property located at 946 Wisconsin Avenue, Beloit, Wisconsin.

Dated this 17th day of April 2017.

David F. Luebke, City Council President

ATTEST:

Lorena Rae Stottler, City Clerk



CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Application of a new Class "B" Beer license for Los Corrales Restaurant, LLC (d/b/a Los Corrales Restaurant) located at 946 Wisconsin Avenue, Karla P. Robledo Mendoza, Agent, for the license period ending June 30, 2017.

Date: April 17, 2017

Presenter(s): Lorena Rae Stottler

Department: City Clerk

Overview/Background Information:

Karla P. Robledo Mendoza, the President and agent for Los Corrales Restaurant, LLC is applying for the license. This is a new owner at 946 Wisconsin Avenue (formerly Victoria Rose LLC who held a Class "B" Beer and Class "C" wine license for the current license year). Because there are not quota limits on Class "B" licenses any new applicant will require new consideration and if approved receives a new license. Given the close proximity to the renewal deadline of April 15th, if approved, a license will be issued that is only good through June 30, 2017, the applicant will need to immediately file for renewal for the July 1 2017 through June 30, 2018 license period.

Key Issues (maximum of 5):

1. This business (formerly Victoria Rose) is located at 946 Wisconsin Avenue, in the City of Beloit.
2. Karla P. Robledo Mendoza is applying for a Class "B" Beer license. The applicant has been provided the DOR Pub 302 and other documentation on applying for a liquor license and understanding the responsibility that comes with the application.
3. Ms. Robledo Mendoza has completed the necessary paperwork with the WI DOR and has supplied my office with a complete application for the referral and consideration by the ABLCC and the City Council.
4. The ABLCC reviewed this application at their April 11th regular meeting and made a recommendation for approval that passed unanimously on a vote of 4-0.

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

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

Action required/Recommendation: Staff recommends that the City Council approve the resolution.

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

Attachments: Original Alcohol Beverage License Application for a Class "B" Beer License.

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NON-PROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

RECEIVED
 DEPARTMENT OF REVENUE
 APR 04 2017
 DAN M. RISSE
 CAPTAIN OF PATROL
 REF: _____

Submit to municipal clerk.

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

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

The undersigned duly authorized officer(s)/members/managers of Los Corrales Restaurant, LLC.
(registered name of corporation/organization or limited liability company)

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

located at 946 Wisconsin Ave Beloit, WI 53511

appoints Karla Patricia Hobedo Mendoza
(name of appointed agent)

946 1/4 Wisconsin Ave Beloit, WI 53511
(home address of appointed agent)

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

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

Is applicant agent subject to completion of the responsible beverage server training course? Yes No 3 years

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 80 days

Place of residence last year 738 W Grand Ave Beloit, WI 53511

For: Los Corrales Restaurant
(name of corporation/organization/limited liability company)

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

And: N/A
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

Karla Patricia Hobedo Mendoza, hereby accept this appointment as agent for the
(print/type agent's name)

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

[Signature] 03/22/17
(signature of agent) (date)

946 1/4 Wisconsin Ave Beloit, WI 53511
(home address of agent)

Agent's age [Redacted]

Date of birth [Redacted]

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

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

Approved on 04/03/17 by [Signature] Title Captain
(date) (signature of proper local official) (town chair, village president, police chief)

**AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION**

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)	(middle name)	
Probledo Mendoza		Harla	Patricia	
Home Address (street/route)	Post Office	City	State	Zip Code
94674 Wisconsin Ave		Beloit	WI	53511
Home Phone Number	Age	Date of Birth	Place of Birth	
815) 217-7434	 	 	Mexico	

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

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

which is making application for an alcohol beverage license.

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

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

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

Employer's Name <u>N/A</u>	Employer's Address	Employed From	To
Employer's Name	Employer's Address	Employed From	To

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

Subscribed and sworn to before me

this 23 day of March, 2017
Lisa A. Marnett
(Clerk/Notary Public)

[Signature]
(Signature of Named Individual)

My commission expires 1/6/2018



Printed on Recycled Paper

**RESOLUTION APPROVING CHANGE OF AGENT ON THE CLASS "A" BEER AND
"CLASS A" LIQUOR CIDER ONLY LICENSE FOR SPEEDWAY LLC OWNED BY
MPC INVESTMENT LLC, D/B/A SPEEDWAY #4293**

WHEREAS, the Agent of record for Speedway LLC Owned by MPC Investment LLC, d/b/a Speedway #4293, located at 2781 Milwaukee Road is Jane M. Erbe;

WHEREAS, Speedway LLC Owned by MPC Investment LLC, has requested and the Alcohol Beverage License Control Committee has recommended that the Agent be changed to Sheryl L. Latronico for the licensing period ending June 30, 2017.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beloit that the Agent for the alcohol beverage license for Speedway LLC Owned by MPC Investment LLC, d/b/a Speedway #4293, located at 2781 Milwaukee Road, is hereby changed to Sheryl L. Latronico.

Dated this 17th day of April 2017.

BELOIT CITY COUNCIL

David F. Luebke, City Council President

Attest:

Lorena Rae Stottler, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Consideration of a **Change of Agent** on the Class "A" Beer License for Speedway #4293, located at 2781 Milwaukee Road, Beloit to Sheryl L. Latronico for license period ending June 30, 2017.

Date: April 12, 2017

Presenter(s): Lorena Rae Stottler

Department: City Clerk

Overview/Background Information:

Speedway #4293, located at 2781 Milwaukee Road, in the City of Beloit has requested that Sheryl L. Latronico be appointed the new agent for the license period ending June 30, 2017.

Key Issues (maximum of 5):

1. Speedway #4293, located at 2781 Milwaukee Road, in the City of Beloit, has appointed Sheryl L. Latronico as Agent via corporate letter dated March 2, 2017, replacing Jane M. Erbe.
2. A complete application with fees has been submitted to the Clerk's office.
3. The ABLCC reviewed this application at their April 11th regular meeting and made a recommendation for approval that passed unanimously on a vote of 4-0.

Conformance to Strategic Plan: N/A

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:

Staff recommends that City Council approve the resolution for the Change of Agent.

Fiscal Note/Budget Impact: N/A

Attachments:

Corporate Letter appointing agent, Schedule of Appointment, Auxiliary Questionnaire and Supplemental Questionnaire



March 2, 2017

Beloit City Clerk
100 State St.
Beloit, WI 53511

To Whom It May Concern:

Speedway # 4293 located at 2781 Milwaukee Rd., Beloit, WI 53511 has a change of Agent.

Speedway LLC appoints Sheryl Latronico as Agent to represent Speedway # 4293. Speedway was in the process of appointing Mechele Dobson when she decided to accept a job position outside of Speedway LLC.

Sheryl is a past Agent of this location and will be submitting her paperwork as soon as I can obtain corporate signatures on the required paperwork.

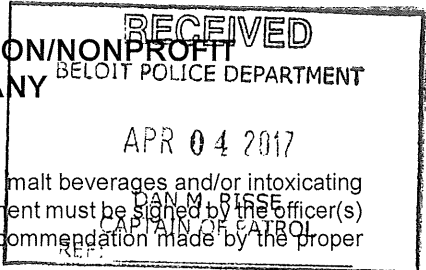
If you have any questions please don't hesitate to contact me at 937-863-7191 or Jmshaw@speedway.com

Sincerely,

Jill Shaw, License Coordinator

For Speedway LLC

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



Submit to municipal clerk.

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

Town

To the governing body of: Village of BELOIT County of ROCK

City

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

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as SPEEDWAY 4293
(trade name)

located at 2781 MILWAUKEE RD., BELOIT, WI 53511

appoints SHERYL L LATRONICO
(name of appointed agent)

1949 COLONY COURT, BELOIT, WI 53511
(home address of appointed agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 28 YEARS

Place of residence last year 1949 COLONY COURT, BELOIT, WI 53511

For: SPEEDWAY LLC
(name of corporation/organization/limited liability company)

By: R.L. Edmiston Ronald L. Edmiston, Treasurer for Speedway LLC
(signature of Officer/Member/Manager)

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

ACCEPTANCE BY AGENT

I, SHERYL L LATRONICO, hereby accept this appointment as agent for the
(print/type agent's name)

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

[Signature]
(signature of agent)

3/29/2017
(date)

Agent's age [redacted]

1949 COLONY COURT, BELOIT, WI 53511
(home address of agent)

Date of birth [redacted]

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

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

Approved on 04/03/17 by [Signature]
(date) (signature of proper local official)

Title Captain BPD
(town chair, village president, police chief)

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
LATRONICO		SHERYL		L	
Home Address (street/route)		Post Office	City	State	Zip Code
1949 COLONY COURT APT 2			BELOIT	WI	53511
Home Phone Number		Age	Date of Birth	Place of Birth	
608-364-1917				ILLINOIS	

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

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

which is making application for an alcohol beverage license.

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

1. How long have you continuously resided in Wisconsin prior to this date? 28 YEARS
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify. (Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)

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

Employer's Name	Employer's Address	Employed From	To
SPEEDWAY LLC	PO BOX 1500, SPRINGFIELD, OH	Feb. 2017	Current
Employer's Name	Employer's Address	Employed From	To
SPEEDWAY LLC	PO BOX 1500, SPRINGFIELD, OH	05/31/2007	10/21/2016

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

Subscribed and sworn to before me
 this 29 day of March, 2017
Risa A. Maronec
(Clerk/Notary Public)
 My commission expires 1/6/2018

Sheryl L. Latronico
(Signature of Named Individual)
 Sheryl L. Latronico, Agent



RESOLUTION
AUTHORIZING FINAL PAYMENT OF PUBLIC WORKS CONTRACT C16-04
Wisconsin Ave. Reconstruction - Woodward to White

WHEREAS, work under the above-listed contract has been satisfactorily completed and in conformance with the requirements of the contract; and

WHEREAS, This project reconstructed the curbs, pavement, storm sewer, and street lighting; and

WHEREAS, the City Engineer, City Comptroller, and City Attorney have reviewed the project and all documentation and have recommend final payment to the contractor.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Beloit that Rock Road Companies be paid \$67,196.61 as the final payment for Public Works Contract C16-04 Wisconsin Ave. Reconstruction - Woodward to White.

Dated at Beloit, Wisconsin, this 17th day of April 2017.

BELOIT CITY COUNCIL

David F. Luebke, President

ATTEST:

Lorena Rae Stottler, City Clerk

CITY OF BELOIT



REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Final Payment for Public Works Contract C16-04, Wisconsin Ave. Reconstruction - Woodward to White

Date: April 17, 2017

Presenter: Gregory Boysen

Department: Public Works

Overview/Background Information:

Public Works contract C16-04 was awarded on March 7, 2016. This project reconstructed the curbs, pavement, storm sewer, and street lighting.

The original contract awarded was \$815,744.84. The value of change orders, quantity increas(es)/decreas(es) resulted in a final contract value of \$723,214.65. To date, the contractor has been paid \$656,018.04 with a remaining balance of \$67,196.61 due as final payment.

The City Engineer has found the work to be satisfactorily completed.

The City Comptroller and the City Attorney have approved the budget and final documents and are recommending that city council authorize the final payment to the contractor.

Key Issues (maximum of 5):

See above

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

Approval of this resolution would conform with Goal #5's stated purpose of creating and sustaining high quality infrastructure and connectivity by improving the appearance and extending the service life of city streets, while lowering street maintenance costs.

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

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

If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space

Action required/Recommendation:

Approval the Resolution

Fiscal Note/Budget Impact:

Funding is provided in the 2016 Capital Improvement Budget

Attachments:

Proposed Resolution

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch

FROM: Andy Hill, Project Engineer 

DATE: March 6, 2017

SUBJECT: Final Payment Contract C16-04
Wisconsin Ave. Reconstruction - Woodward to White

The work on this project was completed on August 19, 2016. I have inspected the work and find it to be satisfactory and in compliance with the requirements of the contract. The contractor has asked for final payment. The project was inspected by city staff. The final payment quantities have been approved by the contractor.


The original contract amount was for \$815,744.84, and the final contract amount is \$723,214.65. The decrease in cost was due to several project tasks that were found to be unnecessary or ill-advised, such as sanitary lateral pipe replacement, 10 inch water valve replacement, and driveway replacement . A variance report is attached. Payments to date under this contract total \$656,018.04, and all lien waivers from subcontractors are on file.

Therefore, I recommend a final payment in the amount of \$67,196.61 be made to Rock Road Companies



City Attorney's Office
Interoffice Memorandum

To: Andy Hill, Project Engineer

From: Elizabeth A. Krueger, City Attorney 

Date: March 27, 2017

Re: Final Payment Public Works Contract C16-04
Wisconsin Ave. Reconstruction – Woodward to White
Rock Road Companies, Inc.

I have reviewed the materials you sent over for final payment approval on the above contract. Everything appears in order and you may process the matter in your normal fashion.

/tdh
encs.

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Application for an Amended Conditional Use Permit for the property located at 2100 Newark Road – Council Referral to the Plan Commission

Date: April 17, 2017

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Steven Franks of 3 Franks Services LLC has filed an application to amend an existing Conditional Use Permit (CUP) to allow the removal and relocation of office space in the DH, Development Holding District, for the property located at 2100 Newark Road.

Key Issues (maximum of 5):

- The applicant is currently operating his asphalt paving business at this location in accordance with a 2014 CUP, as amended in 2015.
- The applicant has built a 2,400 square-foot office & storage addition to an existing storage/shop building in lieu of the approved 3,000 square-foot addition.
- The applicant would like to remove two existing office spaces and convert an existing garage into an office space.
- The proposed project is considered a major change in the use of the property, and requires Plan Commission and City Council approval of an amended CUP.
- A site sketch and application are attached to this report.

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 April 19, 2017 meeting
- This item will most likely return to the City Council for a public hearing and possible action on May 1, 2017

Fiscal Note/Budget Impact: N/A

Attachments: 2015 CUP, Site Sketch, and Application

FILE# 3634
JUL 6 2015
CITY OF БЕЛОIT
CITY CLERK

**RESOLUTION AUTHORIZING AN AMENDED CONDITIONAL USE PERMIT
TO ALLOW EXPANDED CONTRACTOR OFFICE & STORAGE YARD USES
IN THE DH, DEVELOPMENT HOLDING DISTRICT,
FOR THE PROPERTY LOCATED AT 2100 NEWARK ROAD**

WHEREAS, the application of Steven Franks of 3 Franks Services LLC for an amended Conditional Use Permit (CUP) to allow expanded Contractor Office & Storage Yard uses in the DH, Development Holding District, for the property located at 2100 Newark Road, 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 an amended Conditional Use Permit to allow expanded Contractor Office & Storage Yard uses in the DH, Development Holding District, for the property located at 2100 Newark Road in the City of Beloit, for the following described premises:

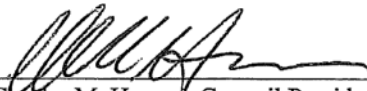
Lot 1 of a Certified Survey Map as recorded in Volume 9 on Pages 230 & 231 and Lot 1 of a Certified Survey Map as recorded in Volume 12 on Pages 32 & 33 of the Certified Survey Maps of Rock County, located in the City of Beloit, County of Rock, State of Wisconsin. Said parcel contains 11.25 acres, more or less.

As a condition of granting the amended Conditional Use Permit, the City Council does hereby stipulate the following conditions and restrictions upon the Conditional Use, which are hereby deemed necessary for the public interest:

1. The conditions imposed on the applicant's 2014 CUP remain in full force and effect.
2. This amended CUP allows a 3,000 square-foot addition to an existing storage/shop building, along with temporary use of a converted manufactured home that will be used as office space during the construction process.
3. The temporary office use shall be discontinued when the building addition has been completed or in three years following approval, whichever occurs first. Gravel areas shall be paved at the conclusion of this project.
4. The applicant may continue to rent the existing single-family dwelling, but must maintain a Rental Dwelling Permit.
5. The applicant shall obtain an Architectural Review Certificate, a Certificate of Zoning Compliance, and a Building Permit prior to beginning construction of the building addition.
6. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Director of Planning & Building Services may approve minor changes administratively.

Adopted this 6th day of July, 2015.

BELOIT CITY COUNCIL


Charles M. Haynes, Council President

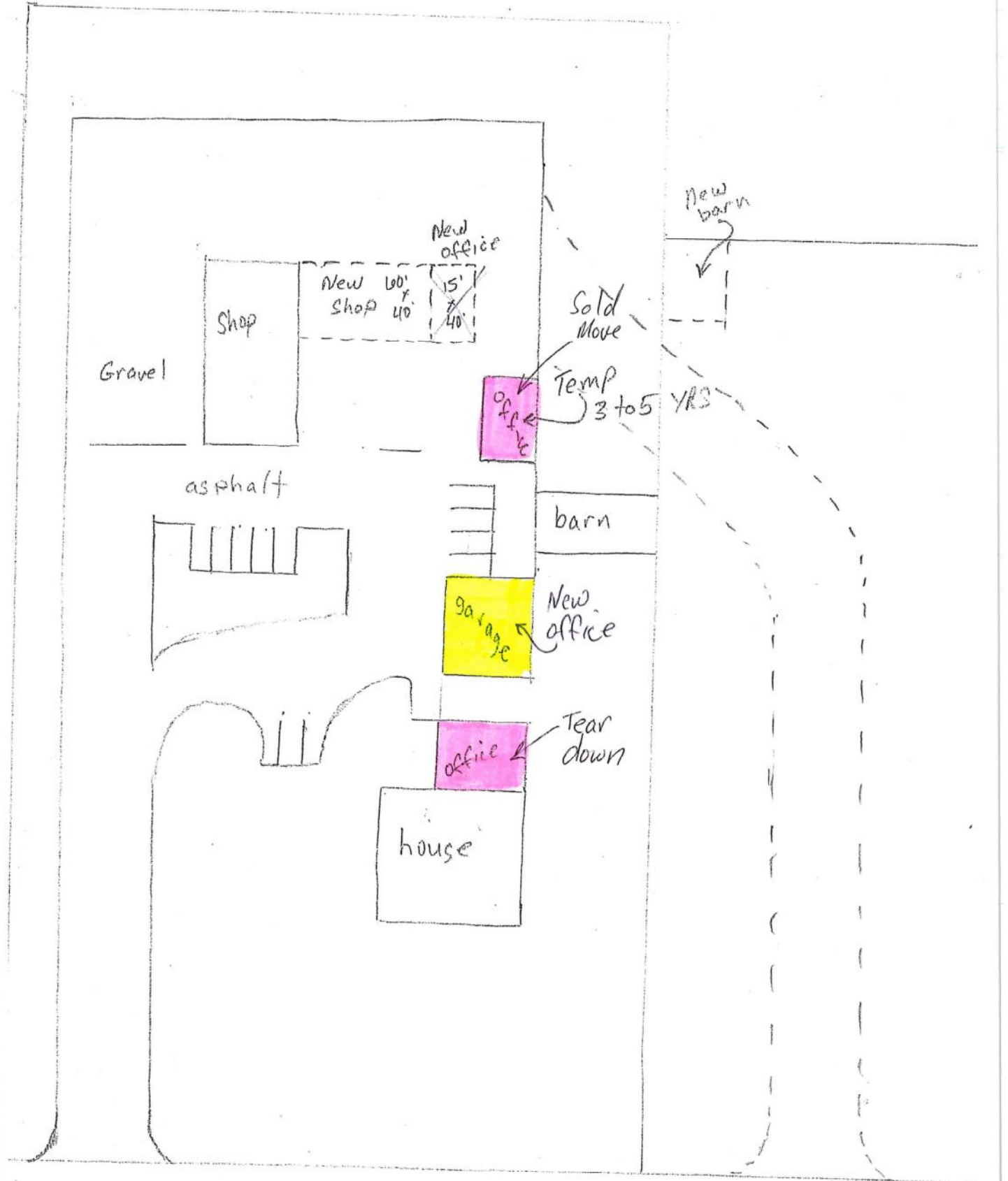
ATTEST:


Lorena Rae Stottler, City Clerk

CU-2015-05, 3 Franks Services Amendment, 2100 Newark Road, Council Report

Steve Franks

3 Franks Services LLC.



2100 Beloit Newark Rd

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-2017-06

1. Address of subject property: 2100 Beloit Newark Rd. Beloit, WI
2. Legal description: West 1/2 of NW 1/4 Section 22, 1 North Range 12 East See Attached
If property has not been subdivided, attach a copy of the complete legal description from deed.
Property dimensions are: 720 feet by 648 feet = 450,000 square feet.
If more than two acres, give area in acres: 11.25 acres.
3. Tax Parcel Number(s): 12280100
4. Owner of record: 3 FRANKS SERVICES Phone: 608-365-4608
2100 Beloit Newark Rd. Beloit, WI 53511
(Address) (City) (State) (Zip)
5. Applicant's Name: 3 FRANKS SERVICES LLC
2100 Beloit Newark Rd Beloit WI 53511
(Address) (City) (State) (Zip)
608-365-4608 1.608-295-3490 1.franks3services@yahoo.com
(Office Phone #) (Cell Phone #) (E-mail Address)
6. All existing use(s) on this property are: Shop, office, barns, residence
7. **THE FOLLOWING ACTION IS REQUESTED:**
A Conditional Use Permit for: Remodel of Garage for office space
in a(n) _____ Zoning District.
8. All the proposed use(s) for this property will be:
Principal use: Shop, office, residence, farm animals

Secondary use: residence

Accessory use: farm

9. Project timetable: Start date: 3/21/17 Completion date: 5/20/17

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.

Steven D Franks / Steven D Franks / 3/20/17
(Signature of Owner) (Print name) (Date)

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

In order for your request to be heard and considered in a timely manner, you must submit the completed application, and all accompanying documents, to the Planning and Building Services Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting.

This application must be submitted with one copy of a scaled drawing showing the layout of the proposed development in accordance with all code requirements, and the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant and these costs are typically between \$5.00 and \$15.00.

To be completed by Planning Staff

Filing fee: **\$275.00** Amount paid: \$275.⁰⁰ Meeting date: April 19, 2017
No. of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: Drew Pennington Date: 3/20/17

PARCEL 1:

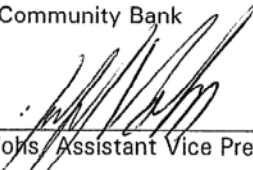
LOT 1, CERTIFIED SURVEY MAP NO. 920289, RECORDED IN VOL. 9 OF CERTIFIED SURVEY MAPS, PAGE 230, BEING A RE-RECORD OF CERTIFIED SURVEY MAP NO. 919402, RECORDED IN VOL. 9 OF CERTIFIED MAPS, PAGE 189; BEING PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 1 NORTH, RANGE 12 EAST; ALSO BEING PART OF OUTLOT 22-6, ASSESSOR'S PLAT OF THE TOWN OF BELOIT, NOW IN THE CITY OF BELOIT, ROCK COUNTY, WISCONSIN.

PARCEL 2:

LOT 1, CERTIFIED SURVEY MAP NO. 1001080, RECORDED IN VOL. 12 OF CERTIFIED SURVEY MAPS, PAGE 32; BEING PART OF LOT 2, CERTIFIED SURVEY MAP NO. 920289, RECORDED IN VOL. 9 OF CERTIFIED SURVEY MAPS, PAGE 230; ALSO BEING PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 1 NORTH, RANGE 12 EAST; ALSO BEING PART OF OUTLOT 22-6, ASSESSOR'S PLAT OF THE TOWN OF BELOIT, NOW IN THE CITY OF BELOIT, ROCK COUNTY, WISCONSIN.

LENDER:


Gateway Community Bank

By  Date 11-30-15 (Seal)
Jeff Vohs, Assistant Vice President

3 FRANKS SERVICES LLC

Wisconsin Release Of Real Estate Security Instrument
IL/4KCORDRAY0000000009625058112015N

Wolters Kluwer Financial Services ©1996, 2015 Bankers Systems™

Initials 
Page 1



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RESOLUTION
AWARDING PUBLIC WORKS CONTRACT C17-04
Beloit Police Evidence HVAC

WHEREAS, on April 6, 2017, two competitive bids were received, the low bid being from Klobucar Construction Co.; and

WHEREAS, Klobucar Construction Co. is a qualified bidder.

THEREFORE, BE IT RESOLVED that Public Works Contract C17-04, Beloit Police Evidence HVAC, is hereby awarded to Klobucar Construction Co., Beloit, WI, in the following amounts:

Klobucar Construction Co.
3217 E Tortoise Lane
Beloit, WI 53511

Base Bid	\$ 106,700.00
Allowance for Change Orders and/or Extra Work	\$ 16,005.00
TOTAL PROJECT COST	\$ 122,705.00

BE IT FURTHER RESOLVED that the amount of \$122,705.00 is hereby funded as follows:

P2913662 -5511-2017	PD Evidence Room HVAC	\$ 104,500.00
P2970665-5511-2017	City Hall Roof, Wall, HVAC	\$ 18,205.00
TOTAL		\$ 122,705.00

Dated at Beloit, Wisconsin this 17th day of April, 2017.

City Council of the City of Beloit

David F. Luebke, President

ATTEST:

Lorena Rae Stottler, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Award of Contract C17-04, Beloit Police Evidence HVAC

Date: April 17, 2017

Presenter(s): Greg Boysen P.E., Public Works Director

Department(s): Public Works/ Engineering

Overview/Background Information:

This project will provide a roof top unit to heat, cool, and control humidity of the evidence room to current standards..

Key Issues (maximum of 5):

1. Two bids were received for this project. The low bid of \$106,700.00 was from Klobucar Construction Co. and is 4.8% higher than the engineer's estimate of \$101,836.00.
2. Klobucar Construction Co is considered a responsible bidder for this project.
3. The costs for this project are as follows: \$106,700.00 for construction, \$ 16,005.00 for Change Orders or extra work, for a total of \$122,705.00.

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

This project conforms to 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**
The evidence room in its current state does not abide to evidence storage guidelines or air quality standards for human occupied areas. This project is the most effective way to address both of those issues.

If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space.

Action required/Recommendation:

The Engineering Division recommends awarding this Public Works Contract to Klobucar Construction Co. in the amount of \$122,705.00.

Fiscal Note/Budget Impact:

Funding is available in the 2017 Capital Improvement Plan.

CITY OF BELOIT



REPORTS AND PRESENTATIONS TO ABLCC

Topic: CONSIDERATION OF AN APPLICATION FOR AN OPERATOR'S LICENSE FROM WHITNEY WALRAVEN

Date: April 12, 2017

Presenter: Captain Dan Risse

Department: Police

Overview/Background Information:

Whitney L. Walraven has applied for an Alcohol Beverage Operator's (Bartender's) License on February 21, 2017. She completed an application, showed proof of completion of Safe Server Beverage Course, presented a satisfactory ID and paid the application fee. Her application was forwarded to the Beloit Police Department for review and recommendation. Captain Risse submitted a memorandum to the Clerk's Office on February 28, 2017 denying her request for a license due to the convictions found during her background investigation. A review of Walraven's record shows the following:

Conviction Date (Violation Date)	Jurisdiction	Offense
07/15/2003; (03/02/2003)	Winnebago County, Illinois	Operating While Under the Influence
05/07/2015; (04/04/2015)	Rock County, Wisconsin	No Insurance
02/02/2016; (12/18/2015)	McHenry County, Illinois	Implied Consent
01/04/2017; (12/18/2015)	McHenry County, Illinois	Operating While Under the Influence

The City sent a letter to Walraven on March 2, 2017 informing her of the denial. Walraven sent an email objecting to the denial to Captain Risse on March 10, 2017. Captain Risse did not recommend changing the Department's recommendation for denial. Walraven had opted to appeal the denial. Walraven submitted her written appeal on March 31, 2017.

Key Issues (maximum of 5):

1. Walraven applied for an operator's license on February 21, 2017.
2. The Police Department conducted an investigation of her background and has recommended denial of the license due to 2 Operating While Under the Influence convictions in the State of Illinois.
3. Walraven has chosen to appeal this determination and submitted her appeal.
4. The application for an operator's license is before the ABLCC for a recommendation to the City Council.
5. See attached guidance from the League of Wisconsin Municipalities for standard of review for alcohol beverage licenses.

Action required/Recommendation:

Recommendation to the City Council to approve or deny the application

Fiscal Note/Budget Impact:

There is no fiscal impact on the City Budget

Attachments:

- Wisconsin League of Municipalities Guidance related to Eligibility Qualifications for Applicants
- Recommendation from the Police Department
- Correspondence with Walraven
- Appeal paperwork submitted by Walraven

II. Retail Licenses and Permits / E. Licensee Qualifications

E. Licensee Qualifications

1. Age

Individuals, all partners (including limited partners), the officers, directors, and agents of corporations, the members, managers and agents of limited liability companies and the officers, directors and agents of nonprofit organizations must be of legal drinking age, except that a person may obtain an operator's license if he or she is at least 18.

2. Arrest or conviction record

Individuals, all partners (including limited partners), the officers, directors, and agents of corporations, the members, managers and agents of limited liability companies and the officers, directors and agents of nonprofit organizations also:

a. May not have an arrest or conviction record subject to the Wisconsin Fair Employment Act (secs. 111.321, 111.322 and 111.335). Sec. 125.04(5)(a)1. [But see the following Note and items c. and d.] This qualification also applies to corporations and partnerships. However, a corporation with a conviction record may be issued a license if the corporation has terminated its relationship with the individual whose actions directly contributed to the conviction. Sec. 125.04(5)(c).

[Note: The Wisconsin Fair Employment Act (secs. 111.321, 111.322 and 111.335) prohibits discrimination in licensing and employment based on an arrest or conviction record. However, it is not employment discrimination to deny or refuse to renew a license because of a pending arrest record or a conviction record, if the circumstances of the charges substantially relate to the alcohol beverage licensing activity. Sec. 111.335. Intoxicating Liquors 890 (1991).]

b. Municipal officials may check to see if an applicant has a criminal record by requesting the Crime Information Bureau within the Wisconsin Department of Justice to conduct a criminal history search of the applicant. The Record Check Unit within the Crime Information Bureau can be reached by dialing (608)266-5764. Municipalities must pay a fee for each record check. Requests for record checks must be submitted in writing by mail or online using a record request form provided by the Crime Information Bureau. The Bureau does not accept record check requests by telephone or fax.

c. May not be a "habitual law offender." Sec. 125.04(5)(b).

[Note: The term "habitual" refers to multiple convictions (or pending charges). *State ex rel. Smith v. City of Oak Creek*, 139 Wis.2d 788, 407 N.W.2d 901 (1987). It seems likely

Municipal Licensing and Regulation of Alcohol Beverages

that two offenses within a relatively short time period would qualify a person as an “habitual offender.” Intoxicating Liquors #890 (1991). The term offender refers to a person with civil violations such as ordinance convictions and/or misdemeanor convictions (or pending charges) which substantially relate to the alcohol beverage licensing activity. The courts have interpreted “habitual offender” to include a person who testified under oath that he had habitually violated the law, even though there were no convictions for the offenses. *City of Oak Creek, supra.*]

d. May not have been convicted of a felony which substantially relates to the alcohol beverage licensing activity. Wis. Stat. sec. 125.04(5)(b).

[Note: To harmonize the above provisions (items a. , c. and d.) concerning the qualification of a person with an arrest or conviction record, it appears that although one felony which substantially relates to the licensing activity would lead to nonlicensing, for convictions other than felonies, such as ordinance and misdemeanor convictions, there would have to be repeat offenses to make the person an “habitual law offender.” Similarly, for a pending charge (i.e., an arrest record) it appears that a license may not be denied for one pending charge unless that charge is for a felony. Intoxicating Liquors 890 (1991).]

3. Seller’s permit

All applicants for retail licenses must provide proof, as required by sec. 77.61(11), that they are in good standing for sales tax purposes (i.e., hold a seller’s permit). Sec. 125.04(5)(a)4. This requirement does not apply to applicants for operator’s licenses and manager’s licenses. It also does not apply to applicants for temporary Class “B” licenses or temporary “Class B” licenses who are not required to hold a seller’s permit. Sec. 125.04(5)(d)3.

4. Residency

Individuals, all natural persons in a partnership and the agents of corporations and limited liability companies are subject to the following residency requirement: Sec. 125.04(5)(a)(2).

a. 90 days continuously in this state prior to the date of application.

b. The officers and directors of corporations and the members or managers of limited liability companies are not subject to the 90-day state residency requirement.

[Note: The following may be used to verify residency in Wisconsin for the required time period]

- Voter registration.
- Motor vehicle registration.
- Driver’s license.

Municipal Licensing and Regulation of Alcohol Beverages

- Residential lease or purchase agreements.
- Income tax records.

5. Responsible beverage server training course

Individuals, partners and agents of corporations and limited liability companies must have successfully completed a DOR-approved responsible beverage server training course (see <http://www.revenue.wi.gov/training/alcSellerServer.html> for providers) unless:

- a. The person is renewing a license; or
- b. Within the past two years the applicant held a manager's or operator's license, or held or was agent of a corporation or limited liability company that held a Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor, or "Class C" wine license; or
- c. Within the past two years the person successfully completed such a training course.

6. Partnerships

- a. The names of all partners, including limited partners, must be revealed in the application for a beer and/or liquor license. *Brill v. Salzwedel*, 235 Wis. 551, 292 N.W. 908 (1940); *Sponholz v. Meyer*, 270 Wis. 288, 70 N.W.2d 619 (1955); Informal opinion, 5-21-85, Attorney Sheree Robertson of DOR; *Intoxicating Liquors 878* (1988).

- b. Adding or dropping of a partner requires application for a new license. The governing body must be given the right to decide on the eligibility of any remaining or new partners for an alcohol beverage license. Informal opinion, 8-6-63, George Thompson, Attorney General.

- c. In general, the 90-day state residency requirement applies to all partners in a partnership, including limited partners. See Robertson opinion and *Intoxicating Liquors 878* (1988), above at a. However, the Department has concluded in at least one instance involving a complicated, multi-tiered ownership structure that it was appropriate to apply the qualification standards applicable to corporate applicants to a partnership applicant. In that case, therefore, it was determined that the 90-day state residency requirement did not apply to the partnership applicant. Informal opinion, 1-23-97, Attorney John Evans of DOR.

- d. A partnership may include a corporation, limited liability company or another partnership. A partnership consists of two or more "persons" which may involve a corporation or a partnership as one of the partners.

7. Corporations and limited liability companies

- a. Corporations and limited liability companies are eligible for the following

Municipal Licensing and Regulation of Alcohol Beverages

licenses:

- Class “B” beer. Sec. 125.26(2).
- “Class B” liquor. Sec. 125.51(3)(c).
- Reserve “Class B” liquor. Sec. 125.51(4)(a)4.
- “Class A” liquor. Sec. 125.51(2)(b).
- Class “A” beer. Sec. 125.25(2)(a).
- “Class C” wine. Sec. 125.51(3m)(c).

b. Foreign corporations (i.e., out-of-state corporations) and foreign (i.e., out-of-state) limited liability companies are ineligible for “Class C” wine licenses. Wis. Stat. sec. 125.51(3m)(c).

c. The 90-day state residency requirement is inapplicable to the officers and directors of corporations and the members or managers of limited liability companies. Sec. 125.04(5)(c).

d. The agents of corporations and limited liability companies must meet the 90-day state residency requirement. See sub. 4 , above.

e. All officers and directors of a corporation and members or managers of a limited liability company must be of legal drinking age and not have an arrest or conviction record subject to the Fair Employment Act. See sub. 2 , above.

f. Business corporations organized under ch. 180 are only required to have one officer. Sec. 180.0840(3). Nonstock nonprofit corporations organized under ch. 181 are required to have two or more officers. Sec. 181.25. Limited liability companies are only required to have one member. Sec. 183.0201.

g. Corporate and limited liability company agents: Sec. 125.04(6).

i. All corporations and limited liability companies applying for an alcohol beverage license must appoint an agent.

[Note: The Department requires, under its powers, appointment of an agent for an association, even though this is not specified in the Statutes.]

ii. A license cannot be issued to a corporation or limited liability company until the agent has been approved by the municipality. In addition to meeting the age, arrest or conviction record and residency requirements, “the agent must, with respect to character, record and reputation, be satisfactory to the issuing authority.” Sec. 125.04(6)(a)1.

Municipal Licensing and Regulation of Alcohol Beverages

iii. The agent must be named in the license or permit and must be given full authority and control over the licensed premises and over all commercial activities on the premises relating to alcohol beverages. Sec. 125.04(6)(a)2.

iv. Steps to be taken in the appointment of a successor agent: Sec. 125.04(6)(b).

- The corporation or limited liability company must immediately notify the municipal clerk in writing of the appointment of a new agent and the reason for cancellation of the previous agent.

- The newly appointed agent may act in that capacity until approved or disapproved.

- The new agent must complete Forms AT-104 (Schedule for Appointment of Agent) and AT-103 (Auxiliary Questionnaire) and file them with the municipal clerk.

- The license of the corporation or limited liability company shall cease to be in force if prior to the next regular or special meeting of the governing body, the municipal clerk “receives notice of disapproval of the successor agent” by a law enforcement officer of the municipality.

Sec. 125.04(6)(c). [Consult your attorney, however, before relying on this provision, since it is the governing body that must approve the change.]

- If the change is approved by the governing body, the municipal clerk must amend the license to reflect the change of agent.

h. A corporation or limited liability company may apply for an alcohol beverage license prior to registration with the Department of Financial Institutions. The license may be granted by the governing body, but it cannot be issued until the foreign/domestic corporation or limited liability company has been registered to do business in this state.

i. If a corporation or limited liability company changes its name or its officers, directors, stockholders or members or managers:

i. The entity need not submit a new application for a license.

ii. The municipal clerk must be notified within 10 days about any such change. Sec. 125.04(3)(h). Any new officers, directors, members or managers must complete and file with the municipal clerk a Form AT-103 (Auxiliary Questionnaire). A new agent must complete Forms AT-104 (Schedule for Appointment of Agent) and AT-103. See g. 4., above. After approval by the governing body, the municipal clerk must amend the entity’s

Municipal Licensing and Regulation of Alcohol Beverages

license to reflect any change of name or change of agent.

[Note: Questions about whether the same or a new corporation is involved may be resolved by requesting a copy of the forms filed by the corporation with the state agency that oversees such records, currently the Wisconsin Department of Financial Institutions (DFI).]

March 24, 2017

Captain Dan Risse
Beloit Police Department
100 State Street
Beloit, WI 53511

Re: Alcohol Beverage Operators License

Captain,

Please accept this as my official appeal in writing as I was informed to provide by Lorena Stottler.

I have applied for the Alcohol Beverage Operators License after successfully taking a responsible server course. I received your denial letter stating that my application was denied based on the fact that I failed to disclose all arrests and convictions.

We communicated via email and came to realize where the errors and misunderstandings originated. I was informed by Ms. Stottler that my appeal was being reconsidered due to the new information provided. Sadly I received a phone call the other day stating that my appeal was denied due to me having habitual OWI's. I would like to clarify that 2 OWI's within 14 years is far from habitual in my opinion. The application stated to identify convictions within the past 5 years. If that means that those are the most relevant convictions than I find it highly unfair that I am being judged by a bad decision made when I was 20 years old.

Yes, I have a recent OWI conviction originating from 2015, however despite my conviction I maintain my innocence as I was experiencing a side effect from my illness. I have paid my dues and am embarrassed by what some may consider a "colorful" history. However, I feel that my actions speak much louder than what appears on paper.

To date, I have been a board member for Youth 2 Youth 4 Change. Month after month over the past few years I have sat at a coalition meeting, with you, advocating for a healthier, drug free community. I advocate for our youth and their well being. I have been the executive director for a non profit, Family Respite Care Services for over 6 years until recent budget cuts left me without a job. I have been an Ambassador for the Chamber of Commerce of Greater Beloit, I have been a Zonta Club of Beloit member, and all while volunteering for the Downtown Beloit Association when able.

I have volunteered hours and hours to help make Beloit a better community. I feel that of all people, I would make the most responsible server and this position would allow me to advocate the mission of Y2Y in a different way. Me being a server does not mean I enable drinking and drug use, but it does help me provide for my children as a single mother.

I was told that it is a state law of Wisconsin that prohibits a license from being awarded if the applicant has more than 1 OWI. I reviewed the information online and according to the www.revenue.wi.gov section 10. It states the following:

Can I get a liquor license if I have a criminal record?

That will largely be ***up to the municipality to determine***. A ***criminal record is not an automatic bar to getting a license***. The municipality must determine whether the violation is something related to the business of selling alcohol beverages. ***Violations such as selling liquor without a license, tax evasion, etc., are closely related to this business and might well be a bar to licensing***. A record of auto theft may not. The municipality will weigh the nature of the violation, the ***time that has elapsed since the violation***, the person's ***overall record in the community***, etc., in making that determination.

With all of this being said, I hereby ask that you reconsider your decision.

I am eager to provide our community as a responsible and caring member of Beloit.

Whitney Walraven
409 Central Ave.
Beloit, WI 53511
815-742-7726

APPLICATION FOR ALCOHOL BEVERAGE OPERATOR'S LICENSE

I hereby make application with the City of Beloit, County of Rock, in the State of Wisconsin, for an Operator's License as provided by City Ordinance and amendments thereto, to sell Fermented Malt Beverages and Intoxicating Liquors in the City of Beloit, the same to expire on the 30th day of June 2017.

***** Note: You must be current with all monies owed to the City of Beloit. *****

DATE: 2.21.17 NOTE - NO REFUNDS GIVEN PHONE: 815-742-7726
NAME: Walraven Whitney L
LAST FIRST MIDDLE
ALIAS: _____ MAIDEN NAME: _____

The following information is required to run a criminal history and driving record check:

DATE OF BIRTH: ~~██████~~ PLACE OF BIRTH: Rockford, IL RACE: White
DRIVER'S LICENSE NUMBER/ STATE: ~~██████-██████-██████-██~~^{WI} (CIRCLE) MALE (FEMALE)
CURRENT RESIDENCE: 409 Central Ave Beloit WI 53511

MAILING ADDRESS (IF DIFFERENT THAN ABOVE) _____

PREVIOUS ADDRESS: 1038 Moore St - Beloit WI 53511

LIST ANY CONVICTIONS OF LAWS OR ORDINANCES YOU HAVE INCURRED DURING THE PAST FIVE (5) YEARS. DO NOT INCLUDE ANY TRAFFIC OFFENSES FOR WHICH THE PENALTY IMPOSED WAS LESS THAN \$50.00.

DUI - Illinois Dec. 2015

Having read and answered all of the above statements and questions, I hereby consent to investigation of such facts, and state that all of the above statements are true and correct to the best of my knowledge. I also consent to revocation of my Operator's License upon demand, due to any false statements upon this application.

Whitney A. Walraven
Applicant's Signature

PLACE OF EMPLOYMENT: ~~████████████████████~~ The Tavern

ADDRESS: _____ 1567 S. Madison
Beloit WI

FOR OFFICE USE ONLY:

Regular License 60 day Provisional License _____ 60 Day Expiration Date: _____
Date Registered for School: _____ School Completed: 1/30/17
Amount Paid: _____ New Renewal _____ Special Event Temporary _____

APPROVAL:

Date: _____ Chief of Police See Attached
Date: _____ City Manager _____

Serving Alcohol Operator License

Whitney Walraven

has successfully completed the course

Wisconsin Alcohol Seller-Server

License Code

QxcTT5On5R

Verify online at
servingalcohol.com

Serving Alcohol Inc.

APPROVED BY THE STATE OF WISCONSIN SS-125.04; PROVIDER TRAINING IN COMPLIANCE WITH SS-134.66; STUDENT ACKNOWLEDGED UNDERSTANDING OF SS-134.88: Restrictions on sale or gift of cigarettes or tobacco products; that state law prohibits selling tobacco products to any person under the age of 18; and failure to comply with these restrictions may result in a citation.

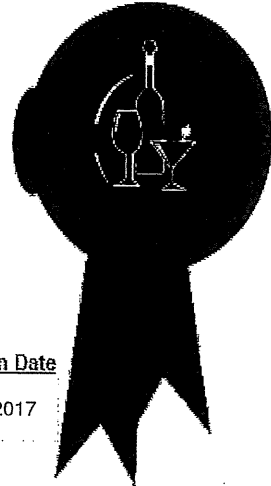
PERSONS COMPLETING THIS COURSE HAVE AGREED TO EXECUTE THE FOLLOWING POLICIES TO THE BEST OF THEIR ABILITIES:

- * CARD ANY PERSON 35 YEARS OF AGE OR YOUNGER
- * OBSERVE AND REPORT ANY CUSTOMER SHOWING SIGNS OF POSSIBLE IMPAIRED BEHAVIOR
- * RESPOND IMMEDIATELY TO ANY POSSIBLE PROBLEM SITUATIONS
- * DETERMINE THAT PEOPLE ENTERING THE PREMISES TO CONSUME ALCOHOL ARE OF LEGAL ALCOHOL DRINKING AGE AND RECARD THEM IF THERE IS ANY QUESTION AS TO THEIR AGE
- * ENSURE A PERSON MATCHES THEIR VALID LEGAL IDENTIFICATION

Certification Date

Jan 30th, 2017

CERTIFICATE IS VALID FOR THREE YEARS



Wisconsin Bartender License

Name: Whitney Walraven

Certification Date: Jan 30th, 2017

Certificate Code: QxcTT5On5R

Verify Online: servingalcohol.com

Complies with: SS-125.04 SS-134.66

Serving Alcohol Inc - Valid for 3 years

March 2, 2017

Whitney Walraven
409 Central Ave
Beloit, WI 53511

Dear Ms. Walraven:

We are in receipt of your application for an Alcohol Beverage Operator's License for the City of Beloit. This letter is to advise you that the City is denying your application based on the fact that you failed to disclose all arrests and convictions as follows:

07/15/13	Winnebago Co. States Attorney	OWI
05/07/15	Rock County Circuit Court	No Insurance
02/02/16	McHenry County States Attorney	Implied Consent
01/04/17	McHenry County States Attorney	OWI

This decision may be appealed to the Beloit City Council by making a written request for the appeal through the City Clerk's Office per section 1.15 of the City of Beloit Municipal Code. If you have questions about your background check, please contact Captain Dan Risse, Beloit Police Department at (608) 364-6800. Questions about the appeal process may be directed toward the City Clerk at (608) 364-6680.

Sincerely,

Lorena R. Stottler
City Clerk

C: Captain Dan Risse
Beloit Police Department

**Beloit Police Department
Patrol Division
Commander**

Memo

To: Deputy City Clerk Jelene Ahrens
From: Captain Dan Risse
Date: 02/28/17
Subject: Denial - Alcohol Beverage Operator's License
Applicant: Whitney Walraven

After review of the application for an Alcohol Beverage Operator's License for the City of Beloit along with the subsequent records check, it is recommended that this applicant be **denied**.

The application for the license requires the applicant to:

List any convictions of laws or ordinances you have incurred during the past Five years. Do not include any traffic offenses for which the penalty imposed was less than \$50.

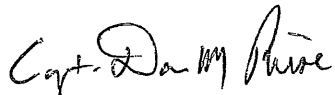
Conviction Date	Jurisdiction	Offense
07/15/2003 03/02/2003	Winnebago County States Attorney	OWI
05/07/2015 04/04/2015	Rock County Circuit Court	No Insurance
02/02/2016 12/18/2015	McHenry County States Attorney	Implied Consent
01/04/2017 12/18/2015	McHenry County States Attorney	OWI

Applicant did disclose a conviction for "DUI - Illinois" from 2015.

The applicant was not required to disclose convictions that occurred more than five years ago. However, the background check located another Operating a Motor Vehicle While Intoxicated (OWI) convictions that occurred in ~~2013~~
2003

Two or more OWI's have traditionally resulted in a denial.

With two operating a motor vehicle while under the influence convictions it is recommended this applicant be denied.



Captain Dan Risse
City of Beloit Police Department

END

Stottler, Lorena

From: Risse, Dan
Sent: Friday, March 10, 2017 10:17 PM
To: Stottler, Lorena
Cc: Krueger, Elizabeth
Subject: Fwd: Alcohol Beverage Operators License
Attachments: Resized952017031095210423.jpg; Resized952017031095210416.jpg

Well I tried to explain.

Sent from my iPhone

Begin forwarded message:

From: Whitney Walraven <~~whitney@whitney@yahoo.com~~>
Date: March 10, 2017 at 9:13:49 PM CST
To: "Risse, Dan" <RisseD@beloitwi.gov>
Subject: Re: Alcohol Beverage Operators License
Reply-To: Whitney Walraven <~~whitney@whitney@yahoo.com~~>

So with me only having to provide information within the last 5 years the 2003 conviction is irrelevant as it is 14 years old and with supervision, it was removed from my permanent record.

Again, I was not withholding a no insurance ticket rather I simply didn't recall it to provide.

The implied consent is not anything that I was charged with and I am happy to contact my lawyer for clarification.

I have attached the information regarding the OWI / DUI from 2015. This was what was rolled into that case.

2 DUI's 14 years apart should not be held against an applicant. In addition they were both in Illinois which I don't feel should prevent me from retaining a Wisconsin certification.

Whitney L. Walraven
409 Central Ave.
Beloit, WI 53511
815.742.7726 mobile
~~whitney@whitney@yahoo.com~~

From: "Risse, Dan" <RisseD@beloitwi.gov>
To: Whitney Walraven <~~whitney@whitney@yahoo.com~~>; "Stottler, Lorena" <~~StottlerL@beloitwi.gov~~>
Sent: Friday, March 10, 2017 8:59 PM
Subject: RE: Alcohol Beverage Operators License

Good evening,

I was still in the office and thought I would see where the confusion was. I went back and verified my work. I discovered an error on my part. Here are the convictions as I found them in your criminal history.

Conviction Date	Jurisdiction	Offense
07/15/2003 03/02/2003	Winnebago County States Attorney	OWI
05/07/2015 04/04/2015	Rock County Circuit Court	No Insurance
02/02/2016 12/18/2015	McHenry County States Attorney	Implied Consent
01/04/2017 12/18/2015	McHenry County States Attorney	OWI

I found that you had been convicted in Winnebago County for OWI on 07/15/2003 for an arrest that had occurred on 03/02/2003. You received another OWI conviction on 01/04/2017 in McHenry County for an arrest that occurred on 12/18/2015.

I had reported the wrong year on the first conviction, indicating 2013 incorrectly. If this 2003 conviction wasn't yours, you may have been the victim of an identity crime and you will need to contact the Winn. County Sheriff's Office.

You were not required to disclose convictions that occurred more than five years ago. However, the background check located another Operating a Motor Vehicle While Intoxicated (OWI) conviction that occurred in 2003. Applicants with two or more OWI convictions traditionally result in a denial of the license.

I hope this helps.

Captain Dan Risse
Patrol Division
Beloit Police Department
100 State Street
Beloit, WI 53511
608-364-6828 office
rissed@beloitwi.gov

From: Whitney Walraven [mailto:whitney@yash.com]
Sent: Friday, March 10, 2017 8:34 PM
To: Stottler, Lorena; Risse, Dan
Subject: Alcohol Beverage Operators License

Hello,

I recently applied for an license to tend bar at The Tavern on Madison Rd., Beloit. I received a denial letter stating that my application was denied based on the fact that I failed to disclose all arrests and convictions.

It appears on this form that I have an OWI offense in July of 2013. This is inaccurate information and I have taken the liberty to attach my Illinois driving abstract for reference.

It appears that I have a No Insurance ticket in 2015. I will admit that this simply slipped my mind when completing the application.

In regards to the OWI listed in McHenry County, I did provide that information and dated it as December 2015 - which is the time in which I was originally charged rather than convicted.

The Implied Consent is something that must be related to the OWI that I referenced as I was not aware of that being an additional charge.

To conclude, I am appealing my application based on the fact that their are inaccurate and misunderstood convictions listed and proof that I am providing regarding the inaccuracies of the OWI listed in Winnebago.

Whitney L. Walraven
409 Central Ave.
Beloit, WI 53511
815.742.7726 mobile
~~*walravenwhitney@yahoo.com*~~



CITY OF BELOIT



REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF CHAPTERS 6, 25 AND 29 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF BELOIT PERTAINING TO HAZARDOUS MATERIAL INCIDENT RESPONSE AND THE WASTEWATER TREATMENT SYSTEM

Date: April 17, 2017

Presenter: Cheryl Simplot

Department: Water Resources

Overview/Background Information:

The Sewer Use Ordinance (SUO) has been updated pursuant to the requirements of Wisconsin Admin Code section NR 211 related to streamlining requirements. In addition, city staff took this opportunity to provide greater clarity and updates to various provisions of the SUO. The Wisconsin Department of Natural Resources has approved the proposed SUO and ERP that is before you for consideration. The highlights of the changes are as follows:

- The ordinance was updated to comply with NR 211 streamlining revisions
 - The ordinance was updated to clarify definitions
 - The ordinance was updated to clarify that requirement for the use of public sewers. Sewage discharge to public or private property prohibited
 - The ordinance was updated to correct references to the administrative code
 - The ordinance was updated to clarify on the distinction between disconnection of sewer service for failure to pay fees and disconnection of service for other reasons
 - The ordinance contains updates to the Spill Control Prevention Program
 - The ordinance updates the permit section to be inclusive of DNR regulations
 - The ordinance revises language in administrative enforcement section to provide greater clarity
 - The ordinance was updated to include continuous pH monitoring language
 - The ERP was updated to be consistent with other ordinance penalty provisions
-

Key Issues:

See above

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.): Adoption of this ordinance will conform with strategic goals #4 and #5 related to creating and sustaining a high quality of life and high quality infrastructure and connectivity.

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 ordinance.

Fiscal Note/Budget Impact:

This is a budget neutral request.

Attachments:

Proposed ordinance
Chapter 7 – Enforcement Response Plan

ORDINANCE NO. _____

AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF CHAPTERS 6, 25 AND 29 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING TO HAZARDOUS MATERIAL INCIDENT RESPONSE AND THE WASTEWATER TREATMENT SYSTEM

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

Section 1. Section 29.01(5)(f) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(f) The City will update and enforce the following elements of the City's federally mandated "pretreatment program":
1. Chapter 29 of the Code of General Ordinances of the City of Beloit entitled "Wastewater Treatment System."
 2. The City of Beloit Industrial Pretreatment Manual approved by the Wisconsin Department of Natural Resources (WDNR).
 3. The City of Beloit Enforcement Response Plan approved by the ~~(WDNR).~~”

Section 2. Section 29.02 of the Code of General Ordinances of the City of Beloit is hereby amended to include, in alphabetical order, the following additions, amendments and deletions to chapter definitions:

Authorized Representative. An authorized representative of an industrial user is a person who meets the requirements of §NR 211.15(10)(b), Wis. Admin. Code, and includes:

1. A president, vice-president or higher-ranking officer of a corporate user.
2. A general partner of a partnership.
3. The owner of a sole proprietorship.
4. A person who is responsible for the overall operation of a facility from which a discharge originates and who is designated as the agent for a corporation, partnership or sole proprietorship.

Business Permit. A permit issued under this chapter to a commercial or industrial user that is not a Significant Industrial User .

Commercial User. A commercial or industrial entity that discharges wastewater to the City's sewerage system or that occupies property connected to the City's sewerage system, but that is not a Significant Industrial User. In this context, a commercial user is distinct from a domestic user. ~~n industrial user engaged in the business of purchasing or selling goods or rendering services to the public, who:~~

- ~~1. Discharges less than 25,000 gallons per day of process wastewater;~~
- ~~2. Is not subject to categorical pretreatment standards;~~
- ~~3. Does not discharge toxic pollutants in an amount that may violate this chapter; and~~
- ~~4. Has no significant impact, either alone or in combination with other discharges, on the wastewater~~

~~treatment system, the quality of the sludge, the system's effluent quality or air emission generated by the system.~~

Consent Order. A written order issued by the Environmental Coordinator under §29.40~~25~~ of this ~~Chapter~~ requiring a user to correct a violation. Issuance of a consent order is not a condition precedent to issuance of a municipal citation or other enforcement action.

~~*Enforcement Response Plan (ERP).* A plan that the City is required by EPA and WDNR to develop for enforcement of this chapter.~~

Hazardous Substance. As defined in Ch. 292, Wis. Stats., any substance, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, significantly contribute to, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, spilled, or otherwise managed.

Hazardous Substance Release. The unpermitted spilling, leaking, pumping, pouring, emitting, emptying, dumping, leaching or release of a Hazardous Substance.

Major Tier/~~Significant~~ Industrial User. See A "Significant Industrial User" that is not a Middle Tier Categorical Industrial User or a Nonsignificant Categorical Industrial User.

Notice of Violation (NOV). A ~~letter document~~ notifying a user of a ~~minor~~ violation of the user's permit or this ~~Chapter~~. Issuance of an NOV is ~~intended as a courtesy and is~~ not required as a condition precedent to the issuance of a municipal court citation or other enforcement action.

Pretreatment or Treatment. The reduction or elimination of pollutants or the alteration of the properties of pollutants prior to, or in lieu of, discharge of such pollutants into the POTW. Pretreatment does not mean dilution of a pollutant. See §29.31(~~65~~).

Significant Noncompliance. A user is in significant noncompliance if one or more of the following occurs:

1. Sixty-six percent or more of all measurements taken during a continuous 6-month period exceed the user's daily maximum discharge limit or the user's average discharge limit for the same pollutant parameter.
2. Thirty-three percent or more of all measurements for each pollutant parameter taken during a continuous 6-month period equal or exceed the product of the user's daily maximum limit or the user's average limit multiplied by the applicable TRC factor. The TRC factor for conventional pollutants such as phosphorus BOD, TSS, fats, oil, and grease is 1.4. The TRC factor for all other pollutants, except pH, is 1.2.
3. The user discharges effluent that, alone or in combination with the effluent discharges of others, interferes with the POTW or causes a pass through.
4. The user discharges any pollutant that causes imminent danger to human health, safety or welfare or to the environment or causes the POTW to exercise its emergency authority to halt or prevent such a discharge.
5. The user fails to meet, within 90 days after the schedule date, a compliance schedule milestone required by a discharge permit or enforcement order for starting or completing construction, or attaining final compliance.
6. The user fails to provide required reports, such as monitoring reports and compliance reports within ~~30~~45 days of the due date.
7. The user fails to accurately report noncompliance.

8. The user fails to monitor its wastewater discharges as required by the user's permit.
9. Any other violation or group of violations which adversely affects the operation or implementation of the local pretreatment program.

~~Significant Violation. A user is in significant noncompliance if one or more of the following occurs:~~

- ~~1. Sixty-six percent or more of all measurements taken during a 6-month period exceed the user's daily maximum discharge limit or the user's average discharge limit for the same pollutant parameter.~~
- ~~2. Thirty-three percent or more of all measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the user's daily maximum limit or the user's average limit multiplied by the applicable TRC factor. The TRC factor for conventional pollutants such as phosphorus BOD, TSS, fats, oil, and grease is 1.4. The TRC factor for all other pollutants, except pH, is 1.2.~~
- ~~3. The user discharges effluent that, alone or in combination with the effluent discharges of others, interferes with the POTW or causes a pass-through.~~
- ~~4. The user discharges any pollutant that causes imminent danger to human health, safety or welfare or to the environment or causes the POTW to exercise its emergency authority to halt or prevent such a discharge.~~
- ~~5. The user fails to meet, within 90 days after the schedule date, a compliance schedule milestone required by a discharge permit or enforcement order for starting or completing construction, or attaining final compliance.~~
- ~~6. The user fails to provide required reports, such as monitoring reports and compliance reports within 30 days of the due date.~~
- ~~7. The user fails to accurately report noncompliance.~~
- ~~8. The user fails to monitor its wastewater discharges as required by the user's permit.~~
- ~~9. Any other violation or group of violations which adversely affects the operation or implementation of the local pretreatment program.~~

~~Spill Control Prevention Program~~ (SCPP). A plan required from a user pursuant to 40 CFR 403.8(f)(2)(vi). Standards and guidelines for such SCPPs are set forward in the City of Beloit IPP Manual.

~~TRC Violation. See "Significant Violation" above.~~

~~User. Any person who discharges wastewater into the City's POTW. See also "Indirect Discharger."~~

~~Water Resources Plant Engineer. [sic]~~

~~Wastewater Discharge Permit. A permit document issued under this chapter by the City to a commercial, industrial, or significant industrial user. The permit document sets forth the discharge limits and other requirements with which the user must comply.~~

Section 3. Section 29.03 of the Code of General Ordinances of the City of Beloit is hereby amended to include, in alphabetical order, the following addition to chapter abbreviations:

MTSIU Major Tier Significant Industrial User.

Section 4. Section 29.035 of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

29.035 USE OF PUBLIC SEWERS REQUIRED

(1) DISPOSING OF WASTEWATER AND POLLUTANTS ON LAND. It shall be unlawful for any person to place, deposit, or permit to be deposited in any manner wastewater or other polluted waters, any human or animal excrement, or other incompatible pollutant on public or private property within the City, excluding waste produced by pets or approved livestock on public or private property provided compliance with §15.165 of this Municipal Code.

(2) DISCHARGE INTO WATERWAYS. It shall be unlawful to discharge to any natural waterways within the City, or any area under the jurisdiction of the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with all applicable federal, state, or local statutes, ordinances, and regulations.

Section 5. Section 29.04(3)(a) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (a) Adoption of Portions of State Plumbing Code . Chapter ~~COMMSPS~~ 382 of the Wisconsin Administrative Code (Wis. Adm. Code) is hereby adopted by reference. The definitions of words and phrases found in §~~COMMSPS~~ 381.01, Wis. Adm. Code, shall apply to those words and phrases when used in this subsection.

Section 6. Section 29.04(3)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (b) Installation of Approved Grease, Oil and Sand Interceptors Required. No person shall install a grease interceptor, oil interceptor or sand interceptor into a drain system connected to the public sewer unless the interceptor has been approved by the Wisconsin Department of ~~Commerce~~ Safety and Professional Services (department). The department shall determine whether one or more exterior or interior grease interceptors ~~is~~ are required. The department may require installation of an interior or exterior grease interceptor for existing plumbing installations when the conditions described in §~~COMMSPS~~ 382.34(5)(~~ab~~)(1), (3), Wis. Adm. Code, exist.

Section 7. Section 29.04(3)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (c) Discharges to Approved Grease Interceptors Required. Food service establishments and any other businesses where ~~All plumbing installations for occupancies, other than dwelling units, where grease,~~ fats, oils, grease or similar waste products ~~of cooking or food~~ are introduced into the drain system shall be provided with interceptors in accordance with §~~COMMSPS~~ 382.34(5), Wis. Adm. Code. No person shall discharge ~~fats~~ grease, oil, ~~fats~~ grease or similar waste products ~~of cooking or food from such occupancy~~ into a drain system which is connected to the public sewer, unless the drain system is equipped with one or more approved grease interceptors capable of preventing such waste from entering the public sewer in violation of the discharge limits established by paragraph (d) of this section.

Section 8. Section 29.04(3)(h) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (h) Maintenance of Interceptors Required. Any person who is required by ~~Ch. 82, Wis. Adm. Code~~ the department, to install a grease interceptor, oil interceptor or sand interceptor shall, at all times, maintain the interceptor in proper working order. The interceptor shall be readily accessible for cleaning and inspection at all times. After maintenance or inspection is completed all parts must be restored to normal operations including fastening screw and bolts. Tampering or removal of parts is prohibited except for normal maintenance or inspection. No interceptor, catch basin or similar device shall contain greater than 25% combined grease, oil or solids at any one time based on industry standards. The City requires a passive interceptor to provide at least 20 minutes of detention time at a temperature of 150°F or less to allow for proper separation of fat, oil, grease and water. No person may return gray water to an interceptor unless a written variance is granted by the City. "Gray water" means all liquid contained in a grease interceptor that lies below the floating grease layer and above the solid grease layer. The owner of a grease interceptor shall keep a log describing the cleaning and repairs performed on the grease interceptor and the dates of such activity. The log shall be kept on site for 3 years.

Section 9. The title of section 29.06 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

"29.06 DISCONNECTION OF SERVICE FOR NONPAYMENT"

Section 10. Section 29.06(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (1) PAYMENT OF SEWER SERVICE CHARGES; DISCONNECTION FOR NONPAYMENT. Payment of sewerage service bills shall be due and payable on the same basis as water charges with the equivalent late payment penalties. All rules applied to the payment of water service bills and to the disconnection for nonpayment of water service bills shall also apply to the payment of sewerage service bills and to the disconnection for nonpayment of sewerage service bills.

Section 11. Section 29.10(2)(f) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (f) Solid or viscous substances which may obstruct the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than ½ inch in any dimension, animal guts or tissues, paunch manure, bones, hair hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, spent grains, spent hops, wastepaper, wood, plastics, diapers, disposable wipes, rags, oil, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

Section 12. Section 29.17 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (1) DEVELOPMENT OF SPILL CONTROL PREVENTION PROGRAM (SCPP). Each significant industrial user (and certain other commercial and industrial users as determined by the City) shall at the user's expense, develop a spill control prevention program (SCPP) ~~- which will to (i)~~ protect the POTW from pass through, slug discharges and prohibited discharges of materials which may interfere with the POTW ~~or pass through the POTW. Approval of an,~~ and (ii) to protect the public and the environment from hazardous substance releases. The POTW shall review the discharges of commercial and industrial users, as necessary, to determine whether an SCPP is needed. See the IPP Manual for detailed guidance.

- (2) REVIEW OF SPILL CONTROL PREVENTION PROGRAM. The City shall review and approve a user's SCPP prior to issuing a user a permit. Approval of a SCPP does not relieve the user from compliance with any law or regulation governing (i) discharge to the POTW, or (ii) the use, storage or transportation of hazardous substances. Prior to permit renewal, the POTW shall review a user's SCPP ~~The POTW shall review a significant industrial user's SCPP prior to permit renewal~~ and determine whether the plan has been maintained and whether any changes are necessary. ~~The POTW shall also monitor the discharges of commercial and industrial users, as necessary, to determine whether an SCPP plan is needed. See the IPP Manual for detailed guidance.~~

- (3) CONTENTS OF SPILL CONTROL PREVENTION PROGRAM. At a minimum, a ~~n~~ SCPP ~~plan~~ shall contain the following:
 - (a) Description of discharge practices including nonroutine batch discharges to the POTW;
 - (b) Description and location of stored chemicals;
 - (c) Procedures for immediately notifying the ~~POTW of spill~~ Water Resources Director, or his/her designee, of unpermitted discharges to the POTW, including any discharge that would violate a prohibition under 40 CFR 403.5(b) with requirements for a written follow up within 5 calendar days unless waived in advance in written form by the City; and
 - (d) Procedures for immediately notifying the Water Resource Director, or his/her designee, of hazardous substance releases to the environment
 - (e) If necessary, procedures to prevent (i) adverse impact of unpermitted discharges, ~~including~~ to the POTW, and (ii) hazardous substance releases to the environment. Procedures may include inspection and maintenance of storage areas, handling and transfer of chemicals and materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measure for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

- (4) TRAINING. A user with a SCPP shall provide training on its SCPP a minimum of once every two years. Such training shall be documented in writing and available to the City upon request.

- (5) COMPLIANCE WITH SCPP A CONDITION OF PERMIT. Once the initial SCPP is prepared and approved, compliance with the SCPP, and all subsequent updates of the SCPP approved by the POTW, shall be a condition of a user's permit. Failure to comply with any portion of an approved SCPP shall be a violation of a user's permit and this chapter.

~~(2) Within 5 calendar days of a discharge or release, unless waived in advance in written form by the City, each user subject to this section, shall submit to the Environmental Coordinator a detailed written report describing the cause of the discharge or release and the measures taken by the user to prevent similar future occurrences. Such notification shall not relieve the user from any liability for damage to the POTW, fish kills or any other damage to person or property or from any forfeiture or other liability which may be imposed by a court.~~

Section 13. Section 29.18 of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

29.18 NOTIFICATION OF UNPERMITTED DISCHARGE OR HAZARDOUS SUBSTANCE RELEASE; OBLIGATION TO MITIGATE

- (1) NOTIFICATION OF DISCHARGE TO POTW. A permittee must immediately notify the Water Resources Director, or his or her designee, of unpermitted discharges to the POTW, including any discharge that would violate a prohibition under 40 CFR 403.5(b). Within 5 calendar days of an unpermitted discharge to the POTW, unless waived in advance in written form by the City, each permittee subject to this section, shall submit to the Water Resources Director, or his/her designee, a detailed written report describing the cause of the discharge and the measures taken by the permittee to prevent similar future occurrences. Such notification shall not relieve the permittee from any liability for damage to the POTW, fish kills or any other damage to person or property or from any forfeiture or other liability which may be imposed by a court.
- (2) NOTIFICATION OF HAZARDOUS SUBSTANCE RELEASE TO ENVIRONMENT. A permittee must immediately notify the Water Resources Director, or his/her designee, of a hazardous substance release to the environment. Within 5 calendar days of a hazardous substance release, unless waived in advance in written form by the City, each permittee subject to this section, shall submit to the Water Resources Director, or his/her designee, a detailed written report describing the cause of the hazardous substance release and the measures taken by the permittee to prevent similar future occurrences. Such notification shall not relieve the permittee from any liability for damage as a result of the hazardous substance release or from any forfeiture or other liability which may be imposed by a court.
- (3) OBLIGATION TO MITIGATE. A permittee shall take all reasonable steps to prevent and minimize (i) unpermitted discharges to the POTW, and (ii) hazardous substance releases to the environment. If an unpermitted discharge to the POTW or a hazardous substance releases to the environment occurs, a permittee shall take all reasonable steps to minimize the impact of the unpermitted discharge or the hazardous substance release.
- (4) COMPLIANCE A CONDITION OF PERMIT. Compliance with this section shall be a condition of a user's permit. Failure to comply with this section shall be a violation of a user's permit and this chapter.

Section 14. Section 29.21(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (1) WASTEWATER DISCHARGE PERMIT FEE. [The City shall charge a fee for a Wastewater Discharge](#)

Permit issued to a significant industrial user. The amount of the fee ~~for a Wastewater Discharge Permit~~ shall be established by City Council resolution.

Section 15. Section 29.21(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (2) BUSINESS PERMIT FEE. The City shall charge a fee for a ~~re shall be a fee assessed upon issuance of a b~~ Business p ~~Permit issued to a commercial or industrial user that is not a significant industrial user.~~ The amount of the fee shall be established by City Council resolution.

Section 16. Section 29.30 of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

29.30 PERMITS

- (1) PERMIT APPLICATION AND FEE REQUIRED.

- (a) Wastewater Discharge Permit. All significant industrial users of the POTW shall complete a permit application in accordance with this section. Permit applications shall contain the information required by NR 211.235(1), Wis. Adm. Code, and Chapter 4 of the City's Industrial Pretreatment Manual. The application shall be signed by the user or the user's authorized representative and, if required, shall be certified by a qualified professional. The user shall support the application with information, in units and in terms appropriate for evaluation.
- (b) Business Permit. All commercial users and industrial users of the POTW that are not otherwise required to obtain a permit under (a) above, shall complete an application for a Business Permit in accordance with this section. Permit applications shall contain the information required by Chapter 4 of the City's Industrial Pretreatment Manual. The application shall be signed by the user or the user's authorized representative. A Business Permit enables the City to identify and monitor types and locations of commercial and industrial users that are connected to City utilities.
- (c) Application Fee. The completed application, together with the permit fee prescribed by §29.21, shall be filed with the Water Resources Director, or his/her designee.

- (2) ISSUANCE OF PERMIT. The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a permit, subject to terms and conditions provided herein.

- (3) CONTENTS OF PERMITS.

- (a) Types of Wastewater Discharge Permits for Significant Industrial Users. Wastewater Discharge Permits for significant industrial users shall be divided into the following three categories:
1. Major Tier Significant Industrial Users (MTSIU).
 2. Middle Tier Categorical Industrial User (MTCIU).
 3. Nonsignificant Categorical Industrial Users (NSCIU).
- (b) Contents of Wastewater Discharge Permit. The City's IPP Manual identifies those items required to be included in Wastewater Discharge Permits. Different standards may apply to

permits issued to different categories of significant industrial users.

- (c) Contents of Business Permit. The City's IPP Manual identifies those items required to be included in Business Permits issued to commercial and industrial users that are not significant industrial users.
- (4) MONITORING AND ANALYSIS TO DEMONSTRATE CONTINUED COMPLIANCE. If sampling performed by a SIU in accordance with NR 218 and NR 219, Wis. Admin. Code, indicates a violation of the user's permit or this chapter, the SIU shall notify the City within 24 hours of becoming aware of the violation. The SIU shall repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation. This provision does not apply to SIUs that monitor multiple days each month nor does it supersede the requirement for SIUs to immediately report accidental discharges of high strength waste or large amounts of grease or as otherwise required by the user's permit.
- (5) PERMIT MODIFICATION.
- (a) Within 270 days after the promulgation of a new national categorical pretreatment standard, the permit of users subject to such standard shall be revised to require compliance with such standard within the time prescribed by such standard. The permittee shall submit the information required by subsection (2) of this section to the Environmental Coordinator within 180 days after the promulgation of the applicable national categorical pretreatment standard.
 - (b) Whenever a user who was not previously required to obtain a permit becomes subject to a newly promulgated national categorical pretreatment standard, the user shall apply for a permit within 180 days after the date of promulgation.
- (6) PERMIT DURATION.
- (a) A permit shall be issued for a period of at least 2 years and not more than 5 years. The City may notify the user in advance of permit expiration. The user shall apply for permit reissuance prior to the expiration of the user's existing permit. The existing permit will remain in effect after its expiration date if:
 - 1. The user files a complete and timely application for renewal;
 - 2. The existing permit has not been revoked by the City;
 - 3. The City has not denied the user's application for renewal; and
 - 4. The City has not issued a new permit by the expiration date of the existing permit.
 - (b) A permit may be modified by the City as limitations or requirements identified in this chapter are modified or for other just cause. The user shall be informed of any proposed change in its permit at least 30 days prior to the effective date of the change. Any change in the permit shall include a reasonable time schedule for compliance.
- (7) PERMIT TRANSFER. Permits are issued to a specific user for a specific operation. No permit shall be assigned, transferred or sold to another user, location or operation without the written approval of the City.
- (8) PRETREATMENT EQUIPMENT AND/OR FACILITIES. The permittee shall apply for WDNR approval under NR 108.04, Wis. Admin. Code for any new or significant changes to pretreatment equipment or facilities at least 90 days before installation or making the change. The permittee shall notify the

City of the application and provide the City with a copy of the application. Equipment and facilities must be properly operated and maintained to run efficiently. Employees must receive initial and continued training on the proper operation and maintenance of equipment and facilities.

- (9) MONITORING WAIVER. The City may authorize a monitoring waivers for permittees that conforms to the requirements of Wisconsin Administrative Code NR 211.15(4)(b).
- (10) VIOLATION OF PERMIT. It shall be unlawful to violate a term, condition or provision of a permit issued in accordance with this chapter.

Section 17. Section 29.41 of the Code of General Ordinances of the City of Beloit is hereby renumbered as 29.38 and is amended to read as follows:

29.38 GROUNDS FOR REVOCATION OR NONRENEWAL OF PERMITS. Any user who does any of the following may have its permit revoked in accordance with the procedures prescribed in §29.41 of this chapter.

- (1) Fails to accurately report the wastewater constituents and characteristics of the user's discharge;
- (2) Fails to report significant changes in operations or wastewater constituents and characteristics;
- (3) Refuses to give the City reasonable access to the user's premises for the purpose of inspection or monitoring;
- (4) Violates any condition of the user's permit or any provision of this chapter;
- (5) Tampers with sampling or flow measurement equipment or analyses being conducted by or at the direction of the City; or
- (6) Fails to pay any forfeiture, assessments or other costs imposed under this chapter.
- (7) Makes any false statement in any document or falsifies any document submitted to the City.

Section 18. Section 29.39 of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

29.39 IMMEDIATE SUSPENSION OF WASTEWATER SERVICE

- (1) WHEN IMMEDIATE SUSPENSION ALLOWED. The Public Works Director, or his/her designee, may immediately suspend a user's wastewater treatment service or a wastewater discharge permit without following the procedures prescribed in §29.41 of this chapter when, in his/her opinion, such suspension is necessary to stop an actual or threatened discharge which:
 - 1. Presents an imminent or substantial danger to the health, safety or welfare of persons or the environment;
 - 2. Causes or may cause interference with the POTW; or
 - 3. Causes or may cause the City to violate any condition of its WPDES Permit.

- (2) NOTICE OF SUSPENSION. Any user notified of a suspension of the wastewater treatment service or the wastewater discharge permit shall immediately stop discharging wastewater into the POTW. Notice may be given by telephone, followed by written confirmation of such notice. If the user fails to comply with the suspension order, the City may immediately sever the user's sewer connection so as to prevent or minimize damage to the POTW or injury to persons.
- (3) REINSTATEMENT. The City shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof that the user has eliminated the noncomplying discharge. The City may require the user to provide a payment bond or performance bond or liability insurance as described in §29.42.

Section 19. Section 29.425 of the Code of General Ordinances of the City of Beloit is hereby renumbered as 29.40 and is amended to read as follows:

29.40 ADMINISTRATIVE ENFORCEMENT.

- (1) COMPLIANCE ORDER. A compliance order is an order issued by the Environmental Coordinator, or his designee, directing a user to cease committing a violation of this chapter and to comply therewith by a specified date. The compliance order shall identify the ordinance(s) violated, describe the violation(s) and describe the action required to correct the violation(s). A compliance order may be issued prior to a municipal court citation or simultaneously with the citation. The compliance order shall be served in the same manner that a municipal court citation is served.
- (2) COMPLIANCE AGREEMENT. If the user does not dispute that the violation(s) described in the compliance order occurred, the user may enter into a compliance agreement with the Environmental Coordinator. The Environmental Coordinator, or his designee, is hereby authorized to enter into a compliance agreement with a user whereby the user agrees to correct a violation of this chapter upon terms and conditions as the parties may mutually agree in writing.
- (3) CONSENT ORDER. A consent order is an order issued by the Environmental Coordinator, or his designee, which incorporates the terms and conditions of the compliance agreement and contains the following elements:
 - (a) A compliance schedule;
 - (b) A stipulated monetary penalty, if any;
 - (c) A plan for remediating the violation; and
 - (d) Authorized signatures of the representative of the user and the Public Works Director, or his designee.
- (4) CEASE AND DESIST ORDER. A cease and desist order may be issued when the City finds that a user has violated, or continues to violate, any provision of this ordinance, a permit, or an order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur. The City may issue such an order to the user directing it to cease and desist all such violations and directing the user to immediately comply with all requirements and take such appropriate remedial or preventive action as may be needed to properly address a continuing or

threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

- (5) **FAILURE TO COMPLY.** Any user who violates or continues to violate any provision of this chapter, a permit, or order issued hereunder or any other applicable pretreatment standard or requirement ~~shall be subject to suspension or termination of sewer service.~~ may have its permit revoked in accordance with the procedures prescribed in §29.41 of this chapter. ~~NOTICE OF VIOLATION. The City may issue a notice of violation to a user if the City discovers a violation of this chapter, a permit issued hereunder or any other applicable pretreatment standard or requirement.~~
- (b) ~~Any user notified by the City of a suspension or termination of sewer service or suspension or revocation of a permit shall immediately stop or eliminate all discharges. In an emergency, the order to cease discharge may be given by telephone, followed by written confirmation of such notice. In nonemergency situations, an administrative order may be used to suspend or terminate sewer service. If the user fails to comply with the suspension or termination order, the City shall take all steps as deemed necessary to halt the discharge including immediate severance of the sewer connection.~~
- (c) ~~The City shall not reinstate the permit or the sewer service until proof of the elimination of the noncomplying discharge and any costs for disconnection and reconnection of sewer service have been paid by the user.~~

Section 20. Section 29.43 of the Code of General Ordinances of the City of Beloit is hereby renumbered as 29.41 and is amended to read as follows:

29.41 SHOW CAUSE ORDER AND HEARING.

- (1) ORDER TO SHOW CAUSE. The ~~Public Works Director~~~~Environmental Coordinator~~, or his/her designee, may issue a written order to show cause to any user who violates or continues to violate any provision of this chapter, a permit or order issued hereunder or any other applicable pretreatment standard or requirement. The order to show cause shall be served personally or by registered or certified mail, return receipt requested, upon the user or the user's authorized representative. The order to show cause shall describe the noncompliance and the proposed enforcement action. The order to show cause shall also specify the place where a written response shall be filed and the date by which it shall be filed. In addition, the order to show cause should indicate that:
- (a) If the allegation(s) of the order to show cause is not disputed, the written response should include a statement that the user intends to comply with the order. The response shall address each violation alleged in the show cause order and describe the steps that the user intends to take to address those violations. The Public Works Director, ~~or his/her designee~~, shall review the user's written response and shall notify the user within 30 days after the written response is received whether the response is satisfactory. If the Public Works Director, ~~or his/her designee~~, determines that the written response is satisfactory, the matter shall not be scheduled for hearing. However, if the Public Works Director, ~~or his/her designee~~ determines that the written response to the show cause order is unsatisfactory, then the matter shall be scheduled for ~~an informal~~ a hearing ~~before the Public Works Director, or his designee.~~
- (b) If the allegations of the order to show cause are disputed, the user's written response shall so state and ~~request~~ a hearing before the City Council. ~~If the user requests a hearing before the City Council, the~~ shall be scheduled. ~~Public Works Director shall issue~~

~~a n~~Notice setting forth the date, time and place of the hearing ~~and~~ shall be served ~~the notice~~ upon the user in the same manner as prescribed for service of the order to show cause.

- (2) HEARING OFFICIALS. The City Council may conduct the hearing or it may designate any of its members or an officer or employee of the City or a Hearing Officer to conduct the hearing. The person conducting the hearing:
 - (a) May issue, in the name of the City Council, subpoenas requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
 - (b) Shall take the evidence;
 - (c) Shall transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.
- (3) RECORDING. All testimony presented at the hearing must be under oath and recorded. The recording will be made available to any member of the public or any party to the hearing upon payment of the usual costs charged for copies of City records.
- (4) ISSUANCE OF ORDERS. After the City Council reviews the evidence, it may issue an order to the user responsible for the noncompliance directing that, following a specified time period, sewer service will be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities and such devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. If the user violates the Council's order, the City may take further action under §29.44 of this chapter.
- (5) INAPPLICABLE TO DISCONNECTIONS FOR NONPAYMENT. This process does not apply to disconnections for nonpayment under §29.06.

Section 21. Section 29.42 of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

29.42 TERMINATION AND REINSTATEMENT OF WASTEWATER SERVICE AFTER SHOW CAUSE HEARING

- (1) NOTICE. A user notified by the City of a suspension or termination of sewer service or suspension or revocation of a permit shall immediately stop or eliminate all discharges. If the user fails to comply with the suspension or termination order, the City shall take all steps as deemed necessary to halt the discharge including immediate severance of the sewer connection.
- (2) REINSTATEMENT. The City shall not reinstate the permit or the sewer service until proof of the elimination of the noncomplying discharge and any costs for disconnection and reconnection of sewer service have been paid by the user.
- (3) PAYMENT BOND OR PERFORMANCE BOND REQUIRED. The Public Works Director may refuse to reissue a permit to any industrial user who has violated the provisions of this chapter or a previous permit unless the user provides a payment bond or performance bond payable to the City in a sufficient sum to insure the user's compliance.

- (4) LIABILITY INSURANCE. The Public Works Director may require a user responsible for treatment plant interference, overload or upset to obtain liability insurance sufficient to cover the cost of restoring the POTW in the event of another upset, overload or interference.

Section 22. Section 29.43 of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

29.43 APPEAL OF ENFORCEMENT DECISIONS. A person aggrieved by an administrative enforcement determination of an officer, employee or agent of the City, other than a decision under § 29.39, may request review of or may appeal the determination as provided in §1.15 of this Municipal Code.

Section 23. Section 29.45 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

29.45 ANNUAL PUBLICATION. The City shall publish annually in a local newspaper a list of the users who were in significant noncompliance with the applicable pretreatment standards and requirements at any time ~~have significantly violated pretreatment requirements~~ during the previous 12 months. The list shall summarize the enforcement action taken against each user.

Section 24. Section 29.54 of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

29.54 NOTICE OF VIOLATION. The City may issue a notice of violation to a user if the City discovers a violation of this chapter, a permit or order issued hereunder or any other applicable pretreatment standard or requirement. A notice of violation is not an administrative determination subject to review or appeal under §1.15 of this Municipal Code.

Section 25. Section 29.55 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

29.55 UNIFORM CITATION.

- (1) AUTHORIZATION FOR ISSUE OF CITATION. Under the authority granted by Ch. 800, Wis. Stats., a Uniform Municipal Citation may be issued for any violation of this chapter ~~specified in §29.56.~~
- (2) FORM OF THE CITATION. The citation shall conform to the requirements of Ch. 800, Wis. Stats.
- (3) PERSONS AUTHORIZED TO ISSUE CITATIONS. See §25.04(4)(d) of this Municipal Code. ~~The Public Works Director, the Environmental Coordinator, Environmental Specialist, Environmental Technician, and the Director of Water Resources may issue uniform municipal citations for violations specified in §29.56.~~
- (4) JUDICIAL REVIEW. A citation is subject to judicial review procedures and is not subject to review or appeal under §1.15 of this Municipal Code.

Section 26. Section 29.56 of the Code of General Ordinances of the City of Beloit is hereby retitled and amended to read as follows:

29.56 VIOLATIONS ~~FORFEITURE ACTIONS~~

- (1) Any person who does any of the following is subject to imposition of a forfeiture ~~of not less than \$100 nor more than \$10,000~~ as provided in Chapter 25 of this Municipal Code:
 - (a) Violates any provision of this chapter.
 - (b) Violates any order issued by the City Council in accordance with this chapter.
 - (c) Willfully or negligently fails to comply with any other order issued in accordance with this chapter.
 - (d) Violates any provision of a permit issued to that person in accordance with the provisions of this chapter.
- (2) SEPARATE OFFENSE. Each day on which a violation occurs or continues constitutes a separate and distinct offense.

~~COURT ACTION. (Am. #3439) If any person is found to have committed a violation listed in sub. (1), the court shall impose, in addition to a forfeiture:~~
~~(a) The penalty surcharge prescribed by §757.05, Wis. Stats.~~
~~(b) The jail surcharge prescribed by §302.46(1), Wis. Stats.~~
~~(c) Court costs authorized by Ch. 814, Wis. Stats. (Am. #2788; #2964)~~
~~(d) The crime laboratories and drug law enforcement surcharge imposed by §165.755(1), Wis. Stats. (Cr. #2788)~~

Section 27. Section 29.59(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (1) The City will take immediate action to notify ~~the a~~ user of a violation of the user's permit, this chapter, or an order issued under this chapter. ~~The notice will be made by the quickest means of communication available.~~

Section 28. Section 6.15 of the Code of General Ordinances of the City of Beloit is hereby retitled to read as follows:

6.15 HAZARDOUS MATERIAL INCIDENT RESPONSE.

Section 29. Section 6.15(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (1) PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property or onto the ground, surface waters, subsurface waters or aquifers ~~or~~ within the City, except those areas specifically licensed for waste disposal or landfill activities, ~~and~~ [that are authorized](#) to receive such materials, any explosive, flammable or combustible solid, liquid or gas, any radioactive material at or above nuclear regulatory restriction levels, etiologic agents; any solid, liquid or gas creating a hazard, potential hazard or public nuisance; or any solid, liquid or gas having a deleterious effect on the environment of whatsoever kind or nature including, but not limited to, any solid, liquid or gas as defined in §§101(14) and 104(a)(2) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) or 40 CFR 261.3, 49 CFR 171.8 or 49 CFR 172.101 and appendices as from time to time amended.

Section 30. Section 6.15(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (2) REPORTING OF PROHIBITED DISCHARGES. A person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance within or reaching within the corporate limits of the City of Beloit, shall notify the City of Beloit Fire Department immediately of any discharge. "Discharge" shall have the meaning provided in §292.01(3), Wis. Stats., as amended from time to time. "Hazardous substance" shall have the meaning provided by §292.01(5), Wis. Stats., as amended from time to time. [If a person is subject to a Spill Control Prevention Program under §29.17 of this Municipal Code, that person shall also notify the City's Water Resources Director of a hazardous substance discharge.](#)

Section 31. Section 6.15(3) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (3) CONTAINMENT, CLEANUP AND RESTORATION. A person required to report under §6.15(2) herein shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful ~~a~~ effects from the discharge to the air, lands or waters of the area affected. All discharged hazardous substances and the resulting contaminated substances shall be analyzed upon direction of the Fire Chief and removed from the site and the City of Beloit not later than 90 days after the discharge or earlier upon direction of the Fire Chief. Any drums or other containers of said materials must be protected from freezing or leakage; [containers not removed from the site immediately shall be secured to the extent necessary to prevent further environmental contamination or tampering with the materials until such materials can be disposed of; the container](#) must be clearly marked with the name of the contractor or responsible party, including name, address and telephone number; must contain the date of placement into the container; and must contain such other information as required by law or directed by the Fire Chief. The required analysis of the materials shall be subject to the directions of the Fire Chief as to the parameters analyzed and the results thereof shall be provided forthwith to the Fire Chief. The Fire Chief shall approve the suitability of any facility proposed for such analysis, based upon considerations of competency and ability to provide timely results. The Fire Chief may delegate any of his duties provided herein to an authorized representative.

Section 32. Section 6.15(6) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (6) SITE ACCESS. Access to any site, public or private, where a prohibited discharge is indicated or suspected shall be provided to the Fire Chief and his/[her](#) authorized representatives including, but not limited to, other City officers, officials, employees and their authorized agents and representatives, both public and private, for all purposes in the ascertaining, cleanup, removal, transport, storage and other remedies.

Section 33. Section 6.15(7) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (7) PUBLIC PROTECTION. Should any prohibited discharge occur that, in the sole discretion of the Fire Chief or his/[her](#) authorized representatives, imminently threatens or may tend to threaten the life, safety or health of the public or property at, near or around the hazardous situation or discharge, the Fire Chief or his/[her](#) authorized representatives on the scene of the emergency may order an evacuation of the area and take such other action as is necessary or appropriate to ensure the health, welfare and safety of persons and property.

Section 34. Section 6.15(9) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- (9) [DISCHARGES TO WASTEWATER SYSTEM](#) ~~DISCHARGES~~; EXEMPTIONS. The provisions of this section do not apply to discharges to the City wastewater system which are governed by State law and other ordinances, including Chapter 29 of this Municipal Code.

Section 35. Section 6.15(10) of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

- (10) DISCHARGE COVERED BY SPILL CONTROL PREVENTION PROGRAM; AUTHORITY OF DIRECTOR OF WATER RESOURCES. The City of Beloit's Director of Water Resources shall have the same powers and authority as the Fire Chief under this section with respect to hazardous substance discharges subject to a Spill Control Prevention Program under section 29.17 of this Municipal Code.

Section 36. Section 25.04(4)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to include, in numerical order, the following deletions to the schedule of cash deposits:

Section	Offense	First Offense	Second Offense	Third and Subsequent Offense
29.045(2)	Plumbing violations	100	200	500
29.045(3)	Failure to connect to sewer system	100	200	500
29.045(5)	Connecting to City sewer without permission	200	300	500
29.045(6)	Hauling waste without a license	100	200	500
29.10(1)	Discharging wastewater that passes through or interferes with POTW	1,000	3,000	5,000
29.10(2)(a)	Discharging explosive or flammable substances when:			
	1. No damage	100	200	500
	2. Damage	1,000	5,000	10,000
29.10(2)(b)	Discharging waste having illegal closed cup flashpoint when:			
	1. No damage	100	200	500
	2. Damage	1,000	5,000	10,000
29.10(2)(c)	Discharging waste more than 5% above lower explosive limit when:			
	1. No damage	100	200	500
	2. Damage	1,000	5,000	10,000
29.10(2)(d)	Discharging waste more than 10% above lower explosive limit when:			
	1. No damage	100	200	500
	2. Damage	1,000	5,000	10,000
29.10(2)(e)	Discharging specified substances determined to be fire hazards when:			
	1. No damage	100	200	500

	2.- Damage	1,000	5,000	10,000
29.10(2)(f)	Discharging substances which obstruct sewer when:			
	1.- No damage	50	100	300
	2.- Damage	100	300	500
29.10(2)(g)	Discharging corrosive wastewater or wastewater with a pH of 5.5 to 6.0, when:			
	1.- No damage	25	50	100
	2.- Damage	100	300	500
29.10(2)(g)	Discharging wastewater with a pH of less than 5.5, when:			
	1.- No damage	100	150	200
	2.- Damage	1,000	2,000	5,000
29.10(2)(h)	Discharging wastewater with a pH of 9.0 to 10.0, when:			
	1.- No damage	25	50	100
	2.- Damage	100	200	300
29.10(2)(h)	Discharging wastewater with a pH in excess of 10.0, when:			
	1.- No damage	100	150	200
	2.- Damage	1,000	2,000	5,000
29.10(2)(j)	Discharging a toxic pollutant when:			
	1.- No damage	200	500	1,000
	2.- Damage	3,000	5,000	10,000
29.10(2)(k)	Discharging noxious or malodorous substance which:			
	1.- Creates a public nuisance	25	50	100
	2.- Is life-threatening	200	500	1,000
	3.- Prevents entry into the sewer	100	200	300

29.10(2)(l)	Discharging substance which makes POTW product unsuitable for reclamation	2,000	5,000	10,000
29.10(2)(m)	Discharging substance causing POTW to violate sludge or disposal law or criteria	2,000	5,000	10,000
29.10(2)(n)	Discharging substance causing POTW to violate permit	5,000	5,000	10,000
29.10(2)(r)	Discharging liquids that may solidify and interfere with the POTW when:			
	1. No damage	50	100	300
	2. Damage	200	300	1,000
29.10(2)(s)	Discharging suspended or dissolved solids which interfere with the POTW's operation when:			
	1. No damage	50	100	300
	2. Damage	200	300	1,000
29.10(2)(t)	Discharging radioactive waste or isotopes when:			
	1. No damage	200	300	500
	2. Damage	1,000	3,000	5,000
29.13(1)	Discharging wastewater which contains metals in excess of the established limits, when:			
	1. No damage	100	200	300
	2. Damage	1,000	2,000	5,000
29.16	Dissolution of discharge	1,000	2,000	5,000
29.30(1)(a)	Failure to obtain a SIU wastewater discharge permit before connecting to the POTW or discharging into the POTW	1,000	5,000	10,000
29.30(1)(b)	Failure to obtain industrial/commercial permit when required to do so	200	500	1,000
29.31(1)(a), (b)	Failure to submit initial compliance report	100	200	300
29.31(2)(a)	Failure to file semi-annual compliance report	100	300	500
29.31(3)(a)	Failure to calibrate flow meter	50	100	200

29.31(4)	Refusal to permit City to inspect user's monitoring and sampling facilities	100	200	300
29.31(4)	Refusal to permit City to inspect user's premises	1,000	2,000	5,000
29.31(5)(a)	Failure to provide pretreatment facilities or adequate pretreatment facilities	1,000	3,000	5,000
29.40(1)	Failure to notify City of slug or accidental discharge when:			
	1. No damage	100	200	300
	2. Operational upset	1,000	3,000	5,000
29.40(2)	Failure to file written report of slug or accidental discharge	50	100	300
29.41(1)(a)	Failure to accurately report wastewater constituents and characteristics	1,000	2,000	5,000
29.41(1)(b)	Failure to report significant changes in operation or wastewater constituents or characteristics	1,000	2,000	5,000
29.41(1)(c)	Tampering with measurement equipment	1,000	2,000	5,000
29.41(2)(b)	Discharging wastewater after suspension of permit	5,000	10,000	10,000
29.42(4)	Failure to respond to notice of violation	50	100	300
29.425(1)	Failure to obey compliance order	1,000	3,000	5,000
29.46	Failure to maintain monitoring records	100	200	500
29.51	Providing false information	500	1,000	3,000

Section 37. Section 25.04(4)(cg) of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

(cg) Schedule of Cash Deposits for Certain Chapter 29 Violations. The schedule of cash deposits for the following ordinance violations shall be as follows, plus the penalty surcharge imposed by §757.05, Wis. Stats., jail surcharge imposed by §302.46(1), Wis. Stats., crime laboratories and drug law enforcement surcharge imposed by §165.755(1), Wis. Stats., and court costs of \$38, or other fees imposed by Ch. 814, Wis. Stats.:

CODE SECTION	OFFENSE	CASH DEPOSIT		
		FIRST CITATION	SECOND CITATION	THIRD AND SUBSEQUENT CITATIONS
29.035	Failure to use public sewers	Non-SIU - \$250 SIU - \$500	Non-SIU - \$500 SIU - \$1000	Non-SIU - \$750 SIU - \$1500
29.04(2)	Failure to properly install or maintain sewer lateral	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(b)	Failure to install grease, oil and sand interceptor	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(c)	Discharge of fats, oils, grease or similar waste products without an approved grease interceptor	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(d)	Violation of discharge limits for fats, oils, grease or similar waste products	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(e)	Failure to have a Sampling Port	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(f)	Discharge of oil, lubricating grease or similar materials without a an approved oil interceptor	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(g)	Discharge of sand, grit, earth or other similar solids without an approved sand interceptor	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.04(3)(h)	Failure to maintain grease, oil or sand interceptor, or failure to maintain log records of interceptor	Non-SIU - \$100 SIU - \$1000	Non-SIU - \$200 SIU - \$2000	Non-SIU - \$300 SIU - \$3000
29.045(2)	Performing plumbing work in connection City sewer system without a plumber's license or City approval or Failure to notify City if blockage released to sewer	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(3)	Failure to connect building used for human habitation to sewer	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(4)	Using or maintaining private sewage disposal system	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(5)	Connection to City sewer system without a permit	Non-SIU - \$250 SIU - \$1000	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$750 SIU - \$3000
29.045(6)	Disposing septage or other wastewater into City's POTW without a permit or contrary to permit conditions	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(7)	Failure to notify City of vacation of premises or disconnection of sewer service	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(11)	Failure to properly excavate or restore after excavation near city sewer area	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.045(12)	Failure to use backwater drain stops or drain valves	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.10(1)	Discharge of wastewater that passes through or interferes with POTW	\$1000	\$3000	\$5000
29.10(2)(a)	Discharge of substance that may cause fire or explosion or injury to the POTW or to the operation of the POTW			
	1. No harm	Non-SIU - \$250 SIU - \$500	Non-SIU - \$500 SIU - \$1000	Non-SIU - \$750 SIU - \$1500
	2. Harm	Non-SIU - \$1,500 SIU - \$4000	Non-SIU - \$3000 SIU - \$8000	Non-SIU - \$4500 SIU - \$10,000
29.10(2)(b)	Discharge of waste with a flashpoint < 140°F	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$1000 SIU - \$4000	Non-SIU - \$1,500 SIU - \$6000
29.10(2)(c)	Discharge of liquids, solids or gases that register > 5% above lower explosive limit in two successive readings	Non-SIU - \$250 SIU - \$1000	Non-SIU - \$500 SIU - 2000	Non-SIU - \$750 SIU - \$3000
29.10(2)(d)	Discharge of liquids, solids or gases that register >10% of lower explosive reading in one reading	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$1000 SIU - \$4,000	Non-SIU - \$1,500 SIU - \$6000
29.10(2)(e)	Discharge of gas, antifreeze, sulfur, or similar substances in quantities that may cause damage, harm, pass through, or interference to the City's sewer system or process			
	1. No harm	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$2000

	2. Harm	Non-SIU - \$1000 SIU - \$3000	Non-SIU - \$2000 SIU - \$6000	Non-SIU - \$3000 SIU - \$9000
29.10(2)(f)	Discharge of solids or other material that may cause blockage in the City's system	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$2000
	Discharge of solids or other material that does cause a blockage in or otherwise interferes with the City's system	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$1000 SIU - \$4000	Non-SIU - \$1500 SIU - \$6000
29.10(2)(g) & (h)	PH EXCURSIONS- RESIDENTIAL OR COMMERCIAL – WITH OR WITHOUT PERMIT			
	Discharge with pH <6.0 or >9.0, but >5.0 and <10.0, 1 st , 2 nd and 3 rd citation in 12 months, no harm	Non-SIU - \$30	Non SIU \$100	Non-SIU - \$200
	Discharge with pH <6.0 or >9.0, but >5.0 and <10.0, 4 th , 5 th , 6 th and subsequent citation in 12 months, no harm	Non-SIU - \$300	Non-SIU - \$400	Non-SIU - \$500
	Discharge with pH < 5.0 or >10.0, no harm	Non-SIU - \$300	Non-SIU - \$500	Non-SIU - \$750
	Discharge outside limit and/or harm	Non-SIU - \$500	Non-SIU - \$750	Non-SIU - \$1000
29.10(2)(g) & (h)	DAILY PH MONITORING FOR PERMITTED SIUs WITH PERMIT LIMITS			
	Discharge with pH outside permit limits but >5.0 and <11.0, or missed pH measurements, 1 st , 2 nd and 3 rd citation in 12 months	SIU - \$30	SIU - \$100	SIU - \$200
	Discharge with pH outside permit limits but >5.0 and <11.0, or missed pH measurements, 4 th , 5 th and 6 th citation in 12 months	SIU - \$400	SIU - \$500	SIU - \$600
	Discharge with pH outside permit limits but >5.0 and <11.0, or missed pH measurements, 7 th , 8 th and 9 th or subsequent citation in 12 months	SIU - \$700	SIU - \$800	SIU - \$1000
	Discharge with pH outside permit limits and <5.0 or >11.0, 1 st , 2 nd and 3 rd citation in 12 months, no harm	SIU - \$250	SIU - \$500	SIU - \$700
	Discharge with pH outside permit limits and <5.0 or >11.0, 4 th , 5 th and 6 th or subsequent citation in 12 months, no harm	SIU - \$1000	SIU - \$1500	SIU - \$2000
	Discharge with pH outside permit and causes damage, process interference, or harm	SIU - \$2000	SIU - \$3000	SIU - \$5000
29.10(2)(g) & (h)	CONTINUOUS PH 24-HOUR MONITORING FOR SIUs			
	Discharge with pH outside permit limits but >5.0 and <11.0 for less than 30 continuous minutes within 24-hour period, no harm	SIU - \$30	SIU - \$100	SIU - \$200
	Discharge with pH outside permit limits but >5.0 and <11.0 for greater than 30 continuous minutes but less than 60 total minutes within a 24-hour period, no harm	SIU - \$300	SIU - \$500	SIU - \$700
	Discharge with pH outside permit limits but >5.0 and <11.0 for 60 or more total minutes within a 24-hour period, no harm	SIU - \$700	SIU - \$1000	SIU - \$1500
	Discharge with pH outside permit limits but >5.0 and <11.0 for more than 7 hours and 26 minutes in a calendar month, no harm	SIU - \$700	SIU - \$1000	SIU - \$1500
	Discharge with pH outside permit limits and <5.0 or >11.0, 1 st , 2 nd and 3 rd citations in 12 months, no harm	SIU - \$100	SIU - \$200	SIU - \$300
	Discharge with pH outside permit limits and <5.0 or >11.0, 4 th , 5 th and 6 th citations in 12 months, no harm	SIU - \$500	SIU - \$600	SIU - \$700
	Discharge with pH outside permit limits and <5.0 or >11.0, 7 th , 8 th or 9 th and subsequent citations in 12 months, or harm	SIU - \$1000	SIU - \$1500	SIU - \$2000
29.10(2)(i)	Discharge material containing toxic pollutants in sufficient quantity to alone or by interaction with other pollutants create a hazard			
	1. No harm, no safety risk	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$1000 SIU - \$4000	Non-SIU - \$1,500 SIU - \$6000
	2. Harm or safety risk	Non-SIU - \$1000 SIU - \$3000	Non-SIU - \$2000 SIU - \$6000	Non-SIU - \$3000 SIU - \$9000
29.10(2)(j)	Discharge toxic material as identified in §307(a) of the Clean Water Act or Wis. Stat. Ch. 147	Non-SIU - \$1000 SIU - \$3000	Non-SIU - \$2000 SIU - \$6000	Non-SIU - \$3000 SIU - \$9000
29.10(2)(k)	Discharge noxious or malodorous substance which:			
	1. Creates a public nuisance	\$100	\$300	\$500
	2. Is life-threatening	\$2000	\$5000	\$7000
	3. Prevents entry into the sewer	\$500	\$700	\$1000
29.10(2)(l)	Discharge substance that causes POTW's effluent or sludge to be unsuitable for reclamation or reuse	\$10,000	\$10,000	\$10,000
29.10(2)(m)	Discharge substance which causes the POTW to violate sludge use or disposal criteria	\$10,000	\$10,000	\$10,000
29.10(2)(n)	Discharge substance causing POTW to violate WPDES permit	\$5000	\$7000	\$10,000
29.10(2)(o)	Discharge wastewater with objectionable color not removed in the treatment process	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.10(2)(p)	Discharge wastewater with a temperature which will interfere with POTW operations, or discharge of industrial wastewater with a temperature of 150 ^o F or more	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500
29.10(2)(q)	Discharge unpolluted water such as cooling water, storm water or groundwater without City approval	Non-SIU - \$100 SIU - \$500	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$300 SIU - \$1500

29.10(2)(r)	Discharge wastewater containing fat, wax, grease or oil > 300 mg/L, or discharge of wastewater containing grease or oil of mineral origin >25 mg/l	Non-SIU – \$100 SIU - \$500	Non-SIU – \$200 SIU - \$1000	Non-SIU – \$300 SIU - \$1500
29.10(2)(s)	Discharge radioactive material which exceeds the half-life or concentration limits established by local, state, or federal regulations	Non-SIU – \$500 SIU – \$2000	Non-SIU – \$1000 SIU - \$4000	Non-SIU – \$1,500 SIU - \$6000
29.10(2)(t)	Discharge waste or wastewater which will cause sanitary sewer overflows	Non-SIU – \$500 SIU – \$2000	Non-SIU – \$1000 SIU - \$4000	Non-SIU – \$1,500 SIU - \$6000
29.10(2)(u)	Discharge any pollutant at a flow rate or concentration which exceeds the user's permit (not specifically enumerated)			
	1. No Harm	Non-SIU – \$250 SIU – \$1000	Non-SIU – \$500 SIU - \$2000	Non-SIU – \$750 SIU - \$3000
	2. Harm Caused	Non-SIU – \$500 SIU – \$3000	Non-SIU – \$1000 SIU - \$6000	Non-SIU – \$1,500 SIU - \$9000
29.10(2)(u)	Discharge BOD, COD or TSS at a flow rate or concentration which exceeds the user's permit			
	<500 lbs over monthly/max/day	SIU - \$100	SIU - \$500	SIU - \$1500
	> 500 lbs but <1000 lbs over monthly/max/day	SIU - \$500	SIU - \$1000	SIU - \$1500
	>1000 lbs but <5000 lbs over monthly/max day	SIU – \$1000	SIU - \$2000	SIU - \$3000
	>5000 lbs over monthly/max/day, No harm	SIU – \$2000	SIU - \$4000	SIU - \$6000
	>5000 lbs over monthly/max/day, Upset or harm caused or endangerment to people or structures	Non-SIU – \$1000 SIU – \$5000	Non-SIU – \$2000 SIU - \$8000	Non-SIU – \$3000 SIU - \$10,000
29.13, 29.14	Discharge any pollutant at a flow rate or concentration which exceeds the local or state limit.			
	1. No Harm	Non-SIU – \$250 SIU – \$1000	Non-SIU – \$500 SIU - \$2000	Non-SIU – \$750 SIU - \$3000
	2. Harm Caused	Non-SIU – \$500 SIU – \$3000	Non-SIU – \$1000 SIU - \$6000	Non-SIU – \$1,500 SIU - \$9000
29.16	Diluting discharge as a substitute for adequate treatment to achieve compliance			
	1. No harm	Non-SIU – \$100 SIU - \$500	Non-SIU – \$200 SIU - \$1000	Non-SIU – \$300 SIU - \$1500
	2. Harm	Non-SIU \$500 SIU – \$1000	Non-SIU – \$1000 SIU - \$6000	Non-SIU – \$1,500 SIU - \$9000
29.17(1)	Failure to prepare and maintain a spill control prevention program	Non-SIU – \$100 SIU - \$500	Non-SIU – \$200 SIU - \$1000	Non-SIU – \$300 SIU - \$1500
29.17(4)	Failure to train personnel on SCPP or failure to properly document SCPP training	Non-SIU \$100 SIU \$300	Non-SIU \$300 SIU \$ 500	Non-SIU \$500 SIU \$ 1000
29.18 (1)	Failure to notify the City of an illicit/slug/non- permitted discharge to the wastewater system	Non-SIU - \$200 SIU - \$300	Non-SIU - \$300 SIU - \$500	Non-SIU - \$500 SIU - \$1000
29.18 (2)	Failure to notify of hazardous substance release to the environment	Non-SIU - \$300 SIU - \$1000	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$1000 SIU - \$3000
29.18 (3)	Failure to mitigate the impact of an unpermitted discharge to the wastewater system or hazardous substance release to the environment	Non-SIU - \$300 SIU - \$1000	Non-SIU - \$500 SIU - \$2000	Non-SIU - \$1000 SIU - \$3000
29.30(1)(a)	Failure to obtain a Wastewater Discharge Permit (SIUs)	\$1000	\$3000	\$5000
29.30(1)(b)	Failure to obtain Business Permit (commercial/industrial users)	\$100	\$200	\$300
29.30(4)	Failure to report violation of permit within 24 hours or Failure to resample within 30 days			
	1. No Harm	\$100	\$200	\$300
	2. Harm	\$1,000	\$3,000	\$5,000
29.30(8)	Installation of pretreatment equipment without approval or failure to properly maintain pretreatment equipment	Non-SIU - \$200 SIU - \$1000	Non-SIU - \$400 SIU - \$2000	Non-SIU - \$600 SIU - \$3000
29.30(10)	Violation of Permit	Non-SIU - \$200 SIU - \$500	Non-SIU - \$500 SIU - \$1000	Non-SIU - \$1000 SIU - \$2000
29.31(1),(2) or (3)	Failure to accurately report wastewater constituents and characteristics	\$1000	\$2000	\$5000
29.31(1)	Failure to submit initial compliance report			
	1. Less than 30 days late	\$ 200	\$ 300	\$500
	2. More than 30 days late	\$1000	\$2000	\$3000
29.31(2)	Failure to submit compliance report			
	1. Less than 30 days late	200	300	500
	2. More than 30 days late (each 10 days)	\$1000	\$2000	\$3000
29.31(3)(a)	Failure to submit a semi-annual compliance report			
	1. Less than 30 days late	\$200	\$300	\$500
	2. More than 30 days late (separate violation for each 10 days late in excess of 30 days late)	\$500	\$1000	\$3000
29.31(3)(b)	Using improper sampling techniques (per sample type) or improper analytical techniques (per test method)	\$1000	\$2000	\$3000
29.31(3)(b)	Failure to analyze (per test method) all required parameters; or failure to sample or resample (per sample type) all parameters	\$200	\$300	\$500

29.31(4)(a)	Failure to calibrate flow meter and/or file report			
	1. Less than 30 days late	\$500	\$1,000	\$2,000
	2. More than 30 days late	\$1000	\$2000	\$3000
29.31(4)(b)	Failure to install monitoring facilities	\$1000	\$2000	\$3000
29.31(4)(c)	Failure to provide for proper space requirements and maintenance	\$1000	\$2000	\$3000
29.31(4)(d)	Failure to complete construction	\$1000	\$2000	\$3000
29.31(4)(e)	Failure to construct and maintain monitoring facilities in accordance with required standards and specifications	\$1500	\$2500	\$5000
29.31(5)	Refusal to permit City to inspect monitoring and sampling facilities	2000	3000	\$5000
29.31(5)	Failure to allow for City inspection of premises	\$1,000	\$2000	\$5000
29.31(6)(a)	Failure to provide adequate pretreatment facilities	\$1000	\$3000	\$5000
29.31(6)(a)	Failure to properly operate and maintain pretreatment equipment			
	1. No Harm	\$500	\$1000	\$1500
	2. No Harm, uncorrected after 45 days	\$2000	\$3000	\$5000
	3. Harm Caused, or Economic Benefit	\$5000	\$6000	\$9000
29.31(6)(a)	Failure to notify of change in waste stream, process, or chemical use/storage	\$1000	\$2000	\$3000
29.31(6)(b)	Failure to produce/maintain records	\$100	\$200	\$500
29.51	Falsifying documents or tampering with any monitoring or measuring device	Non-SIU - \$500 SIU – \$2000	Non-SIU – \$1000 SIU - \$4000	Non-SIU – \$1500 SIU - \$6000

Section 37. Chapter 7 of the City’s Industrial Pretreatment Manual titled “Enforcement Response Plan” is hereby approved. The Public Works Director may make minor changes to the plan provided that such changes do not fundamentally alter the substance of the information contained therein.

Section 38. If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

Section 39. This ordinance shall be in force and take effect upon passage and publication.

Adopted this _____ day of April, 2017.

BELOIT CITY COUNCIL

By: _____
David F. Luebke, President

ATTEST:

By: _____
Lorena Rae Stottler, City Clerk

PUBLISHED: _____

EFFECTIVE DATE: _____

01-611100-5231- _____

tdh/ordinances/29 = ORD 20170328 (16-1036)

ORDINANCE NO. _____

**AN ORDINANCE TO REMOVE PARKING ON THE
EAST SIDE OF HEMLOCK STREET ACROSS FROM
1772 HEMLOCK STREET**

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

Section 1: Section 13.02 of the Code of General Ordinances of the City of Beloit, Rock County, Wisconsin, is hereby amended by Adding to Section II, Index of Special Locations, Parking Prohibited at All Times, the following:

Hemlock Street – From approximately 115’ south of Henry Avenue to approximately 170’ south of Henry Avenue– EAST SIDE

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

Adopted this 17th day of April, 2017.

BELOIT CITY COUNCIL:

By: _____
David F. Luebke, Council President

ATTEST:

Lori Stottler, City Clerk

Published this _____ day of _____, 2017

Effective this _____ day of _____, 2017

01-611100-5231-_____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: An Ordinance to remove parking on the east side of Hemlock Street across from the driveway at 1772 Hemlock Street.

Date: April 17, 2017

Presenter(s) Greg Boysen, Public Works Director

Department(s): Public Works/Engineering

Overview/Background Information:

The City of Beloit received the request from Kenny Bowersock, the current tenant at 1772 Hemlock Street.

Key Issues (maximum of 5):

1. The Traffic Review Committee reviewed the issue during the March 27, 2017 meeting and the Committee voted (6-0) in favor of removing the parking on the east side of Hemlock Street Across from 1772 Hemlock.
2. Hemlock Street is a narrow one-way street with vehicles traveling northbound. The driveway at 1772 Hemlock is 10' wide with 2' flare on either side for a 14' opening at the curb line.
3. Mr. Bowersock met with Engineering Staff and explained that he is having trouble exiting his driveway when a car is parked directly across from the driveway entrance, which is happening more frequently in recent months (see picture).
4. Currently, parking is not allowed on the west side of the roadway and most driveways on this street are directly across from another driveway thus eliminating the possibility of parking in these areas. 1772 does not have a driveway located across from its opening.
5. The driveway located at 1764 Hemlock is also not located across from another driveway opening. The parking was previously removed across from this driveway. This is a similar situation to the current request for 1772 Hemlock.

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

This project conforms to 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.):

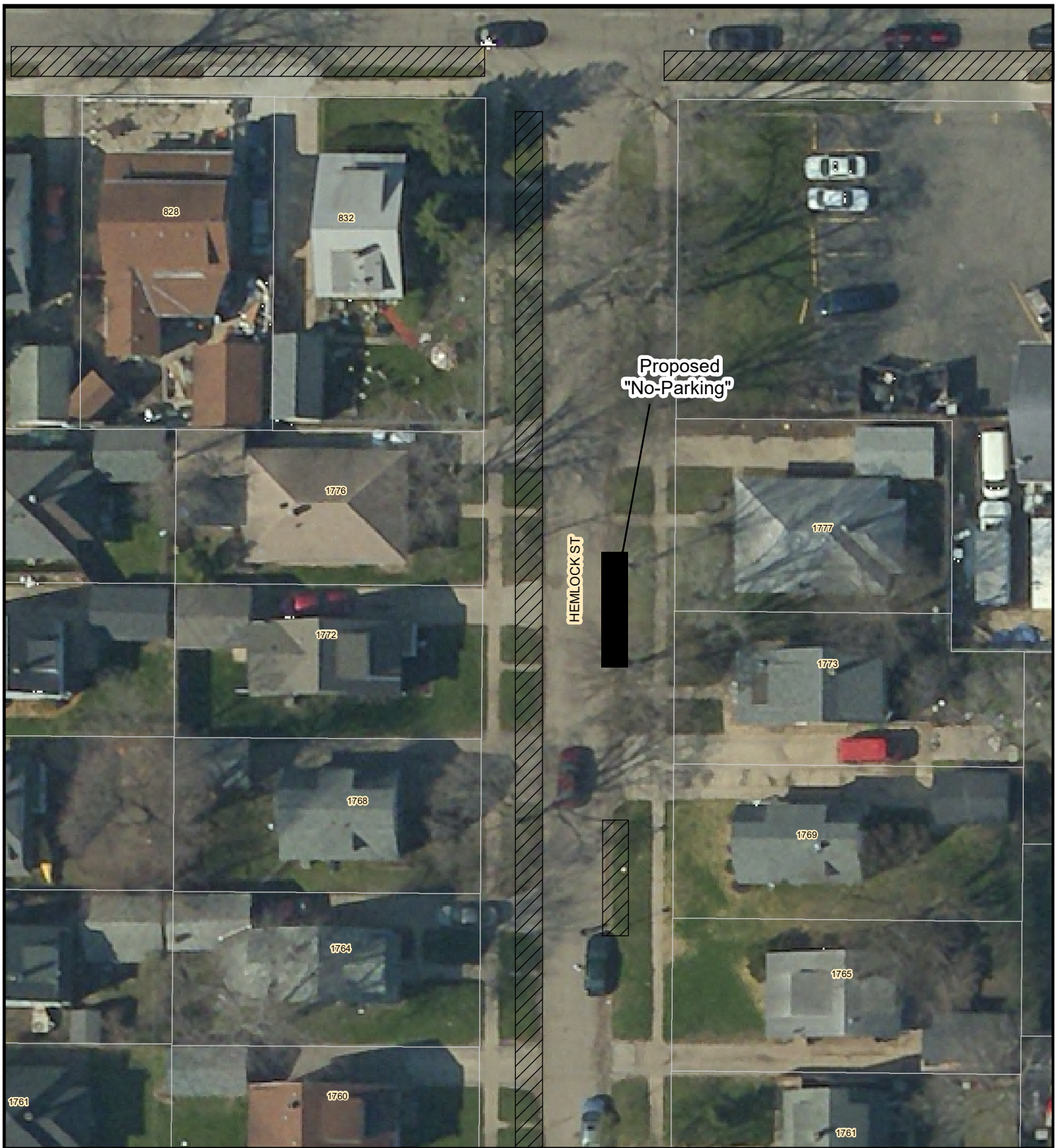
- **Reduce dependence upon fossil fuels**
N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**
N/A
- **Reduce dependence on activities that harm life sustaining eco-systems**
N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently**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

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 owners and residents at 1772, 1773, and 1777 Hemlock Street were notified of the proposed change. The Engineering Division recommends removing parking on the east side of Hemlock Street across from 1772 Hemlock Street.

Fiscal Note/Budget Impact:



1772 HEMLOCK STREET



City of
BELOIT, Wisconsin



LOCATION: Hemlock Street

CITY OF BELOIT, WISCONSIN

SCALE: None

DRAWN BY: JRD (2017)



April 17, 2017

**APPOINTMENT REVIEW COMMITTEE
REPORT TO CITY COUNCIL
APPOINTMENT RECOMMENDATION**

The undersigned David F. Luebke, duly elected President of the Beloit City Council, subject to confirmation by the Beloit City Council, does hereby appoint the following citizen members to the vacancies and terms indicated below, said appointments being pursuant to nominations made and approved by the Appointment Review Committee at the Regular meeting held April 10, 2017.

David F. Luebke, President, Beloit City Council

Appointments

Board of Appeals

John P. Petersen, 2387 Turnberry Dr. (replacing Randall Fiore) to a regular term ending May 31, 2017

Dustin Gronau, 1828 Strong Ave. (replacing John P. Petersen) as a 1st Alternate term ending May 31, 2017

Plan Commission

Incumbent **James Faragher** to a term ending April 30, 2020

Incumbent **Erick "Otis" Johnson** to a term ending April 30, 2020

Police and Fire Commission

Incumbent **Dennis Murphy** to a term ending 2022

PLEASE ANNOUNCE THE FOLLOWING VACANCIES

Alcohol Beverage License Control Committee (1 vacancy for Tavern League Rep.)

Board of Appeals (1 vacancy for 2nd Alternate)

Board of Review (1 vacancy for alternate)

Municipal Golf Committee (1 vacancy for youth representative)

Topic: City Branding and Logo Presentation
Date: April 17, 2017
Presenter(s): Lori S. Curtis Luther, City Manager
Department(s): City Manager

Overview/Background Information:

The following is a timeline of events related to the development of a new logo for the City of Beloit.

On March 23, 2015, a presentation was made to the City Council on a proposed logo. Visit Beloit spent \$93,500 in 2014 with contributions from the City of Beloit, Visit Beloit, Greater Beloit Chamber of Commerce, Downtown Beloit Association and the Greater Beloit Economic Development Corporation to develop a unique identity for the community. My understanding is that as part of that process, extensive community involvement occurred through large focus groups, but no formal surveys were conducted. Ultimately, the Council did not adopt that logo and chose to continue using the "Flying B" that was approved in the 1990's.

In October of 2016, the City Council passed a Strategic Plan that included the goal to **Create and sustain a positive image, enhance communications, and engage the community**. Within that goal area, the key initiative is the creation of the new City of Beloit branding and logo.

To support this effort, in November of 2016, I retained AFFIRM Agency out of Pewaukee in the amount of \$15,000 to:

- 1) Pursue a process of data collection, analysis and compiling of a Brand Discovery Report; developing and writing a brand positioning statement; communications audit; writing an inward marketing plan for internal communications; compiling visual and verbal brand communications guides, budget timetable and launch plan; all research, planning meetings and related materials; account service charges; and all associated costs of production and presentation.
- 2) Develop a brand, including logo concept, layout/design, digital file creation, digital proofs, art direction, account service charges, and final approved files for a comprehensive logo library.

The recent effort included City Councilor, employee and resident interviews, extensive individual communication with each City Council member throughout the process, and extensive feedback of final design concepts of both employees and residents at large. We were careful not to duplicate existing logos in Wisconsin (please see sampling attached).

I appreciate the fact that this is a difficult process and we will never be able to please everyone. However, this process was thoughtful and extensive. My concern if we do not move forward is that the pursuit of perfection will impede our ability to make progress and undermine the input of over 950 individuals who have participated.

Background Information:

- 1) A formal presentation is being made to the Council (new Councilors will be in attendance) with no action on Monday, April 17, 2017. Approval by the sitting City Council with affirmation by the newly elected City Council is on the agenda for Reorganization Tuesday, April 18, 2017.
- 2) Survey results as of Thursday, April 12, 2017 include feedback from 935 individuals including 714 community members and 221 employees. This is statistically significant feedback. The employee group was used to narrow down choices. The community feedback was designed to finalize a recommendation and of those respondents 56% preferred option #1 and 46% preferred option #2.

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



This presentation is directly tied to Goal #6 of the City Council's Strategic Plan to Create and sustain a positive image, enhance communications, and engage the community.

Action Required/Recommendation:

No action is required for the formal presentation on Monday, April 17, 2017.

The sitting City Council will have an opportunity to adopt the proposed logo at the Reorganization meeting on Tuesday, April 18, 2017 followed by an affirmation by the newly elected Council. Staff recommends approval.

Fiscal Note/Budget Impact: The City entered into a contract with AFFIRM Agency in the amount of \$15,000. If adopted, the City would pursue an incremental process to replace the existing logo with the new one as budget allows.

City	Logo
Milwaukee	
Madison	
Green Bay	
Kenosha	
Racine	
Appleton	
Waukesha	
Oshkosh	
Eau Claire	
Janesville	
Town of Beloit	



CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: RESOLUTION APPROVING WATER FEES, CHARGES, AND RATES FOR THE CITY OF BELOIT, WISCONSIN

Date: April 17, 2017

Presenter: Eric Miller

Department: Finance and Admin Services

Overview/Background Information:

Beloit Water Utility has filed an application with the Public Service Commission of Wisconsin (PSC) to increase water rates. The increase is necessary due to an estimated \$5 million increase in plant infrastructure, an estimated \$300,000 increase in operation and maintenance expenses, and an estimated \$180,000 increase in depreciation expense since the last water rate case in 2010.

The total increase in water revenues requested is \$326,330 which will result in an estimated overall rate increase of 7% over the water utility's present revenues. If the request is granted, the water bill for general service for an average residential customer with a 5/8-inch or 3/4-inch meter who uses 500 cubic feet (3,750 gallons) of water per month will increase from \$14.40 to \$14.60, or 3%.

When the public fire protection charge is included, the total water bill for an average residential customer with a 5/8-inch or 3/4-inch meter who uses 500 cubic feet (3,750 gallons) of water per month will increase from \$18.58 to \$19.10, or 3% overall.

Key Issues (maximum of 5):

See above

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

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

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

If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space

Action required/Recommendation:

Approval the Resolution

Fiscal Note/Budget Impact:

The new rates would have increased the water utility revenue by \$360,000, or approximately 7% on an annual basis when compared to 2016. However, because of the timing of the rate increase, the new rates will only be in effect for the last 8 months of 2017, thereby only increasing revenues by approximately \$240,000. The original rate increase was projected to be 15% so staff will monitor actual versus budgeted revenue to determine whether a budget amendment will be necessary at a future date."

Attachments:

Proposed Resolution

RESOLUTION APPROVING WATER UTILITY FEES, CHARGES, AND RATES FOR THE CITY OF БЕLOIT, WISCONSIN

WHEREAS, the City of Beloit submitted an application to the Public Service Commission of Wisconsin to increase water utility rates; and

WHEREAS, the Public Service Commission has analyzed the application and recommended rates to be increased in order to cover costs associated with operating the water utility.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves and adopts the following schedule of fees, charges, and rates as outlined effective May 1, 2017, pending final authorization and order of the Public Service Commission. Said fees shall remain in full force until again set by the City Council.

1. Water Rates – Public Fire Protection (Flat Fee)		<u>Current Rate/</u>	<u>Proposed Rate/</u>
		<u>Per Month</u>	<u>Per Month</u>
Meter Size 5/8 inch		\$4.18	\$4.50
Meter Size 3/4 inch		\$4.18	\$4.50
Meter Size 1 inch		\$5.50	\$5.90
Meter Size 1 ¼ inch		\$7.20	\$7.70
Meter Size 1 ½ inch		\$8.40	\$9.00
Meter Size 2 inch		\$13.50	\$13.50
Meter Size 3 inch		\$16.80	\$18.00
Meter Size 4 inch		\$21.00	\$22.50
Meter Size 6 inch		\$26.00	\$27.00
Meter Size 8 inch		\$30.00	\$31.50
Meter Size 10 inch		\$34.00	\$36.00
Meter Size 12 inch		\$38.00	\$40.50
2. Water Rates – Private Fire Protection (Unmetered)		<u>Current Rate/</u>	<u>Proposed Rate/</u>
		<u>Per Month</u>	<u>Per Month</u>
Connection Size 2 inch or smaller		\$7.20	\$7.20
Connection Size 3 inch		\$14.40	\$14.40
Connection Size 4 inch		\$22.50	\$22.50
Connection Size 6 inch		\$38.70	\$38.70
Connection Size 8 inch		\$54.00	\$54.00
Connection Size 10 inch		\$72.90	\$72.90
Connection Size 12 inch		\$92.00	\$92.00
Connection Size 14 inch		\$111.00	\$111.00
Connection Size 16 inch		\$130.00	\$130.00
3. Water Service Charges (Flat Fee) (All Customer Classes)		<u>Current Rate/</u>	<u>Proposed Rate/</u>
		<u>Per Month</u>	<u>Per Month</u>
Meter Size 5/8 inch		\$6.80	\$7.00
Meter Size 3/4 inch		\$6.80	\$7.00
Meter Size 1 inch		\$13.00	\$13.00
Meter Size 1 ¼ inch		\$18.00	\$18.00
Meter Size 1 ½ inch		\$23.00	\$23.00
Meter Size 2 inch		\$36.00	\$36.00
Meter Size 3 inch		\$62.00	\$62.00

	Meter Size 4 inch	\$98.00	\$98.00
	Meter Size 6 inch	\$185.00	\$185.00
	Meter Size 8 inch	\$289.00	\$289.00
	Meter Size 10 inch	\$426.00	\$426.00
	Meter Size 12 inch	\$564.00	\$564.00
4.	Residential Volume Charge (Per Unit)	<u>Current Rate/</u> <u>Per Month</u>	<u>Proposed Rate/</u> <u>Per Month</u>
	Unit equals 100 cubic feet (748 gallons)	\$1.52	\$1.52
5.	Non-Residential Volume Charge (Per Unit)	<u>Current Rate/</u> <u>Per Month</u>	<u>Proposed Rate/</u> <u>Per Month</u>
	First 5,000 cubic feet used (37,400 gallons)	\$1.45	\$1.52
	Next 45,000 cubic feet used (336,600 gallons)	\$1.18	\$1.37
	Next 950,000 cubic feet used (7,106,000 gallons)	\$0.76	\$1.04
	Next 500,000 cubic feet used (3,740,000 gallons)	\$0.69	\$0.96
	Next 1,500,000 cubic feet used (11,220,000 gallons)	\$0.37	\$0.55
6.	Bulk Water	<u>Current Rate/</u> <u>Per Month</u>	<u>Proposed Rate/</u> <u>Per Month</u>
	Service Charge per event	\$35.00	\$35.00
	Volume Charge per every 100 cubic feet (748 gallons) used	\$1.52	\$1.52
7.	Wholesale Water Service South Beloit	<u>Current Rate/</u> <u>Per Month</u>	<u>Proposed Rate/</u> <u>Per Month</u>
	Fixed Charge	\$39,600 annually	\$39,600 annually
	Volume Charge per every 100 cubic feet (748 gallons)	\$0.97	\$0.97
8.	Miscellaneous Charges	<u>Current Rate</u>	<u>Proposed Rate</u>
	Additional Meter Installation Charge	\$35.00/meter	\$35.00/meter
	Additional Meter Rental Charges 5/8 inch meter	\$3.40/month	\$3.50/month
	Additional Meter Rental Charges 3/4 inch meter	\$3.40/month	\$3.50/month
	Non-Sufficient Funds Charge	\$30.00/each	\$30.00/each
	Special Billing Charge (Outside of normal utility billing)	\$25.00/each	\$25.00/each
	Special Meter Reading Charge (On date other than the regularly scheduled reading)	\$25.00/each	\$25.00/each
	Missed Appointment Charge (7:00 a.m–4:00 p.m.)	\$25.00/each	\$25.00/each
	Missed Appointment Charge (outside 7:00 a.m–4:00 p.m.)	\$25.00/each	\$37.00/each
	Real Estate Closing Account Charge	\$30.00/each	\$30.00/each
	Reinstallation of Meter (7:00 a.m–4:00 p.m.)	\$35.00/each	\$30.00/each
	Reinstallation of Meter (outside 7:00 a.m–4:00 p.m.)	\$50.00/each	\$50.00/each
	Water Lateral Installation Charge – ¾ inch or 1 inch	\$3,200	\$3,900

	Water Lateral Installation Charge – larger than 1 inch	Actual Cost	Actual Cost
	Portable Clear Water Meter Kit – Refundable Deposit	\$40.00/each	\$40.00/each
	Portable Clear Water Meter Kit – 10-day Rental	\$15.00/each	\$15.00/each
	Portable Clear Water Meter Kit – 45-day Rental	\$40.00/each	\$40.00/each
	Permanent Clear Water Meter Installation	\$35.00/each	\$35.00/each
	Permanent Clear Water Meter Rental Fee	\$3.40/month	\$3.50/month
	Valve turn on at curb-(7:00 a.m–4:00 p.m.)	\$30.00/each	\$30.00/each
	Valve turn on at curb-(outside 7:00 a.m–4:00 p.m.)	\$42.00/each	\$42.00/each
	Hydrant flow test – Field flow test	\$110.00/each	\$110.00/each

Dated at Beloit, Wisconsin this 17th day of April 2017.

CITY COUNCIL FOR THE CITY OF БЕЛОIT

David F. Luebke, President

ATTEST:

Lorena Rae Stottler, City Clerk