



AGENDA
BELOIT CITY COUNCIL
City Hall Forum - 100 State Street, Beloit, WI 53511
7:00 PM
Monday, May 20, 2019

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - 3.a. Introducing newly hired and promoted employees
4. PUBLIC HEARINGS
 - 4.a. Consideration of Resolution 2019-006 approving a Conditional Use Permit to allow a limited vehicle service use in a C-2, Neighborhood Commercial District, for the property located at 2034 Liberty Avenue (Christensen) Plan Commission recommendation for approval 7-0
[Attachment](#)
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.

 - 6.a. Consideration of Resolution 2019-051 authorizing award of Public Works Contract C19-19 Third Street Demolitions Part 2 (Williamson)
[Attachment](#)
 - 6.b. Referral to Plan Commission: Application for a Conditional Use Permit to allow rooftop seating in the CBD, Central Business District at 648-658 Fourth Street (Christensen)
[Attachment](#)
 - 6.c. Referral to Plan Commission: Application for a Conditional Use Permit to allow warehouse use in the C-3, Community Commercial District, for the property located at 1750 Branigan Road.
[Attachment](#)
 - 6.d. Consideration of Resolution 2019-070 approving Change of Agent for a Class "A" Beer and "Class A" Intoxicating Liquor License for Wisconsin CVS Pharmacy, LLC d/b/a CVS Pharmacy #8534, located at 1063 Fourth Street from Nancy Klatt to Anna Kinatedar, for period ending June 30, 2019 (Stottler) ABLCC recommendation for approval 4-0

[Attachment](#)

7. LICENSES

- 7.a. Consideration of Resolution 2019-060 approving 2017-2019 applicants for an Alcohol Beverage Operator's (Bartender's) License for the period April 30 - May 14, 2019 (Stottler)

[Attachment](#)

- 7.b. Consideration of Resolution 2019-061 approving a Class "A" Beer and "Class A" Intoxicating Liquor License for Ohana Spirits LLC, d/b/a Ohana Spirits, located at 2648 Prairie Avenue, Nicole Fischer, Agent for license period ending June 30, 2019 (Stottler) ABLCC recommendation for approval 4-0

[Attachment](#)

- 7.c. Consideration of Resolution 2019-062 approving an amended application to reflect a change of ownership on a Class "B" Beer and "Class B" Intoxicating Liquor License for Maxine's Social, LLC, d/b/a Maxine's Social, located at 863 Fifth Street, Zachariah R. Davis Agent for license period ending June 30, 2019 (Stottler) ABLCC recommendation for approval 4-0

[Attachment](#)

8. ORDINANCES

- 8.a. Consideration of Ordinance No. 3648 to create 18.02(15)(n) of the Code of General Ordinances of the City of Beloit authorizing outdoor vending for Woofstock Concert event sponsored by the Humane Society of Southern Wisconsin, Inc. (Williamson) Second reading

[Attachment](#)

- 8.b. Consideration of Ordinance 3649 to amend certain sections of the Index of Special Locations Section 13.02 of the Code of General Ordinances of the City of Beloit to remove parking in front of mailbox clusters for Beloit Housing Authority properties along Merrill, Sunshine, and Ritscher (Williamson) First reading

[Attachment](#)

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 appointment 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.

- 9.a. Appointments

[Attachment](#)

- 9.b. Consider Appointment to Board of Review

[Attachment](#)

10. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

11. CITY MANAGER'S PRESENTATION

- 11.a. Update on Krueger Pool (Williamson)

12. REPORTS FROM BOARDS AND CITY OFFICERS

- 12.a. The City Council may adjourn into Closed Session in the City Manager's Conference Room on

the 4th floor pursuant to section 19.85(1)(e), Wis. Stats. to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, namely to discuss the potential purchase of 737 Bluff Street. The Council will not reconvene into open session. (Luther/Christensen)

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.

Lorena Rae Stottler
City of Beloit Clerk-Treasurer
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 and are archived on the BATV YouTube Channel for viewing at your leisure.

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic:	Conditional Use Permit Application for the property located at 2034 Liberty Avenue		
Date:	May 20, 2019		
Presenter:	Julie Christensen	Department:	Community Development

Overview/Background Information

Jody Miller, on behalf of Dwight Miller and Waylon Daniel, has filed an application for a Conditional Use Permit to allow a limited vehicle service use in a C-2, Neighborhood Commercial District, for the property located at 2034 Liberty Avenue.

Key Issues

1. In December 2018, Planning staff initiated enforcement action against the owner of 2034 Liberty Avenue after discovering an unlawful auto repair shop in the rear storage area of the building on the subject property. The business is operated by Waylon Daniel DBA Daniel’s Auto Detailing & Repair. There have also been violations on the property related to the number of cars stored onsite. The property is currently in compliance regarding this violation.
2. Mr. Daniel is a subtenant of Dwight Miller, who operates Roc City Art Complex (salon & tattoo) in the main commercial building on the subject property. Both Mr. Daniel and Mr. Miller are ineligible to apply for the CUP due to delinquent debts owed to the City of Beloit. Therefore, Jody Miller has applied for the Conditional Use Permit on their behalf.
3. A limited vehicle service use is one in which services are provided to vehicles while the owner waits in the car or nearby while the service is performed (e.g. quick lubes and tire shops). If the requested CUP is approved, the applicant will be required to bring the building and site into compliance with applicable building, zoning, and fire codes. This will include reducing the scope of the work, as full-scale auto repair is prohibited in C-2 districts.
4. Prior to the meeting, two e-mails were received regarding the proposed business. One e-mail from Erica Pennington requested that the fence be repaired but supported the application, and the other e-mail from Bill Eggers expressed concern about the business activity currently occurring onsite. They are attached to the report.
5. The Plan Commission reviewed this item on May 8, 2019 and voted (7-0) to recommend approval of the CUP, subject to five conditions of approval and six ordinance requirements as outlined in the attached Resolution.
 - a. During the Plan Commission meeting, the applicant submitted floor & site sketches, photos and a copy of the Fire Inspection Report with written notes as to the work they had completed. They are attached to the end of this report.
 - b. Four residents spoke at the public hearing opposed to the Conditional Use Permit. The majority of the complaints were related to noise at this property. There was also a concern raised regarding the number of cars parked onsite.
 - c. The attached Conditional Use Decision Form was used by Plan Commission in reaching their recommendation.
6. The staff still recommends denial of the Conditional Use Permit based on the Conditional Use Decision Form for denial.

Conformance with Strategic Plan

- Approval of this action would conform with the stated purpose of the following strategic goal:
- Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
 - Goal #2 - Create and Sustain a High Performing Organization
 - Goal #3 - Create and Sustain Economic and Residential Growth
 - Goal #4 - Create and Sustain a High Quality of Life
 - Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
 - Goal #6 - Create and Sustain a Positive Image, Enhance Communications and Engage the Community

Sustainability

(If applicable, 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. Consider whether the policy or program will reduce dependence upon fossil fuels, reduce dependence on chemicals and other manufacturing substances that accumulate in nature, reduce dependence on activities that harm life sustaining eco-systems, and/or meet the hierarchy of present and future human needs fairly and efficiently. Write N/A if not applicable)

N/A

Action Required/Recommendation

- City Council consideration and action on proposed Resolution 2019-006

Fiscal Note/Budget Impact

N/A

Attachments

Resolution 2019-006, CU Decision Form for City Council, CU Decision Form approved by Plan Commission, Staff Report to the Plan Commission, E-mails submitted by the public, Letter, Photos, Fire Inspection Report & Sketches Submitted 5-8-19

RESOLUTION 2019-006

**RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT
TO ALLOW A LIMITED VEHICLE SERVICE USE IN A C-2, NEIGHBORHOOD
COMMERCIAL DISTRICT, FOR THE PROPERTY LOCATED AT 2034 LIBERTY AVENUE**

WHEREAS, the application of Jody Miller, on behalf of Dwight Miller and Waylon Daniel, for a Conditional Use Permit (CUP) to allow a limited vehicle service use in a C-2, Neighborhood Commercial District, for the property located at 2034 Liberty Avenue, having been considered by the City Council of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication in the City Clerk's office; and

WHEREAS, the City of Beloit Plan Commission has recommended approval of the conditional use on the subject property, based upon the Findings of Fact and Conditional Use Decision Form for Plan Commission, subject to five conditions of approval and six ordinance requirements.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beloit, Rock County, Wisconsin does hereby approve a Conditional Use Permit to allow a limited vehicle service use in a C-2, Neighborhood Commercial District, for the property located at 2034 Liberty Avenue in the City of Beloit, based upon the substantial evidence described in the Findings of Fact and Conditional Use Decision Form for City Council which is attached hereto and incorporated herein by reference, for the following described premises:

Lots 1, 2, 21, & 22, Block 5 of McGavock Heights, City of Beloit, Rock County, Wisconsin. Said parcel contains 0.52 acre, more or less

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

1. This Conditional Use Permit (CUP) authorizes a limited vehicle service business in the existing 3,500 square-foot storage warehouse on the subject property, subject to the conditions below. Full-scale auto repair is prohibited. Customers must wait on site while repairs are made.
2. All gravel areas on the subject property and the adjacent unimproved right-of-way on which the driveway is located shall be paved to the City Engineer's standards with asphalt or concrete to control dust by July 1, 2019.
3. The limited vehicle service business may only operate between 7 AM and 7 PM each day to prevent disruption to the adjacent residences.
4. No vehicles, regardless of condition or registration status, may be parked outside on the subject property after hours to prevent blight. This prohibition excludes the applicant's personal vehicles and vehicles belonging to customers at the Roc City Art Complex.
5. If the above conditions are not met, additional citations for the existing open zoning violation shall be issued to the property owner of record.

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.

BE IT FURTHER RESOLVED that the applicant is formally advised of the following additional ordinance requirements:

1. As required by the Property Maintenance Code, the existing privacy fence along the western boundary shall be repaired or replaced to prevent unsightliness by June 1, 2019.
2. As required by the Sign Ordinance, the abandoned sign along Liberty Avenue shall be professionally covered or replaced to reflect the current businesses to avoid public confusion by July 1, 2019.
3. As required by the Building Code, a fire-rated wall shall be constructed as directed by the Building Official and Fire Inspector to promote fire safety by July 1, 2019.
4. As required by the Wastewater Treatment Ordinance, all floor drains in the shop shall have an approved oil interceptor installed and shall be connected to the sanitary sewer to prevent groundwater contamination by July 1, 2019.
5. As required by the Zoning Ordinance, no junk, equipment, tires, trailers, or other unsightly items may be stored outside at any time to prevent blight.

Approved this 20th day of May, 2019.

CITY COUNCIL OF THE CITY OF БЕLOIT

Regina Dunkin, President

ATTEST:

Lorena Rae Stottler, City Clerk-Treasurer

CITY COUNCIL

Conditional Use Permit Decision Form - Approval

When reviewing an application for a conditional use, the City must look to the requirements and conditions found in the City's zoning ordinance and determine if the applicant meets those requirements and conditions. The City must provide **substantial evidence** supporting their decision to grant or deny the permit, and to impose additional conditions on the permit. Substantial evidence means **facts and information**, directly relating to the requirements and conditions, that a reasonable person would accept in support of a conclusion. Personal preferences and speculation are not sufficient forms of evidence. All requirements and conditions imposed by the City must be reasonable, and to the extent, practicable, measurable.

Ordinance Requirements

List ordinance requirements related to the conditional use permit:

1. As required by the Property Maintenance Code, the existing privacy fence along the western boundary must be repaired or replaced.

Substantial Evidence: The existing privacy fence along the western property line is currently damaged/destroyed.

2. As required by the Sign Ordinance, the abandoned sign along Liberty Avenue must be professionally covered or replaced to reflect the current business.

Substantial Evidence: The sign panels currently advertise a business that no longer occupies the site.

3. As required by the Building Code, a fire-rated wall shall be constructed as directed by the Building Official and Fire Inspector to promote fire safety.

Substantial Evidence: The new business, auto service and repair, presents a higher hazard than the former uses that occupied this space or the other businesses in this building. Therefore, it is required to have fire separation walls, fire rated doors, and self-closing and latching devices on these doors. The Fire Inspectors have determined that these structures and doors do not exist at this site.

4. As required by the Wastewater Treatment Ordinance, all floor drains in the shop shall have an approved oil interceptor installed and shall be connected to the sanitary sewer to prevent groundwater contamination.

Substantial Evidence: The Water Resources Division completed some dye testing to determine where the sanitary and storm sewers drain to. It appears that the floor drain in the garage drains into the ground.

5. As required by the Zoning Ordinance, no junk, equipment, tires, trailers, or other unsightly items may be stored outside at any time to prevent blight.

Substantial Evidence: Fire Inspectors and Planning and Building Services staff witnessed junk, tires, and trailers being stored outside on site.

Does the applicant meet **all** of the ordinance requirements? Yes No

Permit Conditions

The City is authorized to impose conditions on the permit that relate to the purpose of the ordinance. Conditions must be **reasonable**, and to the extent, practicable and **measurable**. Conditions may limit the permit's duration, transfer, or renewal.

List conditions imposed on the permit:

1. This Conditional Use Permit (CUP) authorizes a limited vehicle service business in the existing 3,500 square-foot storage warehouse on the subject property, subject to the conditions below. Full-scale auto repair is prohibited. Customers must wait on site while repairs are made.

Substantial Evidence: The Zoning Ordinance explicitly prohibits full-scale auto repair in the C-2, Neighborhood Commercial District. They have requested a CUP for a limited vehicle service business. The owner is currently operating full-scale auto repair as witnessed by the Fire Inspectors and Planning and Building Services staff.

2. All gravel areas on the subject property and the adjacent unimproved right-of-way on which the driveway is located shall be paved to the City Engineer's standards with asphalt or concrete to control dust by July 1, 2019.

Substantial Evidence: The Zoning Ordinance requires the paving of off-street parking and loading areas. However, existing gravel parking lots are legal nonconforming. This site has been used for many years for one business at a time. This site currently houses three separate businesses. This increase in intensity of use will make the gravel parking lot problematic. Therefore, we are requiring the off-street parking and loading areas to be paved.

3. The limited vehicle service business may only operate between 7 AM and 7 PM each day to prevent disruption to the adjacent residences.

Substantial Evidence: We have already received complaints about this business from adjacent residences. To ensure that this commercial business does not interfere with the use and enjoyment of the residential properties, this condition is being imposed.

4. No vehicles, regardless of condition or registration status, may be parked outside on the subject property after hours to prevent blight. This prohibition excludes the applicant's personal vehicles and vehicles belonging to customers at the Roc City Art Complex.

Substantial Evidence: This business is limited vehicle service use which is defined as uses that provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is being performed. Therefore, there should be no need for cars to be parking onsite overnight. There are currently over 20 cars, some of them unlicensed and unregistered, located on site. The business is currently doing full-scale auto repair. This condition is being imposed to ensure that the business is operated as defined by the Zoning Ordinance.

5. If the above conditions are not met, additional citations for the existing open zoning violation shall be issued to the property owner of record.

Substantial Evidence: The business owner has shown that he will not comply with City code. There have been numerous site visits where he was told what he needed to do and not do. He has received citations for operating a full-scale auto business and for parking unregistered motor vehicles on site. This condition is being imposed to clearly state that the Conditional Use Permit will not cause the City to stop with enforcement actions if no steps are taken to correct the violations.

Decision:

The applicant Jody Miller has acknowledged, meets, or agrees to meet, all of the requirements found in the zoning ordinance and all conditions imposed on the permit.

Based on the findings of fact, conclusions of law, and the record in this matter, the permit is:

Approved, with the conditions stated above

Denied, for the following reasons:

PLAN COMMISSION

Conditional Use Permit Decision Form - Approval

When reviewing an application for a conditional use, the City must look to the requirements and conditions found in the City's zoning ordinance and determine if the applicant meets those requirements and conditions. The City must provide **substantial evidence** supporting their decision to grant or deny the permit, and to impose additional conditions on the permit. Substantial evidence means **facts and information**, directly relating to the requirements and conditions, that a reasonable person would accept in support of a conclusion. Personal preferences and speculation are not sufficient forms of evidence. All requirements and conditions imposed by the City must be reasonable, and to the extent, practicable, measurable.

Ordinance Requirements

List ordinance requirements related to the conditional use permit:

1. As required by the Property Maintenance Code, the existing privacy fence along the western boundary must be repaired or replaced.

Substantial Evidence: The existing privacy fence along the western property line is currently damaged/destroyed.

2. As required by the Sign Ordinance, the abandoned sign along Liberty Avenue must be professionally covered or replaced to reflect the current business.

Substantial Evidence: The sign panels currently advertise a business that no longer occupies the site.

3. As required by the Building Code, a fire-rated wall shall be constructed as directed by the Building Official and Fire Inspector to promote fire safety.

Substantial Evidence: The new business, auto service and repair, presents a higher hazard than the former uses that occupied this space or the other businesses in this building. Therefore, it is required to have fire separation walls, fire rated doors, and self-closing and latching devices on these doors. The Fire Inspectors have determined that these structures and doors do not exist at this site.

4. As required by the Wastewater Treatment Ordinance, all floor drains in the shop shall have an approved oil interceptor installed and shall be connected to the sanitary sewer to prevent groundwater contamination.

Substantial Evidence: The Water Resources Division completed some dye testing to determine where the sanitary and storm sewers drain to. It appears that the floor drain in the garage drains into the ground.

5. As required by the Zoning Ordinance, no junk, equipment, tires, trailers, or other unsightly items may be stored outside at any time to prevent blight.

Substantial Evidence: Fire Inspectors and Planning and Building Services staff witnessed junk, tires, and trailers being stored outside on site.

Does the applicant meet **all** of the ordinance requirements? Yes No

Permit Conditions

The City is authorized to impose conditions on the permit that relate to the purpose of the ordinance. Conditions must be **reasonable**, and to the extent, practicable and **measurable**. Conditions may limit the permit's duration, transfer, or renewal.

List conditions imposed on the permit:

1. This Conditional Use Permit (CUP) authorizes a limited vehicle service business in the existing 3,500 square-foot storage warehouse on the subject property, subject to the conditions below. Full-scale auto repair is prohibited. Customers must wait on site while repairs are made.

Substantial Evidence: The Zoning Ordinance explicitly prohibits full-scale auto repair in the C-2, Neighborhood Commercial District. They have requested a CUP for a limited vehicle service business. The owner is currently operating full-scale auto repair as witnessed by the Fire Inspectors and Planning and Building Services staff.

2. All gravel areas on the subject property and the adjacent unimproved right-of-way on which the driveway is located shall be paved to the City Engineer's standards with asphalt or concrete to control dust by July 1, 2019.

Substantial Evidence: The Zoning Ordinance requires the paving of off-street parking and loading areas. However, existing gravel parking lots are legal nonconforming. This site has been used for many years for one business at a time. This site currently houses three separate businesses. This increase in intensity of use will make the gravel parking lot problematic. Therefore, we are requiring the off-street parking and loading areas to be paved.

3. The limited vehicle service business may only operate between 7 AM and 7 PM each day to prevent disruption to the adjacent residences.

Substantial Evidence: We have already received complaints about this business from adjacent residences. To ensure that this commercial business does not interfere with the use and enjoyment of the residential properties, this condition is being imposed.

4. No vehicles, regardless of condition or registration status, may be parked outside on the subject property after hours to prevent blight. This prohibition excludes the applicant's personal vehicles and vehicles belonging to customers at the Roc City Art Complex.

Substantial Evidence: This business is limited vehicle service use which is defined as uses that provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is being performed. Therefore, there should be no need for cars to be parking onsite overnight. There are currently over 20 cars, some of them unlicensed and unregistered, located on site. The business is currently doing full-scale auto repair. This condition is being imposed to ensure that the business is operated as defined by the Zoning Ordinance.

5. If the above conditions are not met, additional citations for the existing open zoning violation shall be issued to the property owner of record.

Substantial Evidence: The business owner has shown that he will not comply with City code. There have been numerous site visits where he was told what he needed to do and not do. He has received citations for operating a full-scale auto business and for parking unregistered motor vehicles on site. This condition is being imposed to clearly state that the Conditional Use Permit will not cause the City to stop with enforcement actions if no steps are taken to correct the violations.

Decision:

If the applicant, Jody Miller, meets, or agrees to meet, all of the requirements found in the zoning ordinance and all conditions imposed on the permit, the City is required to grant the permit.

Based on the findings of fact, conclusions of law, and the record in this matter, the Plan Commission recommended that the permit be:

Approved, with the conditions stated above

Denied, for the following reasons:



REPORT TO THE PLAN COMMISSION

Plan Commission Meeting Date: May 8, 2019

Agenda Item: 4(d)

File Number: CU-2019-01

General Information

Applicant: Jody Miller, on behalf of Dwight Miller and Waylon Daniel (DBA Daniel's Auto Detailing & Repair)

Owner: Joel & Charlotte Vandenberg

Address/Location: 2034 Liberty Avenue

Applicant's Request: The applicant has applied for a Conditional Use Permit (CUP) to allow a limited vehicle service use in a C-2, Neighborhood Commercial District, for the property located at 2034 Liberty Avenue.

Background

In December 2018, Planning staff initiated enforcement action against the owner of 2034 Liberty Avenue after discovering an unlawful auto repair shop in the rear storage area of the building on the subject property. The business is operated by Waylon Daniel DBA Daniel's Auto Detailing & Repair. Mr. Daniel is a subtenant of Dwight Miller, who operates Roc City Art Complex (salon & tattoo) in the main commercial building on the subject property. Both Mr. Daniel and Mr. Miller are ineligible to apply for the CUP due to delinquent debts owed to the City of Beloit. A limited vehicle service use is one in which services are provided to vehicles while the owner waits in the car or nearby while the service is performed (e.g. quick lubes and tire shops). Both Mr. Daniel and Mr. Miller have been notified that full-scale auto repair is prohibited on the subject property. If the requested CUP is approved, the applicant will be required to bring the building and site into compliance with applicable building, zoning, and fire codes. This will include reducing the scope of the work, as full auto repair is prohibited in C-2 districts. Planning staff issued a first (\$187) citation to the property owner on March 6, 2019 when this CUP application (submitted on January 7, 2019) was repeatedly stalled due to delinquencies yet the repair shop continued to operate throughout January, February, and March 2019. The application was transferred into Jody Miller's name on April 12, 2019. Additional citations are being withheld during processing of this CUP application.

Staff Analysis

Existing Conditions: The subject property is ½ acre in area and includes a 4,165 square-foot retail building and a 3,500 square-foot storage warehouse, along with parking areas that are

both gravel and asphalt. The property was previously occupied by Custom Bookbinding, and the warehouse was used for storage/distribution functions. The rear storage warehouse is the location of the vehicle repair shop. There is a driveway on Liberty Avenue/State Highway 81 that serves the property, which is located within an unimproved public right-of-way as shown on the attached map.

Surrounding Land Use and Zoning: There is an R-2, Two-Family Residential District to the west and south of the subject property, along with single-family dwellings. There is a commercial use (zoned C-2) to the west of the subject property along Liberty Avenue and a two-family use (zoned C-2) to the east along Liberty Avenue. There is a nonconforming outdoor storage yard to the southeast of the subject property.

Vehicle Repair Definitions: There are two categories of vehicle repair in the City of Beloit Zoning Ordinance: limited vehicle service (where services are provided to vehicles while the owner waits) and vehicle repair (full-scale auto repair). The applicant initially planned to operate a full-scale vehicle repair operation at this location, but has been advised by Planning staff that vehicle repair is prohibited in the C-2 district. Only limited vehicle service uses are allowed, and must be authorized by a Conditional Use Permit. The Beloit Fire Department has inspected the interior of the subject property on numerous occasions, and has expressed concern that full-scale repair is still occurring within the building. The Fire Department's photos taken April 22, 2019 are attached, which show the interior conditions of the operation including engine overhaul work.

Site Improvements Needed: Planning staff has advised the applicants and the property owner that several areas of the property must be brought up to code if the CUP is to be issued and used. There are several areas of the site that are gravel, which is problematic given increased vehicle traffic and outdoor storage of vehicles. All gravel areas, including both private property and the unimproved right-of-way, need to be paved with asphalt or concrete. In addition, the existing privacy fence along the western property line is damaged/destroyed and must be repaired or replaced in a workmanlike manner. The applicants and owner were advised of this in January 2019, yet the fence remains in a state of disrepair. The sign along Liberty Avenue is technically an "abandoned sign" because it advertises a business that no longer operates. Therefore, it must be removed, professionally covered, or changed to advertise one of the existing businesses.

Building Improvements Needed: Building Inspection and Fire Department staff have advised the applicant that several building alterations are needed in order to legally occupy the rear storage warehouse as a limited vehicle repair shop. A new fire wall barrier must be constructed to create a fire barrier between the shop and the retail uses in the front building. The owner has applied for a permit for this work, but as of this writing no work has started. In addition, the Water Resources Division has advised that the floor drain may need to be connected to the sanitary sewer, as a recent dye test revealed that the floor drain doesn't reach any storm or sanitary sewers and likely just enters the ground.

Outdoor Vehicle Storage: On March 25, 2019, Code Enforcement issued a Notice of Violation to remove all of the unlicensed and/or junk vehicles from the property. The compliance deadline has passed. As of this writing, 20 vehicles remain on the property, half of which are unlicensed.

Review Agent Comments: The City Engineer has agreed with Planning staff regarding the need to pave all gravel areas of the site, including the unimproved right-of-way. The Water Resources Director provided the comments above regarding the need for a new floor drain connection. The Fire Department has expressed concerns that full-scale auto repair is occurring, and that a fire wall has not been constructed. No other comments or concerns were submitted by the review agents.

City of Beloit Comprehensive Plan: The City's Future Land Use Map (Map #10 of the Comprehensive Plan) recommends Neighborhood Commercial uses and C-2 zoning for the subject property.

Public Notices and Comment:

The attached notice was sent to nearby property owners and published/posted publicly. Planning staff has been contacted by one nearby property owner who requested that the privacy fence be repaired or replaced.

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

- a. *Whether the establishment, maintenance, or operation of the conditional use will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;*
 - If the applicant is willing to reduce the scope of the operation to limited vehicle service and to make all of the site & building improvements recommended below and to operate subject to limited hours, noise, and outdoor storage restrictions, then the use will not be detrimental to the public. The requirements to install a fire-rated wall and to replace the floor drain are directly tied to public health & safety.
- b. *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*
 - The site is directly adjacent to single-family properties, which increases the potential for land use conflicts relating to noise, odor, lights, dust, etc. If the applicant is willing to operate in accordance with the conditions outlined below, then land use compatibility may be achievable. The current conditions are not acceptable.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - In its current condition, the limited vehicle service use includes excessive unlicensed and inoperable vehicles that may have a negative impact upon

property values. The staff-recommended conditions below are intended to address these and other issues.

- d. *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
 - The adjacent properties are already developed.
- e. *Whether the exterior architectural design or site layout of the proposed conditional use is so dissimilar or otherwise incompatible with existing or proposed development in the immediate neighborhood that it will cause a depreciation in property values;*
 - In order to become a legitimate vehicle service operation, the site and building must be improved and brought up to code. For example, all gravel areas must be paved to control dust and the long-damaged fence shall be repaired or replaced to reduce unsightliness. The abandoned sign must be covered or replaced to avoid confusion and blight. The current conditions are not acceptable.
- f. *Whether adequate utilities, access roads, drainage or other necessary facilities will be available to serve the proposed use at the time of its occupancy or use;*
 - In order to protect the groundwater supply, the existing floor drain must be connected to the sanitary sewer line as requested by the Water Resources Division.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
 - The site has adequate parking, but all of it must be paved with asphalt or concrete.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
 - If the CUP is approved, Planning staff will need to monitor the site closely to ensure that all conditions are met.

Staff Concerns: Planning staff is recommending several conditions of approval below to address all of the outstanding violations on the property, and to ensure that the property operates as a limited vehicle service use without negatively impacting nearby properties. However, it is noteworthy that the proposed conditions below will require a significant investment on the part of the owner and/or applicants, which is concerning given the issues with delinquent debts owed to the City that have delayed this application, evidence showing a lack of correction of known violations, and a lack of clarity in terms of financial responsibility for the improvements between the owner and applicant. If the applicant cannot agree to comply with all of the conditions and required improvements by the recommended deadlines, then staff recommends denial of the requested CUP.

STAFF RECOMMENDATION:

If the applicant can demonstrate a willingness and resources to comply with the conditions below, the Planning & Building Services Division recommends **approval** of a Conditional Use Permit to allow a limited vehicle service use in a C-2, Neighborhood Commercial District, for the

property located at 2034 Liberty Avenue, based on the above Findings of Fact and subject to the following conditions:

6. This Conditional Use Permit (CUP) authorizes a limited vehicle service business in the existing 3,500 square-foot storage warehouse on the subject property, subject to the conditions below. Full-scale auto repair is prohibited. Customers must wait on site while repairs are made.
7. All gravel areas on the subject property and the adjacent unimproved right-of-way on which the driveway is located shall be paved to the City Engineer's standards with asphalt or concrete to control dust by July 1, 2019.
8. The limited vehicle service business may only operate between 7 AM and 7 PM each day to prevent disruption to the adjacent residences.
9. No vehicles, regardless of condition or registration status, may be parked outside on the subject property after hours to prevent blight. This prohibition excludes the applicant's personal vehicles and vehicles belonging to customers at the Roc City Art Complex.
10. If the above conditions are not met, additional citations for the existing open zoning violation shall be issued to the property owner of record.
11. 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.

Code Requirements:

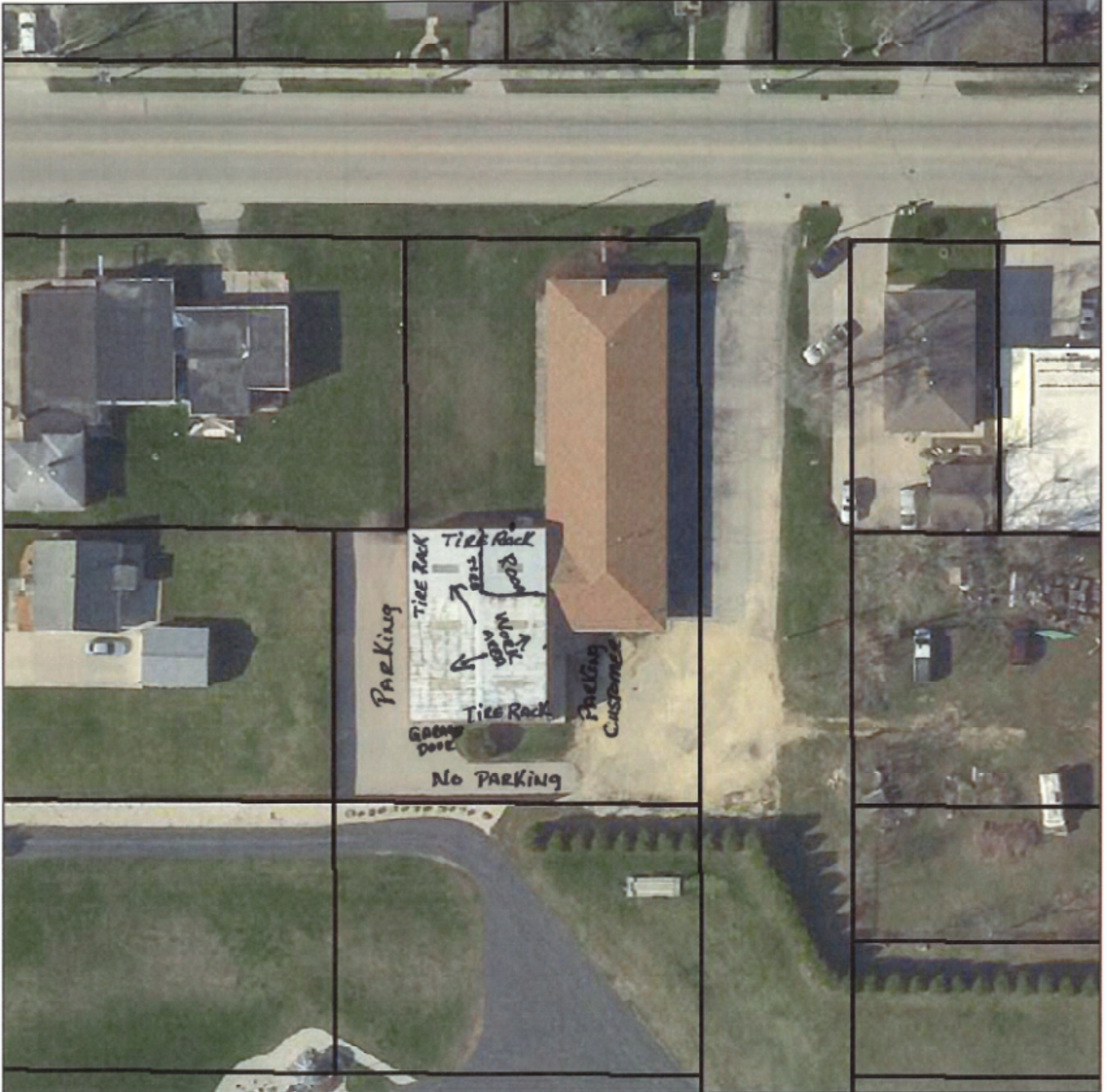
In addition to the above permit conditions, the following provisions of existing City Ordinances shall apply:

1. As required by the Property Maintenance Code, the existing privacy fence along the western boundary shall be repaired or replaced to prevent unsightliness by June 1, 2019.
2. As required by the Sign Ordinance, the abandoned sign along Liberty Avenue shall be professionally covered or replaced to reflect the current businesses to avoid public confusion by July 1, 2019.
3. As required by the Building Code, a fire-rated wall shall be constructed as directed by the Building Official and Fire Inspector to promote fire safety by July 1, 2019.
4. As required by the Wastewater Treatment Ordinance, all floor drains in the shop shall have an approved oil interceptor installed and shall be connected to the sanitary sewer to prevent groundwater contamination by July 1, 2019.
5. As required by the Zoning Ordinance, no junk, equipment, tires, trailers, or other unsightly items may be stored outside at any time to prevent blight.

ATTACHMENTS: Location & Zoning Map, Photos, Application, and Public Notice.

Location & Zoning Map

2034 Liberty Avenue



1 inch = 53 feet



Map prepared by: Hilary Rottmann
Date: January 2019
For: City of Beloit Planning & Building
Date of Aerial Photography: April 2016

PLANNING & BUILDING SERVICES DIVISION

Photos







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: CN-2019-01

1. Address of subject property: 2034 LIBERTY AVE.

2. Legal description: _____

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

Property dimensions are: 70 feet by 50 feet = 0.08 Acres square feet.

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

3. Tax Parcel Number(s): 80-0523881 13480880

4. Owner of record: _____ Phone: _____

(Address)

(City)

(State)

(Zip)

5. Applicant's Name: Dwight J. Jody Miller

1804 Glen Ave Beloit

WI

53511

(Address)

(City)

(State)

(Zip)

608-2950086

1(608)208-6213

(E-mail Address)

dwrightemillerj@gmail.com

(Office Phone #)

(Cell Phone #)

6. All existing use(s) on this property are: _____

7. THE FOLLOWING ACTION IS REQUESTED:

A Conditional Use Permit for: Daniel's Auto Detailing + Repair

in a(n) C-2 Zoning District.

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

Principal use: DETAILING VEHICLES - WINDOW TINTING

Secondary use: TIRE REPAIR + BRAKE JOBS

Accessory use: _____

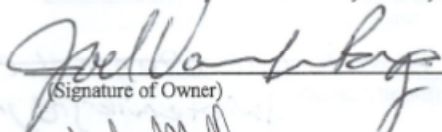
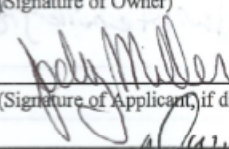
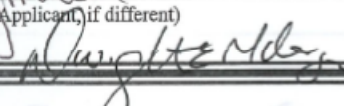
9. Project timetable: Start date: _____ Completion date: _____

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

- () Owner
- () Leasehold, length of lease: month to month
- () 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.

	Joel Vandenberg	12-14-18
(Signature of Owner)	(Print name)	(Date)
	Jody Miller	14 12-19
(Signature of Applicant, if different)	(Print name)	(Date)
	Dwight E. Miller, Jr.	4/15/19

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: May 8, 2019

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

Application accepted by: Drew Pennington Date: 4/16/19

COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE TO THE PUBLIC

April 24, 2019

To Whom It May Concern:

Jody Miller, on behalf of Dwight Miller and Waylon Daniel, has filed an application for a Conditional Use Permit to allow a limited vehicle service use in a C-2, Neighborhood Commercial District, for the property located at:

2034 Liberty Avenue.

In December 2018, Planning staff initiated enforcement action against the owner of 2034 Liberty Avenue after discovering an unlawful auto repair shop in the rear storage area of the building on the subject property. The business is operated by Waylon Daniel DBA Daniel's Auto Detailing & Repair. Mr. Daniel is a subtenant of Dwight Miller, who operates Roc City Art Complex (salon & tattoo) in the main commercial building on the subject property. A limited vehicle service use is one in which services are provided to vehicles while the owner waits in the car or nearby while the service is performed (e.g. quick lubes and tire shops). If the requested CUP is approved, the applicant will be required to bring the building and site into compliance with applicable building, zoning, and fire codes.

The following public hearings will be held regarding this application:

City Plan Commission: Wednesday, May 8, 2019, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

City Council: Monday, May 20, 2019, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.

We are interested in your opinion.

Anyone bringing handouts to the Plan Commission meeting must bring ten (10) copies and submit them to the Recording Secretary before the meeting begins. Staff is unable to leave the meeting area to make copies.

For additional information, please contact Drew Pennington, AICP in the Planning & Building Services Division at (608) 364-6711 or penningtond@beloitwi.gov. Comments will be accepted via telephone, email, and U.S. Mail.

Pennington, Drew

From: Erica Pennington <epennington@beloitdailynews.com>
Sent: Tuesday, April 30, 2019 7:13 AM
To: Pennington, Drew
Subject: City Plan Commission: 2034 Liberty Ave.
Attachments: IMG_20190430_054627.jpg; IMG_20190430_054652.jpg; IMG_20190430_054648.jpg

Hello Drew,

We received a letter in the mail regarding the property at 2034 Liberty Ave. We are unable to attend the planning meeting next week, so I am writing to provide comment for the commission. Our home, 1037 Division St., is directly behind the property (to the west - little grayish blue cape cod house).

Since last fall we have talked with tenant Waylon Daniel several times. Each time he has been very polite and pleasant. We have no qualms with Mr. Daniel operating his repair business out of the Roc City Art Complex, provided that he and his helpers continue to be courteous. Thus far we have had no problems to speak of.

The only issue we would like to see addressed is that the privacy fence which belongs to the Roc City Art Complex be either repaired (correctly) or replaced. The fence has been an ongoing issue over the past several years, and on more than one occasion we have had to stand the fence up and try to board it up on our own, because the property owners haven't addressed it.

The fence is very old and has had a significant section missing since last fall. Mr. Daniel said that he intended to fix it this spring, and we believe that he has the intention to do so. We just want to ensure this is taken care of, as our nearly-8 month old daughter, Hallie, is now crawling and will be up and running around before we know it.

We would like to be able to enjoy our backyard with her without fearing that the fence is either going to fall down on its own, or that someone is going to drive into it on accident and have it come down while she is out playing with us. Not to mention looking at a bunch of broken down cars is very unsightly.

Attached are a few photos of the fence, taken this morning (4/30/19).

If you have any questions, please feel free to give me a call at 608-364-9226 or 608-572-0468.

Thank you!
Erica (Pennington) Mathis
Mathew Mathis

--
Erica Pennington
Features Editor
Beloit Daily News
(608) 364-9226

Pennington, Drew

From: Mobile.charter.net <beme71997@charter.net>
Sent: Tuesday, May 7, 2019 1:36 PM
To: Pennington, Drew
Subject: 2034 Liberty Ave

Drew,

We have no problems with anyone trying to open a business at this location if they are willing to be in compliance with conditions. The letter received only addresses the car repair/ detail in the back portion of the building. What about conditional use for the other businesses they are running and advertising for that location - salon, nails, tattoos, recording studio, photography studio, banquet/party hall, restaurant etc?

We have the following concerns with the current proposed tenants/business as they have been conducting business without the proper permits or code compliance:

1. Extremely loud music with so much bass our windows vibrate at all times of the day. (Police have been contacted)
2. Business goes on all hours day and night. It is not uncommon for tow trucks to pull in at 2-3:00 a.m. and whatever going on inside the garage area
3. Vehicle salvage yard?
4. We have had people trespass on our property. On one occasion they walked through our bushes and stood there. We were on our deck and I asked if they needed something. They said they were "just checking the place out."
5. Cars parked both sides of Liberty Ave during parties they have obstructing traffic/views for other people driving on the road.

Sent from my iPhone

MAY 09 2011

From,
Mr. Waylon Daniel, owner of Daniel's Auto Detailing and Repair, LLC
2034 Liberty Avenue
Beloit, Wisconsin 53511

To,
Division of Planning and Building Services
City Hall 100 State Street
Beloit, Wisconsin 53511

Dear Mr. Pennington and Members of the Committee,

I would like to thank you for taking time for meeting with me today. And I would also like to extend an appreciation for the committee members who have been involved in the meetings at my place of business, and for taking the time to communicate with me, and for providing me with information in order to complete the tasks necessary to have my business comply with the regulations regarding the city work permit.

I am providing the committee members with updated pictures and receipts to show the items purchased for my business in order to meet the requirements as set by the committee members.

As a self-employed community member, I am trying to promote positive business relations with the city. In addition, I am trying to be a contributing member of this city that I was born and raised in and care about deeply. I am trying to build a positive view for others being a man of color, trying to do something to reflect on our city positively.

I am trying to do what I truly enjoy, as well as helping our city grow. I am working on establishing a business that will be consistent, and fair, and will continue on for years to come.

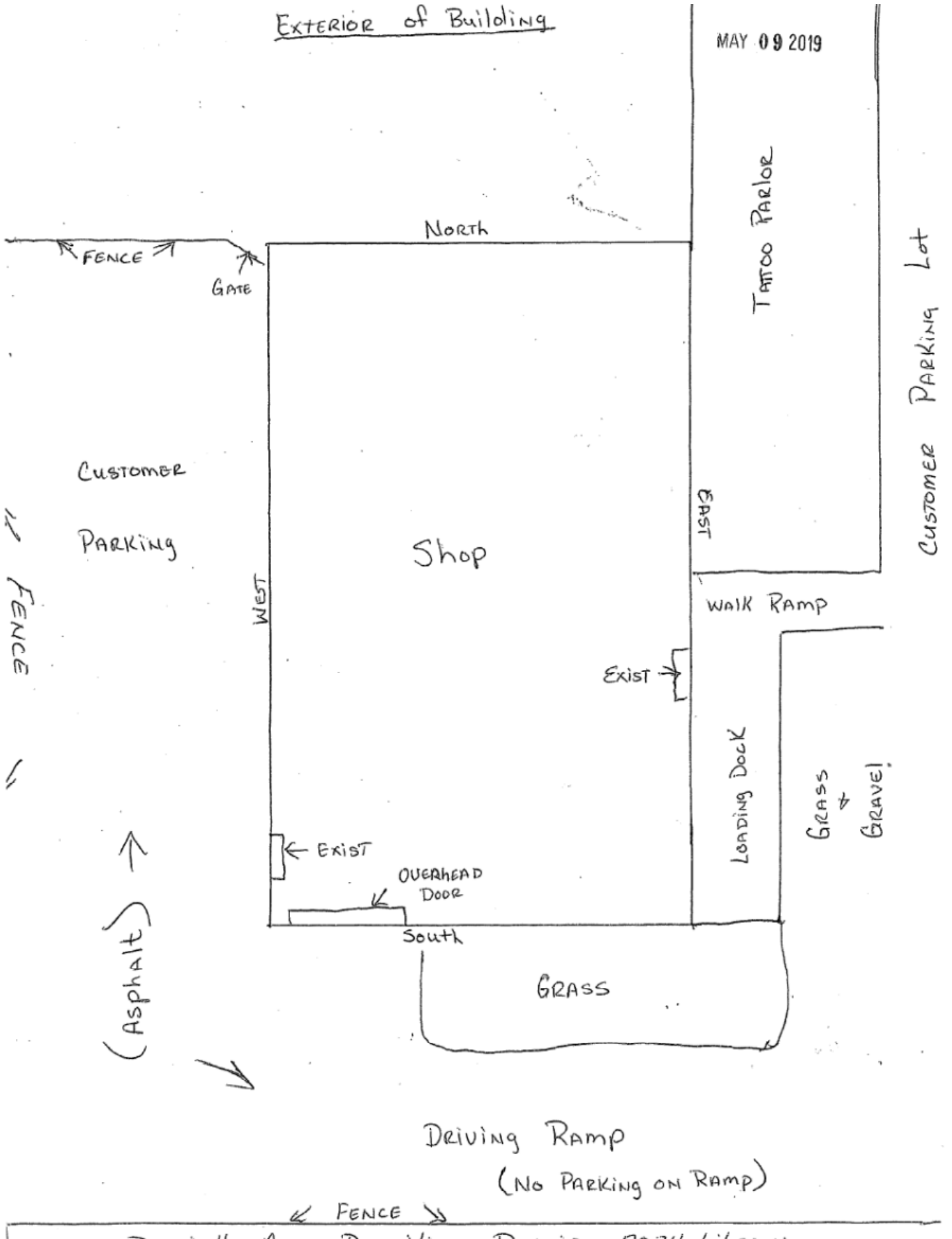
Thanking you in advance for your time, cooperation, and understanding in these matters.

Sincerely,

Waylon Daniel

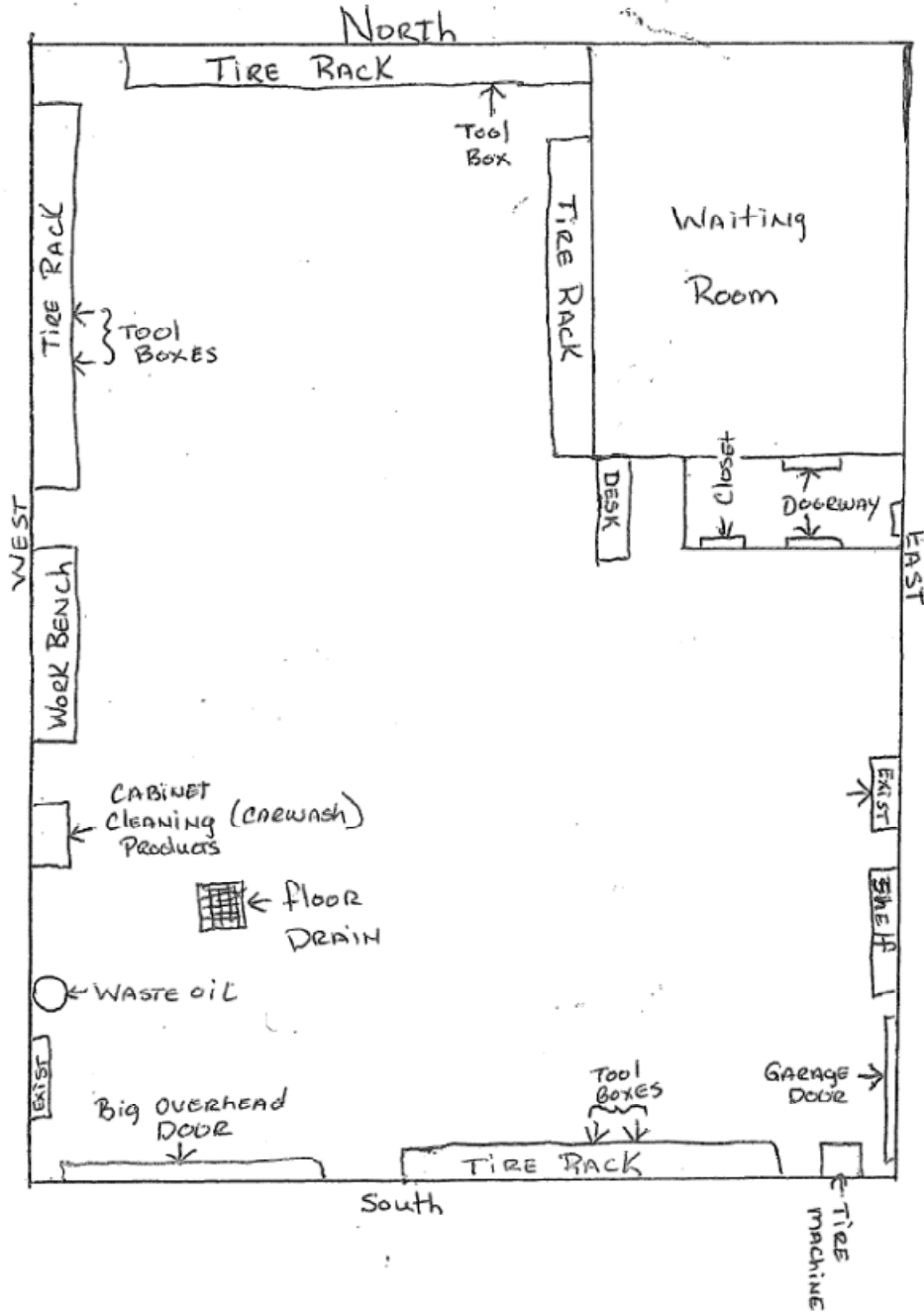
EXTERIOR of Building

MAY 09 2019



INTERIOR of Building

MAY 09 2019





Inspection No: 1903078
 Inspection Date: 3/20/2019
 Inspected By: Robert Kessenich

CITY OF БЕЛОIT FIRE DEPARTMENT
 1111 CHURCH STREET, БЕЛОIT WI 53511
 Phone (608)364-2900 Fax (608)364-2925
 bfd@beloitwi.gov



Inspection and Compliance Orders

Facility:	Roc City Art Complex	Address:	2034 Liberty AVE		
Phone:	(608) 312-4210	City:	Beloit		
Fax:		State:	WI	Postal Code:	53511
Email:		Work:			
Contact:		Cell:			

Inspection Type: Inspection General

Violation Code	Days to Correct	Violation/Notes		Location
18.2.3.4.1.1	16	Fire department access roads shall have an unobstructed width of not less than 20 ft (6.1 m).	FIRE DEPARTMENT ACCESS SHALL BE MAINTAINED AT ALL TIMES. ALL VEHICLES SHALL BE REMOVED THAT ARE NOT AUTHORIZED BY THE AHJ AND ZONING.	EAST AND SOUTH PARKING LOT <i>Done</i>
13.6.8.1.3.8.1	16	Fire extinguishers having a gross weight not exceeding 40 lb (18.14 kg) shall be installed so that the top of the hand portable fire extinguisher is not more than 5 ft (1.53 m) above the floor. [10:6.1.3.8.1]	AT THIS POINT ONLY ONE FIRE EXTINGUISHER IS INSTALLED (FOUND INSTALLED) NEAR THE EAST EXIT DOOR. 20LB FIRE EXTINGUISHERS ARE A MINIMUM THAT NEED TO BE INSTALLED BY AN AUTHORIZED FIRE EXTINGUISHER INSTALLER.	NEAR EACH DOOR MINIMUM <i>West door needs an extinguisher installed</i>
13.6.8.1.3.3.1	16	Fire extinguishers shall not be obstructed or obscured from view. [10:6.1.3.3.1]	THE FIRE EXTINGUISHER IS OBSTRUCTED BY STORAGE. A 36" CLEARANCE SHALL BE MAINTAINED AT ALL TIMES. A SIGN MARKING THE LOCATION SHALL BE AFIXED TO THE WALL ABOVE THE FIRE EXTINGUISHER FOR LOCATION IDENTIFICATION.	EAST EXIT DOOR <i>Done</i>

14.4.1*	16	General - Means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency. [101:7.1.10.1]	THE EAST EXIT DOOR IS STILL BLOCKED FROM THE EASE OF EGRESS. THE AISLES BETWEEN PARKED VEHICLES, STORAGE AND WALLS SHALL BE MAINTAINED AT A MINIMUM OF 36". THE AISLES RIGHT NOW ARE NOT SAFE FOR ANYONE TO NAVIGATE SAFELY FOR EXITING.	EAST EXIT DOOR AND THROUGH-OUT <i>Done</i>
60	16	General reference	ANY AND ALL COMBUSTIBLE LIQUIDS SHALL BE STORED IN FLAMMABLE STORAGE CABINETS.	SHOP <i>Done</i>
11.1.7.6	16	Extension cords shall not be used as a substitute for permanent wiring.	THE EXTENSION CORD BEHIND THE DESK SHALL BE REMOVED. THIS IS AN UNDER-RATED EXTENSION CORD FOR THE PURPOSE. WHEN EXTENSION CORDS ARE BEING USED TEMPORARILY THEY SHALL BE PLUGGED DIRECTLY INTO A WALL MOUNTED OUTLET. ALL EXTENSION CORDS SHALL BE OF THE PROPER SIZE FOR THE USE. POWER STRIPS AND EXTENSION CORD SHALL NEVER BE USED TOGETHER.	DESK AREA <i>Done</i>

Inspector's Notes:

THE FIRE RATING HAS NOT BEEN DONE ON THE WALLS CONNECTING THE STORE FRONT AREAS TO THE SHOP. I WAS TOLD THEY ARE WAITING FOR THE CONTRACTOR. EGRESS STILL HAS NOT BEEN ADDRESSED AND PROPER INSTALLATION OF FIRE EXTINGUISHERS HAS NOT BEEN DONE IN THE SHOP. THE EXTERIOR HAS A LARGE NUMBER OF VEHICLES PARKED IN THE PARKING LOT TO THE EAST AND SOUTH. THESE AREAS WERE DISCUSSED DURING OUR INITIAL MEETING THAT FIRE DEPARTMENT ACCESS HAD TO BE MAINTAINED. RIGHT NOW THERE IS NOT SAFE ACCESS TO THE SHOP AREA FOR RESCUERS OR FIRE OPERATIONS.

ALL VIOLATIONS ARE GIVEN A 15 DAYS TO COMPLY. APRIL 4, 2019

Owner/Representative:	
Inspector:	Robert Kessenich

VIOLATION CORRECTION ORDER - Correction(s) MUST be made within the time specified above from date inspected.

I understand by affixing my signature below, I am attesting that the proper corrections have been made.

Print Name WAYLON DANIEL

Signature Waylon Daniel

Date Signed: 5-7-19

Sign and mail report to: Beloit Fire Department, 1111 Church Street, Beloit, WI 53511

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic:	Award of Contract C19-19 Third Street Demolitions Part 2		
Date:	May 20, 2019		
Presenter:	Laura Williamson, Public Works Director	Department:	Public Works

Overview/Background Information
 This project scope will result in the demolition of (3) City owned residential homes south of Merrill St., between Third and Second Streets. The properties are adjacent to a group of 4 residentially zoned vacant lots owned by the City.

- Key Issues**
- Four bids were received for this project. The low bid of \$33,945.00 was from Northern Illinois Service Co., who is considered a responsible bidder for this project.
 - The base bid is 15% lower than the engineer’s estimate of \$40,000.00.
 - The costs for this project are as follows: \$33,945.00 for construction, \$5,090.00 for contingency which is a total project budget of \$39,035.

- Conformance with Strategic Plan**
 Approval of this agreement would conform with the stated purpose of the following strategic goal:
- Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
 - Goal #2 - Create and Sustain a High Performing Organization
 - Goal #3 - Create and Sustain Economic and Residential Growth
 - Goal #4 - Create and Sustain a High Quality of Life
 - Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
 - Goal #6 - Create and Sustain a Positive Image, Enhance Communications and Engage the Community

Sustainability
 (If applicable, 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. Consider whether the policy of program will reduce dependence upon fossil fuels, reduce dependence on chemicals and other manufacturing substances that accumulate in nature, reduce dependence on activities that harm life sustaining eco-systems, and/or meet the hierarchy of present and future human needs fairly and efficiently. Write N/A if not applicable)
 The project will replace marginal housing with greenspace in an area that was significantly impacted during the 2008 Rock River flood event.

Action Required/Recommendation
 The Engineering Division recommends awarding this Public Works Contract to Northern Illinois Service Co. in the amount of \$33,945.00.

Fiscal Note/Budget Impact
 Funding is available in the 2018 Capital Budget.

Attachments
 Award Memo, Resolution

RESOLUTION 2019-051

**RESOLUTION
AWARDING PUBLIC WORKS CONTRACT C19-19 THIRD STREET DEMOLITIONS PART 2**

WHEREAS, on April 18, 2019, four competitive bids were received, the low bid being from Northern Illinois Service Co.; and

WHEREAS, Northern Illinois Service Co. is a qualified bidder.

NOW, THEREFORE, BE IT RESOLVED that the Public Works Contract C19-19, Third Street Demolitions Part 2, is hereby awarded to Northern Illinois Service Co., Rockford, IL, in the following amounts:

Northern Illinois Service Co.
4781 Sandy Hollow Rd.
Rockford, IL 61109

Base Bid	\$33,945.00
<u>Allowance for Change Orders and/or Extra Work</u>	<u>\$ 5,090.00</u>
TOTAL PROJECT COST	\$39,035.00

BE IT FURTHER RESOLVED that the amount of \$39,035.00 is hereby funded as follows:

P5401653-5511-2018	Demo Thrid Street Properties	<u>\$39,035.00</u>
TOTAL		\$ 39,035.00

Approved this 20th day of May, 2019.

CITY COUNCIL OF THE CITY OF БЕЛОIT

Regina Dunkin, President

ATTEST:

Lorena Rae Stottler, City Clerk-Treasurer

CITY OF BELOIT

DEPARTMENTAL CORRESPONDENCE

TO: Scot Prindiville
FROM: Scott Schneider, Project Engineer
DATE: April 18, 2019
SUBJECT: Bid Results for Contract C19-19
Demolition of Third Street Properties Part 2

Pursuant to advertisements placed March 29 & April 5, 2019, bids were received until 2:00 PM on April 18, 2019 for the Third Street Demolitions Part 2 project. A tabulation of bids is attached.

Four bids were received for this project as follows:

Company Name	Location	Base Bid
1. Northern Illinois Service Co.	Rockford, IL	\$33,945.00
2. Earth Construction LLC	Orfordville, WI	\$34,600.00
3. McIntyre Concrete Inc.	Beloit, WI	\$55,000.00
4. Corporate Contractors Inc.	Beloit, WI	\$89,936.86

Upon review of the Contractor's Proof of Responsibility Statement, Northern Illinois Service Co. is determined to be a responsible bidder.

I recommend that the contract be awarded to Northern Illinois Service Co. of Rockford, IL. The following is a breakdown of the proposed project cost:

COSTS

Northern Illinois Service Co	\$33,945.00
Allowance for Change Orders and/or Extra Work	\$ 5,090.00
TOTAL PROJECT COST	\$39,035.00

PROJECT INFORMATION

This project will facilitate the demolition of 3 city owned residential homes south of Merrill Street, between Second and Third Streets. The Engineer's Estimate for the project was \$40,000.00.

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic:	Conditional Use Permit Application for the property located at 648-658 Fourth Street - Referral to Plan Commission		
Date:	May 20, 2019		
Presenter:	Julie Christensen	Department:	Community Development

Overview/Background Information

Peter Gabriele has filed an application for a Conditional Use Permit to allow an outdoor (rooftop) seating area including the possession, sale, & consumption of alcoholic beverages in the CBD, Central Business District, for the property located at 648-658 Fourth Street.

Key Issues

1. The applicant is in the process of renovating the buildings on the subject property into a banquet/special event space to be known as Grande Hall II.
2. The applicant recently combined the subject properties into one zoning & tax parcel. This CUP request has been on hold since August 2018 while the applicant took the necessary steps to place the properties under the same corporate ownership. Planning staff advised the applicant of the need to combine parcels on August 30, 2018. Parcels must have the same ownership in order to be combined into one.
3. The buildings on the subject property have been internally connected through new doorway openings. The first floor banquet hall in the southern building (648) has been mostly completed, and the applicant intends to remodel the northern former service station building (658) into a lobby and seating area with internal & external staircases leading to a new rooftop seating area as shown on the attachments.
4. The attached renderings illustrate the design concept. The applicant has noted that the seating area will include a railing and pergola.
5. The Zoning Ordinance states that outdoor seating areas in the CBD are only allowed if reviewed and approved in accordance with the Conditional Use Permit review procedures.

Conformance with Strategic Plan

Approval of this agreement would conform with the stated purpose of the following strategic goal:

- Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- Goal #2 - Create and Sustain a High Performing Organization
- Goal #3 - Create and Sustain Economic and Residential Growth
- Goal #4 - Create and Sustain a High Quality of Life
- Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- Goal #6 - Create and Sustain a Positive Image, Enhance Communications and Engage the Community

Sustainability

(If applicable, 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. Consider whether the policy or program will reduce dependence upon fossil fuels, reduce dependence on chemicals and other manufacturing substances that accumulate in nature, reduce dependence on activities that harm life sustaining eco-systems, and/or meet the hierarchy of present and future human needs fairly and efficiently. **Write N/A if not applicable**)

N/A

Action Required/Recommendation

- Referral to the Plan Commission for the May 22, 2019 meeting
- This item will likely return to the City Council for a public hearing and possible action on June 3, 2019

Fiscal Note/Budget Impact

N/A

Attachments

Design Renderings, Floor Plan, and Application

FEB 08 2019 Via Email



Front

Angus Young
Architecture | Engineering
Interiors | Landscape

648 4TH STREET
BELOIT, WI

SEPTEMBER 5, 2018



Rear

Angus
Young
Architecture | Engineering
Interiors | Landscape

648 4TH STREET
BELOIT, WI

SEPTEMBER 5, 2018

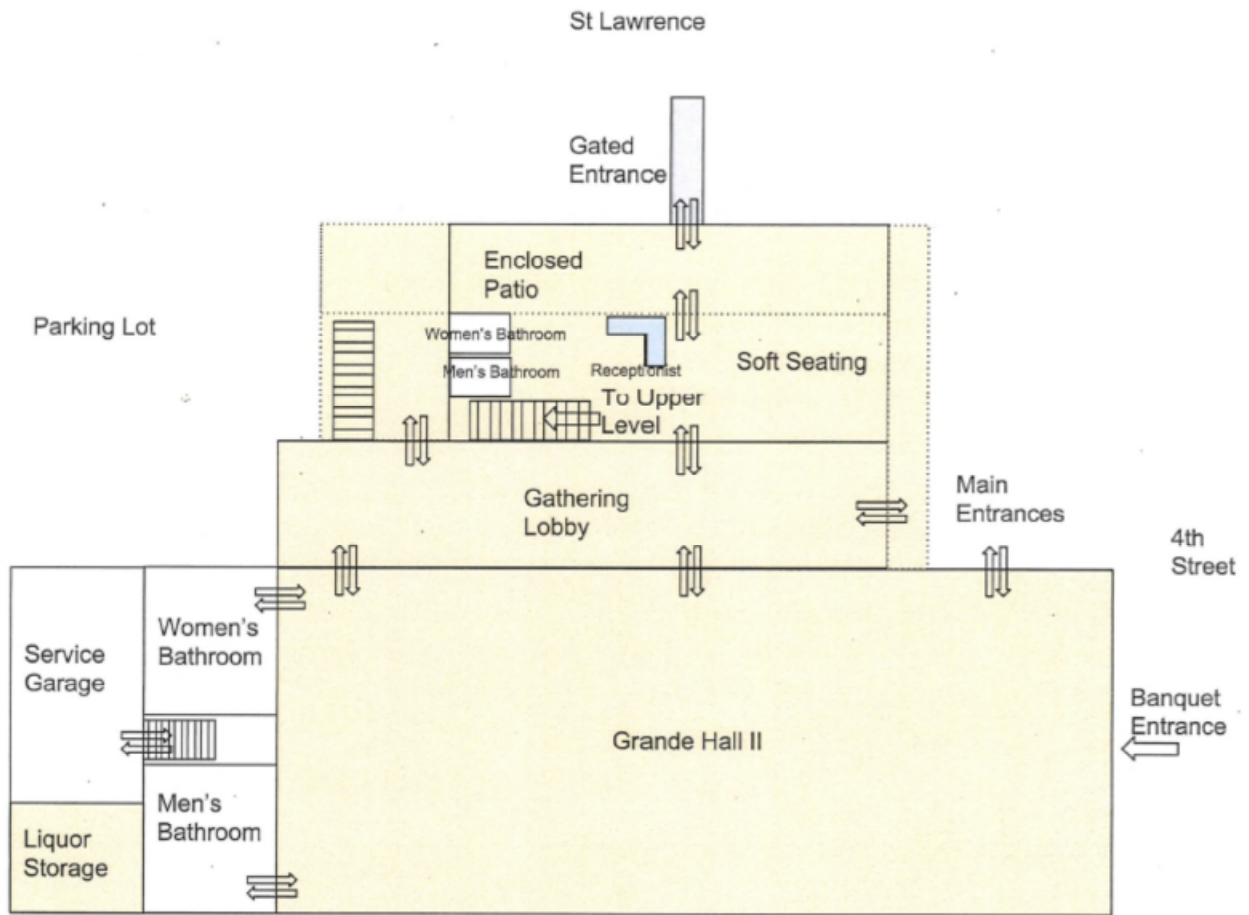


Angus
Young
Architecture | Engineering
Interiors | Landscape

648 4TH STREET
BELOIT, WI

SEPTEMBER 5, 2018

Floor Plan



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-2019-03

1. Address of subject property: 648⁵⁸ 4th

2. Legal description: _____

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

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

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

3. Tax Parcel Number(s): 1353 ~~0535~~ 0535

4. Owner of record: Peter Gabriele Phone: 608 289 0843

2200 Riverside Beloit WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: Same

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

(Office Phone #) (Cell Phone #) (E-mail Address)

6. All existing use(s) on this property are: vacant commercial

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

A Conditional Use Permit for: Out Door Seating / Roof Deck
in a(n) CBD Zoning District.

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

Principal use: Restaurant / Banquet

Secondary use: Roof top Seating

Accessory use: _____

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

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

- 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.

[Signature] / _____ / _____
 (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 *May 22, 2019*

Filing fee: **\$275.00** Amount paid: *\$275* Meeting date: [REDACTED]

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

Application accepted by: *Dore Pennington* Date: *8/2/18*

APR 24 2019

CITY OF БЕЛОИТ

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic:	Conditional Use Permit Application for the property located at 1750 Branigan Road - Referral to Plan Commission		
Date:	May 20, 2019		
Presenter:	Julie Christensen	Department:	Community Development

Overview/Background Information
 Stephen Kramer on behalf of TRU Aseptic LLC has filed an application for a Conditional Use Permit to allow warehouse use in a C-3, Community Commercial District for the property located at 1750 Branigan Road.

- Key Issues**
1. The applicant is purposing a new 10,000 square foot warehouse and employee parking for expansion of the facility located at 2924 Wyetta Drive. The applicant has an accepted offer to purchase the subject property.
 2. This property is zoned C-3 Community Commercial District.
 3. The C-3 district is primarily intended to accommodate community-oriented retail sales and service uses. The property is also located within the MRO, Milwaukee Road Overlay District, which is intended to protect the aesthetic character of land adjacent to Milwaukee Road and to provide for and promote orderly development and redevelopment of the Milwaukee Road corridor.
 4. An application and site plan are attached.

- Conformance with Strategic Plan**
- Approval of this agreement would conform with the stated purpose of the following strategic goal:
- Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
 - Goal #2 - Create and Sustain a High Performing Organization
 - Goal #3 - Create and Sustain Economic and Residential Growth
 - Goal #4 - Create and Sustain a High Quality of Life
 - Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
 - Goal #6 - Create and Sustain a Positive Image, Enhance Communications and Engage the Community

Sustainability
 (If applicable, 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. Consider whether the policy of program will reduce dependence upon fossil fuels, reduce dependence on chemicals and other manufacturing substances that accumulate in nature, reduce dependence on activities that harm life sustaining eco-systems, and/or meet the hierarchy of present and future human needs fairly and efficiently. **Write N/A if not applicable**)
 N/A

- Action Required/Recommendation**
- Referral to the Plan Commission for the May 22, 2019 meeting
 - This item will likely return to the City Council for a public hearing and possible action on June 3, 2019

Fiscal Note/Budget Impact
 N/A

Attachments
 Application and Site Plan

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-2019-02

1. Address of subject property: 1750 BRANIGAN RD BELOIT WI, 53511

2. Legal description: LOT 2 CSM VOL 31 PGS 132 - 134 22981810

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

Property dimensions are: 228 feet by 470 feet = 107,160 square feet.

If more than two acres, give area in acres: 2.45 acres.

3. Tax Parcel Number(s): 22981810

4. Owner of record: MCBAIN ENTERPRISES INC Phone: _____

2951 KENNEDY DR BELOIT WI, 53511

(Address)

(City)

(State)

(Zip)

5. Applicant's Name: Stephen Kramer

2924 Wyetta Dr Beloit WI 53511

(Address)

(City)

(State)

(Zip)

608-362-5072 1 608-921-2809 1 Kramer@truaseptics.com

(Office Phone #)

(Cell Phone #)

(E-mail Address)

6. All existing use(s) on this property are: D-AGRICULTURAL

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

A Conditional Use Permit for: CONSTRUCT PARKING LOT AND 10,000 SF WAREHOUSE

_____ in a(n) C-3 COMMUNITY COMMERCIAL DISTRICT Zoning District.

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

Principal use: _____

120 SPACES EMPLOYEE PARKING LOT AND CONSTRUCT 10,000 SF WAREHOUSE

Secondary use: _____

Accessory use: _____

9. Project timetable: Start date: 6-1-19 Completion date: 6-1-2020

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.

_____ (Signature of Owner)	_____ (Print name)	_____ (Date)
<u>[Signature]</u> (Signature of Applicant, if different)	<u>Stephen Kramer</u> (Print name)	<u>4-23-19</u> (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.

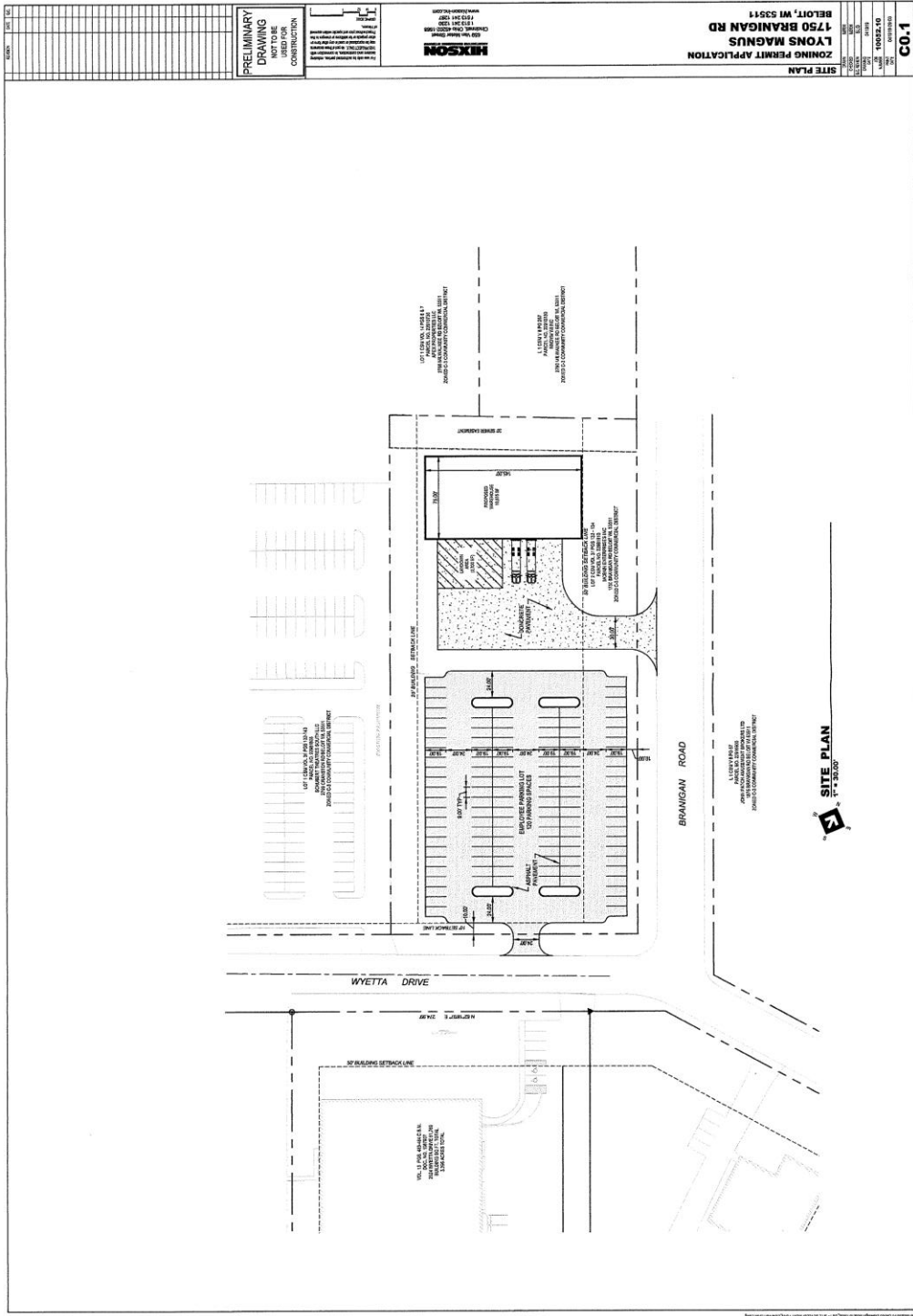
This application must be submitted with one copy of a scaled drawing showing the layout of the proposed development in accordance with all code requirements, and the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice 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: May 22nd

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

Application accepted by: Melony Littmann Date: 4/24/2019



REVISIONS			
PRELIMINARY DRAWING NOT TO BE USED FOR CONSTRUCTION	HEXSSON	1750 BRANIGAN ROAD BELOIT, WI 53511 PHONE: 608.733.1234 FAX: 608.733.1235 WWW.HEXSSON.COM	SITE PLAN ZONING PERMIT APPLICATION 1750 BRANIGAN RD LYONS MANNUS BELOIT, WI 53511 DATE: 10/02/2019 SHEET: 01 OF 01

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Consideration of Change of Agent on the Class “A” Beer and “Class A” intoxicating liquor license for Wisconsin CVS Pharmacy, LLC d/b/a CVS Pharmacy #8534, located at 1063 Fourth Street from Nancy Klatt to Anna Kinatedar, for period ending June 30, 2019.

Date: May 20, 2019

Presenter: Lorena R. Stottler **Department:** City Clerk-Treasurer

Overview/Background Information

Wisconsin CVS Pharmacy, LLC d/b/a CVS Pharmacy #8534, located at 1063 Fourth Street has requested to change their agent from Nancy Klatt to Anna Kinatedar for period ending June 30, 2019.

Key Issues

1. Wisconsin CVS Pharmacy, LLC d/b/a CVS Pharmacy #8534, located at 1063 Fourth Street, has requested to change their agent from Nancy Klatt to Anna Kinatedar for period ending June 30, 2019.
2. The applicant has submitted the required documents to request such change: Schedule of Appointment of Agent form AT-104; Auxiliary Questionnaire form AT-103; and the Supplemental Questionnaire for agents.
3. The application and documents were sent to the Beloit Police Department to check municipal and state criminal records of the applicant and was approved May 15, 2019.
4. The ABLCC reviewed the application to assure conformity with existing rules, regulations and zoning ordinances of the city and state and made a recommendation for approval 4-0.
5. This item is on the May 20, 2019 City Council agenda for action.

Conformance with Strategic Plan

Approval of this action would conform with the stated purpose of the following strategic goal:

- Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- Goal #2 - Create and Sustain a High Performing Organization
- Goal #3 - Create and Sustain Economic and Residential Growth
- Goal #4 - Create and Sustain a High Quality of Life
- Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- Goal #6 - Create and Sustain a Positive Image, Enhance Communications and Engage the Community

Sustainability

(If applicable, 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. Consider whether the policy or program will reduce dependence upon fossil fuels, reduce dependence on chemicals and other manufacturing substances that accumulate in nature, reduce dependence on activities that harm life sustaining eco-systems, and/or meet the hierarchy of present and future human needs fairly and efficiently. Write N/A if not applicable)

N/A

Action Required/Recommendation

Staff recommends that the ABLCC make positive recommendation and City Council approve this Change of Agent Application.

Fiscal Note/Budget Impact

The fee for this action is \$10 per state statute.

Attachments

(AT-104) Appointment of Agent; (AT-103) Auxiliary Questionnaire; Supplemental Questionnaire and Letter appointing Agent.

Revised 05-24-2018

RESOLUTION 2019-070

**RESOLUTION APPROVING CHANGE OF AGENT ON THE CLASS "A" BEER AND "CLASS A"
INTOXICATING LIQUOR LICENSE FOR WISCONSIN CVS PHARMACY, LLC
D/B/A CVS PHARMACY #8534**

WHEREAS, the Agent of record for Wisconsin CVS Pharmacy, LLC d/b/a CVS Pharmacy #8534, located at 1063 Fourth Street is Nancy Klatt;

WHEREAS, CVS Pharmacy, LLC d/b/a CVS Pharmacy #8534, located at 1063 Fourth Street, has requested and the Alcohol Beverage License Control Committee has recommended that the Agent be changed to Anna Kinatedar for the licensing period ending June 30, 2019.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beloit that the Agent for the alcohol beverage license for Wisconsin CVS Pharmacy, LLC d/b/a CVS Pharmacy #8534, located at 1063 Fourth Street is hereby changed to Anna Kinatedar.

Dated this 20th day of May 2019.

BELOIT CITY COUNCIL

Regina Dunkin, City Council President

Attest:

Lorena Rae Stottler, City Clerk-Treasurer



One CVS Drive
Woonsocket, RI 02895

March 21, 2019

City of Beloit
100 State Street
Beloit, WI 53511

Re: Authorization Letter for Appointing Agent
Wisconsin CVS Pharmacy, L.L.C.
Db: CVS/pharmacy #8534
1063 4th Street
Beloit, WI 53511
Alcohol License Renewal

To Whom It May Concern,

Please allow this letter to serve as Wisconsin CVS Pharmacy, LLC's to change the appointing agent from Nancy Klatt to Anna Kinateder at store #8534.

Thank you for your cooperation at this time. If you require additional information or have any questions, please feel free to contact me at 401-765-1500.

Sincerely,

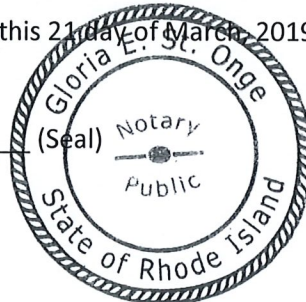
Linda M. Cimbron
Assistant Secretary
CVS Legal/Licensing Department

State of Rhode Island
County of Providence

I, the undersigned Notary Public for the State of Rhode Island, do hereby certify that Linda M. Cimbron, on behalf of Wisconsin CVS Pharmacy, LLC, personal appeared before me on this day and acknowledged the due executive of the foregoing statement.

Witness my hand and seal this 21 day of March, 2019.

Notary Public
My Commission expires:



Gloria E. St. Onge
Notary Public State of
Rhode Island
Comm Expires 05/20/2022

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

Submit to municipal clerk.

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

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

The undersigned duly authorized officer(s)/members/managers of Wisconsin CVS Pharmacy, L.L.C.
(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 CVS Pharmacy # 8534
(trade name)

located at 1063 Fourth St. Beloit, WI 53511

appoints Anna Kinateder
(name of appointed agent)

1142 Lincoln 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

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

Place of residence last year _____

For: Wisconsin CVS Pharmacy, L.L.C.
(name of corporation/organization/limited liability company)
By: [Signature] (President)
(signature of Officer/Member/Manager)
And: [Signature] (Secretary)
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Anna Kinateder, 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] 2/20/19 Agent's age 33
(signature of agent) (date)
1142 Lincoln Ave Beloit WI 53511 Date of birth 2/2/86
(home address of agent)

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

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

Approved on 5-15-19 by [Signature] Title Lieutenant of Patrol
(date) (signature of proper local official) (town chair, village president, police chief)

8534

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
KINATEDER		Anna		M	
Home Address (street/route)	Post Office	City	State	Zip Code	
1142 LINCOLN AVE		Beloit	WI	53599	
Home Phone Number	Age	Date of Birth	Place of Birth		
325-733-4830					

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.
- Anna Kinateder/Store Mgr. of Wisconsin CVS Pharmacy, 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? 1 year
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 <u>CVS PHARMACY</u>	Employer's Address <u>1063 4th St Beloit WI 53511</u>	Employed From <u>9/17</u>	To <u>Present</u>
Employer's Name <u>CVS PHARMACY</u>	Employer's Address <u>4210 College Hills Blvd SAN ANGELO TX 76904</u>	Employed From <u>4/15</u>	To <u>9/17</u>

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 20 day of February, 20 19
Risa A. Manecm
(Clerk/Notary Public)

[Signature]
(Signature of Named Individual)

My commission expires 12/25/2021



8524

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic:	Proposed Resolution Considering the Applications for Alcohol Beverage Operator’s (Bartender’s) Licenses [2017-2019] cycle April April 30 - May 14, 2019.		
Date:	May 20, 2019		
Presenter:	Lorena Rae Stottler	Department:	City Clerk-Treasurer

Overview/Background Information

Applicants for an Alcohol Beverage Operator’s (Bartender’s) License must apply (or renew) on a biennial basis. This process requires an application, proof that a responsible beverage server training course was completed, payment of the applicable fee and submission to a background check of the Beloit Police Department.

State law requires the City Council to act on all licenses prior to issuance. The attached resolution includes all applicants received April 30 - May 14, 2019.

Key Issues

1. The applicants being recommended for approval or denial have completed the following steps:
 - a. Submitted a complete application and proof of responsible beverage server training, shown ID, paid applicable fees and submitted to a background investigation.
 - b. Upon completion of the background investigation, the Police Department provides a recommendation for approval or denial to the Clerk-Treasurer.
 - c. Applications recommended for denial are sent a letter stating the reasons for the recommendation of denial and the opportunity to appeal to the City Council. Applications recommended for approval and those that do not appeal are placed on the master list and submitted to City Council every two weeks for consideration.
 - d. Upon Council action, City Clerk-Treasurer provides the necessary follow-up by issuing the license or sending a letter to the applicant stating the reason(s) for denial.
2. Section 125.17(1), Wis. Stats., requires the governing body to approved qualified applicants prior to issuance of the license.
3. This list includes 4 applicants taken between April 30 - May 14, 2019.
 - a. Recommended for Approval - All applicants are recommended for approval.
 - b. Recommended for Denial - None
4. This process is consistent with state statute as well as guidance from the League of Wisconsin Municipalities guidance for Municipal Licensing and Regulation of Alcohol Beverages.

Conformance with Strategic Plan

Approval of this action would conform with the stated purpose of the following strategic goal:

- Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- Goal #2 - Create and Sustain a High Performing Organization
- Goal #3 - Create and Sustain Economic and Residential Growth
- Goal #4 - Create and Sustain a High Quality of Life
- Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- Goal #6 - Create and Sustain a Positive Image, Enhance Communications and Engage the Community

Sustainability

(If applicable, 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. Consider whether the policy or program will reduce dependence upon fossil fuels, reduce dependence on chemicals and other manufacturing substances that accumulate in nature, reduce dependence on activities that harm life sustaining eco-systems, and/or meet the hierarchy of present and future human needs fairly and efficiently. Write N/A if not applicable)

N/A

Action Required/Recommendation

Staff recommends approval of the Resolution.

Fiscal Note/Budget Impact

Each applicants pays \$50 for a 2-year license and \$35 for a 1-year license.

Attachments

Resolution, List of applicants.

Revised 05-24-2018

RESOLUTION 2019-060

**RESOLUTION APPROVING 2017-2019 APPLICANTS FOR AN ALCOHOL BEVERAGE OPERATOR'S
(BARTENDER'S) LICENSE FOR THE PERIOD APRIL 30 – MAY 14, 2019**

WHEREAS, the applicants listed in the attached document, which is incorporated herein by reference, have applied for operator's licenses; and

WHEREAS, all of the applicants listed in the attached document are recommended by the Police Department and the City Clerk-Treasurer's Office for approval.

NOW, THEREFORE, BE IT RESOLVED THAT the applicants recommended for approval are hereby approved for the period ending June 30, 2019. The City Clerk-Treasurer's Office is directed to issue the license to the applicant(s).

Adopted this 20th day of May, 2019.

CITY COUNCIL FOR THE CITY OF BELOIT

Regina Dunkin, Council President

ATTEST:

Lorena Rae Stottler, City Clerk-Treasurer

Applicants Recommended for Approval April 29, 2019 through May 14, 2019

Dammen, Shelby R.	Jersey's Bar & Grill
Matson, Kaliejah A.	Speedway #2086
Mould, Charysma L.	Thirsty Badger
Smith, Jennifer M.	Madison Road Mart

Year to Date: 790

Applicants Recommended for Denial Through May 14, 2019

N/A

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Application to reflect a change of ownership to an existing Class “A” Beer and “Class A” Intoxicating Liquor License for Nico’s Convenience & Liquor Store located at 2648 Prairie Avenue, to Ohana Spirits LLC, d/b/a Ohana Spirits, , Nicole Fischer, Agent, for license period ending June 30, 2019.

Date: May 20, 2019

Presenter: Lorena R. Stottler **Department:** City Clerk-Treasurer

Overview/Background Information

Nico’s Convenience & Liquor Store has authorized Nicole Fischer, d/b/a Ohana Spirits, to make an application to establish a business to be located at 2648 Prairie Avenue and has applied for a Class “A” Beer and “Class A” Intoxicating Liquor License for the license period ending June 30, 2019. Nicholas Lerma has agreed to surrender his license upon the approval of a license being granted to Nicole Fischer of Ohana Spirits, LLC.

Key Issues

1. Nicholas Freddy Lerma d/b/a Nico’s Convenience & Liquor Store was granted a Class “A” Beer and “Class A” Intoxicating Liquor License at 2648 Prairie Avenue, (formerly Fiesta Cancun restaurant) on November 5, 2018. He is currently completing remodeling of the store and intends to open in May of 2019. He and his significant other, Nicole Fischer are seeking to have Nicole take over the license and run the business as Ohana Spirits, LLC.
2. Given prior concerns raised by the City Council during the previous license holder’s application requesting a conditional use for the drive-through window, the applicant has specifically excluded the drive-up window as part of the licensed premises on the alcohol license application.
3. This application includes a letter from Nicholas F Lerma as owner of the property, relinquishing his Class “A” Beer and “Class A” Intoxicating Liquor License on the condition that Nicole is approved and granted a license to operate on the premise as Ohana Spirits, LLC.
4. The ABLCC reviewed the application to assure conformity with existing rules, regulations and zoning ordinances of the city and state and made a recommendation to approve 4-0. The motion included the condition confirming that the business will not sell alcohol through the drive through. That was agreed to in writing by the applicant.
5. This application will return to the City Council for final action at the May 20, 2019 regular meeting.

Conformance with Strategic Plan

Approval of this action would conform with the stated purpose of the following strategic goal:

- Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- Goal #2 - Create and Sustain a High Performing Organization
- Goal #3 - Create and Sustain Economic and Residential Growth
- Goal #4 - Create and Sustain a High Quality of Life
- Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- Goal #6 - Create and Sustain a Positive Image, Enhance Communications and Engage the Community

Sustainability

(If applicable, 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. Consider whether the policy or program will reduce dependence upon fossil fuels, reduce dependence on chemicals and other manufacturing substances that accumulate in nature, reduce dependence on activities that harm life sustaining eco-systems, and/or meet the hierarchy of present and future human needs fairly and efficiently. Write N/A if not applicable)

N/A

Action Required/Recommendation

Staff has no objection to the ABLCC making a positive recommendation or the City Council approving this license.

Fiscal Note/Budget Impact

The fee for this action is \$1,000.

Attachments

(AT-106) Retail License Application; (AT-103) Auxiliary Questionnaire; Supplemental Questionnaire.

RESOLUTION 2019-061

**RESOLUTION APPROVING A CLASS "A" BEER
AND "CLASS A" INTOXICATING LIQUOR LICENSE FOR
OHANA SPIRITS LLC, D/B/A OHANA SPIRITS**

WHEREAS, an application has been received for a Class "A" Beer and "Class A" Intoxicating Liquor License from Ohana Spirits LLC, d/b/a Ohana Spirits, Nicole Fischer, Agent, for property located at 2648 Prairie Avenue, Beloit Wisconsin; and

WHEREAS, the Alcohol Beverage License Control Committee recommended approval of this Class "A" Beer and "Class A" Intoxicating Liquor License for the remainder of the 2018-2019 license year.

WHEREAS, the applicant has agreed to not sell alcohol through the drive through window.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beloit does hereby approve a Class "A" Beer and "Class A" Intoxicating Liquor License for Nicole Fischer, Agent, for property located at 2648 Prairie Avenue, Beloit Wisconsin.

Dated this 20th day of May, 2019.

Regina Dunkin, City Council President

ATTEST:

Lorena Rae Stottler, City Clerk-Treasurer

Original Alcohol Beverage Retail License Application

Submit to municipal clerk.

For the license period beginning Approval date 20 19 ;
ending June 30 20 19 ;

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

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

- 1. The named Individual Partnership Limited Liability Company
 Corporation / Nonprofit Organization

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

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

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

Title	Name (Last, First, M.I.)	Home Address	Post Office & Zip Code
President/Member	<u>Nicole Marie Fischer</u>	<u>1713 E. Williams</u>	<u>Beloit WI 53511</u>
Vice President/Member	<u>N/A</u>		
Secretary/Member	<u>N/A</u>		
Treasurer/Member			
Agent	<u>Nicole Fischer</u>		
Directors/Managers			

- 3. Trade Name Ohana Spirits Business Phone Number 608-289-5145
- 4. Address of Premises 2648 Prairie Ave. Post Office & Zip Code 53511

- 5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
- 6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
- 7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
- 8. (a) Corporate/limited liability company applicants only: Insert state Wisconsin and date 4/22/19 of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

- 9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Storage room, coolers, sales floor, counters, bathroi
- 10. Legal description (omit if street address is given above): _____
- 11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
(b) If yes, under what name was license issued? Hiesta Cancun
- 12. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277]. Yes No
- 13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]. Yes No
- 14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

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

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4-25-2019</u>	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

refer May 6
ABCC May 14
council action May 20

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

Submit to municipal clerk.

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

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

The undersigned duly authorized officer(s)/members/managers of Ohana Spirits 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 Ohana Spirits LLC
(trade name)

located at 2648 Prairie Avenue

appoints Nicole Fischer
(name of appointed agent)

1713 E. Williams Dr. 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? 42 yrs

Place of residence last year 1713 E. Williams Dr. Beloit, WI 53511

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

By: Nicole Fischer
(signature of Officer/Member/Manager)

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

ACCEPTANCE BY AGENT

I, Nicole Fischer
(print/type agent's name), hereby accept this appointment as agent for the

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

Nicole Fischer 4/25/19
(signature of agent) (date)

Agent's age _____

1713 E. Williams Dr. Beloit, WI 53511
(home address of agent)

Date of birth _____

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

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

Approved on 5-15-19 by [Signature] Title Lieutenant of Police
(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) Fischer, Nicole Marie				
Home Address (street/route) 1713 E. Williams	Post Office 53511	City Beloit	State WI	Zip Code 53511
Home Phone Number 608-289-5145	Age	Date of Birth	Place of Birth	

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.

owner of **Ohana Spirits**
(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? 42 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 AM Solutions	Employer's Address 100 Interstate Edgerton, WI	Employed From 4/25/2018	To Present
Employer's Name Evansville Schools	Employer's Address Evansville, WI	Employed From 7/2016	To 4/2017

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees 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. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Nicole Fischer
(Signature of Named Individual)

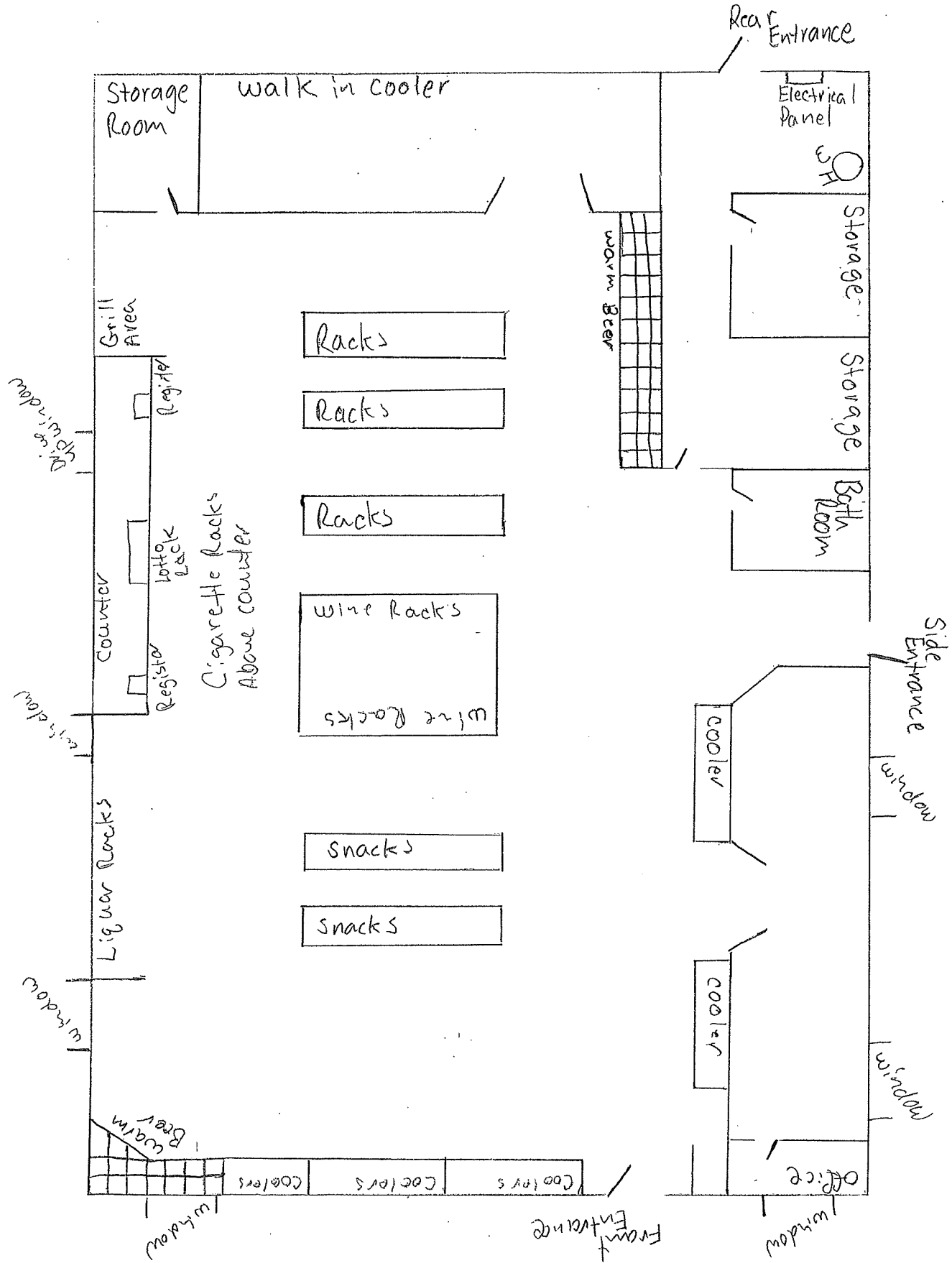


TABLE 110C

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic:	Application to reflect a Corporate name change to an existing Class “B” Beer and “Class B” Intoxicating Liquor License for Maxine’s Social LLC, d/b/a Maxine’s Social, located at 863 Fifth Street, Zachariah R. Davis, Agent for license period ending June 30, 2019, (previously known as The New Pop House).		
Date:	May 20, 2019		
Presenter:	Lorena R. Stottler	Department:	City Clerk-Treasurer

Overview/Background Information

The New Pop House is making an application to change the Corporate name to Maxine’s Social LLC d/b/a Maxine’s Social, Zachariah R. Davis, Agent. The New Pop House is located and currently operating at 863 Fifth Street and a complete application to request such change to the existing Class “B” Beer and “Class B” Intoxicating Liquor License for the license period ending June 30, 2019 has been submitted.

Key Issues

1. The New Pop House located at 863 Fifth Street holds a current Class “B” Beer and “Class B” Intoxicating Liquor License for the license period ending June 30, 2019. They are seeking to change their corporate name to Maxine’s Social LLC, Zachariah Davis, Agent.
2. A complete application with fees has been submitted to the City Clerk’s office and is being referred to the ABLCC for their May 14, 2019 agenda by the City Council on May 6, 2019 via the consent agenda.
3. The ABLCC reviewed the application to assure conformity with existing rules, regulations and zoning ordinances of the city and state and approved the application 4-0.
4. This application will return to the City Council for final action at the May 20, 2019 regular meeting.

Conformance with Strategic Plan

Approval of this action would conform with the stated purpose of the following strategic goal:

- Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- Goal #2 - Create and Sustain a High Performing Organization
- Goal #3 - Create and Sustain Economic and Residential Growth
- Goal #4 - Create and Sustain a High Quality of Life
- Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- Goal #6 - Create and Sustain a Positive Image, Enhance Communications and Engage the Community

Sustainability

(If applicable, 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. Consider whether the policy or program will reduce dependence upon fossil fuels, reduce dependence on chemicals and other manufacturing substances that accumulate in nature, reduce dependence on activities that harm life sustaining eco-systems, and/or meet the hierarchy of present and future human needs fairly and efficiently. Write N/A if not applicable)

N/A

Action Required/Recommendation

Staff has no objection to the ABLCC making a positive recommendation or the City Council approving this license.

Fiscal Note/Budget Impact

The fee for this action is \$600.00.

Attachments

(AT-106) Retail License Application; (AT-103) Auxiliary Questionnaire; Supplemental Questionnaire

Revised 05-24-2018

RESOLUTION 2019-062

**RESOLUTION APPROVING A CLASS “B” BEER
AND “CLASS B” INTOXICATING LIQUOR LICENSE FOR
MAXINE’S SOCIAL LLC, D/B/A MAXINE’S SOCIAL**

WHEREAS, an application has been received for a Class “B” Beer and “Class B” Intoxicating Liquor License from Maxine’s Social LLC, d/b/a Maxine’s Social, Zachariah R. Davis, Agent, for property located at 863 Fifth Street, Beloit Wisconsin; and

WHEREAS, the Alcohol Beverage License Control Committee recommended approval of this Class “B” Beer and “Class B” Intoxicating Liquor License for the remainder of the 2018-2019 license year.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beloit does hereby approve a Class “B” Beer and “Class B” Intoxicating Liquor License for Zachariah R. Davis, Agent, for property located at 863 Fifth Street, Beloit Wisconsin.

Dated this 20th day of May, 2019.

Regina Dunkin, City Council President

ATTEST:

Lorena Rae Stottler, City Clerk-Treasurer

Original Alcohol Beverage Retail License Application

Submit to municipal clerk.

For the license period beginning 7-1 20 19 ;
ending 6-3 20 20

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

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

1. The named Individual Partnership Limited Liability Company
 Corporation / Nonprofit Organization

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

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

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

Title	Name (Last, First, M.I.)	Home Address	Post Office & Zip Code
President/Member	<u>President</u>	<u>Davis, Zachariah, R</u>	<u>431 E. Woodland Dr Beloit, WI 53511</u>
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent	<u>Zachariah R. Davis</u>		
Directors/Managers			

3. Trade Name Maxine's Social Business Phone Number 815-847-9959
 4. Address of Premises 863 5th St Post Office & Zip Code Beloit, WI 53511

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

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

10. Legal description (omit if street address is given above): banquet hall
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
 (b) If yes, under what name was license issued? _____
12. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277]. Yes No
13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]. Yes No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Zachariah R. Davis
(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>4-15-19</u>	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

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

Submit to municipal clerk.

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

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

The undersigned duly authorized officer(s)/members/managers of MAXINE'S SOCIAL, 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 Maxine's Social, LLC
(trade name)

located at 863 5th St Beloit, WI 53511

appoints Zachariah R. Davis
(name of appointed agent)

431 E. Woodland Dr 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? 20+ years

Place of residence last year 431 E. Woodland Dr, Beloit, WI, 53511

For: Maxine's Social, LLC
(name of corporation/organization/limited liability company)

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

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

ACCEPTANCE BY AGENT

I, ZACHARIAH ROBERT DAVIS, 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.

Zachariah R. Davis 4.15.2019 Agent's age _____
(signature of agent) (date)

431 E. Woodland Dr Beloit, WI, 53511 Date of birth _____
(home address of agent)

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

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

Approved on 5.13.19 by [Signature] Title Vice Mayor of Beloit
(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)	
DAVIS		ZACHARIAH		ROBERT	
Home Address (street/route)		Post Office	City	State	Zip Code
431 E. WOODLAND DR			BELOIT	WI	53511
Home Phone Number		Age	Date of Birth	Place of Birth	
815 847 9959				BELOIT	

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

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- PRESIDENT of MAXINE'S SOCIAL, 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? 20+ years (COMMUTED TO DALLAS 2000-2002)
- 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.)
HAD A DISORDERLY CONDUCT CHARGE WITH KIM RIELS IN 09-2011?
- 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)

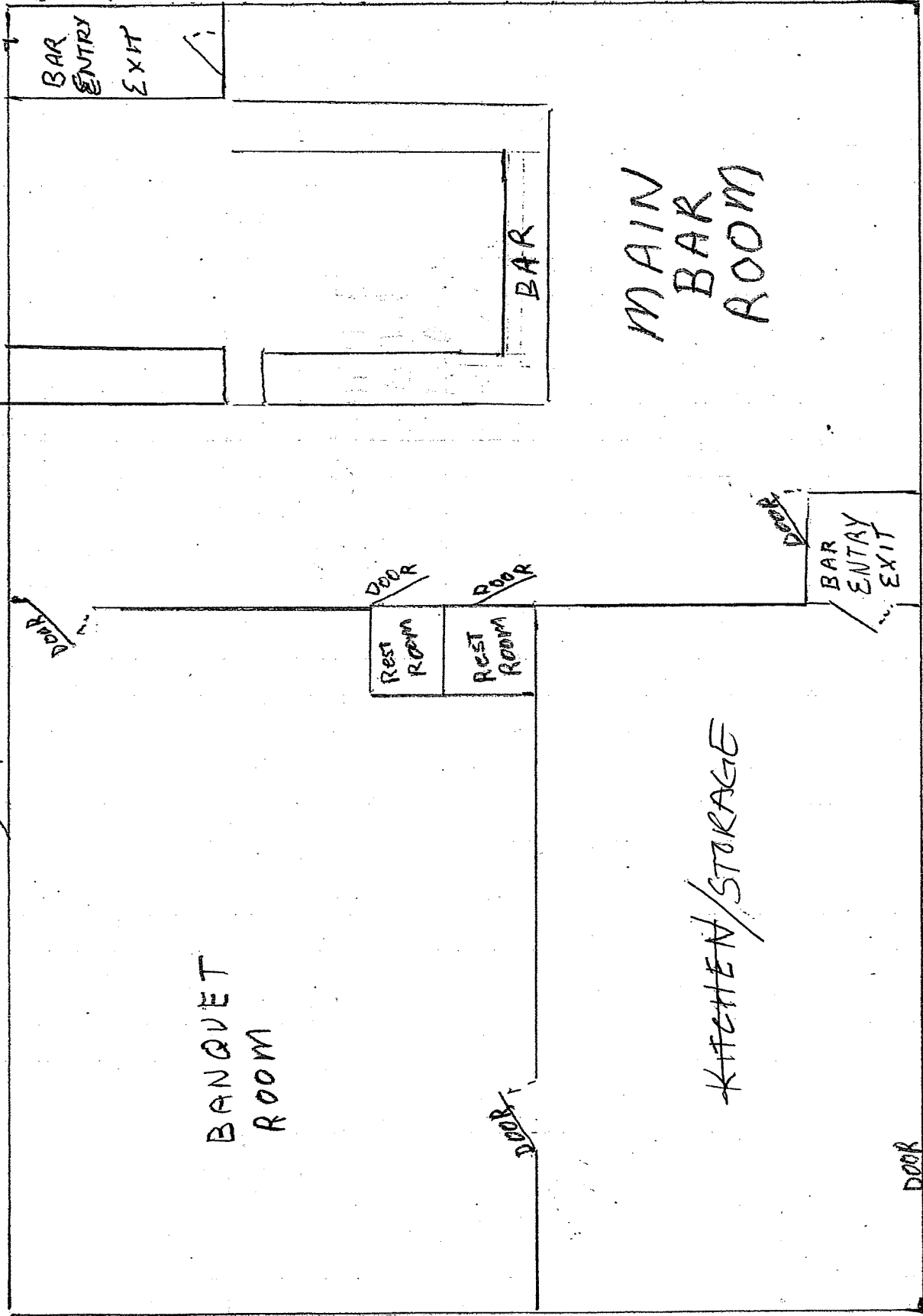
6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
TINKER TOY CUSTOMS	156 ROOSEVELT AVE, BELOIT	2002	PRESENT
INTELLICON	100 JOHN CARPENTER, DALLAS, TX	1999	2002

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees 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. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Zachariah Davis
(Signature of Named Individual)

DOOR



BANQUET ROOM

REST ROOM

REST ROOM

MAIN BAR ROOM

BAR

BAR ENTRY EXIT

BAR ENTRY EXIT

DOOR

DOOR

DOOR

DOOR

50'

72'

69

PORTLAND AVE

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: An ordinance to create 18.02(15)(n) of the code of general ordinances of the City of Beloit authorizing outdoor vending for the Woofstock event in Telfer Park sponsored by the Humane Society of Southern Wisconsin.

Date: May 20, 2019

Presenter: Laura Williamson/Mark Edwards

Department:

Public Works

Overview/Background Information

The Humane Society of Southern Wisconsin has rented the Edwards Sports & Activity Center in Telfer Park on 7/13/19 for a fundraiser called "Woofstock." The event is open to the public and there is a \$10 admission charge. Entertainment will include several bands along with the Class B Licensure for the sale of alcohol. Event organizers wish to have vending available at the event. Current Ord. 18.02 limits the events where vending is permitted.

Staff recommends that the Woofstock event be added to the list of permitted events in section 18.02(15)(j).

Key Issues

1. The Humane Society of Southern Wisconsin is sponsoring an event at Edwards Sports & Activity Center in Telfer Park on July 13, 2019.
2. Event organizers would like to set up food trucks and vending booths from local businesses.
3. Event organizers would like to have local rescuers bring in literature about their organizations and feature some of their adoptable dogs.
4. Ordinance 18.02(15)(n) must be amended to allow vending for this event.
5. A beer garden will be designated for the sale of beer and patrons consuming alcohol will be required to wear a distinctive wrist band.

Conformance with Strategic Plan

Approval of this action would conform with the stated purpose of the following strategic goal:

- Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- Goal #2 - Create and Sustain a High Performing Organization
- Goal #3 - Create and Sustain Economic and Residential Growth
- Goal #4 - Create and Sustain a High Quality of Life
- Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- Goal #6 - Create and Sustain a Positive Image, Enhance Communications and Engage the Community

Sustainability

(If applicable, 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. Consider whether the policy or program will reduce dependence upon fossil fuels, reduce dependence on chemicals and other manufacturing substances that accumulate in nature, reduce dependence on activities that harm life sustaining eco-systems, and/or meet the hierarchy of present and future human needs fairly and efficiently. Write N/A if not applicable)

NA

Action Required/Recommendation

Staff recommends approval.

Fiscal Note/Budget Impact

NA

Attachments

NA

ORDINANCE NO. 3648

AN ORDINANCE TO CREATE 18.02 (15)(n) OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT AUTHORIZING OUTDOOR VENDING FOR WOOFSTOCK CONCERT EVENT SPONSORED BY THE HUMANE SOCIETY OF SOUTHERN WISCONSIN, INC.

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

Section 1. Section 18.02(15)(n) of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

“(n) Woofstock concert event sponsored by The Humane Society of Southern Wisconsin, Inc. in either Riverside Park or Telfer Park.”

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

Adopted this ___ day of May, 2019.

CITY COUNCIL FOR THE CITY OF БЕЛОIT

By: _____
Regina Dunkin, President

ATTEST:

By: _____
Lorena Rae Stottler, City Clerk-Treasurer

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

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: ORDINANCE FOR THE REMOVAL OF PARKING IN FRONT OF MAILBOX CLUSTERS FOR BELOIT HOUSING AUTHORITY PROPERTIES ALONG MERRILL, SUNSHINE, AND RITSHER

Date: MAY 20, 2019

Presenter: Laura Pigatti Williamson, Director of Public Works **Department:** Public Works - Engineering

Overview/Background Information

A request was made by Clinton Cole, Beloit Housing Authority (BHA) Director, to remove parking in front of clustered mailbox locations at public housing sites.

Key Issues

1. Mr. Cole has received notice from the U.S. Postal Service that they will not deliver mail to these locations when the cluster mailboxes are blocked by parked cars.
2. The Traffic Review Committee (TRC) originally discussed this issue during the 8/27/18 meeting and recommended notification and enforcement in terms of letters and/or painting curbs in lieu of regulating the parking with ordinances and signs.
3. After the August TRC meeting, United States Postal Service (USPS) officials met with City of Beloit staff and presented their policy that would require all new developments to install cluster mailboxes, except in certain situations for which you could petition for an exception to the USPS policy.
4. Engineering staff, Planning staff and BHA staff met on April 1 to discuss how to treat cluster mailboxes in general and more specifically how to handle the existing BHA properties. The USPS is still having difficulty delivering mail to the BHA properties. It was determined that of the 6 locations (Sunshine, Wren, Poole, Sixth, Ritscher, and Merrill), the No-Parking pilot program would include Merrill, Sunshine and Ritscher. No-Parking signs would be installed in the areas of mailbox clusters for a total of approximately 50'.
5. The Traffic Review Committee reviewed the request at the April 29, 2019 meeting and voted 5-0 in favor of establishing No-Parking zones for these areas as a pilot program. The matter will be revisited after 1 year and will allow City staff to review an overall policy for mailbox clusters, while also providing some guidance to the the BHA.

Conformance with Strategic Plan

- Approval of this agreement would conform with the stated purpose of the following strategic goal:
- Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
 - Goal #2 - Create and Sustain a High Performing Organization
 - Goal #3 - Create and Sustain Economic and Residential Growth
 - Goal #4 - Create and Sustain a High Quality of Life
 - Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
 - Goal #6 - Create and Sustain a Positive Image, Enhance Communications and Engage the Community

Sustainability

(If applicable, 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. Consider whether the policy of program will reduce dependence upon fossil fuels, reduce dependence on chemicals and other manufacturing substances that accumulate in nature, reduce dependence on activities that harm life sustaining eco-systems, and/or meet the hierarchy of present and future human needs fairly and efficiently. Write N/A if not applicable)

N/A

Action Required/Recommendation

Both staff and the Traffic Review Committee recommend approval of the proposed ordinance.

Fiscal Note/Budget Impact

The City of Beloit will be responsible for the fabrication and installation of the signage related to the No-Parking.

Attachments

- Proposed Ordinance
- Maps: Mailbox Cluster locations

ORDINANCE NO. 3649

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE INDEX OF SPECIAL LOCATIONS, SECTION 13.02 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT, RELATING TO THE REMOVAL OF PARKING IN FRONT OF MAILBOX CLUSTERS FOR БЕЛОIT HOUSING AUTHORITY PROPERTIES ALONG MERRILL, SUNSHINE, AND RITSHER

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 as it relates to parking restrictions is hereby amended to include the following addition in alphabetical order to Section II of the Index of Special Locations, Parking Prohibited at All Times on Certain Streets:

- “MERRILL STREET In front of mailbox cluster located at 1949 Merrill – 50 feet”
- “RITSHER STREET In front of mailbox cluster located at 1018 Ritsher – 50 feet”
- “SUNSHINE LANE In front of mailbox cluster located at 2624 Sunshine – 50 feet”
- “SUNSHINE LANE In front of mailbox cluster located at 2672 Sunshine – 50 feet”

Section 2: If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

Section 3: This ordinance shall take effect and be in force upon its passage and publication.

Adopted this _____ day of June, 2019.

CITY COUNCIL OF THE CITY OF БЕЛОIT

Regina Dunkin, President

ATTEST:

Lorena Rae Stottler, City Clerk-Treasurer

Published this _____ day of _____, 2019

Effective this _____ day of _____, 2019

01-611100-5231- _____

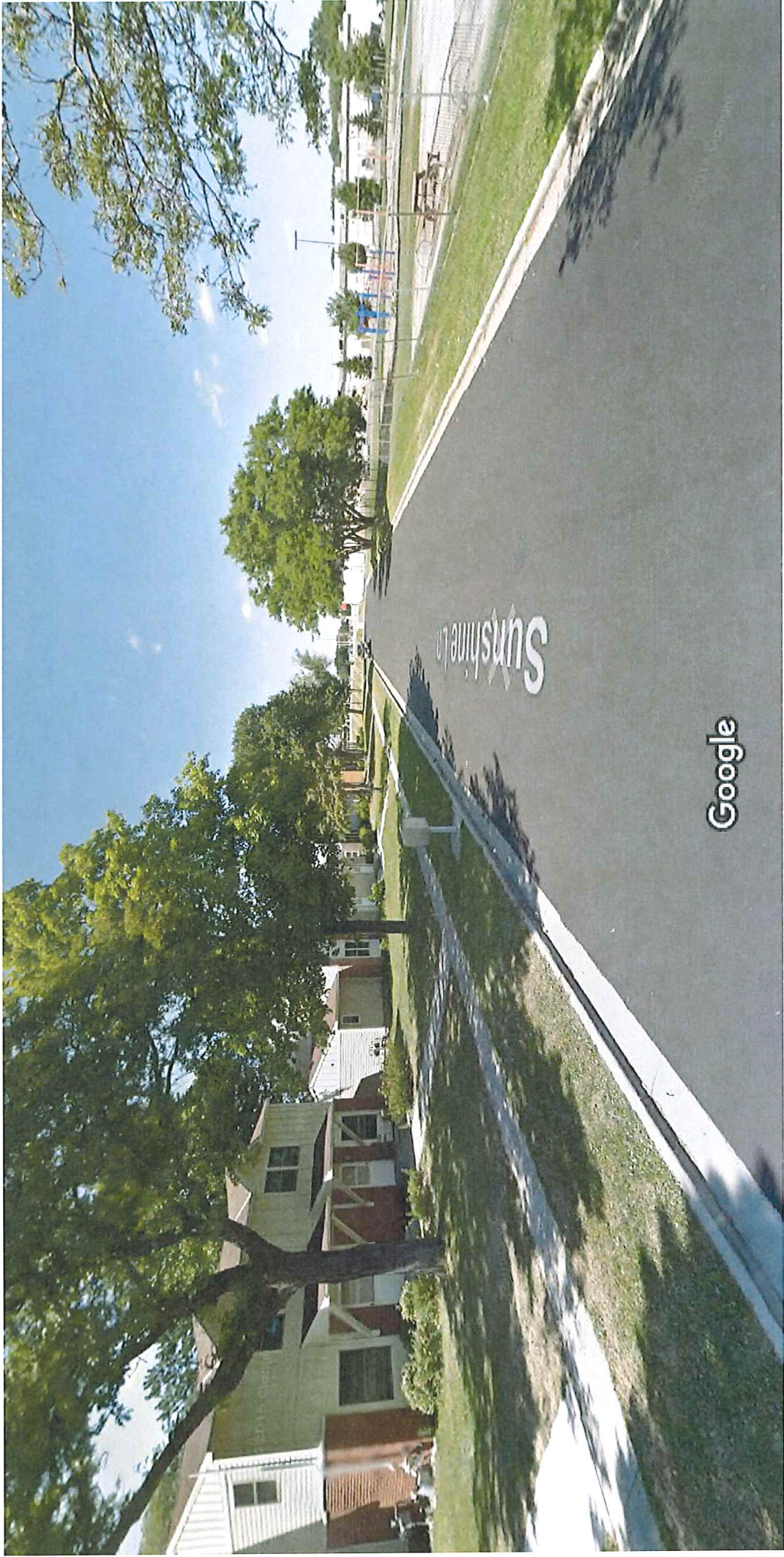


Image capture: Aug 2015 © 2018 Google

Beloit, Wisconsin



Google, Inc.

Street View - Aug 2015

2639 Sunshine Ln

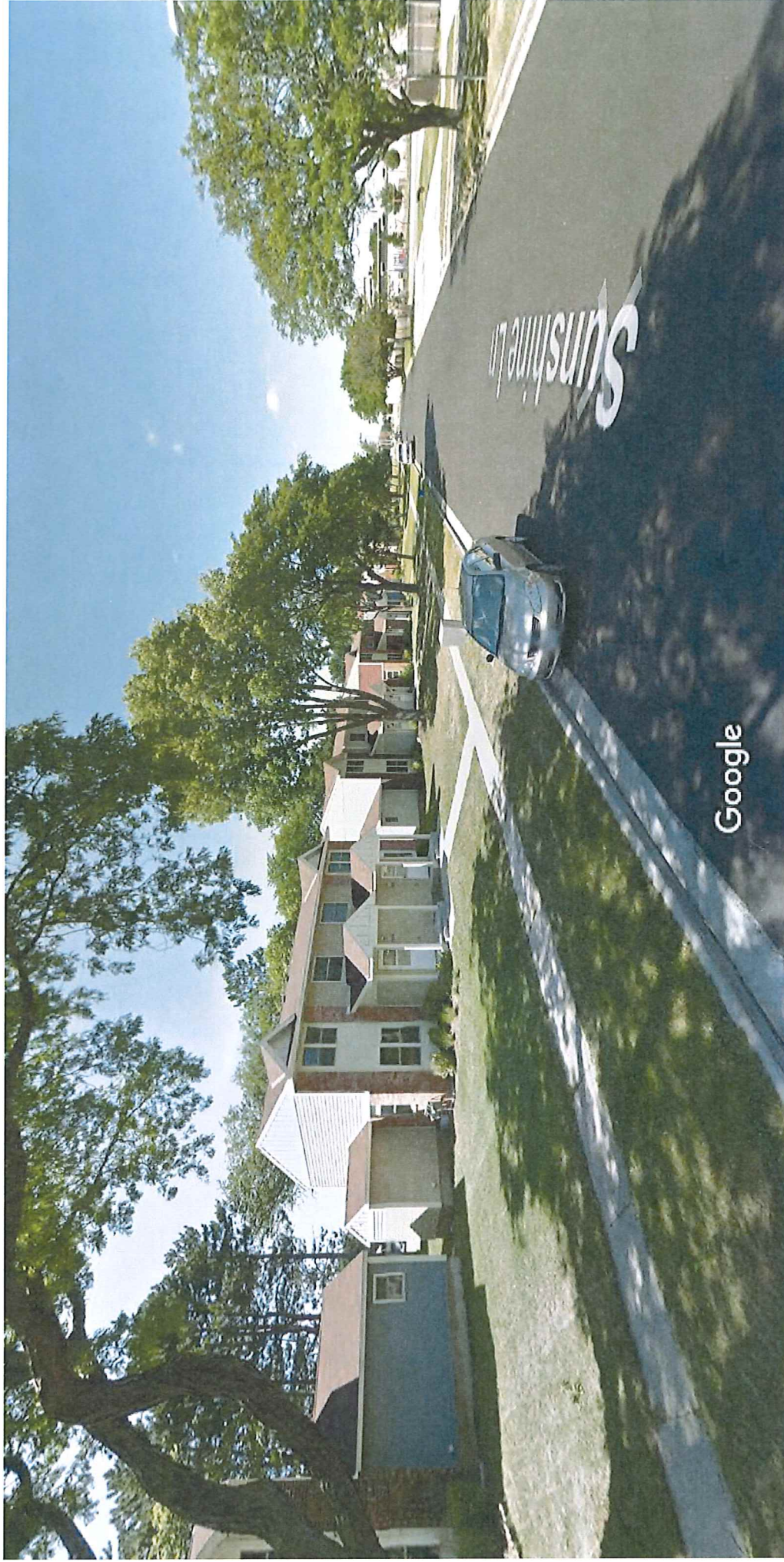
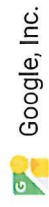


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Street View - Aug 2015



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Street View - Sep 2011



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Beloit, Wisconsin



Google, Inc.

Street View - Sep 2011

May 20, 2019

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

The undersigned Regina Dunkin, 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 vacancy and term indicated below, said appointments being pursuant to nominations made and approved by Appointment Review Committee at the Regular meeting held May 13, 2019.

Regina Dunkin, President
Beloit City Council

Appointment

Board of Ethics

Louise Reavis Austin, 2200 Burton, #303 (replacing D. Blazer) for a term expiring December 31, 2020

Municipal Library Board

Elizabeth Magnus, 636 Park Ave. (replacing J. Watrous) for a term expiring June 30, 2020

PLEASE ANNOUNCE THE FOLLOWING VACANCIES

Alcohol Beverage License Control Committee (1 vacancy for Tavern League Rep., 1 vacancy for School Board Representative)

Board of Appeals (3 vacancies for citizens, 1 vacancy for 1st Alternate and 1 vacancy for 2nd Alternate)

Board of Ethics (1 vacancy for citizen)

Board of Review (1 vacancy for citizen member [regular] and 2 vacancies for alternates)

Community Development Authority (1 vacancy for citizen member)

Equal Opportunities Commission (4 vacancies for citizen members)

Municipal Golf Committee (1 vacancy for youth representative, 1 vacancy for Senior's Club Rep.)

Municipal Library Board (3 vacancies for citizen members, 1 vacancy for School District Representative)

Park, Recreation & Conservation Advisory Commission (1 vacancy for youth, 1 vacancy for School District Representative)

May 20, 2019

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

The undersigned Regina Dunkin, duly elected President of the Beloit City Council, subject to confirmation by the Beloit City Council, does hereby appoint the following citizen member to the vacancy and term indicated below, said appointment being pursuant to nomination made and approved by Appointment Review Committee at the Regular meeting held May 13, 2019.

Regina Dunkin, President
Beloit City Council

Appointment

Board of Review

Nora Gard, 2524 White Oaks Drive (replacing Randall Fiore) for a term expiring December 31, 2021

PLEASE ANNOUNCE THE FOLLOWING VACANCIES

Alcohol Beverage License Control Committee (1 vacancy for Tavern League Rep., 1 vacancy for School Board Representative)

Board of Appeals (3 vacancies for citizens, 1 vacancy for 1st Alternate and 1 vacancy for 2nd Alternate)

Board of Ethics (1 vacancy for citizen)

Board of Review (1 vacancy for citizen member [regular] and 2 vacancies for alternates)

Community Development Authority (1 vacancy for citizen member)

Equal Opportunities Commission (4 vacancies for citizen members)

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