



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
Monday, February 18, 2013

Presiding: Charles M. Haynes
Present: Sheila De Forest, Chuck Kincaid, David F. Luebke, Kevin D. Leavy, Mark Spreitzer, and James E. Van De Bogart
Absent: None

1. The meeting was called to order at 7:05 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Vice President Mark Spreitzer and Chief Norm Jacobs presented the Citizens Life Savings Award to Mark Christofferson for his prompt and unselfish act that saved a life on December 15, 2012.
4. PUBLIC HEARINGS
 - a. Community Development Director Julie Christensen presented the public hearing and first reading of a proposed Ordinance amending the City of Beloit **Comprehensive Plan** for the properties located at 545 and 549 W. Grand Avenue; 615, 619, 625, and 629 Eighth Street; 548 Locust Street; 1203, 1233, 1249, 1253, and 1257 Sixth Street; 219 and 225 North Street; and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, and 1353 Sixth Street, from the Neighborhood Commercial, Two-family, and Single-family Residential-Urban use designations, to the Institutional and Community Service use designation. It was noted that the Plan Commission recommended approval 5-0. Councilor Haynes opened and closed the public hearing without comment. Councilor Van De Bogart made a motion to lay the item over, and Councilor Luebke seconded. The motion carried 7-0. File 8247
 - b. Ms. Christensen presented the public hearing and first reading of a proposed Ordinance amending the City of Beloit **Comprehensive Plan** for the property located at 501 Prospect Street, from the Institutional and Community Service use designation, to the Neighborhood Commercial use designation. It was noted that the Plan Commission recommended approval 5-0. Ms. Christensen indicated that the building on this property is the former First Presbyterian Church. She said that the applicant has purchased the church and intends to redevelop it with mixed uses. Councilor Haynes opened the public hearing.
 - Dave Winters, 13807 Mary Drive, Rockton, IL, said that he is concerned what will happen if the Comprehensive Plan is changed for this business and the business fails. He said that he is also concerned about the possibility of a full liquor license at this location.
 - Steven Hawkins, 717 Harrison Avenue, said that he is not against what the property owners want to do with the building but that he is concerned about how this property may be used in the future if this future land use designation is approved.
 - Rick Bach, 12887 Vivian Court, Rockton, IL, expressed concern about the lack of parking in the area and how these new uses would impact the already scarce parking.
 - Patrick Egleston, 903 Vernon Avenue, said that if the business fails, the future land use should go back to what it is now. He said that there are issues with the possibility of serving alcohol and the available parking.
 - Mike Zoril, 1756 Carlyle, said that he is the treasurer of a non-profit organization who would be interested in using this building. He said that the applicants have invested their time, energy, and money into the community and that we should do anything we can to support them in their quest to preserve this historic building.

- John Wittnebel, 10320 W County Road K, is one of the owners of the property and said that he is thrilled to be part of the neighborhood. He said that his daughter and wife started Youth Unite, a non-profit organization, and they wanted put a roof over it. He said that he understands that parking is an issue, but it is not a deal breaker. He said that this proposal is mutually beneficial to all parties involved.

Councilor Haynes closed the public hearing. Councilor Luebke made a motion to lay the item over, and Councilor Leavy seconded. Councilor Luebke said that the main concerns are parking and alcohol use. Councilor De Forest asked if the applicants have considered pursuing a zoning designation that does not allow alcohol. Ms. Christensen said that the PLI, Public Lands and Institutions district, does not allow for any commercial uses and that the only way to re-use this building is to change the Comprehensive Plan and then the zoning in the future. Councilor Spreitzer asked if there is a parking requirement associated with the land use or zoning designation. Ms. Christensen said that the applicants will be seeking a Central Business District zoning designation which does not require parking. Councilor Leavy asked if the applicants will move forward without the opportunity for a liquor license. Ms. Christensen said that they have not done a lot of work yet because they are waiting for the Council to take action on their requests. Councilor Luebke asked about special event liquor licenses, and City Clerk Rebecca Houseman LeMire stated that these licenses are limited in terms of who may apply for them and where the events may be held. She said that without specific information, she could not say whether or not this group could be granted a license at this location. City Manager Larry Arft thanked the applicants for their exciting plan to repurpose this building. He said that the former property owners wanted to demolish this historic structure and that the applicants' proposal is a much better option. Councilor Haynes said that the other options of demolition or non-use are much worse. The motion carried 7-0, and the item was laid over to the next meeting. File 8247

- c. Ms. Christensen presented a proposed ordinance to amend the **Zoning District Map** of the City of Beloit to change the zoning district classification of the property located at 2208 N. Lee Lane from R-1A, Single-family Residential District, to PLI, Public Lands and Institutions District. It was noted that the Plan Commission recommended approval 6-0. Councilor Haynes opened and closed the public hearing without participation. Councilor Van De Bogart made a motion to suspend the rules and offer a second reading. Councilor De Forest seconded, and the motion carried 7-0. On the merits of the ordinance, Councilor Van De Bogart made a motion to enact, and Councilor Luebke seconded. The motion carried 7-0. File 8228 Ordinance 3477
- d. Ms. Christensen presented a resolution authorizing a **Conditional Use Permit** to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 1623 Park Avenue. It was noted that the Plan Commission recommended denial 6-0. Ms. Christensen said that the Police Department raised concerns about the sale of alcohol near the Merrill Neighborhood, and the Clerk's office indicated that the applicant has not applied for a license yet and must live in Wisconsin for 90 days in order to do so. Ms. Christensen said that the resolution is written in affirmative language and includes conditions staff recommends if the resolution is approved. Councilor Haynes opened the public hearing.
 - Vanessa Graham, 1613 Park Avenue, said that she runs the day care at the end of the strip center. She said that the addition of alcohol sales at this location would create traffic issues and that she does not support the conditional use permit because she does not want to see alcohol sales in the neighborhood.
 - Anna Mora, spoke on behalf of the applicant. She said that they want to sell beer because their customers have requested it and that allowing the sale of beer at the store will help the local economy.
 - Eugene Kaye, 410 Bluff Street, said that he is the owner of the property. He said that traffic congestion is already an issue. He does not think that there will be a problem with alcohol sales at this location and supports the application.
 - Patricia Majeed, 1615 Park Avenue, asked the Council to continue the revitalization efforts in the Merrill Neighborhood by keeping alcohol sales out the neighborhood.
 - Francisco, 818 Portland Avenue, said that adding beer is just like adding one more item in the store. He said that if customers do not get alcohol at this store, they will just go somewhere else.

Councilor Haynes closed the public hearing. Councilor Spreitzer made a motion to adopt the resolution, and Councilor Luebke seconded. Councilor Leavy said that he lives in the Merrill Neighborhood and that the residents have worked hard to keep the alcohol out of the

neighborhood. He said that beer sales will only positively impact the economy of the store, not the community, and that he is opposed to the application. Councilor De Forest said that she agrees with Councilor Leavy. She said that the day care is very close to this store and that the residents do not want alcohol sales in their neighborhood. Councilor Spreitzer said that he is opposed to this application because the other neighborhood business owners and residents are opposed. Councilor Haynes said that the people in the neighborhood know how to improve it and they have spoken out against this. Councilor Van De Bogart said he intends to vote against the resolution, and he reminded the Council that there are other businesses on the edge of the neighborhood where the Council has approved alcohol sales in the past. The motion to adopt the resolution failed by a vote of 0-7. File 8542

5. CITIZENS PARTICIPATION

- Mike Zoril, 1756 Carlyle Road, asked if the Section 8 payments from the City will increase because of the increase in property taxes and rental permit fees.

6. CONSENT AGENDA

Councilor De Forest requested that item 6.f. be removed from the Consent Agenda. Councilor Leavy made a motion to adopt the Consent Agenda, which consists of items 6.a. through 6.e. and 6.g. through 6.i. Councilor Luebke seconded, and the motion carried that the Consent Agenda, consisting of items 6.a. through 6.e. and 6.g. through 6.i., be accepted, approved, adopted, or referred and acted upon as required by state and local codes by a vote of 7-0.

- a. The **Minutes** of the Regular Meeting of February 4, 2013 were approved.
- b. The resolution approving a **Change of Agent** for Speedway, LLC, d/b/a Speedway #4293, located at 2781 Milwaukee Road, from Nancy A. Bryant to Sheryl Lynn LaTronico, was adopted. File 8542
- c. The **City Center Connections Plan** was referred to the Plan Commission. File 8168
- d. The application for a 2-Lot **Certified Survey Map** for the property located at 1650 Lee Lane was referred to the Plan Commission. File 7867
- e. The resolution authorizing **Final Payment** of Public Works Contract C12-13, Colby Street Reconstruction, was adopted. File 8547
- g. The resolution authorizing the **Final Payment** of Public Works Contract C12-03, West Grand Parking Lot, was adopted. File 8549
- h. The resolution authorizing the **Final Payment** of Public Works Contract C12-19, Street Resurfacing 2012-Phase II, was adopted. File 8557
- i. The resolution approving **Farm Leases** between the City of Beloit and Twin Oaks Farm was adopted. File 7834
- f. City Engineer Mike Flesch presented a resolution authorizing **Final Payment** of Public Works Contract C12-20, McKinley Avenue Reconstruction. Councilor De Forest asked if the sod had been restored to specifications, and Mr. Flesch said that it had. Councilor Leavy made a motion to adopt the resolution, and Councilor Kincaid seconded. The motion carried 7-0. File 8563

7. ORDINANCES

- a. Water Resources Director Harry Mathos and Director of Planning and Building Services Drew Pennington presented a proposed **Zoning Text Amendment** creating Section 5-800 of the Zoning Ordinance, Article V, Chapter 19 of the Code of General Ordinances of the City of Beloit, to be known as the Wellhead Protection Ordinance. Mr. Mathos said that Beloit's water comes from ground water aquifers and that it is imperative that the ground water be kept clean. He said that this ordinance is mandated by the Wisconsin Department of Natural Resources because the City constructed a new well in 2011 and it will protect the City's ground water supply. Mr. Pennington said that this ordinance will be located within the Zoning Ordinance and that it creates a wellhead protection overlay zoning district. Councilor Leavy made a motion to refer the ordinance to the Plan Commission for review. Councilor Luebke seconded. Councilor De Forest asked if realtors will be required to disclose if a property is within this district, and City Attorney

Tom Casper said that zoning must be disclosed. Councilor De Forest asked how many businesses will be impacted, and Mr. Pennington said that he did not know how many will be directly impacted but that there are 200 businesses located within the overlay district. Councilor Spreitzer asked how City and State boundaries impact the overlay district, and Mr. Pennington said that they can only enforce the requirements for the properties located within the City. The motion carried 7-0, and the matter was referred to the Plan Commission. File 7724

8. APPOINTMENTS – none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor Van De Bogart encouraged people to vote in the Spring Primary Election. He thanked the volunteers, sponsors, and participants involved in the Beloit International Film Festival (BIFF). He said that he will participate in a fundraiser for the Merrill Community Center on Friday and attend the Empty Bowl Fundraiser on Saturday. He said that the Rock River Trail Coalition will be meeting on March 1st and that he will be participating in the upcoming Polar Plunge to benefit the Special Olympics.
- Councilor De Forest said that she enjoyed BIFF, attended a modern dance show, and thanked Beloit College for bringing additional cultural opportunities to Beloit.
- Councilor Luebke said that it was a pleasure to be in Downtown Beloit over the last weekend.
- Councilor Kincaid said that the silent movie showcase was the highlight of BIFF, that he attended the Historical Society's annual meeting, and encouraged people to buy an Empty Bowl to benefit Caritas.
- Councilor Spreitzer thanked the volunteers for BIFF and encouraged people to support the Empty Bowl event.

10. CITY MANAGER'S PRESENTATION

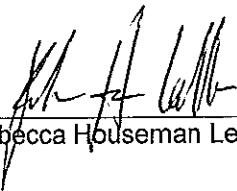
- a. Beloit Housing Authority Director Cathy Pollard presented phases 1 and 2 of the **Public Housing Redevelopment Project**. She said that none of the City's public housing units had been renovated or remodeled since acquisition. She said the project began with a tax credit application in 2007 with the goal of bringing all of the units up to the market standards. She explained the multitude of renovations and showed pictures of the units before and after the project. Councilor De Forest thanked Ms. Pollard for her hard work in managing this large project and saving the City money by doing so. The other Council members also thanked Ms. Pollard and Mr. Tom Landgraf for their hard work and dedication to this project.

11. REPORTS FROM BOARD AND CITY OFFICERS

- a. Finance and Administrative Services Director Paul York presented a resolution Declaring Official Intent to **Reimburse Expenditures from Proceeds of Borrowing**. He said that this resolution is presented annually prior to start of the construction season and that these projects were approved as part of the City's Capital Improvements Plan. Councilor Luebke made a motion to adopt the resolution, and Councilor Leavy seconded. The motion carried 7-0. File 8570
- b. Mr. Flesch presented a resolution **Rejecting all Bids** for Public Works Contract C13-04, Pohlman Field Concourse Rehabilitation. He said that the City hoped to have this project done prior to the start of the Beloit Snapper's baseball season but that the contractors needed more good weather than will be available to complete the project. He said this project will be re-bid in September. Councilor Luebke made a motion to adopt the resolution, and Councilor Spreitzer seconded. The motion carried 7-0. File 8581
- c. Mr. Casper presented a resolution approving **Release of City Rights** under Development Agreements dated November 4, 1998 and April 3, 2007 and access and parking easement dated May 30, 2008, regarding property located at the Eclipse Center. Mr. Casper said that this resolution is necessary to release the City's easements over a portion of the parking lot at the Eclipse Center so that the property owner can sell land to Associated Bank to accommodate the construction of a bank building. He said that the downtown Associated Bank branch will be relocating to the new building. Councilor Luebke made a motion to adopt the resolution, and Councilor Leavy seconded. Councilor De Forest asked if this impacts any of the property owner's

minimum payments to the City, and Mr. Casper said that it does not. The motion carried 7-0.
File 8526

12. At 9:16 p.m., Councilor De Forest made a motion to adjourn the meeting, and Councilor Leavy seconded. The motion carried 7-0.



Rebecca Houseman LeMire, City Clerk

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Date approved by Council: March 4, 2013