



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
Monday, May 21, 2012

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 7:00 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Vice-President Spreitzer presented a proclamation declaring May 20-26, 2012 as **Emergency Medical Services Week** to Fire Chief Brad Liggett. Chief Liggett thanked the Council for the proclamation and recognized the EMS staff, his staff, and the long-serving medical staff at Beloit Memorial Hospital. He thanked the Council for their dedication to the paramedic program and their support of the Fire Department's strategic initiatives. File 7148
 - b. Rick McGrath, Chairman of the Landmarks Commission, recognized the recipients of the **Landmarks Commission Historic Preservation Awards**, Matt Finnegan, Gerald Marks, and Kelly Kinsenberg, for their work in preserving, remodeling, and landscaping the historic property located at 630 Park Avenue. File 5860
 - c. Beloit School District Board of Education President Shannon Scharmer presented a **Resolution in Appreciation to the Beloit City Council** for the Council's support of the School District's \$70 million referendum in April 2012 to President Haynes. Ms. Scharmer expressed gratitude and appreciation of the partnership and collaboration between the school district and the City.
4. PUBLIC HEARINGS
 - a. Community Development Director Julie Christensen presented a resolution authorizing a **Conditional Use Permit** to allow an outdoor seating area, the outdoor sales, possession and consumption of alcohol, and indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 2683 Prairie Avenue, d/b/a Thirsty Badger. It was noted that the Plan Commission recommended approval 6-0. Ms. Christensen discussed the substandard landscaping on the site, and said that the Plan Commission recommended a condition that planning staff review and assist with the landscaping. President Haynes opened and closed the public hearing without participation. Councilor Luebke made a motion to adopt the resolution, and Councilor Kincaid seconded. Councilor Leavy inquired about violations and enforcement for other outside seating areas throughout the City. Ms. Christensen said that staff inspected all of the outdoor seating areas this spring, found some violations, and worked with the property owners to remedy violations without citations. Ms. Christensen said that the applicant for this CUP was sick, which is why he was not present. Councilor De Forest said that condition #9 does not require that the applicant obtain staff approval for landscaping. Councilor Luebke made a motion to amend condition #9 to read "the applicant shall improve the site's landscaping and submit a landscape plan to Planning and Building Services Division for review and approval." Councilor De Forest seconded the amendment, and the motion carried 7-0. On the merits of the resolution, Councilor De Forest made a motion to adopt, and Councilor Luebke seconded. The motion carried 7-0. File 8541
5. CITIZENS' PARTICIPATION
 - a. Mike Zoril, 1756 Carlyle Road, asked that the City's ordinances be amended to require term limits for City Councilors. He said that if the Council does not take action on this item, he would start a

- ballot initiative to put this matter to the citizens of Beloit. He also encouraged the Council to deny a water rate increase and look for ways to balance the budget without increasing taxes and fees.
- b. Helena Disch, 858 Lincoln Avenue, spoke in favor of term limits for City Councilors and asked that a draft ordinance be on the next meeting agenda.
 - c. Ronald Klein, 748 Wisconsin Avenue, said that he received a citation for working on his house in a historic district without a building permit or a Certificate of Appropriateness. He applied to the Landmarks Commission to get a COA but was denied, and he asked the Council to intervene on his behalf.
 - d. Rick McGrath, 1747 Sherwood Drive, said that, as a member of the Landmarks Commission, it is his impression that a stop work order was issued to Mr. Klein for working on his project without a building permit or a Certificate of Appropriateness but that he continued to work on the project, which is why a citation was issued.

6. CONSENT AGENDA

Councilor Luebke made a motion to adopt the Consent Agenda, which consists of items 6.a. through 6.e. Councilor Van De Bogart seconded, and the motion carried that the Consent Agenda 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 Special and Regular Meetings of May 7, 2012 were approved.
- b. A resolution approving a **Change of Agent** for Speedway SuperAmerica LLC, d/b/a Speedway #4087, 148 Liberty Avenue, to Catherine Winford was adopted. File 8497
- c. An application for a **Conditional Use Permit** to allow a single-family residential use in a C-2, Neighborhood Commercial District, for the property located at 1007 Prairie Avenue, was referred to the Plan Commission. File 2334
- d. An application for a **Reserve "Class B" Liquor License** for The Cheese People of Beloit, LLC, d/b/a The Cheese People of Beloit, Lloyd Smith, Agent, 431 E. Grand Avenue, was referred to the ABLCC. File 8542
- e. A resolution awarding Public Works **Contract C12-08, 2012 Sidewalk Maintenance** was adopted. File 8546

7. ORDINANCES – none

8. APPOINTMENTS

President Haynes announced openings and submitted the following appointments to the City Committees, Boards, and Commissions for approval. The appointments were approved by a motion by Councilor Leavy and a second by Councilor De Forest. The motion carried 7-0.

- a. **Appointment Review Committee:** Branden D. Beavers Jackson to a term ending December 31, 2014. File 6261
- b. **Board of Appeals:** Merlin Bussan to a term ending May 31, 2013 and Gregory D. Gaul to a term ending May 31, 2015. File 6130
- c. **Board of Ethics:** Debra Blazer, to a term ending December 31, 2014. File 6049

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- a. Councilor De Forest wished Mike King a speedy recovery and thanked the City's paramedics for saving his life. She said she attended ArtWalk in Downtown Beloit and thanked the DBA for organizing the event. She thanked Finnegan's for their support of Vets Roll, and she announced that she will be attending the Beloit Property Management Association summit with the City of Beloit.
- b. Councilor Van De Bogart said that ArtWalk was great and that he enjoyed an entire day of Strategic Planning for 2013 last week.
- c. Councilor Kincaid agreed that ArtWalk was a great event and said that the Garden Walk was a great event, but he really enjoyed the Public Works Open House.
- d. Councilor Luebke said that ArtWalk was a great way to enjoy a beautiful summer evening in Beloit. He thanked Shannon Scharmer for attending the meeting and reiterated that the schools

are the community and the community is the schools. He also thanked Matt Finnegan for his work at 630 Park Avenue.

- e. Councilor Spreitzer said that ArtWalk was fantastic. He wished Mike King and his family well, and said that he will be attending the Beloit Property Managers Association meeting, a joint meeting with the School Board, and a workshop regarding a backyard chicken ordinance in the near future.
- f. Councilor Haynes said that he was able to go through the building at 630 Park Avenue with Mr. Finnegan and the Landmarks Commission before it was remodeled. He said that it was awful inside, and he commended the work Mr. Finnegan did to make it habitable and beautiful.

10. CITY MANAGER'S PRESENTATION

- a. Housing and Community Services Director Teri Downing presented the **Annual Code Enforcement Presentation** to the City Council. Councilor De Forest asked if staff has considered not continuing the systematic interior inspections for properties that have not had previous violations, and Ms. Downing replied that staff may discuss this more during the upcoming meeting with the Beloit Property Managers Association.

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. City Engineer Mike Flesch presented a resolution **Rejecting All Bids for Public Works Contract C12-02, New Telecommunications Hut Foundation**. He indicated that Gilbank Construction was the only bidder, and the bid was significantly higher than the estimate. Councilor Leavy made a motion to adopt the resolution, and Councilor Luebke seconded. Councilor De Forest asked for clarification as to why the bid was so much higher, and Mr. Flesch responded that the consultant overdesigned the floor support system and that staff is looking at other options before they re-bid the project. Councilor Van De Bogart asked why the project is necessary, and Mr. Flesch said that is it mandatory because the telecommunications hut is in the floodplain. The motion carried 7-0. File 8548
- b. Mr. Flesch presented a resolution awarding **Public Works Contract C12-16, Riverside Park North Improvements**. He said that four bids were received, and the low bid was from CCI, Inc., which is a responsible bidder. Mr. Flesch also requested a budget amendment from the reserve fund in TID 6 to cover contingency costs for the project. Councilor Leavy made a motion to adopt the resolution, and Councilor Luebke seconded. Councilor De Forest expressed her support for an entrance feature, but said that the price tag is too extravagant. Councilor Spreitzer asked how likely it is that the contingency funds will be used, and Mr. Flesch said that it is not likely. The motion carried 6-1 with Councilor De Forest voting in opposition. File 8550
- c. Finance and Administrative Services Director Paul York presented a resolution authorizing the application to the Public Service Commission of Wisconsin to **Increase the City of Beloit Water Utility Rates**. Mr. York clarified that this is not a resolution approving a water rate increase, but that the City requests to ask the Public Services Commission to recalculate the City's water rate structure. Councilor Leavy made a motion to adopt the resolution, and Councilor Spreitzer seconded. Councilor Van De Bogart asked Mr. York to explain the need for the increase, and Mr. York cited a number of capital improvement projects necessary to maintain the City's water service without funding. Councilor De Forest said that the PSC would not increase water rates unless it was justified to maintain the system, and Mr. York agreed. Councilor Leavy reminded the public that the Councilors are impacted by an increase in water rate just like other residents and that the Council must act in the best interest of the City. Councilor Haynes said that the City is responsible for the solvency of the water utility since we purchased it. The motion carried 7-0. File 8045

12. At 8:08 p.m., Councilor Leavy made a motion to adjourn the meeting, and Councilor De Forest seconded. The motion carried 7-0.



Rebecca S. Houseman, City Clerk