



AMENDED
AGENDA
BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, August 5, 2013

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. **2013 National Award of Merit in Program Innovation – Affordable Housing** to the Beloit Housing and Community Development Authority for the Parker Bluff Redevelopment, presented by NAHRO (Pollard)
 - b. Proclamation declaring August 6, 2013 as **National Night Out** (Jacobs)
 - c. **Certificate of Appreciation** recognizing for Nicki Yoss for renting Krueger Pool and inviting the community for a free swim (Spreitzer)
4. PUBLIC HEARINGS
 - a. Proposed Ordinance amending the Future Land Use Map of the **Comprehensive Plan** from Single-family Residential-Urban to Institutional and Community Service for 1536 Forest Avenue; 1537 and 1543 W. Grand Avenue; and 1650 and 1654 Porter Avenue (Christensen) Plan Commission recommendation for approval 4-0
First Reading, suspend rules for Second Reading
 - b. Proposed Ordinance amending the **Zoning District Map** to change the zoning district classification of the properties located at 1536 Forest Avenue; 1537 and 1543 W. Grand Avenue; and 1650 and 1654 Porter Avenue from R-1B, Single family Residential District, to PLI, Public Lands and Institutions District (Christensen)
Plan Commission recommendation for approval 4-0
First Reading, suspend rules for Second Reading
 - c. Resolution amending the **2013 Community Development Block Grant (CDBG) Action Plan and Budget** (Christensen)
5. CITIZENS PARTICIPATION
6. CONSENT AGENDA

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

 - a. Approval of the **Minutes** of the Regular Meeting of July 15, 2013, and the Special Meeting of July 24, 2013 (LeMire)

- b. Application for a **Conditional Use Permit** to allow a Residential Care Apartment Complex in a C-1, Office District, for the property located at 2157 Schuster Drive (Christensen) Refer to Plan Commission
- c. Application for a **Conditional Use Permit** to allow a drive-through use, outdoor seating area, and indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 2777 Milwaukee Road (Christensen) Refer to Plan Commission
- d. Application for a **Conditional Use Permit** to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 946 Wisconsin Avenue (Christensen) Refer to Plan Commission
- e. Application for **Class "B" Beer and "Class C" Wine License** for Jesus Garcia, d/b/a Restaurant La Fuente, 946 Wisconsin Avenue (LeMire) Refer to ABLCC
- f. Resolution awarding **Public Works Contract C13-07**, Street Resurfacing (Boysen)
- g. Resolution awarding **Public Works Contract C13-15**, Ute Court Standpipe Repainting (Boysen)
- h. Resolution awarding **Public Works Contract C13-14**, Shirland Avenue Bridge Seal (Boysen)
- i. Resolution approving **Contract for Sale/Purchase** of Clean Mixed Paper between the City of Beloit and Beloit Box Board Company, Inc. (Walsh)

7. ORDINANCES

- a. Proposed Ordinance to repeal and recreate section 1.04 of the Code of General Ordinances of the City of Beloit relating to certain **Residency Requirements** for certain Municipal employees (Arft) First reading, suspend rules for Second Reading

8. APPOINTMENTS – none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

10. CITY MANAGER'S PRESENTATION – none

11. REPORTS FROM BOARD AND CITY OFFICERS – none

12. ADJOURNMENT

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

Dated: July 31, 2013
Rebecca Houseman LeMire
City of Beloit City Clerk
<http://www.ci.beloit.wi.us>

You can watch this meeting live on Charter PEG channel 98 or digital channel 992. Meetings are rebroadcast during the week of the Council meeting on Tuesday at 1:00 p.m., Thursday at 8:30 a.m. and Friday at 1:00 p.m.

WHEREAS, The National Association of Town Watch (NATW) is sponsoring a unique nationwide crime, drug, and violence prevention program on August 6, 2013, entitled "National Night Out;" and

WHEREAS, the 30th Annual National Night Out provides a unique opportunity for the City of Beloit to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the Beloit Police Department, Beloit Area Crime Stoppers and the Beloit Fire Department play a vital role in assisting our community through joint crime, drug, and violence prevention efforts in Beloit, Wisconsin, and are supporting National Night Out locally; and

WHEREAS, it is essential that all citizens of Beloit be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in Beloit; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the National Night Out program.

NOW, THEREFORE, BE IT PROCLAIMED, THAT THE PRESIDENT OF THE BELOIT CITY COUNCIL hereby declares Tuesday, August 6, 2013, as **NATIONAL NIGHT OUT** in Beloit, and encourages residents to acknowledge the event with their neighbors by hosting block parties, cookouts, youth programs and other such activities that strengthen and promote neighborhood spirit and police-community partnerships.

Presented this 5th day of August 2013.

Charles M. Haynes, President
Beloit City Council

ATTEST:

Rebecca Houseman LeMire
City Clerk

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE
CITY OF БЕЛОIT COMPREHENSIVE PLAN**

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

Section 1. The Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan, adopted in §12.015 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

The future land use category of the following described land is hereby changed from Single-Family Residential – Urban to Institutional & Community Services:

Lots 8 & 9 and East ½ of Lot 10 and Northern ½ of Vacated Alley Adjacent, Block 2 of Fluekiger’s Second Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1536 Forest Avenue, parcel number 13431100).

Lot 17 and Southern ½ of Vacated Alley Adjacent, Block 2 of Fluekiger’s Second Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1537 W. Grand Avenue, parcel number 13431070).

Lot 16 and Southern ½ of Vacated Alley Adjacent, Block 2 of Fluekiger’s Second Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1543 W. Grand Avenue, parcel number 13431065).

Lot 11 and North 8 feet of Lot 12, Block 3 of Yates’ Second Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1650 Porter Avenue, parcel number 12520500).

Lot 10, Block 3 of Yates’ Second Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1654 Porter Avenue, parcel number 12520505).

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

Adopted this 5th day of August 2013.

City Council of the City of Beloit

Charles M. Haynes, Council President

Attest:

Rebecca Houseman LeMire, City Clerk

Published this _____ day of _____, 2013.

Effective this _____ day of _____, 2013.

01-611100-5231-_____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Comprehensive Plan Amendments

Date: August 5, 2013

Presenter(s): Julie Christensen

Department(s): Community Development

Overview/Background Information:

The School District of Beloit has submitted an application requesting several amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan.

Key Issues (maximum of 5):

- The applicant is requesting the following amendments to the Future Land Use Map (Map 10) of the City's Comprehensive Plan:
 1. 1536 Forest Avenue and 1537 & 1543 W. Grand Avenue – From Single-Family Residential – Urban to Institutional & Community Services.
 2. 1650 & 1654 Porter Avenue – From Single-Family Residential – Urban to Institutional & Community Services.
 - The proposed amendments are related to the proposed expansion of the Gaston Elementary School and Merrill Elementary School grounds.
 - The proposed amendments would designate all of the subject properties as appropriate for Institutional & Community Services. This would allow the district to rezone the subject properties to PLI, Public Lands & Institutions District, demolish the existing structures, and expand the school grounds.
 - The proposed amendments would establish a new boundary between the adjacent single-family residential neighborhoods and the school grounds. The district has indicated that the subject properties will be used for open space and recreation, along with a staff parking lot on the Gaston grounds.
 - The Plan Commission held a public hearing to consider the requested amendments on June 19, 2013 and voted unanimously (4-0) to adopt a Resolution recommending approval of the requested amendments to the Comprehensive Plan.
-

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

- Consideration of this request supports Strategic Goal #5.
-

Sustainability:

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

Action required/Recommendation:

- City Council consideration and 1st and 2nd readings of the proposed Ordinance
-

Fiscal Note/Budget Impact: N/A

Attachments: Ordinance, Public Notice, and Staff Report to the Plan Commission.



NOTICE TO THE PUBLIC

June 20, 2013

To Whom It May Concern:

The City of Beloit Plan Commission has recommended approval of the following amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

1. 1536 Forest Avenue and 1537 & 1543 W. Grand Avenue – From Single-Family Residential – Urban to Institutional & Community Services.
2. 1650 & 1654 Porter Avenue – From Single-Family Residential – Urban to Institutional & Community Services.

Information regarding the location, zoning, and land use of these properties is available for public review in the Planning & Building Services Division on the third floor of City Hall, 100 State Street.

The Plan Commission's recommendation will be reviewed by the City Council, which will hold the following public hearing regarding the proposed amendments:

City Council (Public Hearing): Monday, August 5, 2013, 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 THIS HEARING.

We are interested in your opinion.

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

For additional information, please contact the Planning & Building Services Division at (608) 364-6700 or planning@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: June 19, 2013

Agenda Item: 4

File Number: RPB-2013-07

Request Overview/Background Information:

The School District of Beloit has submitted an application requesting several amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan.

Wisconsin's Comprehensive Planning Law, §66.1001 of the Wisconsin Statutes, was signed into law in 1999. This legislation is commonly known as Wisconsin's "smart growth" law, although the law does not prescribe or require a particular type of development pattern. The Comprehensive Planning law requires all cities, towns, and villages that regulate land use through land use ordinances (e.g. zoning) to adopt a Comprehensive Plan. Comprehensive Plans are intended to guide development and redevelopment over a 20-year timeframe. The law also requires that land use decisions be consistent with the plan.

The Beloit City Council approved the City's Comprehensive Plan in March 2008 after an extensive public participation program. All land use decisions made by the City of Beloit, including any actions regarding official mapping, local subdivision regulation, and zoning regulations, must be consistent with the plan. The Beloit City Council established a process for amendments (minor changes) to the Comprehensive Plan on February 1, 2010.

If the Plan Commission votes to recommend approval of the proposed amendments, the attached Resolution will be forwarded to the City Council for consideration on August 5, 2013.

Key Issues:

- The applicant is requesting the following amendments to the Future Land Use Map (Map 10) of the City's Comprehensive Plan:
 1. 1536 Forest Avenue and 1537 & 1543 W. Grand Avenue – From Single-Family Residential – Urban to Institutional & Community Services.
 2. 1650 & 1654 Porter Avenue – From Single-Family Residential – Urban to Institutional & Community Services.
- The following table describes the status of the subject properties:

Property	Current Land Use	Zoning	Acres	Future Land Use	Proposed Future Land Use
1536 Forest Ave	SF	R-1B	0.38	SF Residential - Urban	Institutional/Comm. Services
1537 W. Grand	SF Rental	R-1B	0.15	SF Residential - Urban	Institutional/Comm. Services
1543 W. Grand	SF Rental	R-1B	0.15	SF Residential - Urban	Institutional/Comm. Services
1650 Porter Ave	SF Rental	R-1B	0.14	SF Residential - Urban	Institutional/Comm. Services
1654 Porter Ave	SF Rental	R-1B	0.14	SF Residential - Urban	Institutional/Comm. Services

- The properties located on W. Grand Avenue and Forest Avenue are associated with the Gaston Elementary School expansion. The properties will be used exclusively for open and recreational space and staff parking, as shown on the attached plan.
- The two properties located on Porter Avenue are associated with the Merrill Elementary School expansion, and will be used to increase the size of the open and recreational space for the school.
- A Location & Zoning Map and Future Land Use Map for each site are attached to this report.
- If the proposed amendments are approved, the applicant will rezone the subject properties and begin demolishing the residential structures on the subject properties.
- **Land Use Analysis**
 1. The proposed amendments would designate all five subject properties as appropriate for Institutional & Community Services. This would allow the district to rezone the subject properties to PLI, Public Lands & Institutions District, demolish the existing structures, and expand the school grounds as shown on the attached preliminary site plan.
 2. The proposed amendments would establish new boundaries between the single-family residential neighborhoods to the west and the Gaston grounds, and to the north and Merrill grounds. The district has indicated that these expanded areas will be used for parking and open space & recreation.
 3. The proposed amendments are compatible with existing and planned land uses in the vicinity and will facilitate a significant improvement and expansion of these elementary school sites.

Consistency with Comprehensive Plan and Strategic Plan:

- The City's compliance with the Comprehensive Planning law's consistency requirement is the impetus for this request.
- Consideration of this request supports Strategic Goal #5.

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

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

Staff Recommendation:

The Planning & Building Services Division recommends **approval** of the following proposed amendments to the Future Land Use Map (Map 10) of the City's Comprehensive Plan:

1. 1536 Forest Avenue and 1537 & 1543 W. Grand Avenue – From Single-Family Residential – Urban to Institutional & Community Services.
2. 1650 & 1654 Porter Avenue – From Single-Family Residential – Urban to Institutional & Community Services.

Fiscal Note/Budget Impact: N/A

Attachments: Location & Zoning Maps, Future Land Use Maps, Site Plans, Public Notice, Mailing List, and Resolution.

Location & Zoning Map

Gaston Expansion

RPB-2013-07



 1 inch = 91 feet
0 20 40 80 120 Feet

Legend	
	COB Parcels
	Zoning District

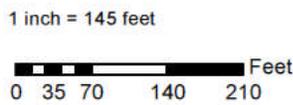
Map prepared by: Planning Staff
Date: May 2013
For: City of Beloit Planning & Building Services
Date of Aerial Photography: March 2011

PLANNING & BUILDING SERVICES DIVISION

Location & Zoning Map

Merrill Expansion

RPB-2013-07

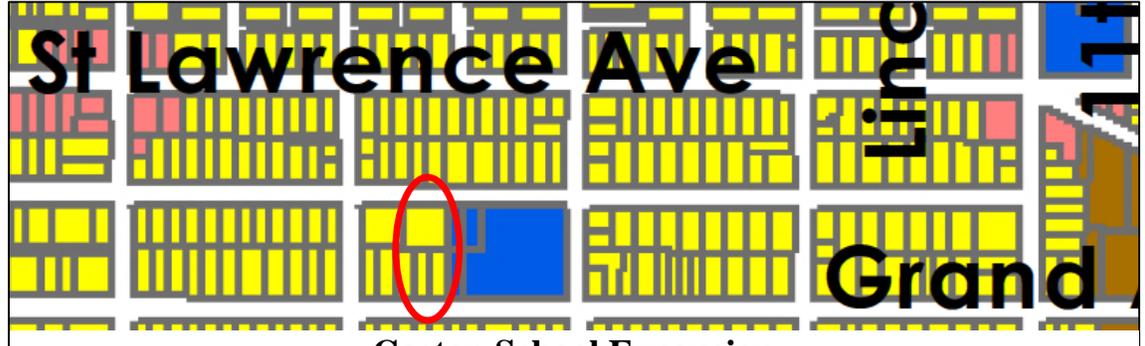


Legend	
	COB Parcels
	Zoning District

Map prepared by: Michael D. Lofton II
 Date: May 2013
 For: City of Beloit Planning & Building Services
 Date of Aerial Photography: March 2011

PLANNING & BUILDING SERVICES DIVISION

Map 10, Future Land Use (Subject Properties Are Circled)

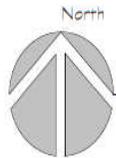
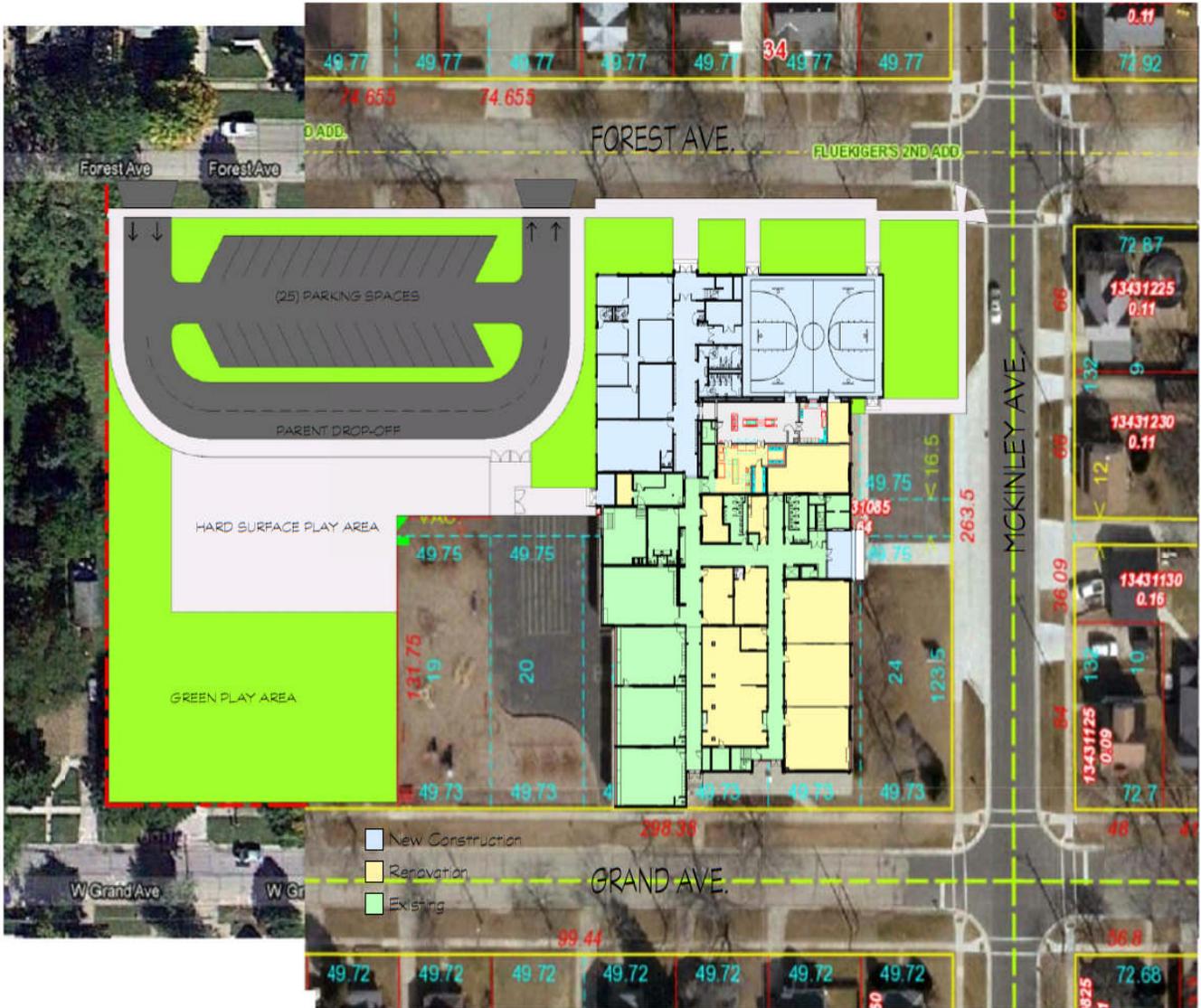


Gaston School Expansion



Merrill School Expansion

Preliminary Site Plan for Gaston Elementary School



Site Plan (4 Track Option)

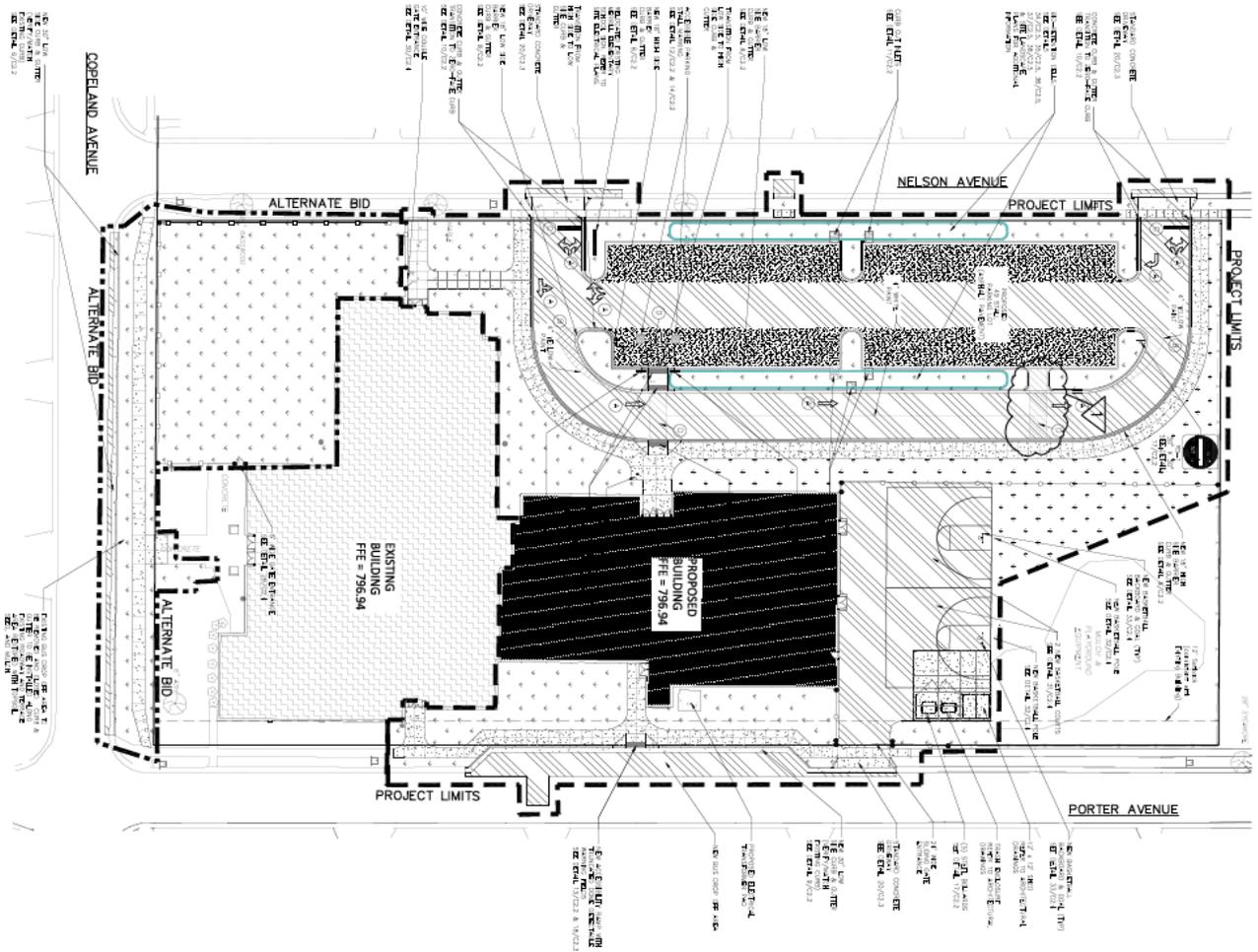
Scale 1" = 50'-0"

Gaston Elementary School
610 McKinley Avenue, Beloit, WI 53535

May 1, 2011

© 2011 Bray Associates Architects

Site Plan for Merrill Elementary School



PAVEMENT MARKING LEGEND

①	ASBESTOS-RESISTANT ASPHALT
②	ASBESTOS-RESISTANT ASPHALT WITH STABILIZER
③	ASBESTOS-RESISTANT ASPHALT WITH STABILIZER AND POLYMER
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MERRILL ELEMENTARY SCHOOL
 1333 COPELAND AVENUE, BELoit, WI 53511
 PROJECT NO. 2013-07
 DATE: 08/14/2013

BRAY ARCHITECTS
 1333 COPELAND AVENUE, BELoit, WI 53511
 TEL: 608.485.1111
 FAX: 608.485.1111
 WWW.BRAYARCHITECTS.COM

KAPUR & ASSOCIATES, INC.
 CONSULTING ENGINEERS
 1333 COPELAND AVENUE, BELoit, WI 53511
 TEL: 608.485.1111
 FAX: 608.485.1111
 WWW.KAPURANDASSOCIATES.COM

PROJECT TITLE:
 Addition and Remodeling to
 Merrill Elementary School
 School District of Beloit
 1333 Copeland Avenue, Beloit, WI 53511

DATE: 08/14/2013
SCALE: 1" = 20'
PROJECT NO.: 2013-07
DATE: 08/14/2013

BRAY ARCHITECTS
 solid foundation. forward thinking.

C12



NOTICE TO THE PUBLIC

June 5, 2013

To Whom It May Concern:

The School District of Beloit has submitted an application requesting the following amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

1. 1536 Forest Avenue and 1537 & 1543 W. Grand Avenue – From Single-Family Residential – Urban to Institutional & Community Services.
2. 1650 & 1654 Porter Avenue – From Single-Family Residential – Urban to Institutional & Community Services.

Information regarding the location, zoning, and land use of these properties is available for public review in the Planning & Building Services Division on the third floor of City Hall, 100 State Street.

The following public meetings will be held regarding the proposed amendments:

City Plan Commission: Wednesday, June 19, 2013, 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 (Public Hearing): Monday, August 5, 2013, 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 MEETINGS.

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 the Planning & Building Services Division at (608) 364-6700 or planning@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

Karry DeVault, Clerk
Town of Beloit
2871 S. Afton Rd.,
Beloit 53511

Frank Management Inc.
2501 Morse Street
Janesville, WI 53545

Janelle Marotz
School District of Beloit
1633 Keeler Avenue
Beloit, WI 53511

Deb Bennett, Clerk
Town of Turtle
6916 S. County Rd. J.
Beloit, WI 53511

Paul Benjamin
Rock County Planning
Rock County Courthouse, Room 266
51 South Main Street,
Janesville, WI 53545

Dr. Dennis McCarthy
Beloit-Turner School District
1237 Inman Parkway
Beloit, WI 53511

City Clerk
City of South Beloit
519 Blackhawk Blvd. Suite 2
South Beloit, IL 61080

Dr. Pamela Kiefert, Superintendent
Clinton Community School District
112 Milwaukee Road
Clinton, WI 53525

Library Director
Beloit Public Library
605 Eclipse Boulevard
Beloit, WI 53511

Peter Herreid, Grant Administrator
Department of Administration
101 E. Wilson Street, 10th Floor
Madison, WI 53702-0001

Brad Austin
Corporate Contractors Inc.
655 3rd Street, Suite 101
Beloit, WI 53511

**RESOLUTION
RECOMMENDING APPROVAL OF AMENDMENTS TO THE
CITY OF БЕЛОIT COMPREHENSIVE PLAN**

WHEREAS, the Plan Commission of the City of Beloit recommended approval of the Comprehensive Plan of the City of Beloit (the Plan) on January 23, 2008, and the City Council of the City of Beloit approved an Ordinance adopting the Plan on March 17, 2008; and

WHEREAS, the Plan may be amended and changed in the years following adoption, particularly in instances where the Plan is becoming irrelevant or contradictory to emerging policies or trends, or does not provide specific advice or guidance on an emerging issue; and

WHEREAS, "Amendments" are generally defined as minor changes to the Plan's maps or text; and

WHEREAS, the City Council of the City of Beloit approved a Resolution to Adopt a Process for Amending the City of Beloit Comprehensive Plan on February 1, 2010; and

WHEREAS, the approved process directs the Plan Commission to hold a public meeting on the proposed amendments, and following said public meeting, make a recommendation by Resolution to the City Council by majority vote of the entire Commission.

NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of the City of Beloit, Rock County, Wisconsin, hereby recommends approval of the following amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

1. 1536 Forest Avenue and 1537 & 1543 W. Grand Avenue – From Single-Family Residential – Urban to Institutional & Community Services.
2. 1650 & 1654 Porter Avenue – From Single-Family Residential – Urban to Institutional & Community Services.

Adopted this 19th day of June, 2013.



James Faragher, Plan Commission Chairman

ATTEST:



Julie Christensen,
Community Development Director

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE
ZONING DISTRICT MAP OF THE CITY OF БЕЛОIT**

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

Section 1. The Zoning District Map of the City of Beloit, mentioned in the Zoning Code, Chapter 19 of the Code of General Ordinances of the City of Beloit, is amended as follows:

The following described land, also known as 1536 Forest Avenue; 1537 & 1543 W. Grand Avenue; and 1650 & 1654 Porter Avenue, is hereby changed from R-1B, Single-Family Residential District to PLI, Public Lands & Institutions District:

Lots 8 & 9 and East ½ of Lot 10 and Northern ½ of Vacated Alley Adjacent, Block 2 of Fluekiger’s Second Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1536 Forest Avenue, parcel number 13431100).

Lot 17 and Southern ½ of Vacated Alley Adjacent, Block 2 of Fluekiger’s Second Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1537 W. Grand Avenue, parcel number 13431070).

Lot 16 and Southern ½ of Vacated Alley Adjacent, Block 2 of Fluekiger’s Second Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1543 W. Grand Avenue, parcel number 13431065).

Lot 11 and North 8 feet of Lot 12, Block 3 of Yates’ Second Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1650 Porter Avenue, parcel number 12520500).

Lot 10, Block 3 of Yates’ Second Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1654 Porter Avenue, parcel number 12520505).

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

Adopted this 5th day of August 2013.

City Council of the City of Beloit

Charles M. Haynes, Council President

Attest:

Rebecca Houseman LeMire, City Clerk

Published this ____ day of _____, 2013

Effective this ____ day of _____, 2013

01-611100-5231-_____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Zoning Map Amendment Application for the properties located at 1536 Forest Avenue; 1537 & 1543 W. Grand Avenue; and 1650 & 1654 Porter Avenue

Date: August 5, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

The School District of Beloit has submitted an application for a Zoning Map Amendment to change the zoning district classification from R-1B, Single-Family Residential District to PLI, Public Lands & Institutions District, for the properties located at 1536 Forest Avenue; 1537 & 1543 W. Grand Avenue; and 1650 & 1654 Porter Avenue.

Key Issues (maximum of 5):

- This request is related to the proposed expansion of Gaston Elementary School and Merrill Elementary School. All of the subject properties must be rezoned to PLI before the school grounds may be expanded as planned. This is the second rezoning request related to the Gaston site. On May 6, 2013, the City Council approved the applicant's request to rezone three properties located between the school building and the properties included in this (second) request.
 - If this request is approved, the applicant intends to use the properties located at 1537 & 1543 W. Grand Avenue as open/recreational space, while the property located at 1536 Forest Avenue will be developed as a parking lot. The properties located at 1650 & 1654 Porter Avenue will be used as open/recreational space. Planning staff has already approved a full set of site plans for the additions to both existing school buildings. Therefore, if this request is approved, the applicant will need to submit a new site plan for the proposed Gaston parking lot.
 - The PLI district is a special purpose district that is intended to accommodate major public and quasi-public uses.
 - Planning staff mailed the attached Public Notice to the owners of nearby properties. As of this writing, staff has not received any comments or concerns.
 - The Plan Commission reviewed this item on July 17, 2013 and voted unanimously (4-0) to recommend approval of this Zoning Map Amendment.
-

Consistency with Comprehensive Plan and Strategic Plan:

On June 19, 2013, the Plan Commission voted to recommend approval of several amendments to the Comprehensive Plan's Future Land Use Map to recommend Institutional & Community Service uses for the subject properties. The proposed map amendments and this rezoning request are both on tonight's agenda.

Consideration of this request supports City of Beloit Strategic Goal #5.

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

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

Action required/Recommendation:

- City Council consideration and 1st and 2nd readings of the proposed Ordinance
-

Fiscal Note/Budget Impact: N/A

Attachments: Ordinance and Staff Report to the Plan Commission

CITY OF БЕЛОIT

REPORT TO THE БЕЛОIT CITY PLAN COMMISSION



Meeting Date: July 17, 2013

Agenda Item: 5

File Number: ZMA-2013-09

Applicant: School District of Beloit

Owner: School District of Beloit

Location: 1536 Forest Avenue; 1537 & 1543 W. Grand Avenue; and 1650 & 1654 Porter Avenue

Current Zoning: R-1B, Single-Family Residential District

Existing Land Use: Various

Total Area: Approx. 1 Acre

Proposed Zoning: PLI, Public Lands & Institutions District

Request Overview/Background Information:

The School District of Beloit has submitted an application for a Zoning Map Amendment to change the zoning district classification from R-1B, Single-Family Residential District to PLI, Public Lands & Institutions District, for the properties located at 1536 Forest Avenue; 1537 & 1543 W. Grand Avenue; and 1650 & 1654 Porter Avenue.

The attached **Location & Zoning Maps** show the location of the subject properties and the zoning of the surrounding areas. The Zoning Ordinance directs the Plan Commission to hold a hearing and make a recommendation regarding a Zoning Map Amendment when the specific site and context are suitable for the uses permitted in the proposed zoning district.

Key Issues:

- This request is related to the proposed expansion of Gaston Elementary School and Merrill Elementary School. All of the subject properties must be rezoned to PLI before the school grounds may be expanded as planned. This is the second rezoning request related to the Gaston site. On May 6, 2013, the City Council approved the applicant's request to rezone three properties located between the school building and the properties included in this (second) request.
- If this request is approved, the applicant intends to use the properties located at 1537 & 1543 W. Grand Avenue as open/recreational space, while the property located at 1536 Forest Avenue will be developed as a parking lot. The properties located at 1650 & 1654 Porter Avenue will be used as open/recreational space.
- Planning staff has already approved a full set of site plans for the additions to both existing school buildings. Therefore, if this request is approved, the applicant will need to submit a new site plan for the proposed Gaston parking lot.
- The PLI district is a special purpose district that is intended to accommodate major public and quasi-public uses.
- On June 19, 2013, the Plan Commission voted to recommend approval of several amendments to the Comprehensive Plan's Future Land Use Map to recommend Institutional & Community Service uses for the subject properties. The proposed map amendments and this rezoning request will be considered by the City Council on August 5, 2013.
- Planning staff mailed the attached Public Notice to the owners of nearby properties. As of this writing, staff has not received any comments or concerns. The mailing list is too lengthy to include in this report, but is available for review in the Planning & Building Services Division.
- This application is being considered in accordance with the Zoning Map Amendment procedures contained in Section 2-300 of the Zoning Ordinance.
- **Findings of Fact** - Based on Section 2-304 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:
 - a. *The existing use of property within the general area of the subject property;*
 - **Gaston:** There are residential uses to the north, west, and south of the subject properties. If this request is approved, the school grounds will eventually occupy the vast majority of this block. The proposed institutional uses are compatible with adjacent residential uses.
 - **Merrill:** There are residential uses to the west, north, and east of the subject properties. The proposed institutional uses are compatible with adjacent residential uses and the continued improvement of this site is expected to have a positive impact upon the neighborhood.
 - b. *The zoning classification of property within the general area of the subject property;*
 - **Gaston:** This request involves a proposed expansion of an existing PLI district, and will establish a new western boundary of the district. The expanded PLI district will remain completely surrounded by a large R-1B, Single-Family Residential District, which is appropriate for a special purpose district such as PLI.

- **Merrill:** This request involves a proposed expansion of an existing PLI district, and will establish a new northern boundary of the district. The expanded PLI district will remain completely surrounded by a large R-1B, Single-Family Residential District, which is appropriate for a special purpose district such as PLI.
- c. *The suitability of the subject property for the uses permitted under the existing zoning classification; and*
 - The subject properties are suitable for the uses permitted in the existing zoning classification.
- d. *The trend of development and zoning map amendments in the general area of the subject property.*
 - Both schools are undergoing significant building additions and alterations. As discussed above, this is the second rezoning request for the Gaston expansion, but the first rezoning request for the Merrill expansion.

Consistency with Comprehensive Plan and Strategic Plan:

On June 19, 2013, the Plan Commission voted to recommend approval of several amendments to the Comprehensive Plan's Future Land Use Map to recommend Institutional & Community Service uses for the subject properties. The proposed map amendments and this rezoning request will be considered by the City Council on August 5, 2013.

Consideration of this request supports City of Beloit Strategic Goal #5.

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

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

Staff Recommendation:

Based upon the above Findings of Fact and the City's Comprehensive Plan, the Planning & Building Services Division recommends **approval** of a Zoning Map Amendment to change the zoning district classification from R-1B, Single-Family Residential District to PLI, Public Lands & Institutions District, for the properties located at 1536 Forest Avenue; 1537 & 1543 W. Grand Avenue; and 1650 & 1654 Porter Avenue.

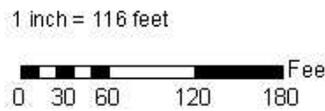
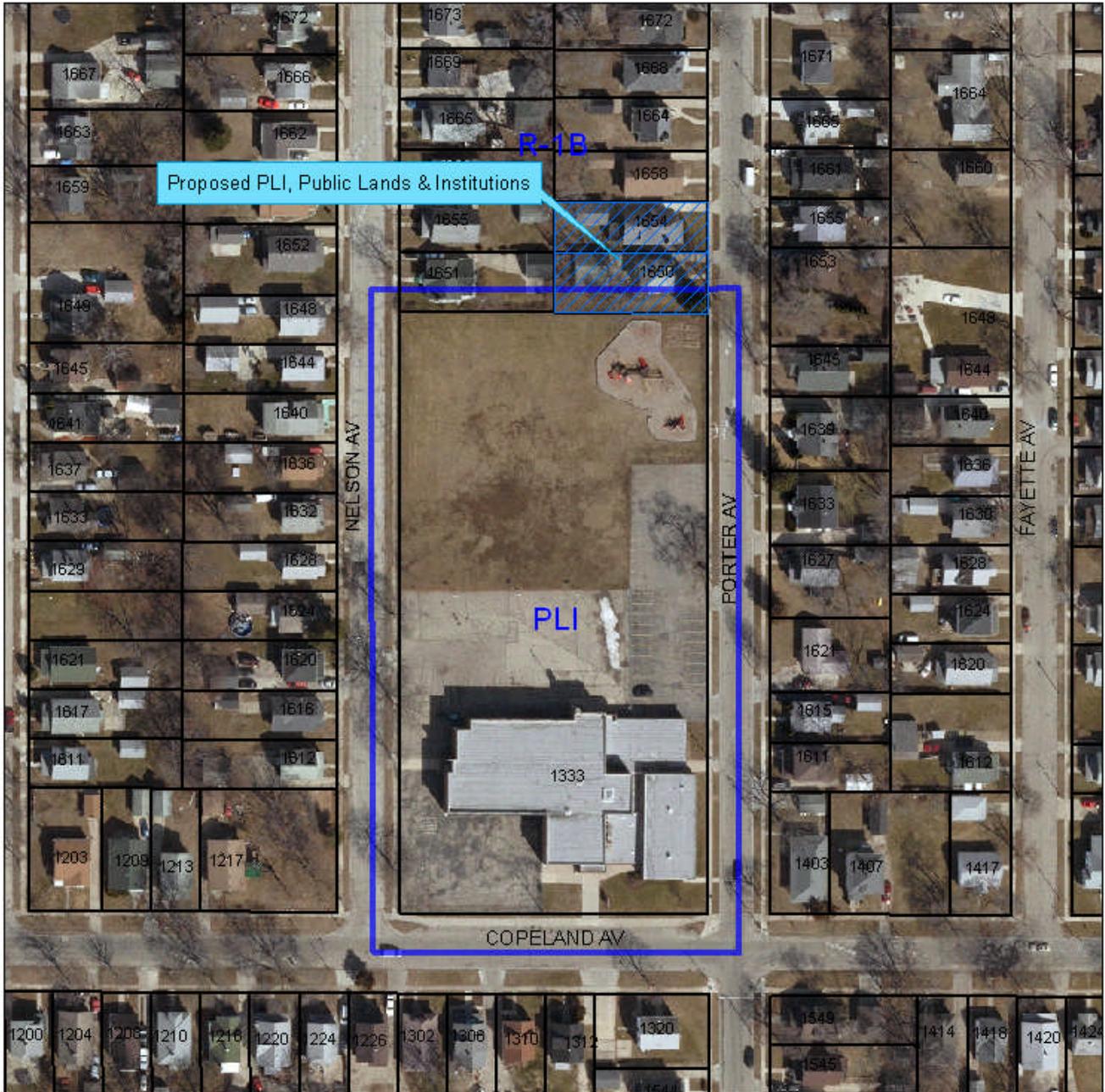
Fiscal Note/Budget Impact: N/A

Attachments: Location & Zoning Maps, Application, and Public Notice.

Location & Zoning Map

Various Properties

ZMA-2013-09



Legend

- COB Parcels
- Zoning District

Map prepared by: Drew Pennington
 Date: June 2013
 For: City of Beloit Planning & Building Services
 Date of Aerial Photography: March 2011

PLANNING & BUILDING SERVICES DIVISION

CITY of BELOIT

PLANNING & BUILDING SERVICES DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

Zoning Map Amendment Application Form

(Please Type or Print)

File No.: ZMA-2013-09

1. Address of subject property: 1537 & 1543 W. Grand Ave, 1536 Forest
1650 & 1654 Porter
2. Legal description: Lot: Block: 1650 & 1654 Subdivision: Porter
(If property has not been subdivided, attach a copy of the complete legal description from deed.)
Property dimensions are: 38 feet by 132 feet = 6600 square feet.
If more than two acres, give area in acres: 124 49 126 120 91 6.368 6.174 5.176 acres.
3. Tax Parcel Number(s): 1343-1070, 1343-1065, 1343-1100, 1252-0500,
4. Owner of record: School District of Beloit Phone: 608-361-4015 1252-0505
1633 Keeler Ave Beloit WI 53511
(Address) (City) (State) (Zip)
5. Applicant's Name: Janelle Marotz, Exec Dir of Business
1633 Keeler Ave Beloit WI 53511
(Address) (City) (State) (Zip)
608-361-4015 715-577-8367 jmarotz@sb.k12.wi.us
(Office Phone #) (Cell Phone #) (E-mail Address)

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

Change zoning district classification from: Residential to: PLI
All existing uses on this property are: residential use

7. All the proposed uses for this property are:

Principal use(s): Green/play space and/or
parking lot.

Secondary use(s): Campus Expansion

Accessory use(s): n/a

8. 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: _____

9. Individual(s) responsible for compliance with conditions (if any), if request is granted:
 Name(s): Janelle Harotz Phone: 608-361-4015
133 Keeler Ave Beloit WI 53511
(Address) (City) (State) (Zip)

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.

Janelle Harotz / Janelle Harotz / 6/4/11
(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 Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with 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 it is typically between \$5.00 and \$20.00.

OK NO. _____
 DATE: _____

To be completed by Planning Staff

Filing Fee: \$275.00 Amount Paid: \$275.00 Meeting Date: July 17, 2011 *

Number of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____

Application accepted by: Drew Pennington Date: 6/4/11

Date Notice Published: _____ Date Notice Mailed: _____

* To match Comp Plan Amendment @ CC



City of
BELOIT, Wisconsin
Division of Planning and Building Services

CITY HALL • 100 STATE STREET • BELOIT, WI 53511

Office: 608/364-6700 • Fax: 608/364-6609

www.ci.beloit.wi.us

Equal Opportunity Employer

NOTICE TO THE PUBLIC

June 26, 2013

To Whom It May Concern:

The School District of Beloit has submitted an application for a Zoning Map Amendment to change the zoning district classification from R-1B, Single-Family Residential District to PLI, Public Lands & Institutions District, for the properties located at:

1536 Forest Avenue; 1537 & 1543 W. Grand Avenue; and 1650 & 1654 Porter Avenue.

This request is related to the proposed expansion of Gaston Elementary School and Merrill Elementary School. All of the subject properties must be rezoned to PLI before the school grounds may be expanded as planned. If this request is approved, the applicant intends to use the properties located at 1537 & 1543 W. Grand Avenue as open/recreational space, while the property located at 1536 Forest Avenue will be developed as a parking lot. The properties located at 1650 & 1654 Porter Avenue will be used as open/recreational space.

The following public hearings will be held regarding this application:

City Plan Commission: Wednesday, July 17, 2013, 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, August 5, 2013, 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 in the Planning & Building Services Division at (608) 364-6711 or penningtond@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

ZMA-2013-09, Gaston & Merrill (Phase 2)

**RESOLUTION AMENDING THE 2013
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
ACTION PLAN AND BUDGET**

WHEREAS, the City of Beloit approved a CDBG budget with \$485,000 in new grant funds and \$195,100 in program income for a total budget of \$680,100 in 2013 Community Development Block Grant (CDBG) funds; and

WHEREAS, the Department of Housing and Urban Development has notified the City of Beloit that the City's grant award will be \$552,913, which is an increase of \$94,581 from the budgeted amount; and

WHEREAS, the City of Beloit was monitored by HUD and required to reimburse the 2011 CDBG line of credit in the amount of \$26,667.74, and these funds require allocation to eligible projects; and

WHEREAS, the amended budget has been recommended for approval by the Community Development Authority.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beloit, Rock County, Wisconsin, hereby amends the 2013 CDBG Budget and Annual Action Plan to increase the CDBG budget as indicated on the attached Exhibit A.

Adopted this 5th day of August 2013.

BELOIT CITY COUNCIL

Charles M. Haynes, President

ATTEST:

Rebecca Houseman LeMire, City Clerk



CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Amendment of the 2013 Community Development Block Grant (CDBG) Action Plan and Budget

Date: August 5, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

In November, the City Council approved the 2013 Community Development Block Grant (CDBG) budget. At the time the budget was prepared, staff estimated the 2013 grant amount to be \$485,000. We were recently notified by the Department of Housing and Urban Development that we will receive \$552,913. Therefore, the City must amend its 2013 CDBG budget and Annual Action Plan to account for this increase.

Key Issues (maximum of 5):

1. The Community Development Authority recommended increasing the amounts approved for public service activities by 18%. The Public Service Cap is calculated by adding together the 2013 grant and the 2012 program income and multiplying that by 15 percent. This gives us a cap of approximately \$130,000. City Council originally approved \$110,852 for public service activities.
 2. The Community Development Authority also recommended allocating the remaining \$47,950 in grant funds to the City's Housing Rehab Revolving Loan Fund; as well as \$26,667.74 in CDBG funds from 2011 that the City was required to return to our CDBG line of credit as the result of a HUD monitoring. As you are aware, the Housing Rehab Loan Program underwriting guidelines were recently revised to allow more families to qualify for the program. In addition, the City has been awarded a Lead Hazard Control grant in partnership with Rock County and the City of Janesville. Oftentimes, families need additional rehabilitation work not covered by the Lead Grant funding. These additional CDBG funds will allow more families to be assisted.
 3. The recommendation includes no changes to the originally approved budget amounts for Fair Housing Activities, Program Administration, Code Enforcement, or Economic Development.
 4. A notice was published in the Beloit Daily News notifying the public of the 30-day public comment period. No comments were received on this budget amendment.
 5. Attached to this staff report is the amended budget as proposed by the Community Development Authority.
-

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

- o Consideration of this request supports Strategic Goal #4.
-

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

- Reduce dependence upon fossil fuels – N/A
 - Reduce dependence on chemicals and other manufacturing substances that accumulate in nature – N/A
 - Reduce dependence on activities that harm life sustaining eco-systems – N/A
 - Meet the hierarchy of present and future human needs fairly and efficiently – The CDA has proposed funding projects which meet the present and future needs of our low and moderate income population.
-

Action required/Recommendation:

Approve the resolution amending the Amended 2013 Action Plan and Budget.

Fiscal Note/Budget Impact:

Attachments:

Proposed Amended Budget and Resolution

Attachment A

2013 Community Development Block Grant Budget Spreadsheet

	2013 Council Approved	Proposed Increase	\$ Change	% Change	
Public Service = 15% Cap		130,815	New Cap		
1 Community Action - Fatherhood Initiative and Skills Enhancement	\$ 16,695	19,702	3,006	18.0%	
2 Family Services - The Key: Transitional Living Program	\$ 5,843	6,896	1,052	18.0%	
3 Family Services - Beloit Domestic Violence Center: Emergency Housing	\$ 5,843	6,896	1,052	18.0%	
4 Family Services - Home Companion Registry for Senior Personal Care	\$ 12,450	14,692	2,242	18.0%	
5 Family Services - Homelessness Prevention and Rapid Rehousing Project	\$ 8,419	9,935	1,516	18.0%	
6 Hands of Faith - Emergency Shelter for Homeless Families	\$ 6,261	7,388	1,127	18.0%	
7 Merrill Community Center - Youth and Senior Programs	\$ 16,695	19,702	3,006	18.0%	
8 NHS - Promoting and Preserving Homeownership through Education and Counseling	\$ 16,107	19,007	2,900	18.0%	
9 Stateline Literacy Council - Hispanic Outreach for Comprehensive Literacy	\$ 16,695	19,702	3,006	18.0%	
10 Voluntary Action Center - Beloit Senior Chore Service	\$ 5,843	6,896	1,052	18.0%	
Total Public Services	\$ 110,852	130,815	19,962	18.0%	
Planning and Program Administration = 20% Cap		149,603	New Cap		
*11 Fair Housing Activities	\$ 15,000	15,000	0	0.0%	
12 Program Administration (No Application Needed)	\$ 118,248	118,248	0	0.0%	
Total Planning and Program Administration	\$ 133,248	133,248	0	0.0%	
Code Enforcement					
13 Community Development Dept. - Code Enforcement / Inspection Program	\$ 110,900	110,900	0	0.0%	
Total Code Enforcement	\$ 110,900	110,900	0	0.0%	
Housing Rehabilitation					
14 Community Development Dept. - Housing Rehabilitation Revolving Loan Program	\$ 130,000	177,950	47,950	26.9%	
(CDBG Program Repayment to be used for Housing Rehab Program)	\$ -	26,668	26,668	100.0%	
Total Housing Rehabilitation	\$ 130,000	204,618	74,618	36.5%	
Economic Development					
*15 Economic Development - Commercial and Industrial Revolving Loan Fund	\$ -	-	0	0.0%	
Total Economic Development	\$ -	-	0	0.0%	
GRAND TOTAL	\$ 485,000	552,913	67,913	12.3%	
CDBG Funds Available	\$ 485,000	579,581	94,581	16.3%	
Surplus/Deficit	(0)	26,668	26,668		
Estimated Program Income					
Estimated Program Income	Actual 2012 PI	2013 PI	Proposed	\$ Change	% Change
17 Economic Development Revolving Loan Fund	\$ 37,554	\$ 63,000	63,000	0	0.0%
18 Code Enforcement	\$ 201,795	\$ 74,100	74,100	0	0.0%
19 Housing Rehabilitation Revolving Loan Fund	\$ 69,600	\$ 50,000	50,000	0	0.0%
20 Neighborhood Housing Services	\$ 59,222	\$ 8,000	8,000	0	0.0%
HUD Adjustment - Used for Calculating Caps	\$ (48,987)				
Total Estimated Program Income	\$ 319,184	\$ 195,100	195,100	0	0.0%
Total CDBG Budget	\$ 680,100	\$ 748,013	\$ 67,913	10%	



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
Monday, July 15, 2013

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

1. The meeting was called to order at 7:07 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 presented a proclamation declaring October 7-13, 2013, as **Beloit Memorial High School class of 1963 50th Reunion Week** to Tom Nightingale. Mr. Nightingale thanked the Council and the community of Beloit on behalf of the class. File 7148
4. PUBLIC HEARINGS
 - a. Community Development Director Julie Christensen explained that this public hearing is the first step in the process to approve the 2014 **Community Development Block Grant Annual Plan**. Ms. Christensen stated this hearing is to gain community input on community development, housing, public housing, and homeless needs in the City. File 8601
 - Mark Perry, representing Community Action, 20 Eclipse Center, stated that housing stability is that first step in economic self-reliance and that sustaining housing is critical to our community. Mr. Perry thanked the Council for their support.
5. CITIZENS PARTICIPATION – none
6. CONSENT AGENDA

Councilor De Forest requested that item 6.f. be removed from the Consent Agenda. Councilor Luebke made a motion to adopt the Consent Agenda which consists of items 6.a. through 6.e, and Councilor De Forest seconded. The motion carried that the Consent Agenda consisting of items 6.a. through 6.e. 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 July 1, 2013 were approved.
- b. The resolution awarding **Public Works Contract C12-05**, Rock River Bank Protection was adopted. File 8602
- c. The resolution authorizing **Final Payment of Public Works Contract C12-01**, New HVAC for Beloit Transit was adopted. File 8575
- d. The application for **Zoning Map Amendment** to change the zoning district classification of the properties located at 1536 Forest Avenue, 1537 and 1543 West Grand Avenue, and the 1650 and 1654 Porter Avenue from R-1B, Single-family Residential District, to PLI, Public Lands and Institutions District was referred to the Plan Commission. File 8586
- e. The resolution authorizing the City of Beloit to apply for and enter into a Grant Agreement for the **JAG Crisis Intervention Team Training 2013 Grant** and partner with Rock County policing agencies through a Regional Application was adopted. File 7947

- f. Deputy City Attorney Elizabeth Krueger presented a resolution approving a **Class “B” Beer and Reserve “Class B” Liquor License** for Hourglass Media, LLC, d/b/a The Castle at 501 Prospect, John Wittnebel, Agent. It was noted that the Alcohol Beverage License Control Committee recommended approval 3-1. Ms. Krueger explained that the ABLCC raised concerns about public access of the residential apartment for the manager and about the permanent office space for any entity including the non-profit agency, Youth Unite. Ms. Krueger said Hourglass Media has amended the application and that the proposed business plan is now consistent with the state alcohol laws and local ordinances. She stated the Impact Survey of the neighborhood showed no objections to this license and that the dissenting vote from an ABLCC member was based on the location of the property within 300 feet of a church. Councilor De Forest made a motion to waive the 300-foot prohibition as permitted by State Statutes, and Councilor Luebke seconded. The pastor of the First Baptist Church, Stephen Hawkins, 617 Public Avenue, stated that the church has no official statement either for or against this license and that the church’s council made no objection to this proposal at the last two meetings. The motion carried to waive the prohibition by a vote of 6-1, with Councilor Leavy voting in opposition. Councilor Luebke made a motion to adopt the resolution approving the Class “B” Beer and Reserve “Class B” Liquor License for Hourglass Media, 501 Prospect Street, and Councilor Spreitzer seconded. The motion carried 6-1, with Councilor Leavy voting in opposition. File 8590

7. ORDINANCES – none

8. APPOINTMENTS – none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor Spreitzer said he attended the parks tour with the Parks Commission and was appreciative of the chance to discuss the future vision of the City’s park system.

President Haynes moved items 11.a. and 11.b. to this point on the agenda.

- 11.a. Economic Development Director Andrew Janke presented a resolution authorizing the City Manager to accept Michael L. Ross’ Commercial **Offer to Purchase** the City-owned land located at 2525 Kennedy Drive and 1475 Office Park Lane. Mr. Janke indicated that the purchase of this property would facilitate the construction of a new building and increase production capacity, creating three to four new jobs. Councilor Leavy made a motion to adopt the resolution, and Councilor Luebke seconded. The motion carried 7-0. File 7009
- 11.b. Mr. Janke presented a resolution authorizing the City Manager to accept V Bros LLC’s (Christofferson Moving and Storage) Commercial Offer to Purchase the City-owned land located at 2525 Kennedy Drive. Mr. Janke indicated that the purchase of this property would facilitate the construction of a parking lot and access road. Councilor Leavy made a motion to adopt the resolution, and Councilor Van De Bogart seconded. The motion carried 7-0. File 7009

10. CITY MANAGER’S PRESENTATION

- a. Finance and Administrative Services Director Paul York presented the **2012 Audit Report** and noted the City is in good financial condition. Mr. York introduced Carla Gogin and Jodi Dobson, Baker Tilly Virchow Krause, LLP, who presented the highlights of the audit. Councilor De Forest asked why no formal risk assessment control is in place to identify the areas of high risk, and Mr. York explained that the City has evaluated procedures and made a number of changes in the areas of purchasing, procurement, and accounts payable which have tightened up internal control deficiencies. He stated that the City will continue to monitor procedures and make adjustments in areas to strengthen internal controls over operations. Ms. Gogin stated that the majority of her 35 municipal clients and majority of the attendees at presentations she has given have not developed a risk control policy. Mr. York encouraged those interested to go to the City’s website to read the Comprehensive Annual Finance Report.

President Haynes moved items 11.c. and 11.d. to this point on the agenda.

- 11.c. President Haynes requested that the Resolution authorizing a **Conditional Use Permit** to allow a wireless communications tower in a C-2 Neighborhood Commercial District, and MRO Milwaukee Road Overlay District, for the property located at 2600 Cranston Road, be moved to the August 19, 2013 City Council Agenda. File 7948
- 11.d. Fire Chief Brad Liggett presented a resolution amending the 2013 Capital Improvements Budget for the **purchase of the Stryker Cot System**; authorizing the sole source purchase of this equipment and further authorizing the City Manager to enter into a financing agreement. Chief Liggett explained that this cot system supports 80% of the weight of the patient through its electric lift system and will alleviate 50% of back injuries to our response personnel. Councilor Luebke made a motion to adopt the resolution, and Councilor De Forest seconded. The motion carried 7-0. File 8570/8603
- 10.b. City Manager Larry Arft presented information and led discussion regarding extending **employee benefits to recognized same sex couples**. Mr. Arft said this benefit would be for same sex couples who are registered with the State of Wisconsin Domestic Partner Registry and would allow them to receive the same benefits as heterosexual couples. Councilor Leavy asked if applicants have requested this benefit and raised concerns about providing benefits if a couple split up. Ms. Haley stated that no applicants have requested this benefit and that there are legal guidelines for being on or removed from the State Registry. Councilor Spreitzer said that he feels this is an equality issue. Councilor Luebke stated that providing this benefit may assist in recruitment. Councilor De Forest stated the benefit should be provided as a matter of fairness. Councilor Van De Bogart said this benefit may be good social policy but that the City should avoid this hot button issue that may divide the community. Mr. Arft stated he would schedule a workshop for more discussion.
- 10.c. Mr. Arft presented information and led discussion regarding **residency requirements for City employees**. Mr. Arft explained that the 2013-2015 Biennial Budget Bill was adopted including language preempting municipal and other local public sector employers' residency requirements. He stated the City's residency ordinance is unenforceable as of July 2, 2013, and must be changed. Councilor Van De Bogart asked the City Attorney to prepare an ordinance to repeal the City's residency ordinance.

11. REPORTS FROM BOARDS AND CITY OFFICERS – see above

12. At 9:25 p.m., Councilor Leavy made a motion to adjourn the meeting, seconded by Councilor Spreitzer. The motion carried 7-0.

Rebecca Houseman LeMire, City Clerk

www.ci.beloit.wi.us

Date approved by Council:



PROCEEDINGS OF THE BELOIT CITY COUNCIL
Special Meeting
100 State Street, Beloit, WI 53511
July 24, 2013

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

1. President Charles Haynes called the meeting to order at 6:35 p.m. in the 4th Floor City Manager's Conference Room at City Hall.
2. Councilor Van De Bogart made a motion to adjourn into closed session pursuant to Wis. Stats. 19.85(1)(e) to **discuss possible acquisition of real estate**. Councilor Kincaid seconded. The motion carried and the Council adjourned into closed session at 6:36 p.m.
3. At 7:29 p.m., Councilor Leavy made a motion to adjourn the closed session. Councilor Van De Bogart seconded, and the motion carried.

Rebecca Houseman LeMire
City Clerk

www.ci.beloit.wi.us

Date Approved by Council:

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Conditional Use Permit Application for the property located at 2157 Schuster Drive – Council Referral to the Plan Commission

Date: August 5, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Aaron Otto of Aparo Care Inc. has filed an application for a Conditional Use Permit to allow a Residential Care Apartment Complex in a C-1, Office District, for the property located at 2157 Schuster Drive.

Key Issues (maximum of 5):

- The applicant has proposed Cherry Tree Assisted Living Community. The proposed building includes a 24-unit Community Based Residential Facility (CBRF) wing, an administration/commons area, and a 48-unit Residential Care Apartment Complex (RCAC) wing. The CBRF is permitted by right in the C-1 district, while the RCAC is a conditional use in the C-1 district.
 - The subject property is approximately 4.6 acres in area and includes a single-family dwelling. According to the applicant, once the owner of the existing house moves into the RCAC, the house will be demolished.
 - The applicant has proposed a primary driveway on Cranston Road and a secondary driveway on Schuster Drive.
 - A preliminary site plan and application are attached to this report.
 - The City Council approved a Conditional Use Permit for this project on June 18, 2012, but the permit expired after a year of inactivity.
-

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

- Consideration of this request supports Strategic Goal #5.
-

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

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

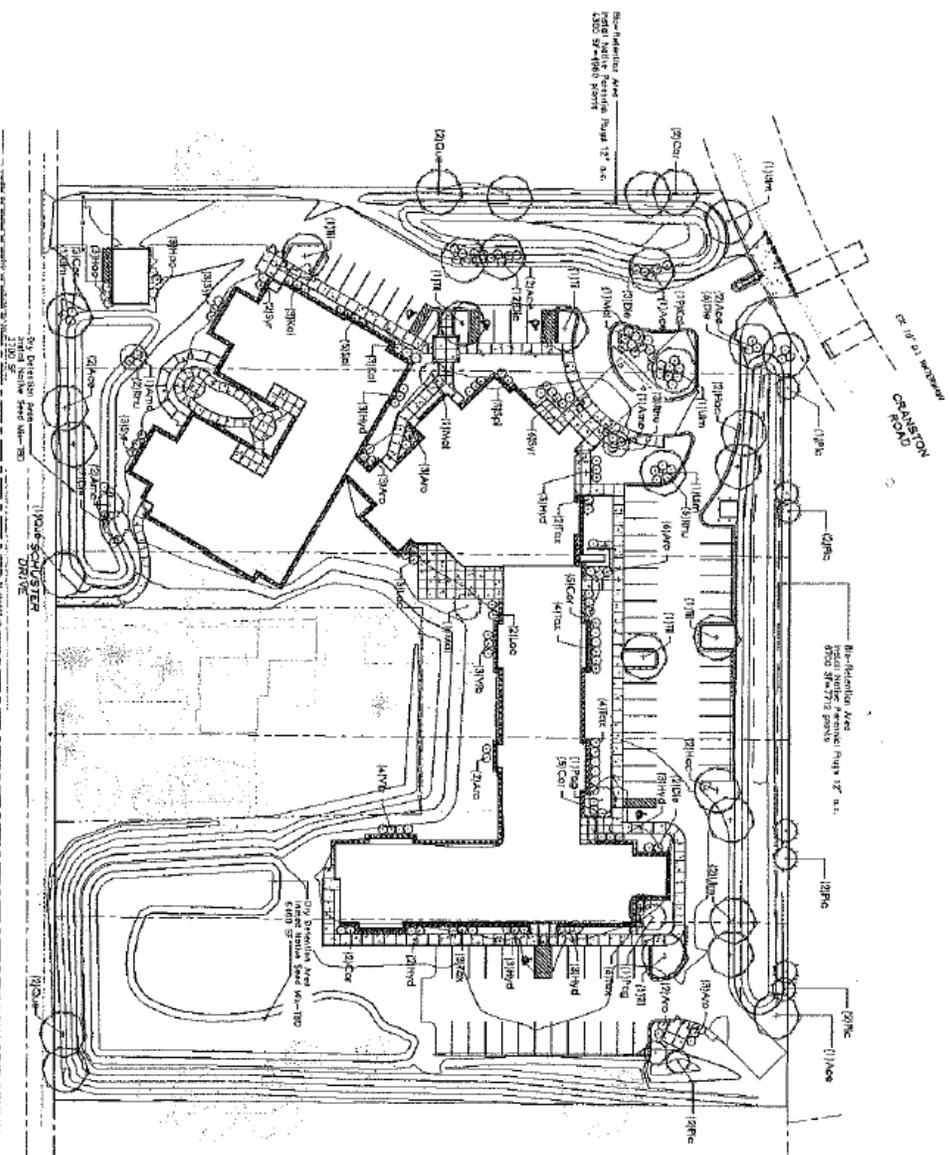
Action required/Recommendation:

- Referral to the Plan Commission for the August 7, 2013 meeting
 - This item will most likely return to the City Council for a public hearing and possible action on August 19, 2013
-

Fiscal Note/Budget Impact: N/A

Attachments: Preliminary Site Plan and Application

GRAPHIC SCALE FEET
0 15 30 60



CALL DIRECTOR'S OFFICE
1-800-746-8811
HOURS: 8:00 AM - 5:00 PM
M-F
1515 SOUTH WISCONSIN AVENUE
MILWAUKEE, WI 53212
WWW.VIERBICHER.COM



NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	1" x 4" x 8" ASPHALT FIBER CEMENT SHEET	414	SQ. FT.	0.12	49.68
2	1" x 4" x 8" ASPHALT FIBER CEMENT SHEET	179	SQ. FT.	0.12	21.48
3	1" x 4" x 8" ASPHALT FIBER CEMENT SHEET	43	SQ. FT.	0.12	5.16
4	1" x 4" x 8" ASPHALT FIBER CEMENT SHEET	43	SQ. FT.	0.12	5.16
5	1" x 4" x 8" ASPHALT FIBER CEMENT SHEET	43	SQ. FT.	0.12	5.16
6	1" x 4" x 8" ASPHALT FIBER CEMENT SHEET	43	SQ. FT.	0.12	5.16
7	1" x 4" x 8" ASPHALT FIBER CEMENT SHEET	43	SQ. FT.	0.12	5.16
8	1" x 4" x 8" ASPHALT FIBER CEMENT SHEET	43	SQ. FT.	0.12	5.16
9	1" x 4" x 8" ASPHALT FIBER CEMENT SHEET	43	SQ. FT.	0.12	5.16
10	1" x 4" x 8" ASPHALT FIBER CEMENT SHEET	43	SQ. FT.	0.12	5.16
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- GENERAL NOTES:**
1. All dimensions shall conform to applicable engineering codes and local laws.
 2. All dimensions shall be taken from the finished ground surface unless otherwise noted. In the event of a conflict between dimensions, the dimensions shown on this drawing shall govern.
 3. All planting beds to be installed with mulch (colored specified) and covered with plastic or geotextile.
 4. All planting beds to be installed with mulch (colored specified) and covered with plastic or geotextile.

REVISIONS

NO.	DATE	REVISIONS
1		

LANDSCAPE PLAN
Howlithorn and Stone - Cherry Tree Assisted Living
Beloit, Wisconsin

vierbicher
LANDSCAPE ARCHITECTS

CITY of BELOIT

Neighborhood Planning 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-2013-11

1. Address of subject property: 2157 SCHUSTER DR.

2. Legal description: "LOTS 13, 14, 15, 16 & 17 SCHUSTERS PREPAREDNESS UNRECORDED"

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

Property dimensions are: 500 feet by 400 feet = 200,000 square feet.

If more than two acres, give area in acres: 4.5569 acres.

3. Tax Parcel Number(s): 21960130

4. Owner of record: Shirley Bonafede Phone: 608 362-7459

2157 SCHUSTER DR Beloit WI 53511

(Address)

(City)

(State)

(Zip)

5. Applicant's Name: Aaron Otto -- Apar Care Inc.

7601 Ganser Way Madison WI 53719

(Address)

(City)

(State)

(Zip)

888 308-6448 / 608 449-2128 / mraaronotto@aol.com

(Office Phone #)

(Cell Phone #)

(E-mail Address)

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

Single Family Home

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

A Conditional Use Permit for: Use of State of Wisconsin assisted living licensure category - RCAC (Residential Care Apartment Complex)

_____ in a(n) C-1 Office District Zoning District.

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

Principal use: _____

Dual licensure assisted living campus -Licenses (CBRF -Community Based Residential Facility & RCAC Residential Care Apartment Complex) See Attached.

Secondary use: _____

Accessory use: _____

9. Project timetable: Start date: 10/1/2013 Completion date: 11/1/2014

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: Offer to Purchase/Owner Representative
- 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] / Shirley Bonifant / 7-11-13
 (Signature of Owner) (Print name) (Date)

[Signature] / Adam Otto / 7/10/2013
 (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 Neighborhood Planning 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: <u>\$275.00</u> Meeting date: <u>Aug. 7, 2013</u>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u>[Signature]</u>	Date: <u>7/11/13</u>

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Conditional Use Permit Application for the property located at 2777 Milwaukee Road – Council Referral to the Plan Commission

Date: August 5, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

The Redmond Company has filed an application for a Conditional Use Permit to allow a drive-in use, an outdoor seating area, and sales, possession, & consumption of alcohol in a C-2, Neighborhood Commercial District, for the property located at 2777 Milwaukee Road.

Key Issues (maximum of 5):

- The applicant has proposed the construction of a new 5,700 square-foot commercial building that will include a 2,500 square-foot Qdoba restaurant and a 3,200 square-foot retail space. As shown on the attached site plan, the proposed Qdoba restaurant includes a drive-through and an outdoor seating area, and may offer beer & wine for sale.
 - This proposed development includes 60 off-street parking spaces and will be served by driveways that connect to the shared drives to the west and north of the site. This development will not have direct access to Cranston Road or Milwaukee Road.
 - This property is located in the Milwaukee Road Overlay (MRO) District.
 - The applicant submitted a full set of site plans, which is being reviewed by Planning staff.
-

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

- Consideration of this request supports Strategic Goal #5.
-

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

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

Action required/Recommendation:

- Referral to the Plan Commission for the August 7, 2013 meeting
 - This item will most likely return to the City Council for a public hearing and possible action on August 19, 2013
-

Fiscal Note/Budget Impact: N/A

Attachments: Site Plan and Application

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-2013-12

1. Address of subject property: 2777 Milwaukee Rd. Beloit, WI

2. Legal description: Lot 1 CSM #652218 Volume 1 Page 75

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

Property dimensions are: 215 feet by 245.71 feet = 52,828 square feet.

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

3. Tax Parcel Number(s): 206-22990800

4. Owner of record: P.H. Beloit LLC. Phone: _____

241 N. Broadway, Suite 501 Milwaukee WI 53202
(Address) (City) (State) (Zip)

5. Applicant's Name: The Redmond Company

W228 N745 Westmond Dr. Waukesha, WI 53186
(Address) (City) (State) (Zip)

262-549-9600 / 1 / imortier@theredmondco.com
(Office Phone #) (Cell Phone #) (E-mail Address)

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

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

A Conditional Use Permit for: Drive-up / outdoor sitting area + Indoor Alcohol
in a(n) C-2 Zoning District.

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

Principal use: Retail / Casual Dining Restaurant
(+MPO) overlay

Secondary use: _____

Accessory use: _____

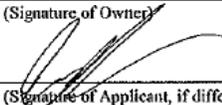
9. Project timetable: Start date: 9/23/13 Completion date: 5/15/14

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.

	/ <u>Samy Mark</u> (Print name)	/ <u>7/11/13</u> (Date)
(Signature of Applicant, if different)	(Print name)	(Date)

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

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

To be completed by Planning Staff

Filing fee: **\$275.00** Amount paid: \$275.00 Meeting date: Aug. 7, 2013

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

Application accepted by: Dea Pennington Date: 7/12/13

CITY OF БЕЛОIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Conditional Use Permit Application for property located at 946 Wisconsin Avenue – Council Referral to the Plan Commission

Date: August 5, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Jesus Garcia, on behalf of La Fuente Restaurate, has filed an application for a Conditional Use Permit to allow indoor sales, possession, & consumption of alcohol in a C-2, Neighborhood Commercial District, for the property located at 946 Wisconsin Avenue.

Key Issues (maximum of 5):

- The applicant is operating a restaurant named La Fuente Restaurante, located at 946 Wisconsin Avenue.
- The applicant has applied for a Class “B” Beer and “Class C” Wine License for La Fuente Restaurante.
- 946 Wisconsin Avenue is located in a C-2, Neighborhood Commercial District.
- A Conditional Use Permit is required for the sale of alcoholic beverages in the C-2 zoning district.

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

- Consideration of this request supports Strategic Goal #4.

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

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

Action required/Recommendation:

- Referral to Plan Commission for the August 7, 2013 meeting.
- This item will most likely return to City Council for a public hearing and possible action on August 19, 2013.

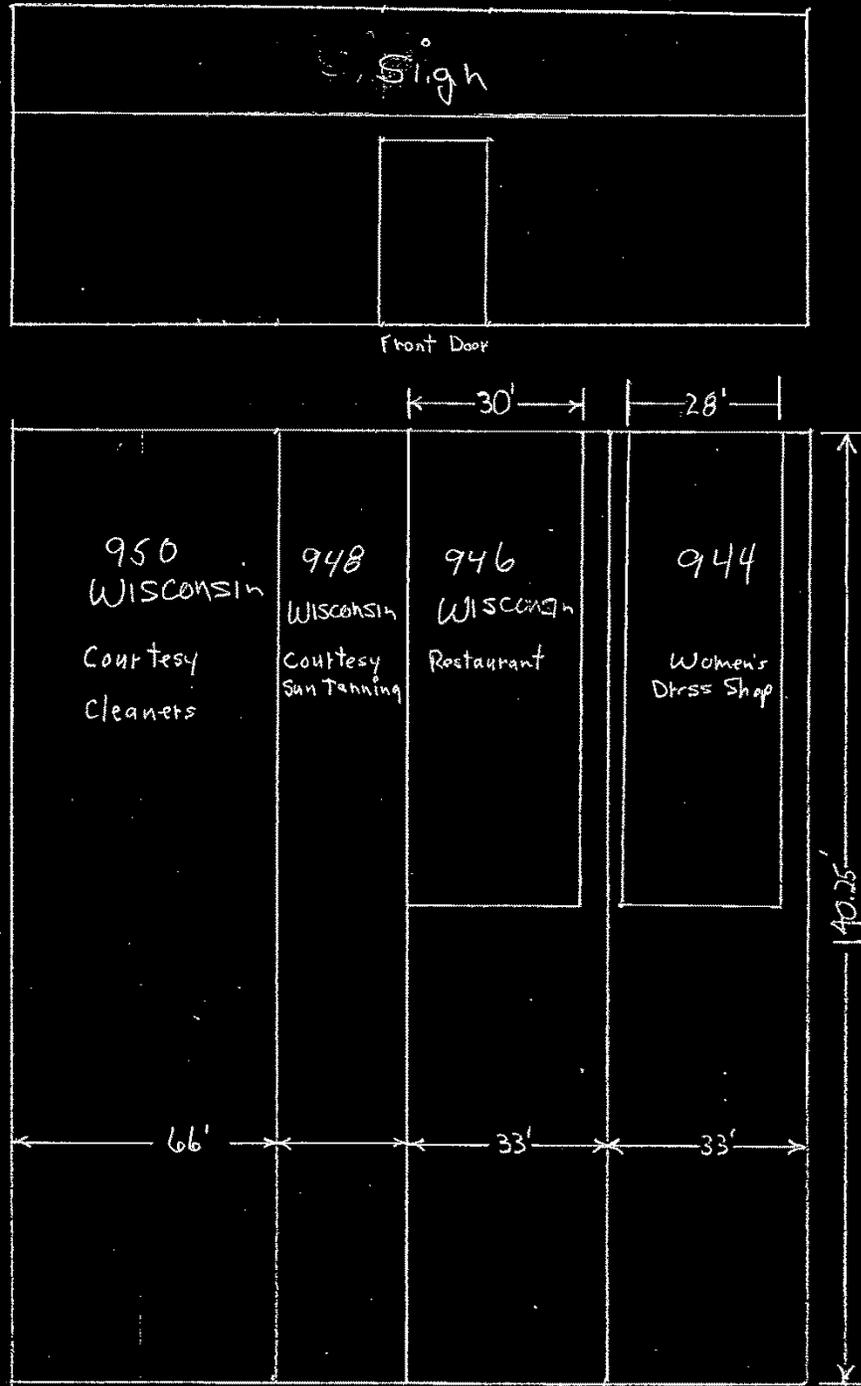
Fiscal Note/Budget Impact:

N/A

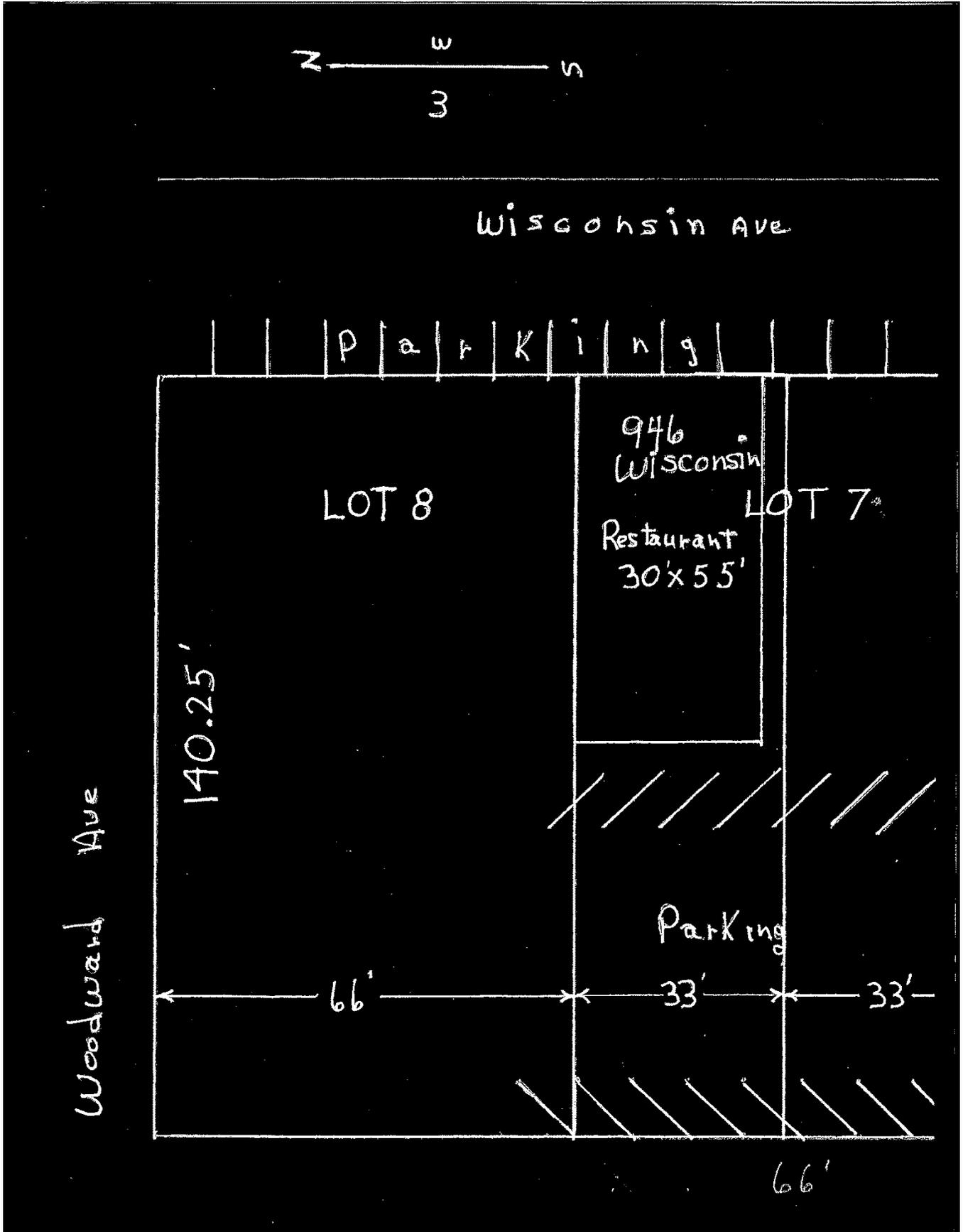
Attachments:

Location Map, Site Plan, Floor Plan, and Renderings Submitted by Applicant and Application

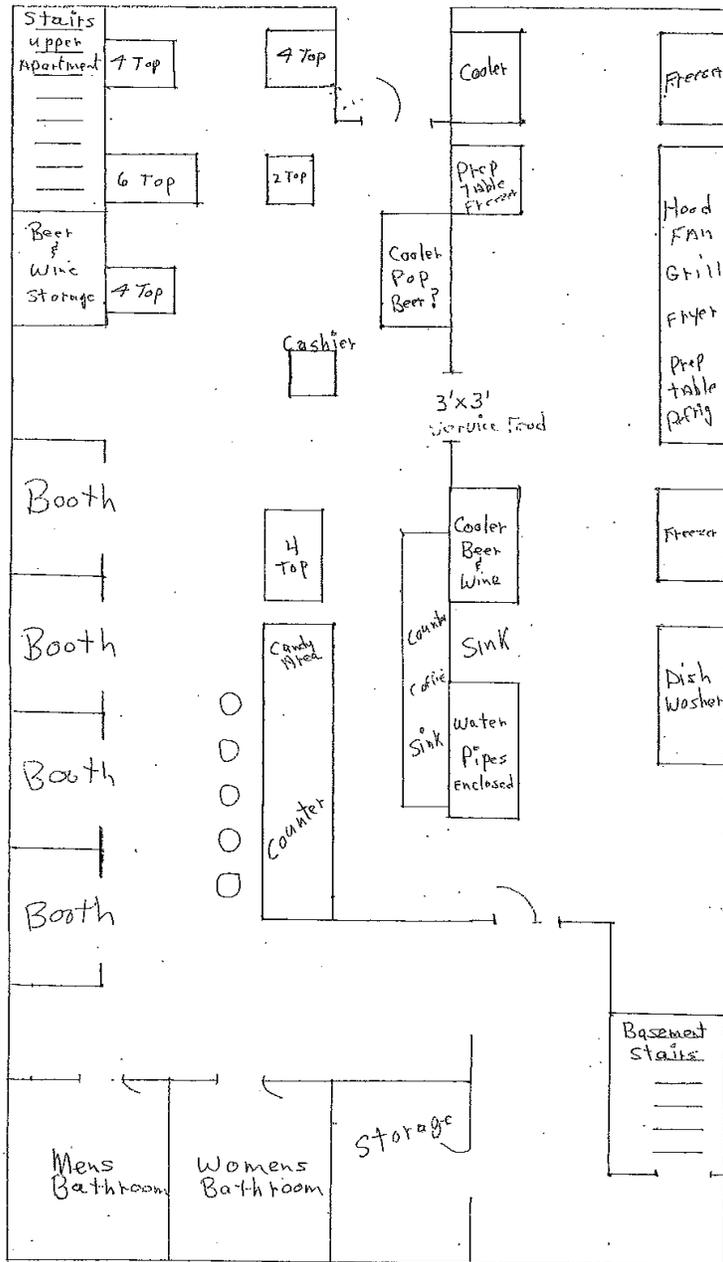
Location Map – Submitted by the Applicant



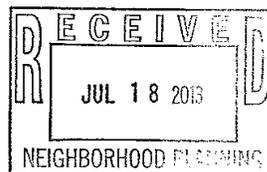
Site Plan – Submitted by Applicant



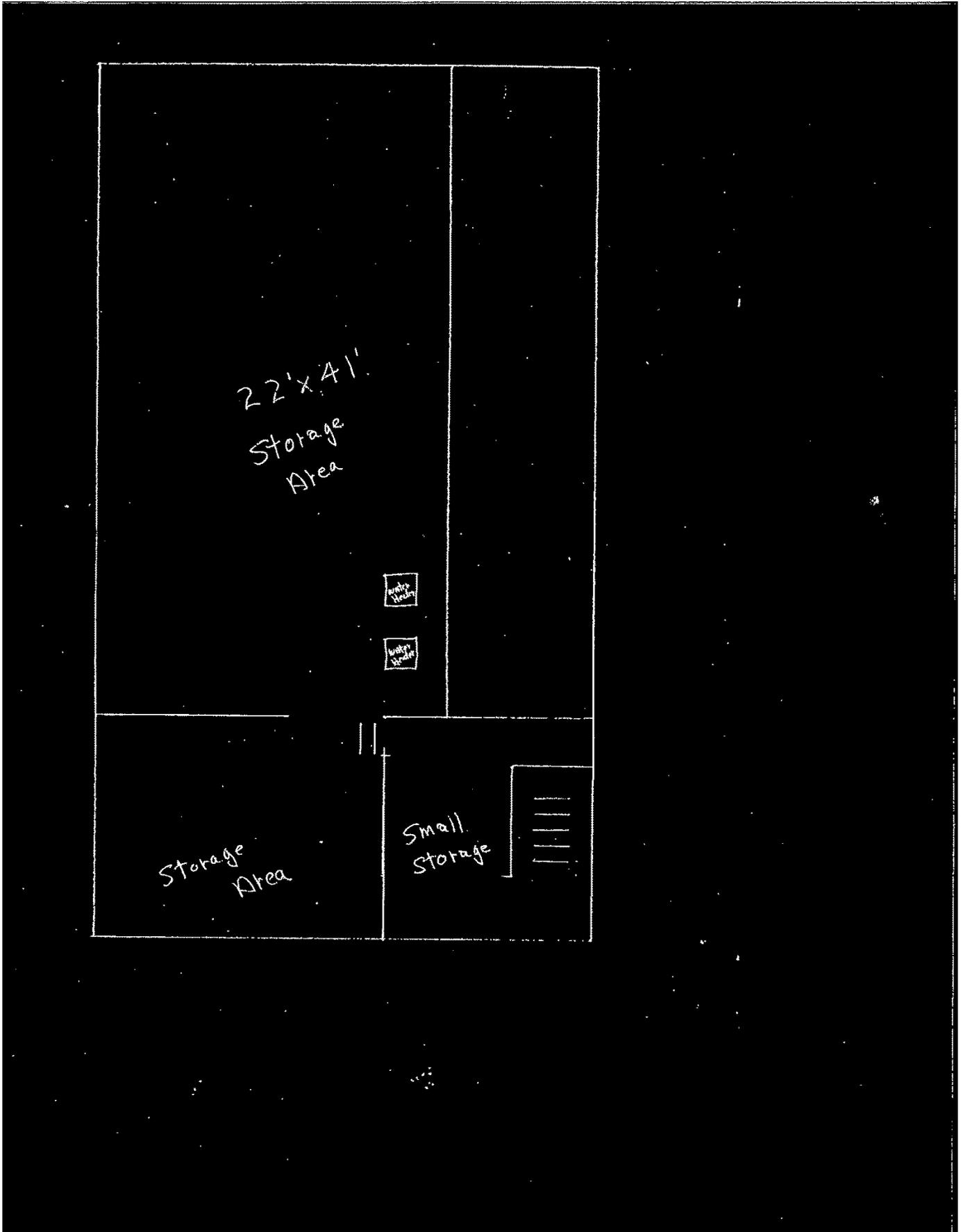
Floor Plan – First Floor – Submitted by Applicant



Restaurant La Fuente
 946 Wisconsin
 362-8022



Floor Plan – Basement – Submitted by Applicant



Rendering of Building – Submitted by Applicant

Restaurant la fuente
946 Wisconsin Ave.
Beloit Wisconsin
(608) 362-8022

Before



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-2013-10

1. Address of subject property: 946 Wisconsin Ave
2. Legal description: The N 1/2 of Lot 7, Block 15, City of Beloit
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): 1368-0310
4. Owner of record: Roger E. Blohm Phone: 608-362-8463
1817 Metriil Beloit WI 53511
(Address) (City) (State) (Zip)
5. Applicant's Name: Jesus Garcia
946 1/2 Wisconsin Beloit WI 53511
(Address) (City) (State) (Zip)
608-362-8022 773-294-3591 _____
(Office Phone #) (Cell Phone #) (E-mail Address)
6. All existing use(s) on this property are: Restaurant
7. **THE FOLLOWING ACTION IS REQUESTED:**
A Conditional Use Permit for: Beer & Wine
_____ in a(n) _____ Zoning District.
8. All the proposed use(s) for this property will be:
Principal use: Restaurant

Secondary use: Beer & Wine

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: 12 years
- 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] | Roger E. Blohm | 7/8/13
(Signature of Owner) (Print name) (Date)

[Signature] | JESUS GARCIA | 7/8/13
(Signature of Applicant, if different) (Print name) (Date)

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

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

To be completed by Planning Staff	
Filing fee: \$275.00	Amount paid: <u>\$275.00</u> Meeting date: <u>Aug. 7, 2013</u>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u><i>[Signature]</i></u>	Date: <u>7/11/13</u>

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning June 1 20 13 ;
ending June 30 20 14 .

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): Jesus Garcia

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	Home Address	Post Office & Zip Code
President/Member			
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent			
Directors/Managers			

3. Trade Name RESTAURANT LA FUENTE Business Phone Number (608) 362-80-22
4. Address of Premises 946 WISCONSIN 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 _____ 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, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) (See map) Main Floor, Kitchen, Basement Storage

10. Legal description (omit if street address is given above): 946 Wisconsin Ave Beloit WI 53511
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 file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] Yes No
13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [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 signers. Signers agree 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers 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.

SUBSCRIBED AND SWORN TO BEFORE ME

this 28th day of June, 20 13

Sheelagh Kahl
(Clerk/Notary Public)

Jesus Garcia
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

My commission expires May 15, 2016

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

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>6/29/13</u>	Date reported to council/board <u>7/15/13</u>	Date provisional license issued <u>N/A</u>	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued <u>N/A</u>	<u>Jesus Garcia, Jr</u>

Applicant's Wisconsin Seller's Permit Number: <u>456 1028181032802</u>	
Federal Employer Identification Number (FEIN): <u>46 2916499</u>	
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$
<input checked="" type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ <u>50.00</u> <i>Part 6/29</i>
TOTAL FEE	\$

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name) <u>Garcia</u>		(first name) <u>Jesus</u>		(middle name)	
Home Address (street/route) <u>946 1/2 Wisconsin North</u>		Post Office	City <u>Beloit</u>	State <u>WI</u>	Zip Code <u>53511</u>
Home Phone Number <u>773 294 3591</u>		Age <u>53</u>	Date of Birth	Place of Birth <u>MEXICO</u>	

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.
- _____ of _____
(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? 01-01-13
- 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. N/A
(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>RESTAURANT LA FUCATE</u>	Employer's Address <u>946 WISCONSIN AV:</u>	Employed From <u>01-18-13</u>	To <u>Present</u>
Employer's Name <u>LA FUCATE</u>	Employer's Address <u>3640 W. 59 ST:</u>	Employed From <u>01-01-2002</u>	To <u>01-18-13</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 28th day of June, 20 13
Shelly Kuhl
(Clerk/Notary Public)

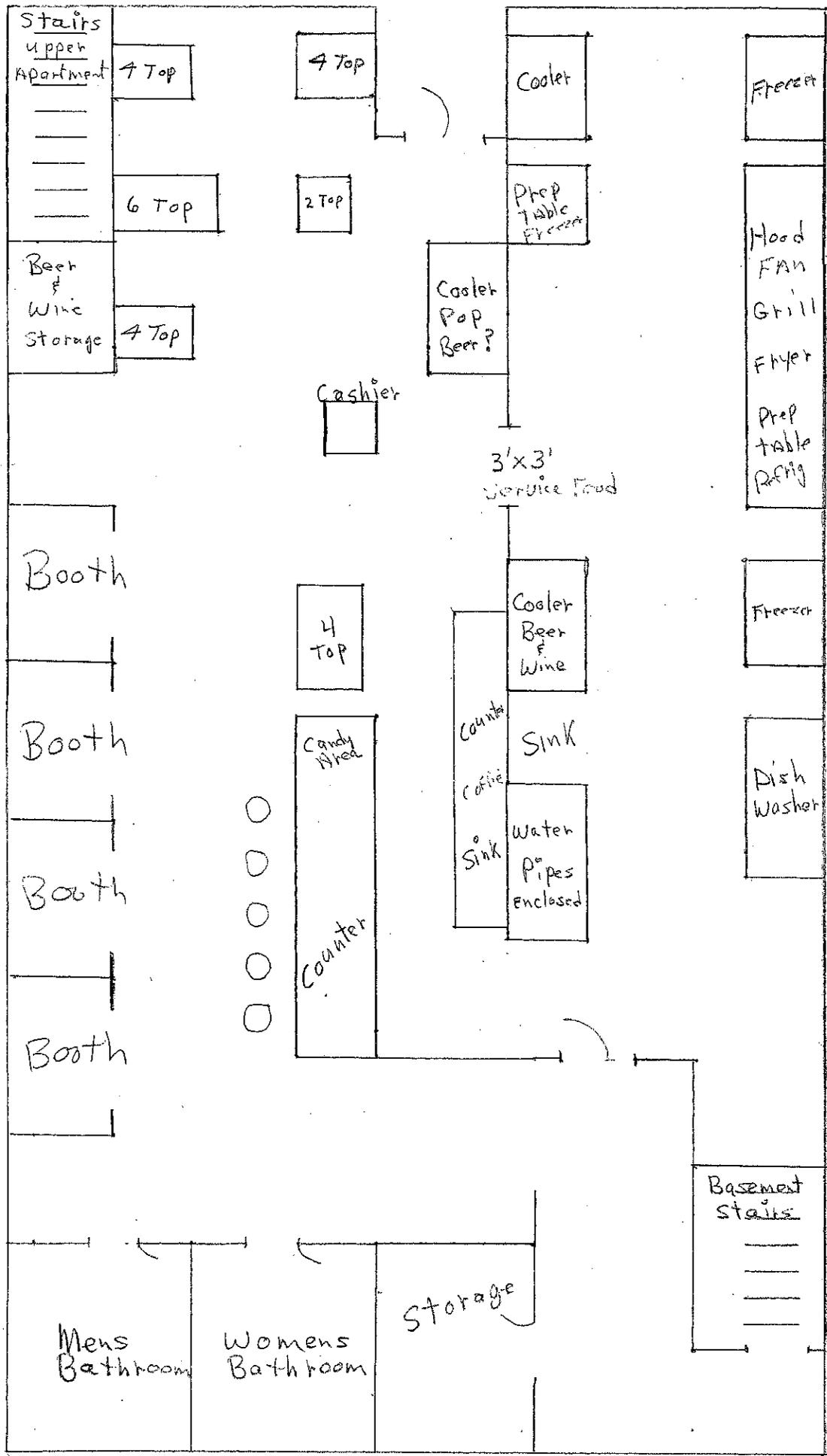
Jesus Garcia
(Signature of Named Individual)

My commission expires May 15, 2016



Printed on
Recycled Paper

Wisconsin Department of Revenue



Restaurant La Fuente
 946 Wisconsin
 362-8022

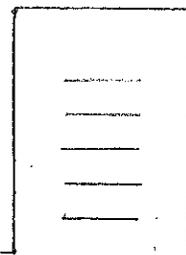
22' x 41'
Storage
Area

Water
Heater

Water
Heater

Storage
Area

Small
Storage



**RESOLUTION
AWARDING CONTRACT C13-07
STREET RESURFACING**

WHEREAS, on July 25, 2013, one competitive bid was received, the bid being from Rock Road Companies, Inc.; and

WHEREAS, Rock Road Companies, Inc. is a qualified bidder.

NOW, THEREFORE, BE IT RESOLVED that Contract C13-07, Street Resurfacing be, and here is, awarded to Rock Road Companies, Inc., Janesville, WI, in the following amounts:

Rock Road Companies, Inc.
PO Box 1818
Janesville, WI 53547-1818

Base Bid	\$ 679,408.38
<u>Allowance for Change Orders and/or Extra Work</u>	<u>\$ 101,591.62</u>
TOTAL PROJECT COST	\$ 781,000.00

FURTHER BE IT RESOLVED that the amount of \$781,000.00 be, and hereby is, funded as follows:

<u>P2902187-5514-2013 Street Maintenance</u>	<u>\$ 781,000.00</u>
TOTAL	\$ 781,000.00

Dated at Beloit, Wisconsin this 5th day of August 2013.

BELOIT CITY COUNCIL

Charles M. Haynes, President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Award of Contract C13-07, Street Resurfacing

Date: August 5, 2013

Presenter(s): Greg Boysen, Public Works Director

Department(s): Public Works/ Engineering

Overview/Background Information:

This project will overlay rough pavements on 40 blocks of city streets. See attached list.

Key Issues (maximum of 5):

1. One bid was received for this project. The low bid of \$679,408.38 was from Rock Road Companies, Inc. and is 4.0% less than the engineer's estimate of \$708,017.92.
2. Rock Road Companies, Inc. is considered a responsible bidder for this project.
3. The costs for this project are as follows: \$679,408.38 for construction, \$ 101,591.62 for Change Orders or extra work, for a total of \$781,000.00.

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

1. **Develop a high quality community through the responsible stewardship and enhancement of City resources to further Beloit's resurgence as a gem of the Rock River Valley.**

This project will enhance the quality of life in Beloit by improving the appearance and quality of ride on City Streets while lowering street maintenance costs.

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

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

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

Action required/Recommendation:

The Engineering Division recommends awarding this Public Works Contract to Rock Road Companies, Inc. in the amount of \$679,408.38.

Fiscal Note/Budget Impact:

Funding is available in the 2013 Capital Improvement Plan.

CITY OF BELOIT

DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch
FROM: Andy Hill, Project Engineer 
DATE: July 25, 2013
SUBJECT: Bid Results for Contract C13-07
Street Resurfacing

Pursuant to advertisements placed July 10 and July 17, bids were received until 3:15 PM on July 25 for the Street Resurfacing. A tabulation of bids is attached.

One bid was received for this project as follows:

1. Rock Road Companies, Inc.	Janesville, WI	\$ 679,408.38
Engineer's Estimate		\$ 708,017.92

Upon review of the Contractor's Proof of Responsibility Statement, Rock Road Companies, Inc. is determined to be a responsible bidder.

I recommend that the contract be awarded to Rock Road Companies, Inc. of Janesville, WI. The following is a breakdown of the proposed project cost:

COSTS

Rock Road Companies, Inc. Base Bid	\$ 679,408.38
Allowance for Change Orders and/or Extra Work	<u>\$ 101,591.62</u>
TOTAL PROJECT COST	\$ 781,000.00

PROJECT INFORMATION

This project will overlay rough pavements on 40 blocks of city streets.

**Tabulation of Bids
Contract C13-07
Street Resurfacing
Bids Opened July 25, 3:15 PM**

				Engineer's Estimate		Rock Road Companies, Inc. Janesville, WI	
Item No.	Bid Item Description	Quantity	Unit	Price	Extended	Price	Extended
1	Traffic Control	40	Block	\$255.00	\$10,200.00	\$300.00	\$12,000.00
2	Erosion Control Type C Inlet Protection	104	Each	\$100.00	\$10,400.00	\$105.00	\$10,920.00
3	Full Depth Sawcut	1,449	LF	\$2.00	\$2,898.00	\$2.00	\$2,898.00
4	Butt Joint / Wedge Mill	1,480	SY	\$2.96	\$4,380.80	\$6.00	\$8,880.00
5	AC Milling	44,114	SY	\$2.96	\$130,577.44	\$1.98	\$87,345.72
6	PCC Milling	9,916	SY	\$3.00	\$29,748.00	\$3.10	\$30,739.60
7	PCC Crack and Seat	4,083	SY	\$3.00	\$12,249.00	\$1.71	\$6,981.93
8	Common Excavation	427	CY	\$18.00	\$7,686.00	\$17.56	\$7,498.12
9	Subgrade stabilization flyash material	147	Ton	\$50.00	\$7,350.00	\$52.99	\$7,789.53
10	Flyash distribution and pulverization	2,454	SY	\$3.92	\$9,619.68	\$5.38	\$13,202.52
11	Base Aggregate Dense, 1-1/4"	53	Ton	\$16.00	\$848.00	\$18.68	\$990.04
12	Supply and Install Neenah R-1710 MH Casting with locking,non-rocking Type "B" lid, with up to 12" of new adjusting rings	77	Each	\$600.00	\$46,200.00	\$840.36	\$64,707.72
13	Supply and Install Neenah R-3067 Inlet Casting with Type "R" grate, with up to 12" of new adjusting rings	1	Each	\$300.00	\$300.00	\$1,008.32	\$1,008.32
14	HMA Pavement, Type E-0.3 Special, 3-1/4" Binder Course	481	Ton	\$57.00	\$27,417.00	\$55.20	\$26,551.20
15	HMA Pavement, Type E-0.3 Special, 1-3/4" Surface Course	6,183	Ton	\$57.00	\$352,431.00	\$55.20	\$341,301.60
16	Curb & Gutter Patch R&R	451	LF	\$23.00	\$10,373.00	\$39.22	\$17,688.22
17	6" Thick PCC Cross Gutter	582	SF	\$5.25	\$3,055.50	\$8.85	\$5,150.70
18	4" Thick PCC Sidewalk	2,338	SF	\$4.25	\$9,936.50	\$4.98	\$11,643.24
19	Detectable Warning Field	34	Each	\$325.00	\$11,050.00	\$277.17	\$9,423.78
20	Pavement Marking, Crosswalk and Channelizing, 6-inch, Epoxy	365	LF	\$5.00	\$1,825.00	\$7.56	\$2,759.40
21	Pavement Marking, Centerline Yellow, 4-inch, Epoxy	1,012	LF	\$0.50	\$506.00	\$0.66	\$667.92
22	Pavement Marking, Epoxy, Type 2 Arrow	1	Each	\$235.00	\$235.00	\$251.97	\$251.97
23	Pavement Marking, Epoxy, Type 3 Arrow	1	Each	\$235.00	\$235.00	\$277.17	\$277.17
24	Pavement Marking, Epoxy, Words "ONLY"	1	Each	\$258.00	\$258.00	\$297.32	\$297.32
25	Shouldering	1,403	LF	\$13.00	\$18,239.00	\$1.00	\$1,403.00
26	Sod Lawn Restoration	511	SY	\$7.00	\$3,577.00	\$13.76	\$7,031.36
Total Proposal				\$708,017.92		\$679,408.38	

2013 Street Resurfacing

The following 42 Blocks of streets will receive an asphalt overlay this summer:

Northwest

Grant Whipple-House
Vine Liberty-Olympian
Cleveland House-Burton
Cleora Dr Sun Valley-Poff

Southwest

McKinley St. Lawrence-Roosevelt
Moore Shirland-Liberty
St Lawrence Mckinley-Townline

Northeast

Wilson Summit-Henry
Porter Ave. Summit-Henry
Fayette Av Summit-Henry
Aldrich Pl. Wilson-Fayette
Yates Summit-Henry
Sheridan Chapman-Summit
Copeland Park-Wisconsin
Morse Pine intersection
Morse Spruce Intersection
Hawthorne Cul de Sac

Southeast

Cemetery Between blocks 4 & 8
Clary St. Park-Wisconsin
Woodward Park-Wisconsin

Revised 07/1/2013

**Questions should be directed to Mike Flesch in
Engineering at 364-6690**

**RESOLUTION
AWARDING CONTRACT C13-15
UTE STANDPIPE REPAINTING & REPAIR**

WHEREAS, on July 26, 2013, five competitive bids were received, the low bid being from L. C. United Painting Co.;

WHEREAS, L. C. United Painting Co. is a qualified bidder.

THEREFORE, BE IT RESOLVED that Contract C13-15, Ute Standpipe Repainting & Repair, be, and hereby is, awarded to L. C. United Painting Co. , Sterling Heights, MI, in the following amounts:

L. C. United Painting Co.
3525 Barbara Dr
Sterling Heights, MI 48310

Base Bid	\$ 219,000.00
<u>Allowance for Change Orders and/or Extra Work</u>	<u>\$ 32,850.00</u>
TOTAL PROJECT COST	\$ 251,850.00

BE IT FURTHER RESOLVED that the amount of \$251,850.00, be, and hereby is, funded as follows:

<u>P2605519-5511-2010 Well 11 Building/ Construction</u>	<u>\$251,850.00</u>
TOTAL	\$251,850.00

Dated at Beloit, Wisconsin this 5th day of August 2013.

BELOIT CITY COUNCIL

Charles M. Haynes, President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Award of Contract C13-15, Ute Standpipe Repainting & Repairs

Date: August 5, 2013

Presenter(s): Greg Boysen, Public Works Director

Department(s): Public Works/Engineering

Overview/Background Information:

This project will provide maintenance access and safety devices for the Ute Street standpipe, as well as providing a painted interior and exterior to the structure to improve its appearance and corrosion resistance.

Key Issues (maximum of 5):

1. Five bids were received and accepted for this project. The low bid of \$219,000.00 was from L. C. United Painting Co. and is 37% lower than the engineer's estimate of \$350,000.00.
2. L. C. United Painting Co. is considered a responsible bidder for this project.
3. The costs for this project are as follows: \$219,000.00 for construction, \$32,850.00 for Change Orders or extra work, for a total of \$251,850.00.

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

1. **Develop a high quality community through the responsible stewardship and enhancement of City resources to further Beloit's resurgence as a gem of the Rock River Valley.**
 - This project will prolong the serviceable life of the water tower, which is a crucial component in providing potable water to the City's inhabitants and businesses.
2. **Proactively partner with individuals and businesses to promote a safe and healthy community, minimize personal injury, prevent loss of life and protect property and natural resources.**
 - This project will provide several safety features for the people that will maintain and inspect the water tower

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

- **Reduce dependence upon fossil fuels**
n/a
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**
n/a
- **Reduce dependence on activities that harm life sustaining eco-systems**
n/a
- **Meet the hierarchy of present and future human needs fairly and efficiently**
This project will provide several safety features for people who would need to inspect and service the water tower. It will also protect the steel structure from weathering, which will extend the serviceable life of the water tower.

Action required/Recommendation:

The Engineering Division recommends awarding this Public Works Contract to L. C. United Painting Co. in the amount of \$251,850.00.

Fiscal Note/Budget Impact:

Funding is available in the 2013 Capital Budget.

CITY OF BELOIT

DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch & Harry Mathos
FROM: Scott Schneider, Project Engineer
DATE: July 26, 2013
SUBJECT: Bid Results for Contract C13-15
Ute Standpipe Repainting & Repairs

Pursuant to advertisements placed July 11 and July 18, bids were received until 2:00 PM on July 26 for the Ute Standpipe Repainting & Repairs. A tabulation of bids is attached.

Five bids were received and accepted for this project as follows:

L. C. United Painting Co.	Sterling Heights, MI	\$ 219,000.00	*Low Bid*
L & T Painting Inc	Clinton, MI	\$ 327,650.00	
Classic Protective Coatings	Menomonie, WI	\$ 341,644.00	
<i>Engineer's Estimate</i>		\$ 350,000.00	
Utility Services Co, Inc	Perry, GA	\$ 395,700.00	
Graydaze Contracting, Inc.	Alpharetta, GA	\$ 529,520.00	

Upon review of the Contractor's Proof of Responsibility Statement, L. C. United Painting Co. is determined to be a responsible bidder.

I recommend that the contract be awarded to L. C. United Painting Co. of Sterling Heights, MI. The following is a breakdown of the proposed project cost:

COSTS

Base Bid	\$ 219,000.00
Allowance for Change Orders and/or Extra Work	<u>\$ 32,850.00</u>
TOTAL PROJECT COST	\$ 251,850.00

PROJECT INFORMATION

This project will provide maintenance access and safety devices for the Ute Street standpipe, as well as providing a painted interior and exterior to the structure to improve its appearance and corrosion resistance.

Beloit, Wisconsin - July 26, 2013 - 2:00 P.M.

500,000 Gallon Standpipe (Ute Street) - Exterior Repaint with Containment, Wet Interior Repaint, and Miscellaneous Repairs

	LC United	L & T Painting Inc	Classic Protective Coatings	Utility Service	Graydaze	TMI Coatings
	Sterling Hgts, MI	Clinton MI	Menomonie, WI	Perry, GA	N. Charleston, SC	St. Paul, MN MI
Section 030100.1						
Crack Repair (1)	\$1,500.00	\$1,000.00	\$1,250.00	\$2,500.00	\$250.00	
Section 0500 00						
Sidewall Manway (1)	\$6,500.00	\$5,500.00	\$6,800.00	\$8,000.00	\$27,277.00	
Wet Interior Roof Hatch (2)	\$3,000.00	\$2,000.00	\$2,200.00	\$3,500.00	\$16,575.00	
Overflow Flap Gate (3)	\$1,500.00	\$1,500.00	\$2,800.00	\$1,500.00	\$6,455.00	
Fall Prevention Device (4)	\$4,000.00	\$5,000.00	\$4,500.00	\$2,500.00	\$12,493.00	
Remove Ladder Cage (5)	\$700.00	\$2,000.00	\$2,000.00	\$4,000.00	\$13,633.00	
Roof Vent (6)	\$5,000.00	\$4,000.00	\$5,800.00	\$6,000.00	\$12,915.00	
Safety Rail (7)	\$11,300.00	\$14,000.00	\$30,200.00	\$10,000.00	\$111,072.00	
Total Section 05 (1-7)	\$32,000.00	\$34,000.00	\$54,300.00	\$35,500.00	\$200,420.00	
Section 0997 13						
Ext Repaint w/Containment (1)	\$103,500.00	\$154,700.00	\$150,094.00	\$213,500.00	\$174,150.00	
Wet Interior Repaint (2)	\$79,500.00	\$134,950.00	\$120,000.00	\$139,700.00	\$152,000.00	
Seam Sealer (3)	\$2,500.00	\$3,000.00	\$6,000.00	\$4,500.00	\$2,700.00	
Total Section 09 (1-3)	\$185,500.00	\$292,650.00	\$276,094.00	\$357,700.00	\$328,850.00	
Project Total	\$219,000.00	\$327,650.00	\$331,644.00	\$395,700.00	\$529,520.00	
Lump Sum Given on Bid Form	\$219,000.00	\$327,650.00	\$341,644.00	\$395,700.00	\$529,520.00	
Bid Bond	yes	yes	yes	yes	yes	yes

Bid rejected due to failure to provide Affidavit & Statement on Plans & Specifications and the Disclosure of Ownership Forms

**RESOLUTION
AWARDING CONTRACT C13-14
SHIRLAND AVENUE BRIDGE SEAL**

WHEREAS, on July 25, 2013, four competitive bids were received, the low bid being from Concrete Structures, Inc.; and

WHEREAS, Concrete Structures, Inc. is a qualified bidder.

THEREFORE BE IT RESOLVED that Contract C13-14, Shirland Bridge Seal, be, and hereby is, awarded to Concrete Structures, Inc., Janesville, WI, in the following amounts:

Concrete Structures, Inc.
3006 Bond Place
Janesville, WI 53548-3218

Base Bid	\$ 53,500.00
<u>Allowance for Change Orders and/or Extra Work</u>	<u>\$ 7,500.00</u>
TOTAL PROJECT COST	\$ 61,000.00

BE IT FURTHER RESOLVED, that the amount of \$61,000.00, be, and hereby is, funded as follows:

<u>P2902187-5514-2011 Street Maintenance</u>	<u>\$61,000.00</u>
TOTAL	\$61,000.00

Dated at Beloit, Wisconsin this 5th day of August 2013.

BELOIT CITY COUNCIL

Charles M. Haynes, President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Award of Contract C13-14, Shirland Bridge Seal

Date: August 5, 2013

Presenter(s): Greg Boysen Public Works Director

Department(s): Public Works/ Engineering

Overview/Background Information:

This project will replace the east strip seal for the Shirland Avenue Bridge over the Rock River.

Key Issues (maximum of 5):

1. Four bids were received for this project. The low bid of \$53,500.00 was from Concrete Structures, Inc. and is 20.4% less than the engineer's estimate of \$67,200.00.
2. Concrete Structures, Inc. is considered a responsible bidder for this project.
3. The costs for this project are as follows: \$53,500.00 for construction, \$ 7,500.00 for Change Orders or extra work, for a total of \$61,000.00.

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

1. **Develop a high quality community through the responsible stewardship and enhancement of City resources to further Beloit's resurgence as a gem of the Rock River Valley.**

This repair project is necessary to protect the bridge bearings from corrosive road salt. Coupled with biannual routine maintenance of the strip seals, this bridge will last for many years to come.

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

- **Reduce dependence upon fossil fuels**
n/a
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**
n/a
- **Reduce dependence on activities that harm life sustaining eco-systems**
n/a
- **Meet the hierarchy of present and future human needs fairly and efficiently**
This project will extend the life of the bridge by protecting the bearings from corrosion.

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

Action required/Recommendation:

The Engineering Division recommends awarding this Public Works Contract to Concrete Structures, Inc. in the amount of \$53,500.00.

Fiscal Note/Budget Impact:

There is a sufficient balance in a prior year street maintenance account to fund this repair.

CITY OF BELOIT

DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch
FROM: Andy Hill, Project Engineer 
DATE: July 25, 2013
SUBJECT: Bid Results for Contract C13-14
Shirland Bridge Seal

Pursuant to advertisements placed July 10 and July 17, bids were received until 3:30 PM on July 25 for the Shirland Bridge Seal. A tabulation of bids is attached.

Four bids were received for this project as follows:

1. Concrete Structures, Inc.	Janesville, WI	\$ 53,500.00	*Low Bid*
2. Norcon Corp.	Schofield, WI	\$ 54,605.00	+2.1%
3. NuGen Johnson, LLC	Milwaukee, WI	\$ 60,813.00	+13.7%
Engineer's Estimate		\$ 67,200.00	
4. Zenith Tech, Inc.	Waukesha, WI	\$126,250.00	+136.0%

Upon review of the Contractor's Proof of Responsibility Statement, Concrete Structures, Inc. is determined to be a responsible bidder.

I recommend that the contract be awarded to Concrete Structures, Inc. of Janesville, WI. The following is a breakdown of the proposed project cost:

COSTS

Concrete Structures, Inc. Base Bid	\$ 53,500.00
Allowance for Change Orders and/or Extra Work	<u>\$ 7,500.00</u>
TOTAL PROJECT COST	\$ 61,000.00

PROJECT INFORMATION

This project will replace the east strip seal for the Shirland Avenue Bridge.

**Tabulation of Bids
Contract C13-14
Shirland Bridge Seal
Bids Opened July 25, 3:30 PM**

Item No.	Bid Item Description	Quantity	Unit	Engineer's Estimate		Concrete Structures, Inc. Janesville, WI	
				Price	Extended	Price	Extended
1	Mobilization, Administrative and Overhead	1	LS	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
2	Traffic Control	1	LS	\$2,800.00	\$2,800.00	\$4,500.00	\$4,500.00
3	Demolition and Removals	1	LS	\$16,000.00	\$16,000.00	\$10,000.00	\$10,000.00
4	Cleaning, Sandblasting, Painting	1	LS	\$10,000.00	\$10,000.00	\$5,000.00	\$5,000.00
5	Concrete Masonry - Bridges	1	LS	\$17,400.00	\$17,400.00	\$14,000.00	\$14,000.00
6	Strip Seal and Sidewalk Cover Plate	1	LS	\$17,000.00	\$17,000.00	\$16,000.00	\$16,000.00
Total Proposal				\$67,200.00		\$53,500.00	

**Tabulation of Bids
Contract C13-14
Shirland Bridge Seal
Bids Opened July 25, 3:30 PM**

Item No.	Bid Item Description	Quantity	Unit	Norcon Corp. Schofield, WI		NuGen Johnson, LLC Milwaukee, WI		Zenith Tech, Inc. Waukesha, WI	
				Price	Extended	Price	Extended	Price	Extended
1	Mobilization, Administrative and Overhead	1	LS	\$5,500.00	\$5,500.00	\$7,645.00	\$7,645.00	\$15,000.00	\$15,000.00
2	Traffic Control	1	LS	\$7,200.00	\$7,200.00	\$4,830.00	\$4,830.00	\$15,000.00	\$15,000.00
3	Demolition and Removals	1	LS	\$9,700.00	\$9,700.00	\$18,394.00	\$18,394.00	\$20,000.00	\$20,000.00
4	Cleaning, Sandblasting, Painting	1	LS	\$4,300.00	\$4,300.00	\$5,800.00	\$5,800.00	\$8,500.00	\$8,500.00
5	Concrete Masonry - Bridges	1	LS	\$6,905.00	\$6,905.00	\$10,013.00	\$10,013.00	\$45,500.00	\$45,500.00
6	Strip Seal and Sidewalk Cover Plate	1	LS	\$21,000.00	\$21,000.00	\$14,131.00	\$14,131.00	\$22,250.00	\$22,250.00
Total Proposal				\$54,605.00		\$60,813.00		\$126,250.00	

**RESOLUTION
APPROVING CONTRACT FOR SALE/PURCHASE OF CLEAN MIXED PAPER
BETWEEN THE CITY OF БЕLOIT AND
BELOIT BOX BOARD COMPANY, INC.**

The City Council of the City of Beloit, Rock County, Wisconsin, hereby resolves that the attached "Contract for Sale/Purchase of Clean Mixed Paper" between the City of Beloit and Beloit Board Company, Inc. be, and the same is hereby, approved.

BE IT FURTHER RESOLVED that the City Manager of the City of Beloit be, and he is hereby, authorized to execute the agreement on behalf of the City.

Adopted this 5th day of August, 2013.

City Council of the City of Beloit

Charles M. Haynes, President

Attest:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Award for Public Works Contract – Sale/Purchase of clean mixed paper

Date: August 5, 2013

Presenter(s): Christine Walsh

Department(s): Public Works

Overview/Background Information:

Award for Public Works contract – Sale/Purchase of the cities clean mixed paper, at Beloit Boxboard Company Inc., facility located at 801 Second St, Beloit, Wisconsin 53511.

The City has had a long standing contract with Beloit Boxboard Company Inc., since July 1997(16 years). This contract is in the best interest of both parties to update and continue with the partnership.

Key Issues:

1. The parties agreed that the city will take 100% of its clean mixed paper collected daily to Beloit Box Board Company, Inc.
 2. The city will be paid Chicago Market low side actual price for pulp and paper grade #2, however in no case will the city receive less than \$20.00 nor more than \$100.00 per 2000 pounds.
 3. Term of this contract is 10 years.
-

Conformance to Strategic Plan:

1. Promotes a safe and healthy community.
 2. Protects our natural resources.
-

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

- **Reduce dependence upon fossil fuels**
Energy savings by reusing recycled paper.
 - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**
Materials will be processed as boxboard and reused.
 - **Reduce dependence on activities that harm life sustaining eco-systems**
Recycling and reuse of paper saves landfill space prevents air, water and soil pollution.
 - **Meet the hierarchy of present and future human needs fairly and efficiently**
Recycled paper to be reused and manufactured into boxboard.
-

Action required/Recommendation:

- Allow City Manager to enter into a contract with Beloit Boxboard Company, Inc.
-

Fiscal Note/Budget Impact:

Possible annual revenue using five year average at \$62.17/ton would be \$73,982.30

Attachments:

CONTRACT FOR SALE/PURCHASE OF CLEAN MIXED PAPER

THIS AGREEMENT is made and entered into this 1st day July, 2013, by and between the CITY OF BELOIT, a Wisconsin municipal corporation, with its principal place of business located at 100 State Street, Beloit, Wisconsin 53511 (hereinafter referred to as “Seller”) and BELOIT BOX BOARD COMPANY, INC., a Wisconsin corporation, with its principal place of business located at 801 Second Street, Beloit, Wisconsin 53511 (hereinafter referred to as “Buyer”).

WHEREAS, Buyer desires to purchase clean mixed paper collected by Seller; and

WHEREAS, Seller wishes to sell clean mixed paper to Buyer.

NOW, THEREFORE, Buyer and Seller agree as follows:

1. **PURCHASES:** Seller agrees to sell to Buyer and Buyer agrees to purchase from Seller all clean mixed paper collected by Seller, from curbside collection, at Seller’s facilities and Seller’s recycling drop-off center. The parties agree that Seller will deliver approximately 100% of its clean mixed paper collected to Buyer on a daily basis. In this contract, “mixed paper” means magazines, newspaper and office paper as these terms are defined in Wis. Adm. Code, Sec. NR544.03 and any other clean paper, including paperboard, corrugated containers, and computer paper. Mixed paper shall be deemed “clean” if it is free of contamination such as plastics, wood, metal and Styrofoam to the extent that it is marketable as recyclable.

2. **INITIAL TERM OF CONTRACT AND RENEWAL:** The initial term of this contract shall be ten (10) years which shall begin on July 1, 2013 and end of June 30, 2023. This contract may also be terminated by mutual written agreement of both parties.

3. **PRICE:** Upon receipt of the mixed paper, Buyer shall weigh the mixed paper on Buyer’s scales. Buyer shall provide Seller with a weight ticket or slip for each load of mixed paper. Seller shall invoice Buyer at the end of each month for mixed paper delivered to Buyer during that month. Invoices shall be sent to Buyer at P.O. Box 386, Beloit, WI 53512. Buyer shall pay Seller’s invoice within ten (10) days after receipt. Buyer agrees to pay Seller for mixed paper at the current RISI price calculated on the Midwest, Chicago market low side actual price for pulp and paper grade #2; provided, however, that in no case will Buyer pay less than \$20.00 nor more than \$100.00 per 2000 pounds. Buyer will issue Seller a purchase order each month with this price included. That price shall be applicable to all mixed paper delivered to Buyer during the month of publication, unless otherwise agreed in writing by the parties. Buyer agrees to provide Seller with current and accurate copies of the RISI price publications showing the Midwest, Chicago market low side actual price for pulp and paper grade #2 on at least a monthly basis or as requested by the Seller. If the paper upon delivery is deemed to be wet, then effective weight for billing purposes equals the actual weight minus five percent (5%).

4. **STANDARDS AND PRACTICES:** Buyer and Seller agree to observe and comply with the standards and practices described in the “Scrapers Specifications Circular 2013” attached hereto and incorporated herein by reference.

5. **DELAYS IN PERFORMANCES:** Neither party shall be liable for any delays in performance caused by fire, flood, strike, lockout, embargo, war or any other cause beyond the control of that party.

6. **INSURANCE:** Buyer shall, at its expense, procure the following insurance policies from insurance companies licensed to do business in the state of Wisconsin in amounts and coverages not less than hereinafter set forth. All insurance companies and required enforcements shall be approved by Seller’s attorney prior to the execution of this Agreement.

a. **Commercial General Public Liability Insurance.** Buyer shall procure a commercial general liability policy providing coverage at least as broad as Insurance Services Commercial General Liability Form, including coverage for products liability, completed operations, contractual liability, explosion, and collapse with the following minimum limits and coverages:

General Aggregate Limit (other than Products/Completed Operations)	\$2,000,000
Products/Completed Operations (aggregate limit)	\$2,000,000
Personal & Advertising Injury Limit	\$1,000,000
Each Occurrence Limit	\$1,000,000
Fire Damage Limit/Any One Fire	\$250,000

The commercial general liability policy will include protection for:

- Bodily injury and property damage liability arising from premises, operations, products and complete operations.
- Contract liability coverage for this Agreement and related contracts, including subcontracts.
- Coverage for bodily injury or personal injury inflicted by one Buyer employee upon another.

b. **Worker’s Compensation Policy.** Buyer shall provide a worker’s compensation insurance policy with limits established by Wisconsin Statutes.

c. **Professional Liability.**

Limits:

\$1,000,000 each claim

\$1,000,000 annual aggregate

Coverage:

Must continue coverage for two (2) years after final acceptance for service/job.

d. **Commercial Automobile Liability Insurance.** Buyer shall provide commercial automobile liability insurance with coverage at least as broad as Insurance Services Office Business Automobile Form with minimum limits of \$1,000,000 combined single limit per accident for bodily injury and property damage, provided on a Symbol #1 – “Any Auto” basis.

- Uninsured/Underinsured motorist liability coverage at full policy limits.
- Cross-suits.
- Bodily injury and property damage for the transportation of mobile equipment by a vehicle owned or operated by Buyer or rented or leased to Buyer.

e. **Umbrella Liability.** Buyer shall provide an umbrella liability policy providing coverage at least as broad as the underlying commercial general liability, automobile liability, professional liability, and employers’ liability with a minimum limit of \$2,000,000 each occurrence and \$2,000,000 aggregate, and a maximum self-insured retention of \$10,000.

f. **Certificate of Insurance.** Buyer shall provide Seller with a certificate of insurance coverage required by this Agreement. The certificate shall name Seller as an additional insured and shall provide that the policies of insurance shall not be canceled or altered without thirty (30) days prior written notice of Seller.

g. It is hereby agreed and understood that the insurance required herein is primary coverage and that any insurance or self-insurance maintained by Seller, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. All insurance shall be in full force during the entire term of this Agreement and remain in force until the expiration thereof.

7. **INDEMNIFICATION:** Each party agrees to indemnify and hold the other party harmless from liability for injuries to persons or damage to property caused by the acts or omissions of that party, its officers, employees, or agents. The provisions of this section shall survive the termination of this Agreement.

8. **USE OF DOCUMENTS:** Any written documents, including, but not limited to, reports, plans, assessments, etc. are prepared for, and for the sole use of, Seller and the contents thereof may not be used or relied upon by any other person without express written consent and authorization of Buyer.

9. **NONDISCRIMINATION:** Buyer will not discriminate against any qualified employee or qualified applicant for employment because of race, color, national origin, ancestry, religion, age, marital status, disability, sex, or sexual orientation. In the event any portion of this Agreement is subcontracted by Buyer, said subcontract shall include a provision prohibiting the subcontractor from discriminating against any qualified employee or qualified applicant for employment because of race, color, national origin, ancestry, religion, age, marital status, disability, sex, or sexual orientation. This provision is inserted herein in compliance with Section 1.09 of the Code of General Ordinances of the City of Beloit, and shall be interpreted so as to carry out the intent of said ordinance.

10. **AFFIRMATIVE ACTION.** Buyer agrees to adopt an affirmative action plan to increase in its partners, associates, and employees members of under-represented groups in all of its departments, job classifications, and salary categories. In the event that Buyer subcontracts any portion of this Agreement, Buyer will include, in its subcontracts, a requirement that its subcontractors adopt an affirmative action plan. Buyer will also include a requirement that its subcontractors include a similar requirement in their contracts with their subcontractors. This provision is inserted herein in compliance with Section 1.09 of the Code of General Ordinances of the City of Beloit, and shall be interpreted so as to carry out the intent of that ordinance.

11. **DEFAULT:** Either party shall be in default under this Agreement if that party:
- a. Becomes insolvent or makes an assignment for the benefit of creditors, or files a petition in bankruptcy, or such a petition is filed against and consented to by that party, or is not dismissed within thirty (30) days, or if a party is adjudicated a bankrupt, or if a bill in equity or other proceeding for the appointment of a receiver or other custodian for that party's business or assets is filed and is consented to or is not dismissed within thirty (30) days, or receiver or other custodian is appointed, or if proceeding for composition with creditors under a state or federal law should be instituted by or against that party or if the real or personal property of that party shall be sold at levy by any Sheriff, Marshall or Constable; or,
 - b. Fails to comply with the obligations imposed upon the respective party under this Agreement.

12. **CURE OF DEFAULT:** If either party defaults in the performance of its obligations under this Agreement, the non-defaulting party shall give the defaulting party a written notice of default and an opportunity to cure that default within five (5) days. Notice shall be given in accordance with Paragraph 19 of this Agreement.

13. **REMEDIES:** If a defaulting party fails to cure its default within five (5) days, the non-defaulting party may, in addition to all other remedies at law or in equity, rescind this Agreement. Such rescission shall be effective immediately upon delivery of its notice of rescission in accordance with Paragraph 19 of this Agreement.

14. **WAIVER:** The waiver of any default in performance of any of the obligations under this Agreement shall not be construed as a waiver of any subsequent default in the performance of any obligation under this Agreement.

15. **GOVERNING LAWS:** This Agreement shall be governed by the laws of the state of Wisconsin.

16. **ENTIRE AGREEMENT:** This Agreement constitutes the entire agreement between the parties.

17. **AMENDMENTS:** This Agreement may be amended only by written mutual consent of both parties.

18. **ASSIGNMENT:** Neither party shall assign its interest in this Agreement without the written consent of the other party.

19. **NOTICES:** Notices required by this Agreement may be personally served or delivered by registered or certified mail addressed to the other party at the following addresses:

Buyer: Beloit Box Board Company, Inc.
801 Second Street
Beloit, WI 53511

Seller: City of Beloit
Department of Public Works Operation Facility
100 State Street
Beloit, WI 53511

20. **CORPORATE AUTHORITY:** Each of the undersigned represent that they are authorized to enter into this Agreement by the governing body of their respective corporations.

APPROVALS

By signing we agree to this statement of work and responsibility for work described above, as well as the income of this Agreement.

Dated this _____ day of _____, 2013.

CITY OF BELOIT, SELLER

By: _____
Larry Arft, City Manager

BELOIT BOX BOARD, BUYER

By: _____
(signature)

(print name)

Its _____
(print title)

Guidelines for Paper Stock: PS-2013–Domestic Transactions

Paper Stock: Domestic Transactions

Preamble

These standards and practices apply to paper stock for repulping only and are for use in the United States, Canada, and Mexico. Transactions may be modified by mutual agreement between Buyer and Seller.

Basic to the Success of any Buyer-Seller Relationship is an Atmosphere of "Good Faith."

In keeping with this, the following principles have been established:

1. Seller must use due diligence to ascertain that shipments consist of properly packed paper stock and that shipments are made during the period specified.
2. Arbitrary deductions, cancellations and/or rejections by the Buyer are counter to acceptable good trade practices.
3. Seller shall provide the quality of paper stock agreed upon but shall not be responsible for the use of the paper stock or of the manufactured product.

I. The Purchase Agreement

Each transaction covering the purchase or sale of paper stock shall be confirmed in writing and include agreement on the following items:

1. **Quantity**
Where possible, the quantity shall always be specified in terms of a definite number of short tons of 2,000 lbs. each or metric tonnes of 2,204.6 pounds each.
 - a. When the quantity is specified in tons or tonnes, the order shall be considered completed when aggregate shipments are 5% under or over the quantity ordered.
 - b. When the quantity is specified in carloads or truckloads, a "load" shall be defined as a truck, trailer, or railcar loaded in accordance with the ISRI/AF&PA Shipping Guide.
 - c. The Buyer and Seller may establish minimum carload and/or truckload weights.
2. **Grades**
Where possible, each grade purchased shall be specified in accordance with the grade as defined in SECTION VI herein.
3. **Packing**
Unit type, i.e.: bales, skids, rolls, pallets, boxes, securely tied bundles or loose should be specified.

4. Pricing and Terms

The agreed price and payment terms shall be clearly stated.

5. Shipping Terms

Shipping terms shall be indicated with the use of phrases such as "f.o.b. shipping point" or "f.o.b. delivered."

6. Shipping Instructions

Shipping instructions should clearly specify shipping schedule, route, carrier and destination.

7. Shipping Period

The shipping period shall be understood to be within the same calendar month of the date of the order unless otherwise specified.

II. Fulfillment by the Seller

The practice of the Seller shall be in accordance with the following:

1. **Acceptance**
All orders shall be confirmed in writing.
2. **Grading**
Paper stock sold under the grade names appearing in SECTION VI shall conform to those grading definitions.
3. **Baling**
Each bale must be secured with a sufficient number of bale ties drawn tight to ensure a satisfactory delivery.
4. **Tare**
If agreed to by the Buyer, sides and headers may be used to make a satisfactory delivery of the bales but must not be excessive. The weight of skids, Gaylord boxes and other similar materials shall be deducted from the gross invoice weight.
5. **Loading**
Paper stock shall be loaded as follows:
 - a. Before they are loaded, railcars and trucks shall be free from objectionable materials and odors, and shall have sound floors and doors.
 - b. All loads should consist entirely of one grade of paper stock unless otherwise agreed to. When two or more grades are included in the same load, units of each grade should be kept together in a separate part of the railcar or truck.
 - c. Paper stock must be loaded in a manner that will minimize shifting and breakage. Excessive breakage due to improper loading can be cause for rejection.
 - d. Paper stock shall be loaded in accordance with industry safety best practices.

Please refer to the following guide for valuable safety information: <http://www.isri.org/safeshipping>
6. **Shipping Notice/Bill of Lading**
Shipping by Truck
A bill of lading or shipping notice shall accompany each shipment to the Buyer and should include the following:
 - a. Date of shipment
 - b. Release number (if applicable)

- c. Number of bales/rolls
- d. Grade of paper
- e. Name of trucking company, trailer number and driver's signature
- f. Shipper's signature

Shipping by Rail

When shipping by railcar, a bill of lading with shipping instructions shall be provided to the railroad and to the Buyer immediately upon release of the railcar and these documents should include the following:

- a. Date of shipment
- b. Release number (if applicable)
- c. Number of bales/rolls
- d. Grade of paper
- e. Car number
- f. Weighing instructions
- g. Routing
- h. Destination
- i. Shipper's signature

7. Invoicing

Invoices, if required, should conform to instructions on the order and include the following data:

- a. Date of shipment
- b. Railcar or truck number
- c. Customer's order number
- d. Release Number (if applicable)
- e. Shipper's invoice number
- f. FOB point
- g. Number of units (bales, rolls, skids etc.)
- h. Weight and grade
- i. Price and extension
- j. Payment terms

8. Rejection

When notified of a rejection, the Seller must, within two business days, advise the Buyer as to which of the following procedures the Seller has decided upon:

- a. Agree with the Buyer to a compromise acceptance and settlement.
- b. Inspect the quality of the rejected material. The inspection and final disposition by the Seller shall take place within three business days of the notification. By mutual agreement, this time limit may be exceeded.
- c. Order reshipment of the material.
- d. Request that the Buyer agree to submit the rejected shipment to arbitration.

III. Fulfillment by the Buyer

The practice of the Buyer shall be in accordance with the following:

Upon receipt of the shipment, the Buyer is to make all possible effort to inspect the contents while it is still loaded.

- a. **Acceptable Loads** (i.e. quality of paper stock, weight, bale integrity, moisture, order quantity, etc.)

if the shipment appears to be in accordance with the order, the shipping notice and other parameters as established between the Buyer and the Seller, the Buyer shall proceed with the unloading and shall provide the Seller with the receiving weights within **three** business days of unloading.

- b. **Unacceptable Loads** (i.e. quality of paper stock, weight, bale integrity, moisture, order quantity, etc.)

if the shipment does not appear to be in accordance with the order, the shipping notice or any other parameters as established between the Buyer and the Seller, the Buyer shall **immediately** notify the Seller.

the Buyer shall set aside any portion of the shipment that is controversial and take reasonable care to protect that paper stock from any external deterioration or contamination until the final disposition of that shipment is determined.

Buyer has 21 days to downgrade or reject

if the Buyer, at any time with **21** calendar days after receipt of a shipment, finds objectionable materials heretofore not visible, the Buyer shall have the right to downgrade or reject the paper stock and shall immediately notify the Seller. The Seller will then determine the final disposition of the shipment.

in the event of a rejection, the Buyer shall be responsible for any paper stock used by the Buyer, and the attendant freight, other than such quantity as may be considered reasonable for laboratory sampling or testing purposes.

IV. Miscellaneous Practices

1. Ownership

- a. When the shipment is purchased "f.o.b. shipping point" and is in accordance with the agreement covering the transaction, it becomes the property of the Buyer when loaded.
- b. When the shipment is purchased on a "delivered" basis and is in accordance with the agreement covering the transaction, it remains the property of the Seller until it is delivered to the Buyer.
- c. If the shipment is purchased on an "f.o.b. shipping point-specified freight allowed" basis and is in accordance with the agreement covering the transaction, it becomes the property of the Buyer when loaded on the transportation vehicle.

2. Carrier Selection

- a. F.O.B. Shipping Point. Selection of the carrier is at the discretion of the Buyer unless otherwise agreed.
- b. F.O.B. Delivered. Selection of the carrier is at the discretion of the Seller unless otherwise agreed.

- c. Any excess freight charges accruing on a shipment due to the failure to the Seller to adhere to the purchase agreement is the liability of the Seller.
- d. Any excess freight charges accruing on a shipment due to the failure of the Buyer to adhere to the purchase agreement is the liability of the Buyer.

3. Weight Discrepancies

No adjustments shall be made on any shipment of paper stock when the weight variation is 1% or less.

If the variation exceeds 1% the Seller may initiate a Weight Review by submitting a certified scale weight (showing the gross, tare and net of the load) and/or a loading tally showing individual bale weights. The Buyer shall then review the data and either:

- a. adjust the received weight, or
- b. decline the appeal, in which case the Buyer's weight shall prevail.

4. Moisture content

All paper must be packed air dry.

Where excess moisture is present in the shipment, the Buyer has the right to request an adjustment and if a settlement cannot be reached, the Buyer has the right to reject the shipment.

V. Arbitration

In the event of a dispute where agreement cannot be reached between Buyer and Seller, the dispute may be submitted to ISRI arbitration as long as one of the parties is a member of the association. Refer to ISRI Arbitration Services section of this document for further information.

VI. Grade Definitions

The definitions which follow describe grades as they should be sorted and packed. CONSIDERATION SHOULD BE GIVEN TO THE FACT THAT PAPER STOCK AS SUCH IS A SECONDARY MATERIAL PRODUCED MANUALLY AND MAY NOT BE TECHNICALLY PERFECT. Definitions may not specifically address all types of processes used in the manufacture or recycling of paper products. Specific requirements should be discussed between Buyer and Seller during negotiations.

Outthrows

The term "Outthrows" as used throughout this section is defined as "all papers that are so manufactured or treated or are in such a form as to be unsuitable for consumption as the grade specified."

Prohibitive Materials

The term "Prohibitive Materials" as used throughout this section is defined as:

- a. Any materials which by their presence in a packing of paper stock, in excess of the amount allowed, will make the packaging unusable as the grade specified.
- b. Any materials that may be damaging to equipment.

- c. All sorted recovered paper stock must be free of food debris, medical or hazardous wastes and poisonous or other harmful substances or liquids.
- d. Wax is a Prohibitive unless accepted and pre-approved by the Buyer.

A material can be classified as an "Outthrow" in one grade and as a "Prohibitive Material" in another grade. Carbon paper, for instance, is "UNSUITABLE" in Mixed Paper and is, therefore, classified as an "Outthrow," whereas it is "UNUSABLE" in White Ledger and in this case is classified as a "Prohibitive Material."

Other Acceptable Papers

The term "Other Acceptable Papers" as used throughout this section is defined as "all other papers that are deemed acceptable by the buyer and allowed in that buyer's pack up to the percentage allowed."

Glossary of Terms

A supplemental glossary of paper stock terms is located at the end of the Domestic Transactions section. The purpose of this limited list of terms is to help the user better understand specific grade definitions contained within this Circular.

(1) Residential Mixed Paper

Consists of a mixture of various qualities of paper not limited as to type of fiber content, normally generated from residential, multi-material collection programs.

Prohibitive Materials may not exceed	2%
Outthrows plus prohibitives may not exceed	5%

(2) Soft Mixed Paper

Consists of a clean, sorted mixture of various qualities of paper not limited as to type of fiber content.

Prohibitive Materials may not exceed	1%
Outthrows plus prohibitives may not exceed	5%

(3) Hard Mixed Paper (HMP)

Consists of a clean, sorted mixture of various qualities of paper containing less than 10% groundwood content.

Prohibitive Materials may not exceed	1/2 of 1%
Outthrows plus prohibitives may not exceed	3%

(4) Boxboard Cuttings

Consists of new cuttings of paperboard used in the manufacture of folding cartons, set-up boxes and similar boxboard products.

Prohibitive Materials may not exceed	1/2 of 1%
Outthrows plus prohibitives may not exceed	2%

(5) Mill Wrappers

Consists of paper used as outside wrap for rolls, bundles, or skids of finished paper.

Prohibitive Materials may not exceed	1/2 of 1%
Outthrows plus prohibitives may not exceed	3%

(6) Old Newspaper

Consists of sorted newspapers and other acceptable papers as typically generated by voluntary collection and curbside collection programs.

Prohibitive Materials may not exceed	2%
Outthrows plus prohibitives may not exceed	4%
Other acceptable papers may not exceed	30%

(7) Regular News, De-ink Quality (#7 ONP)

Consists of sorted, fresh newspapers, not sunburned, and other acceptable papers. This grade may contain magazines.

Prohibitive Materials may not exceed	1%
Outthrows plus prohibitives may not exceed	3%
Other acceptable papers may not exceed	20%

(8) Special News, De-ink Quality (#8 ONP)

Consists of sorted, fresh newspapers, not sunburned, and other acceptable papers. This grade is to be relatively free from magazines and contain not more than the normal percentage of rotogravure and colored sections.

Prohibitive Materials may not exceed	1%
Outthrows plus prohibitives may not exceed	2%
Other acceptable papers may not exceed	10%

(9) Over-Issue News (OI or OIN)

Consists of unused, overrun newspapers printed on newsprint, containing not more than the normal percentage of rotogravure and colored sections.

Prohibitive Materials	None permitted
Outthrows plus prohibitives	None permitted

(10) Magazines (OMG)

Consists of coated magazines, catalogues, and similar printed materials. May contain a small percentage of uncoated news-type paper.

Prohibitive Materials may not exceed	1%
Outthrows plus prohibitives may not exceed	3%

(11) Old Corrugated Containers (OCC)

Consists of corrugated containers having liners of either test liner or kraft.

Prohibitive Materials may not exceed	1%
Outthrows plus prohibitives may not exceed	5%

(12) Double-Sorted Old Corrugated (DS OCC)

Consists of double-sorted corrugated containers, generated from supermarkets and/or industrial or commercial facilities, having liners of test liner or kraft. Material has been specially sorted to be free of boxboard, off-shore corrugated, plastic, and wax.

Prohibitive Materials may not exceed	1/2 of 1%
Outthrows plus prohibitives may not exceed	2%

(13) New Double-Lined Kraft Corrugated Cuttings (DLK)

Consists of new corrugated cuttings having liners of either test liner or kraft. Treated medium or liners, insoluble adhesives, butt rolls, slabbed or hogged medium, are not acceptable in this grade.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	2%

(14) Fiber Cores

Consists of paper cores made from either recycled paperboard and/or linerboard, single or multiple plies. Metal or plastic end caps, wood plugs, and textile residues are not acceptable in this grade.

Prohibitive Materials may not exceed	1%
Outthrows plus prohibitives may not exceed	5%

(15) Used Brown Kraft

Consists of brown kraft bags free of objectionable liners and original contents.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	1/2 of 1%

(16) Mixed Kraft Cuttings

Consists of new brown kraft cuttings, sheets and bag scrap free of stitched paper.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	.1%

(17) Carrier Stock

Consists of printed or unprinted, unbleached new beverage carrier sheets and cuttings. May contain wet strength additives.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	1%

(18) New Colored Kraft

Consists of new colored kraft cuttings, sheets and bag scrap, free of stitched papers.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	1%

(19) Kraft Grocery Bag (KGB)

Consists of new brown kraft bag cuttings, sheets and misprint bags.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	1%

(20) New Kraft Multi-Wall Bag

Consists of new brown kraft multi-wall bag cuttings, sheets, and misprint bags, free of stitched papers.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	1%

(21) New Brown Kraft Envelope Cuttings

Consists of new unprinted brown kraft envelopes, cuttings or sheets.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	1%

(22) Mixed Flyleaf Shavings

Consists of trim of magazines, catalogs, inserts and similar printed matter, not limited with respect to groundwood, uncoated or coated stock, and may contain the bleed of cover and insert stock as well as beater-dyed paper and solid color printing.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	2%

(23) Telephone Directories

Consists of clean telephone directories printed for or by telephone directory publishers.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	1/2 of 1%

(24) White Blank News (WBN)

Consists of unprinted cuttings and sheets of white newsprint or other uncoated white groundwood paper of similar quality.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	1%

(25) Groundwood Computer Printout (GW CPO)

Consists of groundwood papers which are used in forms manufactured for use in data processing machines. This grade may contain colored stripes and impact or nonimpact (e.g., laser) computer printing.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	2%

(26) Publication Blanks (CPB)

Consists of unprinted cuttings or sheets of white coated or filled groundwood content paper.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	1%

(27) Coated Flyleaf Shavings

Consists of lightly printed trim from magazines, catalogs and similar printed matter, not limited with respect to groundwood, uncoated or coated stock. The bleed of cover, insert card stock, and beater-dyed paper may not exceed 2%.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	1%

(28) Coated Soft White Shavings (SWS)

Consists of unprinted, coated, and uncoated shavings and sheets of white groundwood-free printing paper. May contain a small percentage of groundwood.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	1%

(29) (Grade not currently in use)**(30) Hard White Shavings (HWS)**

Consists of shavings or sheets of unprinted, untreated white groundwood-free paper.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	1/2 of 1%

(31) Hard White Envelope Cuttings (HWEC)

Consists of groundwood-free cuttings, shavings, or sheets of unprinted, untreated, and uncoated white envelope paper.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	1/2 of 1%

(32) (Grade not currently in use)**(33) New Colored Envelope Cuttings**

Consists of groundwood-free cuttings, shavings, or sheets of untreated, uncoated bleachable colored envelope paper.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	2%

(34) (Grade not currently in use)**(35) Semi Bleached Cuttings**

Consists of sheets and cuttings of unprinted, untreated, groundwood-free paper such as file folder stock, untreated milk carton stock, or manila tag.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	2%

(36) Unsorted Office Paper (UOP)

Consists of printed or unprinted paper typically generated in an office environment that may include a document destruction process. This grade may contain white, colored, coated and uncoated papers, manila and pastel colored file folders.

Prohibitive Materials may not exceed	2%
Outthrows plus prohibitives may not exceed	10%

(37) Sorted Office Paper (SOP)

Consists of paper, as typically generated by offices, containing primarily white and colored groundwood-free paper, free of unbleached fiber. May include a small percentage of groundwood computer printout and facsimile paper.

Prohibitive Materials may not exceed	1%
Outthrows plus prohibitives may not exceed	5%

(38) (Grade not currently in use)**(39) Manifold Colored Ledger (MCL)**

Consists of sheets, shavings, and cuttings of industrially-generated printed or unprinted colored or white groundwood-free paper. All stock must be uncoated and free of nonimpact printing. A percentage of carbonless paper is allowable.

Prohibitive Materials may not exceed	1/2 of 1%
Outthrows plus prohibitives may not exceed	2%

(40) Sorted White Ledger (SWL)

Consists of uncoated, printed or unprinted sheets, shavings, guillotined books, and cuttings of white groundwood-free ledger, bond, writing, and other paper which has similar fiber and filler content.

Prohibitive Materials may not exceed	1/2 of 1%
Outthrows plus prohibitives may not exceed	2%

(41) Manifold White Ledger (MWL)

Consists of sheets, shavings, and cuttings of industrially-generated printed or unprinted white groundwood-free paper. All stock must be uncoated.

Prohibitive Materials may not exceed	1/2 of 1%
Outthrows plus prohibitives may not exceed	2%

(42) (Grade no longer in use)**(43) Coated Book Stock (CBS)**

Consists of coated groundwood-free paper, printed or unprinted in sheets, shavings, guillotined books and cuttings. A reasonable percentage of paper containing fine groundwood may be included.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	2%

(44) Coated Groundwood Sections (CGS)

Consists of printed, coated groundwood paper in sheets, sections, shavings or guillotined books. This grade may not include news quality groundwood paper.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	2%

(45) Lightly Printed Bleached Board Cuttings

Consists of groundwood-free printed bleached board cuttings, free from misprint sheets, cartons, wax, greaseproof lamination, metallic, and inks, adhesives or coatings that are insoluble.

Prohibitive Materials may not exceed	1/2 of 1%
Outthrows plus prohibitives may not exceed	2%

(46) Printed Bleached Board

Consists of groundwood-free misprint sheets, cartons and cuttings of bleached board, free from wax, greaseproof lamination, metallic, and inks, adhesives or coatings that are insoluble.

Prohibitive Materials may not exceed	1%
Outthrows plus prohibitives may not exceed	2%

(47) Unprinted Bleached Board

Consists of groundwood-free unprinted, untreated bleached board cuttings, sheets or rolls, free from wax, greaseproof lamination and adhesives or coatings that are insoluble.

Prohibitive Materials	None permitted
Outthrows plus prohibitives may not exceed	1%

(48) #1 Bleached Cup Stock (#1 Cup)

Consists of untreated cuttings or sheets of coated or uncoated cup base stock. Cuttings with slight bleed may be included. Must be free of wax, poly, and other coatings that are insoluble.

Prohibitive Materials None permitted
Outthrows plus prohibitives may not exceed 1/2 of 1%

(49) #2 Printed Bleached Cup Stock (#2 Cup)

Consists of printed, untreated formed cups, cup die cuts, and misprint sheets of coated or uncoated cup base stock. Glues must be water soluble. Must be free of wax, poly, and other coatings that are insoluble.

Prohibitive Materials None permitted
Outthrows plus prohibitives may not exceed 1%

(50) Unprinted Bleached Plate Stock

Consists of groundwood-free bleached coated or uncoated, untreated and unprinted plate cuttings and sheets.

Prohibitive Materials None permitted
Outthrows plus prohibitives may not exceed 1/2 of 1%

(51) Printed Bleached Plate Stock

Consists of groundwood-free bleached coated or uncoated, untreated printed plates and sheets. Must be free of coatings or inks that are insoluble.

Prohibitive Materials None permitted
Outthrows plus prohibitives may not exceed 1%

(52) Aseptic Packaging and Gable-Top Cartons

Consists of liquid packaging board containers including empty, used, polyethylene (PE)-coated, printed one-side aseptic and gable-top cartons containing no less than 70% bleached chemical fiber and may contain up to 6% aluminum foil and 24% PE film.

Prohibitive Materials may not exceed 2%
Outthrows plus prohibitives may not exceed 5%

Specialty Grades

The grades listed below are produced and traded in carload and truckload quantities throughout the United States, and because of certain characteristics (i.e., the presence of wet strength, polycoatings, plastic, foil, carbon paper, hot melt glue), are not included in the regular grades of paper stock. However, it is recognized that many mills have special equipment and are able to utilize large quantities of these grades. Since many paper mills around the world do use these specialty grades, they are being listed with appropriate grade numbers for easy reference.

The Paper Stock Industries Chapter of ISRI is not establishing specific specifications, which would refer to such factors as the type of wet strength agent used, the percentage of wax, the amount of polycoating, whether it is on top of or under the printing, etc. The specification for each grade should be determined between Buyer and Seller, and it is recommended that purchase be made based on sample.

These specialty grades are as follows:

- 1-S White Waxed Cup Cuttings
- 2-S Printed Waxed Cup Cuttings
- 3-S Poly Coated Cup Stock
- 4-S Polycoated Bleached Kraft-Unprinted
- 5-S Polycoated Bleached Kraft-Printed
- 6-S Polycoated Milk Carton Stock
- 7-S Polycoated Diaper Stock
- 8-S Polycoated Boxboard Cuttings
- 9-S (This Grade No Longer in Use)
- 10-S Printed and/or Unprinted Bleached Sulphate Containing Foil
- 11-S Waxed Corrugated Cuttings
- 12-S Wet Strength Corrugated Cuttings
- 13-S (This Number Not Currently in Use)
- 14-S Beer Carton Scrap
- 15-S Contaminated Bag Scrap
- 16-S Insoluble Glued Free Sheet Paper and/or Board (IGS)
- 17-S White Wet Strength Scrap
- 18-S Brown Wet Strength Scrap
- 19-S Printed and/or Colored Wet Strength Scrap
- 20-S File Stock
- 21-S (This Number Not Currently in Use)
- 22-S Ruled White
- 23-S Flyleaf Shavings Containing Hot Melt Glue
- 24-S (This Number Not Currently in Use)
- 25-S Books with Covers
- 26-S (This Number Not Currently in Use)
- 27-S (This Number Not Currently in Use)
- 28-S (This Number Not Currently in Use)
- 29-S (This Number Not Currently in Use)
- 30-S Plastic Windowed Envelopes
- 31-S Textile Boxes
- 32-S Printed TMP
- 33-S Unprinted TMP
- 34-S Manila Tabulating Cards
- 35-S Sorted Colored Ledger
- 36-S Computer Printout (CPO)

Glossary of Paper Stock Terms for Both Domestic and Export Transactions

The following is a glossary of paper stock terms used within section VI, Grade Definitions, of the Guidelines for Paper Stock for both Domestic and Export Transactions. These terms are not intended as a dictionary, but as a guide to help the Circular user better understand specific grade definitions as used in the recovered paper industry.

- ADHESIVES:** Bonding substances that are non-water soluble are considered contaminants in pulp subs, groundwood and deinking grades.
- BEATER-DYED:** Paper dyed or colored during the paper manufacturing process.
- BLEACHED:** Paper that has been whitened by chemicals.
- BOARDS:** Paperboard 0.006 inch or thicker.
- BOGUS:** Paper of inferior quality to a standard grade.
- BOXBOARD:** Paperboard made from a variety of recovered fibers having sufficient folding properties and thickness to be used to manufacture folding or set-up boxes.
- CHEMICAL WOOD-FIBER PULP:** Generic for cellulose fiber isolated and purified by a chemical digestive process.
- CHIPBOARD:** Uncoated, non-folding paperboard made from a variety of recovered papers, having sufficient strength and structural properties to be used to manufacture game boards, book covers, notebook backing and similar products.
- COATINGS:** A layer of adhesives, clays, varnish or any barrier applied to paper.
- CONTAINERBOARD:** Linerboard and corrugated medium used to manufacture shipping containers.
- CORES:** Paper tubes on which rolls of paper may be wound for shipment.
- CORRUGATED CONTAINERS:** Shipping containers made with kraft paper linerboard and corrugated medium.
- CUTTINGS:** Paper stock by-product of paper converting operations.
- FILLER/FILLED:** Denotes papers that have minerals (clays or other pigments) added for improving quality or color.
- FLYLEAF/SHAVINGS:** Trim scrap from printing operations.
- FREESHEET:** Paper that contains less than 10% groundwood fiber (synonym: groundwood-free).
- GROUNDWOOD:** Paper made with fibers produced without chemical pulping.
- GILT:** Metallic (gold or silver) inks used in printing.
- HOGGED:** Paper that has been mechanically torn or ripped to reduce its original size.
- HOT-MELT:** A type of glue or adhesive applied while hot/warm. Considered a contaminant in some grades.
- IMPACT (PRINTING):** A paper printing process that physically applies ink to the paper surface.
- INSOLUBLE GLUES:** Glues that won't dissolve (break down) in water.
- JUTE:** Strong, long-fibered pulp made from hemp.
- KRAFT:** Paper made from sulfate pulp (synonyms: brown and strong).
- LAMINATED:** Paper manufactured by fusing one or more layers of paper together.
- LINERBOARD:** Outside layers of a combination board used to manufacture corrugated shipping containers.
- MANIFOLD:** May denote continuous forms or business forms with several parts (may be interleaved with carbon paper or be carbonless papers).
- MEDIUM:** The inner corrugated fluted material used to manufacture corrugated shipping containers.
- NON-IMPACT:** Papers having printing images formed without impact.
- OFF-SHORE/ASIAN:** Denotes corrugated shipping containers manufactured overseas and containing bogus liners or medium. (Color is somewhat lighter/more yellow than North American produced materials).
- PAPERBOARD:** Denotes paper products used for packaging (corrugated boxes, folding cartons, set-up boxes, etc.).
- ROTOGRAVURE:** A paper printing (intaglio) process typically used to create the highest quality of smoothness on coated and uncoated papers. Excess quantities are considered an outthrow in grades #7, #8, and #9.
- SECTIONS:** Unbound, unused printed material with full ink coverage.
- SHAVINGS:** Trim from converting and bindery operations.
- SIGNATURES:** A section of book obtained by folding a single sheet of printing paper.
- SLABBED:** Type of paper stock normally generated by cutting rolls.
- SULFITE:** Papers and boards made from pulps made from an acid process.
- SULPHATE:** Papers and boards made from alkaline processed pulps.
- TEST LINER:** Liners, which are the outer ply of any kind of paperboard, containing 100% recycled material.
- TMP:** Thermomechanical pulp.
- TREATED:** Paper manufactured with additives.
- TRIM:** Cuttings of paper stock generated at converting or bindery operations which normally have little or no printing.
- ULTRA-VIOLET (UV) INKS/COATINGS:** Papers having inks or coatings dried by utilizing an ultraviolet radiation method. Considered a contaminant in deinking grades.
- WET STRENGTH:** Papers that have been treated with a moisture-resistant chemical that inhibits pulping.

ORDINANCE NO. _____

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 1.04 OF THE
CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT
RELATING TO CERTAIN RESIDENCY REQUIREMENTS FOR
CERTAIN MUNICIPAL EMPLOYEES**

WHEREAS, Section 1.04 of the City of Beloit Municipal Code entitled *Appointed Officials* includes various residency requirements for certain listed management positions; and

WHEREAS, while the City has modified the residency standards from time to time, they have been in place and in force within the organization for many years; and

WHEREAS, in the 2013-2015 State biennial budget, the legislature inserted a provision, which was signed by the Governor, preempting municipal residency requirements; and

WHEREAS, the relevant provision provided that elected boards of local government jurisdictions could impose no specific residency standard and can require only public safety personnel and other emergency responders to maintain residency within a 15-mile radius of the City; and

WHEREAS, the statutory language does not achieve the original goal established by the Common Council of requiring management employees who are responsible for service delivery to be a part of the community; and

WHEREAS, the Common Council deems that it is in the best interest of the City to modify the Municipal Code by eliminating the residency requirement at this time to ensure compliance with the State Statute.

NOW, THEREFORE, the City Council of the City of Beloit, Rock County, Wisconsin, does hereby repeal and recreate Section 1.04 of the Code of City Ordinance of the City of Beloit as follows:

“1.04 APPOINTED OFFICIALS.

(1) **CITY MANAGER.** The City Manager shall be appointed by the Council under §64.09, Wis. Stats.

(2) **OTHER APPOINTMENTS.**

(a) *Exceptions.* The City Manager shall appoint all heads of departments, subordinates and City employees, with the exception of members of boards, commissions and committees and those

appointed by the Police and Fire Commission and Municipal Library Board.

- (b) Eligibility. All appointments by the City Manager shall be on merit with a view to securing the best appointee for the position. Consideration shall be given to training, experience, professional qualifications, ability and other general qualifications and fitness for performing the duties of the office. No consideration shall be given to race, creed, color, ancestry, sex, nationality or political or religious affiliations. Residence in the City or State shall not be a qualification for any appointment, but if applicants have similar skills and abilities.
- (c) Terms of Office. All department heads, subordinates and employees appointed by the City Manager shall be appointed for an indefinite term and shall serve during good behavior and satisfactory service. All such appointments shall be made at and become effective at such times as the City Manager shall determine.
- (d) Background Checks. The City shall conduct or cause to be conducted criminal background checks for each person who may be offered a job as a city employee prior to the offer of employment.”

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

Adopted this 5th day of August, 2013.

BELOIT CITY COUNCIL

By: _____
Charles M. Haynes, President

ATTEST:

By: _____
Rebecca Houseman LeMire, City Clerk

PUBLISHED: _____

EFFECTIVE DATE: _____

01-611100-5231-_____

tdh/ord/1 04=ORD 130725 1333 (cln) (13-1164)

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Changes in State Law Related to Residency for Municipal Employees

Date: August 5, 2013

Presenter(s): Larry N. Arft

Department(s): City Manager

Overview/Background Information:

The recent biennial budget adopted by the State legislature and signed by Governor Walker included a pre-emption of rights regarding the establishment of residency standards for municipal employees. All local governing boards are prohibited from establishing residency requirements that exceed the State standard which is a radius of 15 miles from the City for public safety workers and others deemed necessary for emergency response. No residency standards can be maintained for any employees, including top managers and executives. The City currently has a residency requirement in place for the City Manager, as well as all Department and Division Directors. Council debated this requirement several months ago and provided a modest hardship waiver for some Division Director level personnel. To date, no hardship waivers have been requested and obviously, none have been granted.

Key Issues (maximum of 5):

1. Residency has been preempted, so the City's Ordinance must be amended, as well as its various Personnel Policies put in place to implement the residency standard previously established by Council.
2. There is no waiver or "executive exemption" built into the statute, so the Council may no longer continue to require residency for managerial level employees.
3. The League of Wisconsin Municipalities believes the general language in the statute related to employees required for emergency response could be broadly defined by a City Council to include key managers, public works employees or other individuals who are either "on call" or who normally respond during an emergency situation. Unfortunately, you still cannot require residency, but could require those individuals reside within a distance of 15 miles from the City.

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

The current residency policy and any changes made subsequent to the new State regulatory standard would have little impact upon the City's continued commitment to its Strategic Plan.

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

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

Once again, the changes in this particular policy would not likely impact the City's commitment to sustainability or any of the "green" initiatives currently underway.

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

Action required/Recommendation:

I, as City Manager, have given this matter a great deal of thought over the last several months. Councilors will recall that we did an extensive amount of lobbying, both individually, as well as through the League of Wisconsin Municipalities in an effort to get the entire matter removed from the State budget. Since those efforts were unsuccessful, we have only two options at this time:

1. We can simply remove the residency standards, since under current law Councilors cannot provide a residency requirement for any municipal employee.
2. Put in the 15-mile limit provided for in the statute for certain employees that the Council would deem as "emergency responders." Since all of our public safety employees, except for the managers, are already covered by collective bargaining agreements, the policy would not be relevant to those individuals.

Since the only way that we can get new management level, or for that matter, any new City employee to reside within the community is through suggestion, I think it would be easier to do that without a local ordinance or a personnel policy in place. In my opinion, it would be very difficult to approach an incoming Department Director with a strong appeal and a communicated expectation that individuals of that rank and stature in the corporation are expected to be City residents. In my opinion, that type of discussion would be more effective when there is no contradicting policy in place set by the City Council. Consequently, our recommendation would be to repeal the City's existing

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residency requirements to bring the community into compliance with the new State law. Obviously, the City Manager's office as well as the Human Resources office will continue to urge and encourage incoming employees to establish residency within the City. We would make it perfectly clear that statutorily we cannot require residency and that these comments are suggestions, only. We would not allow a residency commitment to be a condition of appointment, nor in any way impact an employee's working relationship because of their selected residency.

Fiscal Note/Budget Impact:

There would be no fiscal impact upon the City's budget as a result of this decision.