



**PROCEEDINGS OF THE BELOIT CITY COUNCIL**  
**100 State Street, Beloit WI 53511**  
**Monday, March 4, 2013**

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

1. The meeting was called to order at 7:07 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS – none.
4. PUBLIC HEARINGS

- a. Water Resources Director Harry Mathos presented a proposed **Zoning Text Amendment** creating Section 5-800 of the Zoning Ordinance, Article V, Chapter 19 of the Code of General Ordinances of the City of Beloit, to be known as the Wellhead Protection Ordinance. It was noted that the Plan Commission recommended approval 4-0. Mr. Mathos presented some of the history the ordinance, which was mandated by the Wisconsin Department of Natural Resources after the approval of Well 14. He said that the ordinance has changed since the introduction at the February 18<sup>th</sup> meeting and that, after discussions with the DNR and some of the local business owners, staff moved some of the conditional uses into the permitted use category within this overlay district. Councilor Haynes opened the public hearing.
  - Mike Zoril, 1756 Carlyle Road, said that he is concerned that this ordinance requires monitoring and compliance at the expense of business owners. He said that protecting the water supply is a great idea but that fluoride should not be added.
  - Tom Holmen, 2785 Park Avenue, said that he is supportive of the ordinance and that Mr. Mathos has provided him with a lot of information. He also said that he is concerned with the vagueness of the ordinance and that the additional restrictions from the overlay district may be overly burdensome and reduce the value of his property.
  - Roger Kemman, President of Ryeco located at 2549 Park Avenue, said that his business is located near Well 14. He said that the City should have determined how many businesses would be impacted by the ordinance and how each one would be impacted. He said that the ordinance is an unfunded mandate on businesses and that his property will be worth less if the ordinance is approved.

Councilor Haynes closed the public hearing. Councilor Leavy made a motion to suspend the rules and offer a second reading of the ordinance, and Councilor Kincaid seconded. Councilor De Forest requested that a second reading not take place at this meeting because she would like more time to understand the financial ramifications for business owners. Councilor Leavy asked if there is a template for the Spill Plan required, and Mr. Mathos said that there is a template included in the City's Business Permit program. Councilor Van De Bogart asked how many other municipalities in Wisconsin have a Wellhead Protection Plan, and Mr. Mathos said that 336 municipalities have adopted an ordinance. Councilor Spreitzer asked about notification of impacted business owners, and Mr. Mathos said that he would personally notify all of them. Councilor Van De Bogart asked why the proposed ordinance is based on a five-year watershed and not a 10 or 20-year watershed. Mr. Mathos said that the five-year ordinance is the gold standard recommended by the DNR. The motion to suspend the rules for a second reading failed.

by a vote of 0-7. Councilor Luebke made a motion to lay this item over until the first meeting in April, and Councilor Leavy seconded. The motion carried 7-0. File 7724

#### 5. CITIZENS PARTICIPATION

- Mike Zoril, 1756 Carlyle Road, said that fluoride is a drug and should not be added to the City's water supply. With regard to the project at 501 Prospect Street, he said that parking is a large concern for the neighbors but that the building could be used for church services right now which would create a parking problem. He said that the Council should move forward with the proposed Comprehensive Plan amendment.
- Patrick Engleston, 903 Vernon Avenue, said that parking is a big problem in the area around 501 Prospect Street. He said that there are many venues that use the limited number of on-street parking spaces in the area.
- Joan Wootton spoke representing 514 Prospect Street and the Daughters of the American Revolution organization. She said that she commends the new owners of 501 Prospect Street for their enthusiasm and vigor. However, she said that the building is not appropriate for the uses proposed because of parking and handicap accessibility issues.
- Dave Winters, 13807 Mary Drive, Rockton, Illinois, said that the Comprehensive Plan amendment is unnecessary because the current zoning and land use are appropriate for the building. He said that parking is an issue and that the property owner should look at obtaining a conditional use permit within the existing zoning.
- Rich Bach, 12887 Vivian Court, Rockton, Illinois, said that he is concerned with the parking in the area of 501 Prospect Street. He said that he presented a petition with over 140 signatures opposing the Comprehensive Plan amendment. He said that he appreciates the owner's investment in the building but said that there may be other buildings in the area more appropriate for the proposed uses.
- Stephen Hawkins, 717 Harrison Avenue, said that he is the Pastor at First Baptist Church and that leadership of the church does not have a formal opinion about the proposed amendment for the property located at 501 Prospect Street. He said that the concerns shared by individual members of the church do not necessarily reflect that of the entire church membership. He asked the Council to table this issue until the Wittnebel's are able to meet with the Church leadership.
- Debbie Fischer, 416 College Street/1338 McKinley Avenue, representing Rock County Youth to Youth, said that she has concerns about the proposed ordinance to allow tailgating at the Beloit Snappers baseball games. She said that she is concerned about the proximity between the skate park and the area where tailgating is proposed, and she asked the Council to lay the item over until citizens have time to express their concerns.
- Arlene Masear, 865 Cranston Road, said that she is a member of First Baptist Church and that she is opposed to the Comprehensive Plan amendment for 501 Prospect Street. She said she is concerned about the lack of parking and the use of alcohol at this location,
- John Wittnebel, 10320 W. County Road K, Beloit, said that he is the owner of the building located at 501 Prospect Street. He said that he is excited that his proposal has engaged the community and that he counted 395 parking spaces within four blocks of the building. He said that a vibrant community performing arts center will give much more to the community than it will take away and that if the plan amendment is not approved, the building will likely be demolished.
- Rick McGrath, 1747 Sherwood Drive, said that he supports the proposed project at 501 Prospect Street. He said that he could not think of another use for this building that would not create parking problems and that this is a positive use for the building.
- Kim Mork, 1822 Sun Valley, spoke against the addition of fluoride to the City's drinking water. She said that fluoride in toothpaste is not meant to be swallowed and if the City is concerned about ground water, then they should not be putting fluoride in the water.

#### 6. CONSENT AGENDA

Councilor Leavy made a motion to adopt the Consent Agenda, which consists of items 6.a. through 6.d. Councilor Van De Bogart seconded, and the motion carried that the Consent Agenda be

accepted, approved, adopted, or referred and acted upon as required by state and local codes by a vote of 7-0.

- a. The **Minutes** of the Special Meeting of February 12, 2013, and Regular and Special Meetings of February 18, 2013 were approved.
- b. The proposed ordinance amending the City of Beloit Municipal Code relating to the **Community Development Reorganization** was referred to the Plan Commission. File 6543
- c. The application for a **Conditional Use Permit** to allow a self-storage use in a C-3, Community Commercial District and MRO, Milwaukee Road Overlay District, for the property located at 3022 Ford Street was referred to the Plan Commission. File 8582
- d. The resolution authorizing **Final Payment** of Public Works Contract C12-02R, New Telecommunication Hut Foundation, was adopted. File 8551

## 7. ORDINANCES

- a. Community Development Director Julie Christensen presented the Second Reading of a proposed Ordinance amending the City of Beloit **Comprehensive Plan** for the properties located at 545 and 549 W. Grand Avenue; 615, 619, 625, and 629 Eighth Street; 548 Locust Street; 1203, 1233, 1249, 1253, and 1257 Sixth Street; 219 and 225 North Street; and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, and 1353 Sixth Street, from the Neighborhood Commercial, Two-family, and Single-family Residential-Urban use designations, to the Institutional and Community Service use designation. It was noted that the Plan Commission recommended approval 5-0. Councilor Luebke made a motion to enact the ordinance, and Councilor Van De Bogart seconded. Councilor De Forest asked if any residents voiced concern at the Plan Commission meeting, and Ms. Christensen said they did not. The motion carried 7-0. File 8247 Ord. 3478
- b. Ms. Christensen presented the Second Reading of a proposed Ordinance amending the City of Beloit **Comprehensive Plan** for the property located at 501 Prospect Street, from the Institutional and Community Service use designation, to the Neighborhood Commercial use designation. It was noted that the Plan Commission recommended approval 5-0. Ms. Christensen described the project and the variety of proposed uses including liquor sales. She said that the proposed office space, restaurant, and private performing arts center are not permitted within the current zoning classification. Councilor Luebke asked about the steps necessary to allow the proposed uses associated with this project, and Ms. Christensen said that additional steps including a zoning map amendment to change the zoning of the property and a conditional use permit. Councilor De Forest made a motion to lay this item over in order to speak to the residents at Scoville and give the First Baptist Church leadership and the Wittnebels a chance to meet. Councilor Spreitzer seconded. The motion failed 3-4, with Councilors Haynes, Leavy, Luebke, and Van De Bogart voting in opposition. Councilor Van De Bogart made a motion to enact the ordinance, and Councilor Kincaid seconded. The motion carried by a vote of 5-1-1, with Councilor Leavy voting in opposition and Councilor De Forest abstaining from the vote. File 8247 Ord. 3479
- c. Parks and Leisure Services Director Brian Ramsey presented a proposed Ordinance to amend Section 15.06(1)(b) of the Code of General Ordinances of the City of Beloit as it relates to Alcohol in Parks to allow **Tailgating** in advance of Beloit Professional Baseball Association, Inc. Games. Councilor De Forest said that the Parks and Recreation Commission members voted to recommend approval of this ordinance with the understanding that it would only occur at home games on Saturday nights and that this proposal is different. She asked why the tailgating area is located directly in front of the skate park, and Mr. Ramsey indicated that staff recommended this area because it is easy to barricade and leaves the rest of the lot available for parking. Councilor Van De Bogart asked how the Snappers would measure whether this is successful and said that they may be competing against themselves. Mr. Ramsey said that many teams in the Snappers' league permit tailgating and that it consists of much more than consuming alcohol. Councilor Spreitzer asked questions about how the area will be enclosed, bathroom facilities, and supervision; and Mr. Ramsey stated that these issues are addressed in the lease agreement and the operational details will be determined at a later date. Councilor Luebke expressed concern with the potential for excess drinking and proximity to the skate park. Mr. Ramsey said that this is

an experiment and that the City or the Snappers can stop allowing tailgating at any time. Councilor Leavy asked if the Police Department has expressed concern about this, and Mr. Ramsey said that the matter was discussed at the Department Director meeting but that he was not present. Councilor De Forest said that she would like to lay this item over because a resident requested it and because she is not happy with the lack of operational details in the lease agreement. Councilor Spreitzer made a motion to lay this item over to the March 18, 2013 meeting, and Councilor De Forest seconded. The motion carried 7-0. File 5663

8. APPOINTMENTS – none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor De Forest recognized Jenny, Susan, and Athena for their work at the Empty Bowl fundraiser, and she congratulated the winners of the Downtown Beloit Association Awards Ceremony. She said that she continues to advocate for a construction training site in Beloit for the I-90/I-39 expansion project, and she requested that Mr. Zoril provide her the sources of his information regarding fluoride.
- Councilor Luebke thanked Rick McGrath and Anna Kelly for all of their work volunteering at the Beloit International Film Festival and around the community in general.
- Councilor Kincaid said that the Empty Bowl and Rise and Shine events were great experiences. He said that he attended a show at the Arts Incubator and was impressed by the skill and artistry of City Attorney Tom Casper's photography.
- Councilor Spreitzer said that he attended the DBA Awards Ceremony, the Empty Bowl fundraiser, the Rise and Shine event, and the Chamber of Commerce Annual Dinner.

10. CITY MANAGER'S PRESENTATION

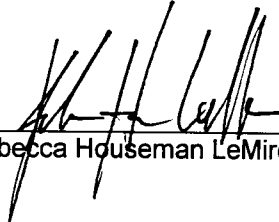
- a. Landmarks Commission Chairman Rick McGrath presented the Annual **Landmarks Commission Report** for 2012. He described the number and type of historic properties in the City and outlined the number of Certificates of Appropriateness issued by the Landmarks Commission and staff. He said that there were tours of some of Beloit's historic properties during Beloit Heritage Days in September 2012. He also said that the City will not be hosting the Wisconsin Association of Historic Preservation Commissions 2013 Spring Conference but that he hopes to bring this conference to Beloit in 2014. Councilor De Forest reminded staff to provide information about the City's revolving loan programs to owners of historic homes.
- b. The City Manager's **Report to the Community** will be presented at the March 18, 2013 City Council meeting.

11. REPORTS FROM BOARD AND CITY OFFICERS

- a. Ms. Christensen presented a resolution adopting the **Connections: City Center Plan**. It was noted that the Plan Commission recommended approval 4-0. Ms. Christensen described how the document was developed and how it impacts the City of Beloit. Councilor Van De Bogart made a motion to adopt the resolution approving the Plan, and Councilor De Forest seconded. Councilor Spreitzer asked if there is a periodic review process associated with the Plan, and Ms. Christensen said that this Plan is not incorporated into the City's Comprehensive Plan and that there is not a review process because it is an advisory document. Councilor Kincaid said that this document provides a great vision of the south end of the Rock River. Councilor De Forest said that there were many meetings and much collaboration to develop and implement this plan, and she thanked everyone involved. Councilor Luebke thanked staff for the setting this great example of cooperation between jurisdictions. Councilor Haynes said that the document presents a splendid vision, and he thanked Beloit 2020 for supporting South Beloit with the project. The motion carried 7-0. File 8168
- b. Transit Director Michelle Gavin presented a resolution approving the 2013 Urban Mass Transit Paratransit Assistance **Contract** between the State of Wisconsin and the City of Beloit. She said that we are required by law to provide paratransit services for people who are disabled and not

- able to use regular handicap-accessible buses. Ms. Gavin stated that this is a grant over and above the regular transit aid from the State to provide paratransit services. She said that the proposed resolution authorizes the City Manager to enter into this contract and additional contracts in the future provided they are substantially similar. Councilor Van De Bogart made a motion to adopt the resolution, and Councilor Leavy seconded. The motion carried 7-0. File 8050
- c. Mr. Ramsey presented a resolution approving **Lease Agreement** between the City of Beloit and the Beloit Professional Baseball Association, Inc. Councilor Luebke made a motion to adopt the resolution, and Councilor Leavy seconded. The motion carried 7-0. File 8110

12. At 9:27 p.m., Councilor Leavy made a motion to adjourn the meeting, and Councilor Spreitzer seconded. The motion carried 7-0.



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Rebecca Houseman LeMire, City Clerk

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Date approved by Council: March 18, 2013