



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
Monday, April 1, 2013

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

1. The meeting was called to order at 7:05 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Vice-President Mark Spreitzer presented a Proclamation in Recognition of **Fair Housing Month** to Ricardo Valdez, Chairman of the City of Beloit's Equal Opportunities & Human Relations Commission (EOHRC). Mr. Valdez discussed the mission of the EOHRC, and he explained that there will be a statewide poster contest for children. He said the posters have been created by the children at the Merrill Community Center and will be posted at City Hall until April 12th when a winner will be chosen. File 7148
 - b. City Manager Larry Arft and Councilor Spreitzer presented the **Green City Award** from the Residential Recycling Conference to Operations Director Chris Walsh and Public Works Sustainability and Safety Coordinator Jodine Saunders. Mr. Arft explained that this national award for our populated category is based on the promotion of the City's long-standing recycling program in the community and to the youth. Ms. Walsh thanked all of the staff who made the award possible through their dedication and enthusiasm. Ms. Saunders reminded the Council and the public that the City offers an electronics recycling drop-off on Saturdays and will begin to collect batteries and cell phones starting April 13th.
 - c. Mr. Arft and Councilor Spreitzer presented the **Wisconsin Department of Transportation Award** for the Ken Hendricks Memorial Bridge Design and Construction to City Engineer Mike Flesch. Mr. Flesch accepted the award on behalf of everyone involved in the vision, design, and construction of the project including the Department of Transportation, the City of Beloit staff, Beloit 20/20, and the Schreiber-Anderson Design Group.
4. PUBLIC HEARINGS
 - a. Community Development Director Julie Christensen presented a proposed resolution authorizing a **Conditional Use Permit** to allow a limited Vehicle Service Use (gas station) and indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located 2240 Cranston Road, for a proposed Casey's General Store. It was noted that the Plan Commission recommended denial 4-0. Ms. Christensen presented a number of conditions as recommended by the Plan Commission even though the Commission recommended denial. Ms. Christensen discussed the option of modifying condition number 4 to require that the location of the building and canopy be switched. Councilor Haynes opened the public hearing.
 - Ryan Swanson, the project manager from Arc Design Resources, presented the project proposed at this location. He said that Casey's General Store is proposing a 4,200 square foot convenience store with eight fuel pumps.
 - Brian DePrez, Casey's General Store Real Estate Associate, explained the new concept for this convenience store, which includes bakery items, pizza, sub sandwiches, and an eating area with tables and chairs. He said that he understands the concerns with a full liquor license and will only request packaged beer and wine be sold from the store. He said that Casey's stores pride themselves on being good neighbors and plan to hire locally.

- David Francis, 1211 Filmore Street, Denver, Colorado, spoke on behalf of the two widows who own the property. He said that the widows' husbands purchased the property in the 1980s with the intent to develop it commercially. He said that the families are impressed with the Casey's General Store project, which would provide employment opportunities and expand the City's tax base.
- Jerry Murphy, 2355 Cranston Road, owner of Daley Murphy Wisch Funeral Home, expressed concern about the nature of this development. He said that 25 years ago the City planned this area as an office corridor, and he would like to see the Council continue that vision.
- Jean Rogers-Zwaddle, representing Dewey's Service Station, said that there are four convenience stores within a half mile and that the eight dispensers proposed are double the number of any other station in the area.
- Pradip Patel, 1896 Murphy Woods Road, said that he owns the Beloit Citgo Gas Station at 2158 Prairie Avenue. He said that it is hard to do business against a large corporation.
- Harry Samra, representing the Beloit Mobil Station at 1902 Shopiere Road, said that he is concerned that Casey's will put others out of business because they cannot compete.

Councilor Haynes closed the public hearing. Councilor Luebke said that he has a family member who owns property near the subject property and that he will be abstaining from the discussion and the vote. Councilor Leavy asked the Casey's representatives about truck traffic, and they said that there would likely be one or two semi-trucks per week. Councilor Leavy asked Mr. Flesch if a deceleration lane or sidewalks would be required, and Mr. Flesch said that sidewalks will be required but there is not a need for a deceleration lane. Councilor Leavy stated that businesses competing against each other must provide better service to retain customers. Councilor Spreitzer asked about the number of employees, and Mr. DePrez stated that there would be 20-25 full and part-time employees at Casey's. Councilor Spreitzer asked if it is possible to flip the location of the building and canopy, and Mr. DePrez stated that most convenience stores want the canopy and pumps facing the street for safety and visibility. Councilor Van De Bogart said that he is concerned about screening the use from the residents on Shopiere Road but he also wants to preserve the office streetscape along Cranston Road. Mr. DePrez stated that the area is underserved by convenience stores and that Casey's does not take any two-three million dollar investment lightly. He said that he expects that this store will be very successful and may spur additional development in the area. Mr. DePrez stated that, in his experience, Casey's has never built a store with the canopy in the interior of the parcel. He said that they want to move forward quickly with the project if approved and plan to complete construction this year. Councilor De Forest stated that she supports the office corridor vision in this area. She said that this project includes alcohol sales and that she feels there is already an oversaturation of alcohol sales in this area. Councilor Kincaid asked about the number of full-time equivalent employees, and Mr. DePrez said that he was not sure. Councilor Kincaid questioned whether eight pumps are necessary and asked Mr. DePrez to reconsider installing just six pumps. Councilor Spreitzer made a motion to adopt the resolution, and Councilor Leavy seconded. The motion carried 5-1-1, with Councilor De Forest voting in opposition and Councilor Luebke abstaining. File 5942

5. CITIZENS PARTICIPATION

- Roger Kemman, President of Ryeco, located at 2549 Park Avenue, said that he came to a previous City Council meeting to express concerns about the proposed wellhead protection ordinance. He said that Harry Mathos set up a meeting with stakeholders on March 26th and that, as a result of discussion at the meeting, several changes were made to the ordinance that offered clarity and flexibility to property and business owners. He said that this ordinance has been properly vetted and that he supports it. He thanked staff, the City Council, and fellow residents and business owners for their active participation in this process.

6. CONSENT AGENDA

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

- a. The **Minutes** of the Special and Regular Meetings of March 18, 2013, were approved.

- c. The application for a **Zoning Map Amendment** to change the zoning district classification of the properties located at 1035 and 1041 Udell Drive from temporary R-1A, Single-family Residential District, to permanent R-1A, Single-family Residential District, was referred to the Plan Commission. File 7103
- d. The application for a **Zoning Map Amendment** to change the zoning district classification of the properties located at 1500 and 1505 Gateway Boulevard from R-3, Low-density Multi-family Residential District, to M-1, Limited Manufacturing District, was referred to the Plan Commission. File 8583
- e. The application for a **Zoning Map Amendment** to change the zoning district classification of the properties located at 545 and 549 West Grand Avenue; 615, 619, 625, and 629 Eighth Street; and 548 Locust Street from C-2, Neighborhood Commercial District, and R-1B, Single-family Residential District, to PLI, Public Lands and Institutions District, was referred to the Plan Commission. File 8544
- f. The application for a **Zoning Map Amendment** to change the zoning district classification of the property located at 501 Prospect Street from PLI, Public Lands and Institutions District, to CBD-1, Central Business District – Core, was referred to the Plan Commission. File 8247
- g. The application for a **Conditional Use Permit** to allow Community Service Uses in the CBD-1, Central Business District, for the property located at 501 Prospect Street, was referred to the Plan Commission. File 8247
- b. Mr. Flesch presented a resolution authorizing **Final Payment** of Public Works Contract C11-26, Cranston Road Reconstruction. Councilor De Forest asked if the City is satisfied with the terrace restoration, and Mr. Flesch said that the City has inspected and accepted the restoration. Councilor Leavy made a motion to adopt the resolution, and Councilor Luebke seconded. The motion carried 7-0. File 8507

7. ORDINANCES

- a. Water Resources Director Harry Mathos presented the second reading of 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. He discussed the significant changes resulting from discussions and a meeting with stakeholders. He thanked the Plan Commission and the City Council for their efforts at environmental stewardship. Councilor Van De Bogart made a motion to enact the ordinance, and Councilor De Forest seconded. Councilor Kincaid complimented Mr. Mathos on the ordinance and asked if the Best Management Practices referred to in the ordinance would be enumerated. Mr. Mathos said that they are and can be provided to the Council upon request. Councilor De Forest said that she is pleased to see language in the ordinance that controls costs. She requested that a small business owner be part of the Technical Committee and asked if home values would be impacted by inclusion in this overlay district. Mr. Mathos said that he does not anticipate a devaluation of property because residential dwellings are permitted in the district. Councilor Spreitzer thanked Mr. Mathos and Mr. Arft for addressing the concerns of the Council and said that he likes the idea of having a business representative on the Technical Committee. The motion carried 7-0, and the ordinance was enacted. Ordinance 3483 File 7724

8. APPOINTMENTS – none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

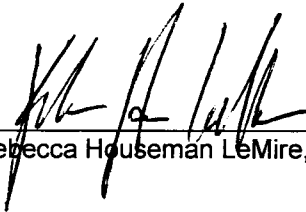
- Councilor De Forest thanked Ms. Downing and Mr. Valdez for their work to highlight Fair Housing Month and the EOHR. She congratulated Public Works staff for the progressive and effective recycling program, and she reminded the public to vote in the upcoming election.
- Councilor Van De Bogart encouraged the public to vote in the April 2nd election.
- Councilor Kincaid thanked Councilor Luebke for introducing him to the Meals on Wheels program. He said that it is a great program and a great organization.
- Councilor Luebke reminded the public to vote and thanked the Clerk's Office for their preparedness and organization with regard to election administration. He said that the Maple Sugar Festival was very successful and that Tony Scodwell, a Beloit native and premiere trumpet player, will be performing in Beloit April 21st-28th.
- Councilor Spreitzer said that he served pancakes at the Maple Sugar Festival, which was a wonderful event.

10. CITY MANAGER'S PRESENTATION

- a. Ms. Walsh provided the annual **Spring Yard Waste Presentation**. She said that curbside yard waste pick up will take place between April 8th through April 19th and that residents need a yard waste tag on each bag. She provided additional information regarding the monthly yard waste programs and the hours for Leaflan Compost Center.

11. REPORTS FROM BOARD AND CITY OFFICERS

- a. Ms. Christensen presented a resolution approving a **Certified Survey Map** for the property located at 2240 Cranston Road, for a proposed Casey's General Store. It was noted that the Plan Commission recommended approval 4-0. She said that there will be only one access drive on Cranston Road and that future development will use the access drive through a required joint access agreement. Councilor Leavy made a motion to adopt the resolution, and Councilor Van De Bogart seconded. The motion carried 5-1-1, with Councilor De Forest voting in opposition and Councilor Luebke abstaining. File 5942
 - b. Mr. Flesch presented a resolution awarding **Contract C13-04**, amending the **2013 Capital Improvements Budget**, and appropriating additional funds for the Pohlman Field Concourse Rehabilitation Project. He said that this is a re-bid of a previous project, five bids were received, and the winner is the lowest responsible bidder. Mr. Flesch said that the project requires a budget amendment to transfer. Councilor Spreitzer made a motion to adopt the resolution, and Councilor Luebke seconded. Councilor De Forest asked if the use of the leftover capital funds is appropriate for this project, and Mr. Arft explained that, because this is a parks project and the funds were borrowed for park purposes, they may be used. Councilor Spreitzer asked why the project estimate increased despite the fall start date, and Mr. Flesch said that the initial estimate was based on incomplete information. The motion carried 7-0. File 8585/8570
 - c. Mr. Flesch presented a resolution supporting a commitment for **future pedestrian accommodations** along the West side of County Highway G between Sunny Lane and STH 11; and declaring that no pedestrian accommodations be provided along other portions of CTH G in Rock County, Wisconsin under the responsibility of the Rock County Highway Department. Councilor Leavy made a motion to adopt the resolution, and Councilor Spreitzer seconded. Councilor Spreitzer asked if there will be bicycle accommodations, and Mr. Flesch said that on-road bike lanes are included in the project. Mr. Flesch said that this is a rural cross-section of road and that sidewalks are not necessary at this time. The motion carried 7-0. File 8558
 - d. Mr. Flesch presented a resolution supporting a commitment for **future pedestrian accommodations** as part of the "Safe Routes to School" program along the north and south sides of the Inman Parkway from Prairie Avenue approximately 400 feet to the west or the approximate project limits of the Inman Parkway extension project; and declaring that no pedestrian accommodations be provided along the extension of Inman Parkway, east of Eastern-most radii of the intersection with Prairie Avenue in Rock County, Wisconsin under the responsibility of the Rock County Highway Department. He said that this project also include on-road bike lanes. Councilor Luebke made a motion to adopt the resolution, and Councilor Leavy seconded. The motion carried 7-0. File 8558
 - e. Mr. Flesch presented a resolution declaring that **no pedestrian accommodations** be provided as part of the IH 39 project along Hart Road in Rock County, Wisconsin under the responsibility of the City of Beloit. Councilor Luebke made a motion to adopt the resolution, and Councilor Van De Bogart seconded. The motion carried 7-0. File 8558
12. At 9:06 p.m., Councilor Leavy made a motion to adjourn the meeting, and Councilor Spreitzer seconded. The motion carried 7-0.



Rebecca Houseman LeMire, City Clerk