



**PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, March 21, 2016**

Presiding: Charles M. Haynes
Present: Regina Hendrix, Sheila De Forest, Ana Kelly, Chuck Kincaid, David F. Luebke, Marilyn Sloniker
Absent: None

1. President Haynes called the meeting to order at 7:00 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS – None
4. PUBLIC HEARINGS
 - a. Community Development Director, Julie Christensen, presented a resolution approving the Vacation of W. Grand Avenue Right-of-Way in the City of Beloit, Rock County, Wisconsin. The Planning & Building Services Division has received a petition to vacate a 120 square-foot strip of W. Grand Avenue right-of-way adjacent to 108 W. Grand Avenue.
 - The proposed area to be vacated is un-platted and approximately 5 feet by 25 feet. The building located at 108 W. Grand Avenue extends beyond its legal description into the 120 square-foot area to be vacated. The proposed vacation would attach the 120 square-foot area to the adjacent property, while leaving the 66-foot W. Grand Avenue right-of-way intact.
 - This building encroachment appears to be the result of a discrepancy between the southerly line of W. Grand Avenue as platted in 1847 and the build-to line used to construct buildings on 108, 110, and 114 W. Grand Avenue. Essentially, the W. Grand Avenue right-of-way is wider than shown on the Hackett's Addition plat. This encroachment was discovered by an ALTA survey related to the proposed sale of 108 W. Grand Avenue, and the property owner has petitioned for this vacation in order to clear-up any resulting title issues.
 - All required Public Notices have been distributed and published and the Notice of Pendency was recorded with the Rock County Register of Deeds on January 27, 2016. As required by Wisconsin Statutes, the City Council has adopted a Resolution setting a date for a public hearing for this vacation request of March 21, 2016.
 - The City's Review Agents did not submit any comments or concerns.
 - The Plan Commission reviewed this item on March 9, 2016 and voted unanimously (5-0) to recommend approval of this vacation.

Attorney William Henderson addressed the Council representing Karen and Brody Christiansen. They own the property doing business as Totally Tan and are seeking this vacation of right-of-way to get clear title so they can sell the property to interested buyers.
Councilors Luebke and Kincaid made a motion to adopt the resolution as presented. Motion Carried.
File 8710
5. CITIZEN PARTICIPATION
 - a. Dennis Hughes, 144 N. Jefferson Street, Milwaukee, addressed the Council regarding a personnel matter as the AFSCME representative for local 643, representing transit workers. He explained that he feels he's been unable to get the resolve he was seeking with the leadership of the City, so he is bringing his concerns to the Council. He has been representing an employee through a grievance process who was eventually reinstated to his position but not made whole in their opinion. He is hoping the council will take action to alleviate the problems this employee is facing.

6. CONSENT AGENDA

Councilor De Forest asked to have 6.o removed from consent. Councilors Luebke and Kelly made a motion to adopt consent Agenda items 6.a through 6.n. Motion carried.

- a. The Minutes of the Regular Meeting of March 7, 2016 were approved.
- b. A resolution approving a Class "B" Beer and "Class B" Liquor License for Evans Group, LLC, d/b/a Royalty, 530 E Grand Avenue, Donta Evans, Agent, was approved. File 8688
- c. A resolution approving a Change of Agent on the Class "B" Beer and Reserve "Class B" Liquor License for Buffalo Wild Wings, 2747 Milwaukee Road, to James F. Gleich was approved. File 8688.
- d. A resolution approving Change of Agent on the Class "B" Beer and "Class B" Liquor License for Beloit Snappers, 2301 Skyline Drive, to Timothy Hinds was approved. File 8688
- e. A resolution approving First Amendment to Gateway Farm Lease was approved. File 7834
- f. A resolution approving First Amendment to Willowbrook Farm Lease was approved. File 7384
- g. A resolution approving First Amendment to Gateway II-A Farm Lease was approved. File 7384
- h. A resolution approving First Amendment to Gateway II-B Farm Lease was approved. File 7384
- i. A resolution approving First Amendment to Farm Lease- 3015 Cranston Road was approved. File 7384
- j. A resolution approving First Amendment to Hexter-Long Property Farm Lease was approved. File 8662
- k. An Ordinance to repeal and recreate Section 8-900 and 8-1000 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances relating to Construction Site Erosion Control and Post-Construction Storm Water Management was referred to Plan Commission. File 7724
- l. An Ordinance to amend Section 6.3.4(d) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit relating to Detached Accessory Buildings for Garbage and Recycling Container Storage was referred to Plan Commission. File 7724
- m. An application for a Conditional Use Permit to allow the operation of a fitness studio in an R-1B, Single-Family Residential District, for the property located at 549 Shirland Avenue in the City of Beloit was referred to Plan Commission. File 8026
- n. A resolution awarding Public Works Contract C16-12, Broad Street Bridge Deck Repairs was approved. File 8715
- o. Public Works Director, Greg Boysen, presented a resolution approving Final Pay for Public Works Contract C15-21, Rock River Bank Armoring. The project installed Rip Rap along the west bank of the Rock River from the dam to Liberty Avenue. The project costs exceeded the awarded contract by \$45,150.14. Councilor De Forest asked for an explanation for the reasons for the added expense. Mr. Boysen explained that additional limestone was necessary than the original estimate. The west bank area was deeper than anticipated and the expense to get the right footings was the result. Councilors Luebke and Hendrix made a motion to adopt the resolution as presented. Motion carried. File 8702

7. ORDINANCES

- a. Director of Operations, Chris Walsh, presented an Ordinance to Repeal and Recreate Chapter 17 of the Code of General Ordinances for the City of Beloit pertaining to the Regulation of Solid Waste for a first reading. Her report includes an explanation for this item, the next item and items 11.g & 11.h as they relate to the automation of solid waste-collection. Beginning on June 6, 2016, the City is overhauling and changing its solid waste management program in order to implement automated trash and recycling collection. This overhaul required a number of changes to the existing Municipal Code provisions that regulate solid waste and ancillary issues related to solid waste storage, maintenance and management. As part of the automation, the City will provide for the rental of small dumpsters. The proposed fee for such rentals and a listing of all of the current fees related to solid waste collection are included in the fee resolution. Solid Waste staff has been conducting public information sessions throughout the City to educate residents about the new program and to respond to any questions or concerns. Additional information about the transition to the automated collection program is available at <http://www.automatebeloit.com>. The following changes are necessary for the process to be current and comply:
 - Chapter 17 was completely rewritten. The repeal and recreate of this Chapter provides clear direction to the city residents about the new automation of collection and associated regulations related to the storage, management and collection of solid waste.

- Various provisions of Chapter 7 were changed to update references to Chapter 17 and to address those provisions within Chapter 7 that relate to the storage and maintenance of solid waste containers.
- In companion legislation, the city will address detached accessory structures/buildings for solid waste containers.
- Public education sessions have been held throughout the city for the last several weeks to provide information and respond to questions and concerns of residents.

Councilors Kincaid and De Forest made a motion to lay the item over to the April 4, 2016 meeting. Motion carried. File 6824

- Director of Operations, Chris Walsh, presented an Ordinance to amend sections 7.23(1), 7.234(1), 7.234(2)(n), 7.24(12)(b)1, 7.26(4) and 15.20(1) of the Code of General Ordinances of the City of Beloit Pertaining to Solid Waste Containers and Disposal for a first reading. Her presentation was with item 7.a. Councilors Hendrix and Sloniker made a motion to lay the item over to the April 4, 2016 meeting. Motion carried. File 6824
- City Attorney, Elizabeth Krueger, presented an Ordinance to Amend Section 15.01 and to Repeal Sections 15.07(2) and (3) of the Code of General Ordinances of the City of Beloit Pertaining to Regulations of Knives for a second reading. On February 7, 2016, 2015 Wisconsin Act 149 became law. The Act strictly limits the authority for local governments to regulate knives. The proposed ordinance removes sections of the Code of General Ordinances for the City of Beloit that are no longer permissible under the new law. Councilors Hendrix and Sloniker made a motion to adopt the ordinance as presented. Motion carried. File 6255 Ordinance 3569

8. APPOINTMENTS

- Alcohol Beverage License Control Committee: Tara J. Tinder, (replacing Joseph W. Vickerman), for a term expiring June 30, 2018 File 6145
- Board of Ethics: Alexander T. Henning, (replacing Philip R. Shields), for a term expiring December 31, 2018 File 6049
- Plan Commission: Dr. Brittany Keyes, DPT, PT, ATC, (replacing Bill Mathis) for a term expiring April 30, 2018 File 6064

Councilors De Forest and Sloniker made a motion to approve the three appointments as presented. Motion Carried.

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor Hendrix reminded everyone of the Councilor Candidate Forum happening in the Forum tomorrow night at 6:30p.m. She also mentioned that she is not up for re-election this time. She hopes all will get out and vote on April 5th.
- Councilor Sloniker attended the Police Chief forum and found it informative. She will be attending an event this Thursday titled Brave at 7 p.m.
- Councilor Kelly attended the annual Chamber of Commerce dinner and felt it was well attended. Her company recently moved into an office at the Iron Tek incubator building and really likes it.
- Councilor Luebke attended the Mushing for Meals event Saturday. He recognized a boy scout in the audience this evening with several badges. The young man introduced himself and explained he is with his grandmother and sister.
- Councilor De Forest thanked the community for their feedback on multiple items the past couple of weeks. She is appreciative of their support and feedback and reminded the community that their feedback is not disregarded. She attended a celebration of home school families this week. She thanked Alex Henning for being in the audience tonight as he is appointed to the Board of Ethics.
- Councilor Kincaid attended the Police Chief forum.
- Councilor Haynes had nothing to add.

10. CITY MANAGER'S PRESENTATION


11. REPORTS FROM BOARDS AND CITY OFFICERS

- Finance and Administrative Services Director, Eric Miller, presented a resolution providing for the Sale of \$1,750,000 General Obligation Promissory Notes, Series 2016A. Mr. Miller explained that

each year, as a part of our annual Capital Projects program, we must take certain legal steps to borrow the notes and bonds to complete those projects. He introduced Dawn Gunderson-Schiel, CIPMA/CPFO of Ehlers & Associates to present the pre-sale report for the items 11.a through 11.f. Ms. Gunderson-Schiel explained that the bonds will be bid competitively and that she would be back for the April 18th meeting with resolutions approving the bid with the lowest cost of financing. Councilors Luebke and Kincaid made a motion to adopt the resolution. The motion carried by roll call vote 7-0. File 8649

- b. Mr. Miller presented an Initial Resolution Authorizing General Obligation Bonds in an amount not to Exceed \$2,520,000 for Street Improvement Projects. Councilors De Forest and Sloniker made a motion to adopt the resolution. The motion carried by roll call vote 7-0. File 8649
 - c. Mr. Miller presented an Initial Resolution Authorizing General Obligation Bonds in an amount not to Exceed \$370,000 for Parks and Public Grounds Projects. Councilors Sloniker and Luebke made a motion to adopt the resolution. The motion carried by roll call vote 7-0. File 8649
 - d. Mr. Miller presented an Initial Resolution Authorizing General Obligation Bonds in an amount not to Exceed \$285,000 for Community Development Projects. Councilors Kelly and Luebke made a motion to adopt the resolution. The motion carried by roll call vote 7-0. File 8649
 - e. Mr. Miller presented an Initial Resolution Authorizing General Obligation Bonds in an amount not to Exceed \$105,000 for Library Projects. Councilors Hendrix and De Forest made a motion to adopt the resolution. The motion carried by roll call vote 7-0. File 8649
 - f. Mr. Miller presented a Resolution Directing Publication of Notice to Electors relating to Bond Issues and Providing for the Sale of not to Exceed \$3,280,000 General Obligation Corporate Purpose Bonds, Series 2016B. Councilors De Forest and Hendrix made a motion to adopt the resolution. The motion carried by roll call vote 7-0. File 8649
 - g. Director of Operations, Chris Walsh, presented a resolution approving Yard Waste Management Agreement between the City of Janesville and the City of Beloit. This item was explained with item 7.a. Councilors Luebke and Kelly made a motion to adopt the resolution. The motion carried. File 8676
 - h. Director of Operations, Chris Walsh, presented a resolution authorizing Schedule of Fees and Charges for Solid Waste Collection and Management. This item was explained with item 7.a. Councilors Luebke and Kelly made a motion to adopt the resolution. The motion carried. File 6624
 - i. Director of Parks and Leisure Services, Brian Ramsey, presented a resolution authorizing Lease Agreement between the City of Beloit and Beloit Professional Baseball Association, Inc. The Beloit Professional Baseball Association has been leasing Pohlman Field in Telfer Park from the City of Beloit for as long as their Minor League Affiliate team has been in existence, since 1981. Over the years, this lease has been renewed countless of times, with minor revisions related to the operations and maintenance provisions of the agreement on the behalf of both parties. Their previous agreement expired at the end of December, 2015 and therefore, once again provides an opportunity for minor revisions to the agreement, and is now available for the Councils future consideration. Councilors Sloniker and De Forest made a motion to adopt the resolution. The motion carried. File 8110
 - j. City Attorney, Elizabeth Krueger, presented an resolution approving a First Amendment to Development Agreement between City of Beloit, 200 West Grand Avenue, LLC, and East Grand Avenue Development, LLC, for the Sale of 80 East Grand Avenue and 100 East Grand Avenue, Beloit, Wisconsin. On May 19, 2015 Council approved a Development Agreement between the City of Beloit, 200 West Grand Avenue, LLC and East Grand Avenue Development, LLC. The Agreement outlined the terms and conditions for a multi-property redevelopment project involving the City owned property located at 80 and 100 East Grand Avenue ("Site B") and the property owned by 200 West Grand Avenue, LLC located at 200 West Grand Avenue and 525 Cross Street ("Site A"). The Agreement provided Grand Avenue Development an opportunity to complete a Due Diligence investigation. An issue identified in the investigation has resulted in the parties willingness to amend the Development Agreement to expedite the conveyance of Site B to the developer and encourage the redevelopment of both Site A and Site B. Councilors Kincaid and Sloniker made a motion to adopt the resolution. The motion carried. File 8492
12. Councilors Sloniker and Luebke made a motion to move into closed session pursuant to section 19.85(1)(c) Wis. Stats., to consider employment, promotion, compensation or performance evaluation data of a public employee over which the governmental body has jurisdiction or exercises responsibility, namely the position of the Chief of Police at 8:07 p.m. Motion carried.

Councilors De Forest and Luebke made a motion to adjourn the meeting at 9:01 p.m. Motion carried.



Lorena Rae Stottler, City Clerk

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Date approved by City Council: April 4, 2016