



**PROCEEDINGS OF THE BELOIT CITY COUNCIL**  
**100 State Street, Beloit WI 53511**  
**City Hall Forum – 7:00 p.m.**  
**Monday, April 18, 2016**

Presiding: Charles M. Haynes  
Present: Sheila De Forest, Ana Kelly, Chuck Kincaid, David F. Luebke, Marilyn Sloniker  
Absent: Regina Hendrix

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
  - a. Vice President De Forest presented to Operations Forestry Supervisor Mike Ferger, a proclamation declaring April 29, 2016 as **Arbor Day**. Mr. Ferger introduced his crew and thanked the Council for the proclamation. He invited the Council and the Community to attend the annual Arbor Day Celebration at Fran Fruzen School on April 29<sup>th</sup> at 10 a.m. File 7148
  - b. Vice President De Forest presented to YWCA Executive Director Angela Moore a proclamation declaring April 28, 2016 as **Stand Against Racism Day**. She thanked the Council for the proclamation and said that the mission of the YWCA is to eliminate racism and empower women. File 7148
  - c. Council President Charles Haynes and Vice President Sheila De Forest presented plaques for public service to Ana Kelly and Chuck Kincaid. Gifts were presented to both. Vice President De Forest presented President Haynes with a proclamation in lieu of a plaque that a tree would be planted in honor of his service and dedication in Zonta Park. He was also presented with a soap stone for his garden. They were all thanked for their dedication and service to the citizens of Beloit.
4. PUBLIC HEARINGS
  - a. Community Development Director, Julie Christensen, presented a resolution authorizing a **Conditional Use Permit** to allow a fitness studio in an R-1B, Single-Family Residential District, for the property located at 103 Eighth Street (aka 549 Shirland Avenue) in the City of Beloit. Anabel Salgado has filed an application for a Conditional Use Permit to allow a fitness studio in an R-1B, Single-Family Residential District, for the property located at 103 Eighth Street in the City of Beloit. The Plan Commission reviewed this item on April 6, 2016, and voted unanimously (4-0) to recommend approval of the Conditional Use Permit, subject to the other eight (8) conditions recommended by Planning staff. President Haynes opened the public hearing. No one spoke. President Haynes closed the public hearing. Councilors Luebke and Kincaid made a motion to approve the resolution as presented. Motion Carried. File 8026
5. CITIZEN PARTICIPATION
  - a. Stephen Phillips, 2006 North Street, addressed the council regarding the property located at 2018 Portland Avenue. Mr. Phillips stated to the Council that he purchased the property on a quit claim deed and wants them to allow him additional time to clean up the property and not have the property demolished as per the City's current plan. He presented a picture of the property and a petition bearing signatures of residents in the neighborhood supporting clean-up and occupancy of the property by someone willing to maintain the property. City Manager Lori Luther explained that the City staff has been in communication with Mr. Phillips and that the bids for demolition of the property have been accepted and the City does plan to move forward because the property cannot be salvaged.
  - b. Carol Jacobson, 953 Division, addressed the council regarding the property located at 2018 Portland Avenue. She explained that she originally signed the petition and has since had her name removed

because she was not given complete information. She has learned the home is in foreclosure with taxes due in the amount of \$5,679.45 as well as up to \$10,000 in local fines. She is aware that the bid from CCI to raze the property came in at \$4,786.00 and believes this is the proper step for the City to take for the neighborhood and the taxpayers of Beloit.

## 6. CONSENT AGENDA

Councilor De Forest requested to have item 6.b removed from consent.

Councilors Kelly and Sloniker made a motion to adopt the consent Agenda consisting of items 6.a and 6.c – 6.j. Motion carried.

- a. The **Minutes** of the Special Meetings of March 31 and April 6, 2016 and the Regular Meeting of April 4, 2016 were approved.
- c. A resolution approving a **Class “A” Beer and “Class A” Liquor License** for Beloit Mobil on the Run, 2883 Milwaukee Road, Akbir Kang, Agent was approved. File 8688
- d. A resolution approving **Change of Agent** for Domenico’s Pizza and Restaurant, Inc., d/b/a Domenico’s Pizza, located at 547 W. Grand Avenue from Nathan D. Lipps to Olsie A. Ekleberry was approved. File 8688
- e. A resolution approving a **Change of Agent** for Casa Grande Inc., d/b/a La Casa Grande, located at 618 Fourth Street from Andrew Boros-Kazai to Olsie A. Ekleberry was approved. File 8688
- f. A resolution approving a **Change of Agent** for Palermo Enterprise, LLC, located at 648 Fourth Street from Nathan D. Lipps to Olsie A. Ekleberry was approved. File 8688
- g. A resolution approving the granting of a **Stormwater and Drainage Way Easement** to Hendricks Commercial Properties, LLC was approved. File 8243
- h. A resolution approving **Relocation Orders** to acquire Right-of-Way (ROW) and a Temporary Limited Easement (TLE) over a portion of the Menards property at 2851 Milwaukee Road and a TLE over a portion of the Walmart property at 2785 Milwaukee Road was approved. File 8195
- i. A resolution awarding **Public Works Contract C16-05**, Crackfilling and Sealcoating was approved. File 8720
- j. A report of the **Municipal Board of Canvassers** from April 4, 2016 Spring Election was accepted.
- b. Councilor De Forest asked owner Lisa Dodd to explain her rationale for making application to add alcohol to the business plan. Ms. Dodd explained that they purchased the property from Café Fromage and believed that with the addition of a food menu, beer and wine will accommodate adults wishing to have a beverage with their meal. Councilor De Forest was concerned that their current business model was as a treat shop geared towards children and was not in favor of this application. Councilor Luebke commented that the existing layout of the property and business model used by Café Fromage may well compliment the new business and recognized that the previous owners of the property held a full liquor license, the Flying Pig Treat Shop is requesting beer and wine at this time. A resolution approving a **Class “B” Beer and “Class C” Wine License** for The Flying Pig Treat Shops, Inc., located at 431 East Grand Avenue, Debra Nelson, Agent was approved on a vote of 4-2 with councilors De Forest and Sloniker voting no. File 8688

## 7. ORDINANCES

- a. Community Development Director, Julie Christensen, presented 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**. The City of Beloit stormwater program is regulated by the Wisconsin DNR General Permit to Discharge. A requirement of the 2014 reissuance of the General Permit to Discharge requires the City to update Sections 8-900 and 8-1000 of the Zoning Ordinance in order to meet current DNR runoff management standards. The repeal and recreate of the subject Ordinance will ensure consistency with Chapter NR 151 (Runoff Management), of the Wisconsin Administrative Code. The DNR has set an implementation of May 1, 2016 for the updated ordinances.
  - o 8-900 – Construction Site Erosion Control
    - The purpose is to prevent and control water pollution and soil erosion by limiting the amount of sediment and other pollutants carried by runoff.
    - Sets an explicit limit on amount of sediment that can be discharged from construction sites larger than one (1) acre.
    - An approved written Erosion Control Plan is required for each project in order to

- obtain an Erosion Control Permit.
    - City Staff enforces the Ordinance as part of regular inspections and frequently requires contractors to clean up project sites during construction.
  - 8-1000 – Post-Construction Stormwater Management
    - The purpose is to prevent and control the adverse of effects of stormwater, soil erosion, and water pollution by establishing long-term, post-construction runoff management requirements.
    - Ordinance only applies after construction is complete.
    - Prior to project approval, developers are required to submit a written stormwater management plan and maintenance agreement.
    - Stormwater infrastructure must remove 80% of suspended solids on new construction and 40% of solids on redevelopment construction.
    - Standards set in the Ordinance vary by type of land use (i.e. residential vs. industrial)
  - Section 2-803 of the Zoning Ordinance relates to the issuance of Certificates of Occupancy. The proposed amendment to Section 2-803 would require a maintenance agreement (required under Section 8-1011) to be filed and recorded with the Rock County Register of Deeds prior to the issuance of a Certificate of Occupancy.
  - The Plan Commission reviewed this item on March 23, 2016 and voted unanimously (5-0) to recommend approval of this Zoning Text Amendment.

This is second reading. Councilors De Forest and Luebke made a motion to approve the Ordinance as presented. Motion carried. File 7724 Ordinance 3573

- b. Community Development Director, Julie Christensen, presented 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**. The current Zoning Ordinance allows single- and two-family properties to have up to two detached accessory buildings such as sheds or garages. The total area of all detached accessory buildings is limited to 720 square feet or 10% of the lot area, whichever is greater. Each detached accessory building may be up to 1,200 square feet in area, provided the 720 square-foot or 10% standard above is met. For reference, a typical two-stall detached garage is 24' by 24' or 576 square feet.
- City staff initiated the attached Ordinance in anticipation of storage issues resulting from the increased size of the new automated collection trash & recycling containers and the storage space constraints faced by many homeowners, who must store the new containers out of public view.
  - The attached Ordinance will allow homeowners to construct a third detached building not exceeding 40 square feet in area per unit, provided said building is designed and used exclusively to store the new automated collection trash & recycling containers.
  - Planning staff worked with Public Works staff to determine that each container, including a 1-foot buffer for maneuvering, would occupy approximately 20 square feet. Each single- and two-family dwelling will be issued two containers, hence the maximum building size of 40 square feet. This proposal is intended to be the minimum relief necessary, and homeowners requesting extra containers will need to store them in existing sheds or garages. All of the existing regulations that apply to detached accessory buildings including setbacks, separation, and height restrictions remain in effect.
  - The Plan Commission reviewed this item on March 23, 2016 and voted unanimously (5-0) to recommend approval of this Zoning Text Amendment.

This is second reading. Councilors Luebke and Kelly made a motion to approve the Ordinance as presented. Motion carried. File 7724 Ordinance 3574

- c. City Manager, Lori Luther, presented an Ordinance to amend various sections of the Code of General Ordinances of the City of Beloit pertaining to **City Boards, Committees and Commissions**. She explained that it is a high priority for the City to have a diverse array of citizen representatives on boards, committees and commissions to provide recommendations to the full Council for consideration. However, over the course of the past year in particular, few applications to serve as a committee member have been received. The months of March and April 2016, for example, there are 27 vacancies for the 15 boards, committees and commissions with only 6 applications to be brought forward to the Appointment Review Committee.

At two recent Council workshops some potential changes to the structure were discussed to encourage more citizen participation, provide quorums, and to ensure ample opportunity for the

public to provide input. The City Council has not revisited the Code of Ordinances related to boards, committees, and commissions for many years and this is an appropriate time to revisit the topic due to the issues outlined above.

- Amendments to the ordinances include appointing members of the Ethics Board in a way that ensures adequate membership for a quorum. The Chair of the Community Development Authority, Municipal Library Board, Park, Recreation & Conservation Advisory Commission, Plan Commission, and Police and Fire Commission would serve as standing members of the Ethics Board along with two at-large citizen appointees.
- Meeting times are required to begin between 6:30-8:00 p.m. for a variety of committees that need frequent public input. Other meeting times are removed to provide additional flexibility. Currently, the time of each board, committee or commission is stipulated by ordinance and are often held during the day, which may be difficult for individuals and the public to attend.
- Permitting Council members to be voting members of the boards, committees and commissions when the presence of the council member is needed for quorum.
- Requiring interviews by the City Council for appointments to particular committees to further engage the Council with the appointment process.
- Cleaning-up and modernizing the ordinances related to boards, committees and commissions.

Councilor De Forest shared multiple concerns: She would like the Ordinance to be more explicit in stating that each board, committee and commission who set a regular meeting time and location follow that set time and location throughout the year. Attorney Krueger commented that this could be an amendment brought back at a future date but would be difficult to amend on the floor tonight. Councilor De Forest asked Attorney Krueger to explore making that amendment.

Councilor De Forest then stated that she feels strongly about screening/interviewing candidates for conflicts of interest and feels it is imperative that councilors be able to vote when there is not a quorum so City business can continue in a timely manner.

Councilors De Forest and Kincaid made a motion to amend the Ordinance to include the Equal Opportunities Commission and Traffic Control Committee to be included in the boards, committees and commission who must meet no earlier than 6:30pm and no later than 8:00pm. President Haynes agreed that citizens facing committees should be as accommodating to as many work schedules as possible so that citizen involvement can occur. Motion failed on a vote of 2-4 with De Forest and Haynes voting in the affirmative and councilors Kelly, Kincaid, Luebke and Sloniker voting no. Councilors Luebke and Kincaid made a motion to approve the Ordinance as presented. Motion Carried. File 8718 Ordinance 3572

- d. Community Development Director, Julie Christensen, presented an Ordinance to amend various sections of 14.22 of the Code of General Ordinances of the City of Beloit pertaining to Sidewalk Café. The City of Beloit has a **Sidewalk Café** Ordinance which allows a sidewalk café to be located on sidewalks in the Business Improvement District (see attached map) if the business owner has obtained an annual Sidewalk Café License. No other encroachments or obstructions are allowed on the City's Downtown Sidewalks.
- The City's Sidewalk Café Ordinance requires the removal of all sidewalk café furniture, furnishings and equipment from the public sidewalk between the hours of 1:00 AM and 5:00 PM. The City has received a request from a downtown business to allow a bench to be permanently located on the sidewalk in front of its business. This is currently not allowed under City Code.
  - This ordinance amendment would allow for the permanent location of sidewalk café furniture, furnishings, and equipment on the public sidewalk. However, it would require the items to be secured. This would ensure that the items would not be picked up and removed while the business is closed or potentially be picked up by the wind and destroy nearby property. This amendment is outlined in Section 2 of the attached ordinance.
  - Additional amendments are listed in Sections 1, 3, 4 & 5 of the attached ordinance. Section 1 allows the Downtown Beloit Association to have any of their authorized committees review the Sidewalk Café Licenses before issuance. Typically, they would have the Design Committee review these instead of their full board.
  - Section 3 removes an incorrect code reference.
  - Section 4 removes a section of code which we do not believe is necessary since a similar condition is included in 14.22(12)(b)(7).
  - Section 5 removes a requirement that people may only have an alcoholic beverage served to them in an outdoor seating area in conjunction with a meal. Under this condition,

someone could not sit out in an approved outdoor seating area on a nice night and have an alcoholic beverage. We do not believe this condition is necessary.

Councilors Luebke and Kelly made a motion to suspend the rules for a second reading. Motion carried. Councilors Luebke and Sloniker made a motion to approve the Ordinance as presented. Motion Carried. File 7926 Ordinance 3575

## 8. APPOINTMENTS

Councilor De Forest asked to have the PFC appointments under 8.i removed from the consent motion to approve all appointments. Councilor Kelly recused herself for all items under 8. as she is a candidate for appointment to the PFC and left the room. Councilors Luebke and Sloniker made a motion to approve the appointments for items 8.a through 8.h. Motion carried, with councilor Kelly abstaining.

- a. **Alcohol Beverage License Control Committee:** File 6145  
Leno Jerome Jennings, (replacing Ralph Berkley) for a term expiring June 30, 2018
- b. **Appointment Review Committee:** File 6261  
Dan Gifford, (replacing Marlene Erickson) for a term expiring December 31, 2018
- c. **Board of Appeals:** File 6130  
Willis J. Zick, (as 1<sup>st</sup> Alternate) for a term expiring May 31, 2018  
Judy Robson, (as 2<sup>nd</sup> Alternate) for a term expiring May 31, 2018
- d. **Board of Ethics:** File 6049  
John S. Emery, (replacing Mr. Brown) for a term expiring December 31, 2016
- e. **Community Development Authority:** File 6054  
Tressie Webster, (replacing Erin Moffitt) for a term expiring December 31, 2016
- f. **Municipal Golf Committee:** File 7382  
William K. Maze, Jr., (replacing Andrew Insko) for a term expiring December 31, 2016  
Ida Lenz, (replacing William F. Howard) for a term expiring December 31, 2018
- g. **Municipal Library Board:** File 5991  
Angela P. Moore, (replacing Lori Dotson) for a term expiring June 30, 2016
- h. **Plan Commission:** File 6064  
Incumbent Matthew L. Finnegan to a term ending April 30, 2019  
Timothy L. Weeden, (replacing Angela Moore) for a term expiring April 30, 2019
- i. **Police and Fire Commission:**  
Tressy (Gustina) Brown, (replacing Craig W. Zastrow) for a term expiring April 30, 2019  
Ana Kelly, (replacing Timmy Link) for a term expiring April 30, 2018

Councilors Luebke and Sloniker made a motion to approve the appointments to the Police and Fire Commission as recommended by the Appointment Review Committee. Discussion followed. Councilor De Forest explained that while she understands that the changes to the Ordinance is brand new, she believed that it is important. Councilors De Forest and Sloniker made a motion to lay over the appointments for Police and Fire Commission to a later date pending a city council review of the candidates. Motion to lay over passed 3-2 with De Forest, Sloniker and Kincaid voting in the affirmative and Councilors Haynes and Luebke voting no. File 6114

## 9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor Sloniker attended her regular meetings and is looking forward to several special events coming up this week and next. She told the outgoing councilors that it's been a pleasure to serve with them and her experience as a new councilor has been great because of their contributions and passion for serving.
- Councilor Kelly thanked the citizens of Beloit for her time on council. She thanked her fellow councilors for their professional and personal friendship to her. She looks forward to new opportunities to serve in different ways.
- Councilor Luebke wanted to use his time to commend and share gratitude for the service to President Haynes and councilors Kelly and Kincaid. He said he was really going to miss what they all contributed individually and is grateful for the opportunity to serve with them.
- Councilor Kincaid attended the Women's Summit in Madison this past weekend. He stated he is really going to miss serving on the council.

- Councilor De Forest celebrated citizens who have recently been recognized for outstanding contributions to the community. She thanked the library for the ice cream social and was pleased and surprised to see the Chordhawks perform. The open house at Caratas was excellent. She also expressed her gratitude to the outgoing councilors Haynes, Kelly and Kincaid. She expressed thanks to President Haynes for leading the council honorably through a difficult year. She thanked Ana Kelly for helping her better understand historic preservation and she thanked Chuck Kincaid for asking great questions and being inquisitive.
- Councilor Haynes stated he'd prefer to quietly slip away from his service on the council but sees that is difficult to do. He commended his fellow councilors, city staff, the city managers and so many others who have been professional and top flight people who contribute so much to making the community a better place to live, which has been his reason for serving all along. He stated it's been an amazing journey all along and he's proud to have served and sacrificed these past eight years.

## 10. CITY MANAGER'S PRESENTATION

- a. City Manager Luther and Police Chief Zibolski gave a presentation and offered a **resolution amending the 2016 Capital Improvement Budget**. The presentation explained that the Police Department submitted a CIP request in 2016 to replace certain equipment. A leadership change in the Department led to a focused review of future needs and evaluation of its resources, which resulted in a request to amend the original proposal.

The original CIP request was intended to replace the prisoner transport van (\$50K) and department-issued controlled electronic weapons (CEW), i.e. Tasers (\$75K). It has been determined that the prisoner van does not need replacement. The departments CEWs will need replacement by 2017, as replacement parts will be unavailable. However, the department is also in dire need of an upgraded and functional audio/video platform. The current mobile video/audio recording system (MVARS) is inefficient, does not meet the needs of current law enforcement functionality, and is stockpiling terabytes of data that is straining IT resources and therefore unsustainable. Likewise, the department's interrogation rooms (3) are outfitted with inadequate, non-criminal justice-standard audio and video systems. The department has no body camera capacity, although there are 10 Axon body cameras purchased in 2014, but never placed into service.

The amended request addresses all of the above-listed needs, while providing CJIS compliant cloud storage for all applications and technologies. Implementation of the amended CIP request will provide the department with a modern-day audio/video IT platform, place the department in a position to sustain and grow future IT applications, increase efficiency of operations, and decrease financial and personnel waste while enhancing transparency with our community.

1. Each officer will have an upgraded CEW, to include replacement at 2.5 & 5 years
2. Each patrol vehicle will have an updated audio/video capability that will upload via Internet
3. Each interrogation room will be outfitted with CJIS quality audio/video
4. Each officer will have an Axon body camera and the existing 10 units will be placed into service
5. All audio/video files will be stored via the cloud, reducing the need to purchase insatiable terabytes of space
6. The evidence.com cloud storage is accessible by the District Attorney's and City Attorney's Offices, thus reducing copying of audio/video by police personnel.

City Manager Luther thanked the City Manager and Chief for applying to the Public Records Board for an exception on this type of storage. This exception has driven this proposal to make moving in this direction possible.

Councilors De Forest and Luebke made a motion to approve the resolution as presented. Motion carried. File 8695

## 11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Finance and Administrative Services Director, Eric Miller, presented a resolution awarding the **Sale of \$1,725,000 General Obligation Promissory Notes, Series 2016A**. He introduced Dawn Gunderson Schiel of Ehlers and Assoc., who distributed Sale Day Reports and explained the bid and sale process for both resolutions. Councilors Luebke and Sloniker made a motion to adopt the resolution. The motion carried 6-0 by a roll call vote. File 8695

- b. Mr. Miller, presented a resolution awarding the **Sale of \$3,235,000 General Obligation Corporate Purpose Bonds, Series 2016B**. Councilors Luebke and Kelly made a motion to adopt the resolution. The motion carried 6-0 by a roll call vote. File 8695
- c. Public Works Director, Greg Boysen, presented a resolution authorizing **Schedule of Fees and Charges for Stormwater Management**. The City is updating the storm water management and erosion control ordinances. To be consistent with how the City handles fees within ordinances, a new fee schedule has been created by resolution for approval.
1. Current erosion control fees do not come close to covering the cost of plan review, permit issuance and site inspections.
  2. Engineering staff performed a survey of 12 neighboring and similarly sized communities in Wisconsin to determine how our existing fees compared. (Janesville, Kenosha, LaCrosse, Brookfield, Wausau, New Berlin, Fond du Lac, Greenfield, Menomonee Falls, Franklin, Oak Creek and Wauwatosa were surveyed)
  3. Most communities had fees significantly higher than Beloit. Most maxed out in the \$2,000 - \$2,500 range.
  4. Janesville is \$560 for a 1 – 5 acres site and \$1,360 for a site more than 5 acres.
  5. Rock County was surveyed after the rest and the fee continuously varies based on square feet of impervious. A 5 acre site would have a fee of \$1,389 plus fees for additional site inspections.
- Councilors Luebke and Kincaid made a motion to adopt the resolution as presented. Motion carried. File 8045
- d. President Haynes presented a resolution approving **Compensation Adjustments** for the City Manager. He explained that the Council has performed an evaluation for the City Manager and the Council unanimously supports the adjustments outlined in this resolution. Councilors Luebke and Kincaid made a motion to adopt the resolution as presented. Motion carried. File 8052
12. Councilors Sloniker and De Forest made a motion adjourn the meeting at 8:48 p.m. Motion carried.



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Lorena Rae Stottler, City Clerk

[www.beloitwi.gov](http://www.beloitwi.gov)

Date approved by City Council: May 2, 2016