



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Tuesday, September 6, 2016

Presiding: David F. Luebke
Present: Sheila De Forest, Regina Dunkin, Regina Hendrix, Kevin Leavy, Mark Preuschl, Marilyn Sloniker
Absent:

1. President Luebke called the meeting to order at 7:03 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Councilor Hendrix presented a Proclamation supporting participation in “The Big Read” Program, “*Into the Beautiful North*” to Nick Dimassis, Tina Kakuske, Roger Dutcher, Julie Watson – members of the Big Read committee. Library Director Dimassis distributed copies of the book to City Manager and Councilors and announced that additional books were available at no cost while supplies last at the Beloit Public Library. File 7148
 - b. Councilor Hendrix presented a Proclamation recognizing the 120th Anniversary of the Daughters of American Revolution to several officers of the Chapter. File 7148
 - c. Councilor Hendrix presented a Proclamation celebrating the 175th Anniversary of St. Paul Episcopal Church members Anita Williams, Tom Fallon, Susan Adams and Greg Schneider. File 7148
 - d. Councilor Hendrix presented a Proclamation recognizing September as National Infant Mortality Awareness Month to Wanda Sloan and members of the Marilyn Sloan Kilgore family and other members of the coalition. File 7148
4. PUBLIC HEARINGS
 - a. Community Development Director, Julie Christensen, presented a proposed Ordinance amending the Future Land Use Map of the City of Beloit Comprehensive Plan to change the Future Land Use designation of the property located at 1750 Raven Drive (previously Easternmost 2 Acres of 1601 Gateway Blvd) from Parks & Open Spaces to Single-Family Residential – Urban. New Leaf Homes has submitted an application requesting an amendment to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan.
 - The applicant has made an accepted offer to purchase the subject property from the City of Beloit. If the applicant’s land use applications are approved, the 2 acres subject to this request will be subdivided into five new home sites and Raven Drive will be completed as a cul-de-sac. As part of this process, Raven Drive will be renamed Raven Court.
 - The remaining 6.7 acres behind the existing homes on Eagles Ridge Drive will remain as City-owned open space and are not subject to this request. The proposed map amendment is related to the applicant’s concurrent request to rezone the 2 acres under contract from PLI, Public Lands & Institutions District to R-1A, Single-Family Residential. The applicant recently recorded a CSM to subdivide the 2 acres to be rezoned & purchased.
 - The proposed Map Amendment will allow New Leaf Homes to construct a low-density, suburban-style cul-de-sac development that is compatible with the density and character of the neighborhood. Raven Drive was designed and constructed to extend to the north, and the applicant’s proposal will establish a fixed northern edge for this residential subdivision, while leaving nearly 7 acres of public open space between the originally constructed homes on Eagles Ridge Drive and the business park land to the north.
 - The Plan Commission held a public hearing to consider the requested amendment on July 20, 2016 and voted unanimously (6-0) to recommend approval of the requested amendment. President Luebke opened the public hearing. No one spoke. President Luebke closed the public hearing. Councilors Preuschl and Sloniker made a motion to lay the item over to the September 19,

2016 meeting. Motion carried. File 8642

- b. Community Development Director, Julie Christensen, presented a proposed Ordinance amending the City of Beloit Zoning District Map for property located at 1750 Raven Drive (previously Easternmost 2 Acres of 1601 Gateway Blvd) from PLI, Public Lands and Institutions District to R-1A, Single Family Residential District. New Leaf Homes has submitted an application for a Zoning Map Amendment to change the zoning district classification from PLI, Public Lands & Institutions District to R-1A, Single-Family Residential District, for the property located at 1750 Raven Drive (previously known as the easternmost 2 acres of 1601 Gateway Blvd).
- The applicant has made an accepted offer to purchase the subject property from the City of Beloit. The applicant has constructed and sold numerous spec houses in the Eagles Ridge subdivision. If the applicant's land use applications are approved, the 2 acres subject to this request will be subdivided into five new home sites and Raven Drive will be completed as a cul-de-sac. As part of this process, Raven Drive will be renamed Raven Court.
 - The proposed R-1A classification will allow New Leaf Homes to construct a low-density, suburban-style cul-de-sac development that is compatible with the density and character of the neighborhood. Raven Drive was designed and constructed to extend to the north, and the applicant's proposal will establish a fixed northern edge for this residential subdivision, while leaving nearly 7 acres of public open space between the originally constructed homes on Eagles Ridge Drive and the business park land to the north.
 - The Plan Commission reviewed this item on July 20, 2016 and voted unanimously (6-0) to recommend approval of this Zoning Map Amendment.

President Luebke opened the public hearing. No one spoke. President Luebke closed the public hearing. Councilors Leavy and Dunkin made a motion to lay the item over to the September 19, 2016 meeting. Motion carried. File 8642

- c. Community Development Director, Julie Christensen, introduced a resolution authorizing a Conditional Use Permit to allow an indoor entertainment venue with beer sales & consumption in an M-2, General Manufacturing District, for a golf simulation lab within the Ironworks complex located at 625-701 Third Street. Jeff Whiteman of Geronimo Hospitality Group has filed an application for a Conditional Use Permit to allow an indoor entertainment venue with beer sales & consumption in an M-2, General Manufacturing District, for a proposed golf simulation lab within the Ironworks complex located at 625-701 Third Street. The proposed use is classified as "Entertainment-Oriented Retail Sales/Service," which requires a Conditional Use Permit to operate in an M-2, General Manufacturing District. If the Conditional Use Permit is approved, the City Council is authorized to impose conditions it deems necessary to reduce or minimize any potential adverse effects on surrounding properties.
- The proposed golf simulation lab is approximately 8,000 square-feet in area, and will include digital simulators, a putting surface, a driving range, and a lobby/bar area near the entrance from the new Ironworks "spine" roadway. The proposed facility will be open to the public, and will utilize a shared corridor with ADA access and bathrooms.
 - As the Ironworks campus has evolved, the availability of off-street parking stalls has become an emerging issue. According to Section 8-103 of the Zoning Ordinance, the proposed golf lab must be served by at least 53 off-street parking stalls. As of right now, there are at least 53 off-street parking stalls on the Ironworks campus to satisfy this code requirement. The completion of the YMCA in Ironworks South in 2017 and the continued build-out of office space in Ironworks North has led to increased scrutiny of the current and expected parking shortage, and this issue is currently being studied by Planning staff, the Metropolitan Planning Organization (MPO/SLATS), and Hendricks officials. Numerous short- and medium-term solutions are being discussed.
 - The City's Review Agents have reviewed this application and have not submitted any comments or concerns.
 - The Plan Commission reviewed this item on August 17, 2016 and voted unanimously (6-0) to recommend approval of the Conditional Use Permit, subject to the three conditions listed on the Resolution being presented.

President Luebke opened the public hearing. Tom Hankins of 1804 Henderson spoke about concerns over the number of liquor licenses the City has available to other businesses. President Luebke closed the public hearing. Councilors Leavy and Dunkin made a motion to adopt the Resolution as presented. Motion carried. File 8074

- d. Community Development Director, Julie Christensen, introduced a resolution authorizing a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession & consumption of alcoholic beverages in a C-2, Neighborhood Commercial District, for the property

located at 1028 Mary Street. Bradley Sandmire has filed an application for a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession, & consumption of alcoholic beverages in a C-2, Neighborhood Commercial District, for the property located at 1028 Mary Street.

- The applicant owns The Last Lap tavern, and has proposed a fenced outdoor seating area to the northwest of the tavern building as shown on the attached site sketch. The proposed outdoor area would be surrounded by a wood privacy fence and would include emergency exits to the east and south. The privacy fence will be installed next to the existing tavern and storage buildings, which will ensure that customers may only access the outdoor seating area by entering the tavern and exiting the northern door into the fenced area. The fenced area will be approximately 3,000 square feet in area. The fence is outside of the front setback area, and therefore is allowed to be up to 8 feet in height.
- The proposed furniture within the outdoor seating area will consist of picnic tables with seating for 20-30 customers. Section 4-704 of the Zoning Ordinance states that outdoor seating areas in C-2 are only allowed if reviewed and approved in accordance with the Conditional Use Permit review procedures.
- There are existing public housing units to the south and west of the subject property. A Public Notice was sent to 10 nearby property owners. Planning staff has not received any comments.
- The Plan Commission reviewed this item on August 17, 2016 and voted unanimously (6-0) to recommend approval of the Conditional Use Permit, subject to the six conditions included on the Resolution being presented for approval.

President Luebke opened the public hearing. Tom Hankins of 1804 Henderson asked about the proximity to Cunningham school. President Luebke closed the public hearing. Councilors Leavy and Hendrix made a motion to adopt the Resolution as presented. Motion carried. File 7374/8721

5. CITIZEN PARTICIPATION

6. CONSENT AGENDA

Councilors De Forest and Leavy made a motion to adopt the consent Agenda as presented. Motion carried.

- a. The Minutes of the Regular meeting of August 15 and Special Meeting of August 23, 2016 were approved.
- b. An application for American Transmission Company (ATC) for a Utility Easement located at 3015 Cranston Road was referred to Plan Commission. File 8727
- c. An application for Condominium Plat for Walnut Grove Condominiums located at 2260 and 2265 Walnut Street was referred to Plan Commission. File 8142

7. ORDINANCES

- a. Community Development Director, Julie Christensen, presented a proposed Ordinance attaching the property located at 2028 E Ridge Road to the City of Beloit. Steve Manteufel has submitted a petition for attachment to the City of Beloit for his property located at 2028 E. Ridge Road in the Turtle Ridge Island in the Town of Turtle, along with the attached Plat showing the territory to be attached. The applicant has requested a zoning district classification of R-1A, Single-Family Residential.
 - A failing septic system is the impetus for this attachment request. This property is located within the 208 Sewer Service Area and the City of Beloit extended sanitary sewer service to this area several years ago. The Boundary Agreement with the Town of Turtle governs this property, stating "if the sanitary septic system on a property in a Town island fails and the Rock County Health Department determines that the septic system cannot be repaired or replaced, the property owner may petition the City of Beloit to attach to the City for the purpose of obtaining City sewer service."
 - The Wisconsin Department of Administration (DOA) does not need to review this attachment, as the DOA does not review attachments pursuant to a boundary agreement [Wis. Stat. § 66.0307(10)].
 - The Rock County Health Department has been notified of the failing septic system and supports connections to public sewer service systems when one is available.
 - The Plan Commission reviewed this item on August 17, 2016 and voted unanimously (6-0) to recommend approval of this request. Staff is asking council to suspend the rules for a second reading and adopt immediately to allow the owner to finalize the sale of property Sept. 13, 2016.

Councilors Preuschl and De Forest made a motion to suspend the rules for a second reading. Motion carried. Councilors De Forest and Preuschl made a motion to adopt the proposed ordinance as presented. Motion carried. File 8337 Ordinance

8. APPOINTMENTS - None

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor De Forest volunteered for the LULAC school supply drive. She thanked President Luebke and Tom Hankins for their efforts in the 1st Annual Beloit Community Spirit Day on September 4. She congratulated the recent Trans graduates. She attended the ribbon cutting of the Beloit College Emerson housing building. She's looking forward to the next Beloit Community Conversations that will take place September 15th at 5:30pm at Emmanuel Baptist Church, 1151 E. Grand Avenue.
- Councilor Sloniker enjoyed the 1st annual Beloit Community Spirit Day and hopes it can continue.
- Councilor Dunkin attended the first community conversation meeting at New Zion Baptist August 24th and believed it was informative and positive. She thanked President Luebke and City Manager Luther for attending the Golf Fundraiser at the Beloit Club for the Merrill Community Center and was pleased to announce that the Merrill Community Center will be merging with the YMCA in the near future. She visited the Transit department and thinks they are doing a great job over there.
- Councilor Preuschl promoted the Eagle Scout project of Orion Regenold, 13, whose project was titled "Beloit Rocks". His project involves painting "Beloit Rocks" on rocks and then hiding in public places where they are likely to get noticed by following hints placed on Facebook. He said that the 1st annual Beloit Community Spirit Day was a wild success. He is pleased with the new steps at Big Hill park and encouraged residents to enjoy the park as it is a great resource.
- Councilor Leavy echoed the sentiments of the 1st Annual Beloit Community Spirit Day. He also encouraged all youth to attend the next Beloit Community Conversations that will take place September 15th at 5:30pm at Emmanuel Baptist Church, 1151 E. Grand Avenue.
- Councilor Hendrix had nothing to add that the other councilors haven't covered.
- President Luebke thanked Stan Stricker of WCLO for attending the meeting. He also expressed that the Bike across Wisconsin stop at Riverside Park was a wonderful way to showcase what a great City Beloit is and he was proud to hear the comments from people who commented on the great things we have to offer here.

10. CITY MANAGER'S PRESENTATION - None

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Community Development Director, Julie Christensen, presented a resolution authorizing the Purchase of 106 Bluff Street from John Wergin. 106 Bluff is a vacant lot located at the northwest corner of Bluff Street and Shirland Avenue). It was originally owned by the City. It was declared as surplus in 2003 and made available for sale. The lot was sold to John Wergin in December, 2014. His intention was to build a house on the property. In December 2014, the City sold the lot located at 106 Bluff Street to John Wergin subject to the following conditions:
- The Buyer (John Wergin) must construct a single-family residential building in keeping with the character of the neighborhood and in compliance with all municipal ordinances, including but not limited to, all zoning and planning ordinances with an assessed value of not less than \$75,000.
 - Buyer must grant to Seller (City) a right of first refusal to purchase the property. Seller may execute its right of first refusal if (a) Buyer lists the property for sale without having first constructed a residential building on the property listed for sale; or (b) Buyer fails to build a residential building on the lot, as contemplated by this Counter-Offer, within 18 months of closing.
 - If Seller exercises its right of first refusal, the purchase price shall be \$500
- Earlier this year, John Wergin contacted the City about the lot located at 106 Bluff Street. He indicated that he is no longer interested in owning the property or constructing a house on this lot. The City Attorney prepared the attached Offer to Purchase which is contingent upon City Council approval and the Seller (John Wergin) paying all costs of providing evidence of title and all closing costs and fees. The purchase price is \$500. 106 Bluff Street is an odd-shaped parcel, 34,194 square feet in size. The Community Development Department is interested in dividing off the portion of this lot located adjacent to the intersection and installing a "Bluff Street Historic District" sign. The remaining land would be available to sell to another buyer. The sign would be installed on the existing sign posts.

Councilors Dunkin and Sloniker made a motion to adopt the resolution as presented. Motion carried. File 8669

- b. Director of Finances and Administrative Services, Eric Miller, presented a Resolution providing for the Sale of approximately \$13,450,000 Water System Revenue Refunding Bonds, Series 2016C. Michael Harrigan of Ehlers presented the data. The City of Beloit, Rock County, Wisconsin (the "City") deems it to be necessary, desirable and in the best interest of the City to refund the outstanding maturities of the City's Water System Revenue Refunding Bonds, Series 2007, dated January 24, 2007 (the "Refunded Obligations") for the purpose of achieving debt service cost savings. It has been determined that \$13,450,000 water system revenue bonds should be issued for the purpose of refunding the Refunded Obligations pursuant to Section 66.0621, Wisconsin Statutes. He shared a Pre-sale report with councilors and staff that summarized the proposed debt and stated the estimated refunding savings could equal 14.93% or \$1,999,234. Councilors Leavy and De Forest made a motion to adopt the resolution as presented. Motion carried. File 8695
- c. Public Works Director, Greg Boysen and City Manager, Lori Luther presented a resolution denying a Petition to remove the Public Sidewalk adjacent to 1650 Ritsher Street. The owners of the property at 1650 Ritsher, Joseph and Jeanette Hansen, have petitioned the City Council to remove the public sidewalk in front of their rental property. The Hansen's are currently under an order to repair the sidewalk in that location due to hazardous conditions.
- The Engineering Division of the Department of Public Works has reviewed the Hansen's request. The Engineering Division is supportive of the City ordinances and policies that require sidewalks for the safety of pedestrian travel. Property owners within 200 feet have been notified of the Hansen's petition and the September 6, 2016 council meeting where the item will be considered. The Engineering Division encourages the closing of gaps in sidewalks to complete the connectivity of pedestrians within neighborhoods, not removing public sidewalks. The Engineering Division's recommendation is to deny the petition requesting the removal of the sidewalk adjacent to 1650 Ritsher Street.
 - The City did receive comment from the School District wherein Superintendent Dr. Tom Johnson indicated the District's opposition to the removal of the sidewalk. In this instance, the sidewalk that is requested to be removed is less than a block from Converse Elementary School and removal of the sidewalk would not promote the health, safety and welfare of pedestrian travel, particularly small children.
 - City Manager Luther explained that on an annual basis recommendations for sidewalk repairs are made based on a review of criteria. The CIP holds a \$100,000 for such repair of public property and individual property owner are ordered repaired at the expense of the property owners. She explained that this process will be reviewed to address where gaps exist and the need to connect those gaps as a more consistent pattern will need to be explored.
 - Mr. Hansen presented his petition and explained that he currently does not believe that students are walking to school and that the sidewalk in front of this location has little or no foot traffic in his neighborhood, there are many areas where there are currently no sidewalks.
 - Discussion followed. City Manager Luther explained that this sidewalk is a known hazard and doing nothing is not an option because that presents additional liability. The sidewalk must either be removed or repaired. Councilor De Forest shared concerns about the sidewalks and said that they do not exist around the school property on Ritsher as well as the lack of a third option to allow the property owner to remove the sidewalk with the right to require it reinstalled at a later date. Attorney Krueger explained that the decision today is strictly whether or not to allow the removal of the sidewalk at 1650 Ritsher Street at this time. She stated that the Council does not need to condition the decision to remove the sidewalk upon a reservation of authority to order the installation of the sidewalk at some point in the future. Attorney Krueger further indicated that no decision tonight would have any affect upon a future decision of this Council or a future Council to order the installation of sidewalk adjacent to this property if that matter was later brought before the Council for consideration.
 - Councilor Preuschl expressed that he didn't like that the proposed resolution was not written in the affirmative to approve the petition because he'd rather vote on the petition, not the staff's recommendation. He also shared concerns about how the City handles sidewalks where our terrace trees are causing a bulk of the damage and would like the City to explore a policy for that.
 - Councilor Leavy shared concerns about setting a precedent for making decisions that are case by case without full consideration of the staff recommendation whereby they are recommending closing gaps and we may vote to increase gaps.

Councilors De Forest and Preuschl made a motion to accept the citizens petition to remove the sidewalk at 1650 Ritscher Street because it does not connect to a continuous sidewalk on the route to Converse School. Motion to accept the petition to remove the sidewalk failed on a vote of 3-4 with councilors De Forest, Preuschl and Sloniker voting in favor and councilors Dunkin, Leavy, Luebke and Hendrix voting against the motion. The petition to remove is denied. File 8728

- d. Police Chief David Zibolski and City Attorney Elizabeth Krueger presented a resolution approving an Intergovernmental Agreement between the School District of Beloit and the City of Beloit for Adult School Crossing Guards. The agreement is a continuation of the collaborative efforts between the City of Beloit and the School District of Beloit for the provision of adult crossing guards and keeping our children safe walking to or around schools. The prior IGA expired and is due for renewal. The IGA provides for a one-year agreement with two automatic annual renewal periods. The maximum financial contribution for the City is \$47,000 per year. Councilors De Forest and Leavy made a motion to adopt the resolution as presented. Motion carried. File 7749
- e. City Attorney Elizabeth Krueger presented a resolution approving Intergovernmental Agreement between the School District of Beloit and the City of Beloit for the Truancy Intervention Coordinator/Juvenile First Time Offender Program Coordinator. This agreement is a continuation of the collaborative efforts between the City of Beloit and the School District of Beloit for the provision of an employee to work as a truancy intervention coordinator for the school district and as the Juvenile First-Time Offender Program Coordinator for the Municipal Court. The prior IGA expired and is due for renewal. The IGA provides for a one-year agreement with two automatic annual renewal periods. The maximum financial contribution is $\frac{1}{4}$ of the employee's \$52,619 annual salary. Councilor Leavy asked for a progress report at a future meeting on how this program is going. Councilors De Forest and Leavy made a motion to adopt the resolution as presented. Motion carried. File 8565

12. Councilors Slonikor and Preuschl made a motion to adjourn at 8:54 p.m. Motion Carried.



Lorena Rae Stottler, City Clerk

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Date approved by City Council: September 19, 2016