



**PROCEEDINGS OF THE BELOIT CITY COUNCIL**  
**100 State Street, Beloit WI 53511**  
**City Hall Forum – 7:00 p.m.**  
**Tuesday, January 17, 2017**

Presiding: David F. Luebke  
Present: Sheila De Forest, Regina Dunkin, Regina Hendrix, Kevin Leavy, Mark Preuschl, Marilyn Sloniker  
Absent: None

1. President Luebke 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. Councilor De Forest presented a Fire hat that she received during fire ops training to Romel Pinson who has shown interest in becoming a Beloit Firefighter when he grows up.
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 for the property located at 1405 Madison Road and 1402 Townline Avenue from Neighborhood Commercial to Community Commercial. R.H. Batterman, on behalf of Jeff Adleman, has submitted an application requesting an amendment to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan.

This request is related to the applicant's submittal of the attached Planned Unit Development (PUD) Master Land Use Plan for a redevelopment project involving the construction of storage unit buildings and duplexes on the properties located at 1405 Madison Road & 1402 Townline Avenue. The applicant is also seeking a rezoning from C-2, Neighborhood Commercial to PUD. The subject properties are currently planned and zoned for Neighborhood Commercial uses, which are intended to encourage neighborhood-scale residential, office, institutional, and smaller-scale commercial uses to serve the surrounding neighborhoods. The applicant's proposed storage unit development is not allowed by the existing Neighborhood Commercial recommendation and C-2 zoning classification.

The requested Community Commercial future land use recommendation would allow the subject properties to be rezoned to a higher intensity commercial district such as C-3, Community Commercial. To address concerns about the range of commercial uses allowed in C-3, the applicant has requested a zoning classification of PUD, which would limit the uses of the property to storage units & duplexes exclusively.

This request involves a small commercial parcel with a vacant structure at 1405 Madison Road and a larger vacant parcel adjacent to an elementary school and single-family homes. The establishment of a higher intensity commercial district surrounded by residential, institutional, and neighborhood commercial properties is not ideal from a planning perspective. However, Planning staff believes that the proposed PUD, which will limit the property uses to self-service storage units accessible only from Madison Road and duplexes that will provide a buffer between the storage units and school, is compatible with the existing surrounding uses. In other words, staff can support this proposed plan amendment because it is tied to a specific development proposal that provides clarity and certainty to the neighborhood while bringing reinvestment and development activity to the Madison Road corridor. The proposed plan amendment fits the existing neighborhood land use pattern of intense uses along Madison Road (e.g. gas station), transitioning to lower intensity uses to the north. The Plan Commission held a public hearing to consider the requested amendment on December 7, 2016 and voted unanimously to recommend approval of the proposed amendment.

President Luebke opened the public hearing. No one spoke. President Luebke closed the public hearing. Councilors De Forest and Leavy made a motion to lay the item over to the February 6, 2017 meeting. Motion carried. File 8054

- b. Community Development Director, Julie Christensen, presented a Resolution authorizing a Planned Unit Development (PUD) - Master Land Use Plan, to allow mini-storage units and duplexes, for property located at 1405 Madison Road and 1402 Townline Avenue.

R.H. Batterman, on behalf of Jeff Adleman, has submitted an application for review and consideration of a Planned Unit Development (PUD) - Master Land Use Plan for the properties located at 1405 Madison Road & 1402 Townline Avenue. The applicant has also submitted an application for a Zoning Map Amendment to change the zoning district classification from C-2, Neighborhood Commercial District to PUD, Planned Unit Development District, for the properties located at 1405 Madison Road & 1402 Townline Avenue.

The applicant has submitted an application for a PUD – Master Land Use Plan for a redevelopment project involving the construction of storage unit buildings containing up to 140 storage units and duplexes on the properties located at 1405 Madison Road & 1402 Townline Avenue. The proposed PUD – Master Land Use Plan involves the construction of two duplex buildings on the vacant property at the SW corner of Townline Avenue and Whipple Street (1402 Townline Avenue). The applicant has also proposed the construction of three self-service storage buildings on this vacant land, along with the construction of a driveway connection to the existing commercial property at 1405 Madison Road, which will be remodeled and expanded into an office building for this storage complex.

The Fire Department has reviewed the proposed PUD – Master Land Use Plan and has requested a gated emergency-access-only driveway on Townline Avenue to allow adequate protection of the storage units. The City Engineer has reviewed the proposed PUD – Master Land Use Plan and has requested the installation of public sidewalks in front of the duplexes along Whipple Street and along Townline Avenue to allow the duplex residents to access the school and the businesses along Madison Road.

The proposed duplexes would face the school to the north (Whipple Street) and have 30-foot front building setbacks. The proposed storage units would have a street (Townline) building setback of 30 feet. The proposed storage unit driveway would connect to the existing shared driveway at 1405 Madison Road that also serves the adjacent McDonald's. The storage units would not be accessed via Townline Avenue.

The Plan Commission reviewed this item on December 7, 2016 and voted unanimously (6-0) to recommend approval of the PUD - Master Land Use Plan, subject to the nine conditions recommended by Planning staff and an additional condition requiring a Landscape Strip along Townline Avenue

President Luebke opened the public hearing. Lori Goodwick of 1403 Townline Avenue spoke of concerns about headlights shining into their home at all hours of the night. She requested that the City consider planting evergreens of adequate height to block out some of that light. President Luebke closed the public hearing. Councilor De Forest commented that she would like to see a stipulation added prior to this coming back for a second reading to include evergreens. City Manager Luther asked to have the record reflect that when this comes back to the council that staff will consider more specific criteria for #10 regarding landscape requirements in regards to the type and height of landscaping.

Councilor Preuschl asked about the possibility of a waiver on the fence rule and was informed that only the Board of Appeals can grant a waiver of this nature, and the applicant would need to make that request. Councilors Preuschl and Dunkin made a motion to lay the item over to the February 6, 2017 meeting. Motion carried. File 8054

- c. Community Development Director, Julie Christensen, presented a proposed Ordinance amending the Zoning District Map to change the Zoning District Classification of the properties located at 1405 Madison Road and 1402 Townline Avenue, from C-2, Neighborhood Commercial District to Planned Unit Development (PUD). This item was presented at the same time as items 4.a and 4.b.

President Luebke opened the public hearing. No one spoke. President Luebke closed the public hearing. Councilors De Forest and Leavy made a motion to lay the item over to the February 6, 2017 meeting. Motion carried. File 8054

5. CITIZEN PARTICIPATION – No one spoke.

6. CONSENT AGENDA

Councilor Preuschl and Dunkin made a motion to adopt the consent Agenda as presented. Motion carried.

- a. The Minutes of the Regular meeting of December 19, 2016 were approved.

- b. An Application for a Class "B" Beer and Reserve "Class B" Intoxicating Liquor Licenses for HRNS V Entertainment LLC., d/b/a Adiktion, 1310 Cranston Road, Edgardo Garrido Mateos, Agent was referred to ABLCC File 8721
- c. Resolution Combining Polling Places for February 21, 2017 Spring Primary Election was approved. File 6384
- d. Resolution authorizing Final Payment of Public Works Contract C15-10, Canterbury Crossover was approved. File 8698
- e. Resolution authorizing Final Payment of Public Works Contract C16-13, Stateline Sewer and Water Extensions was approved. File 8716

## 7. ORDINANCES

- a. Community Development Director, Julie Christensen, presented a proposed Ordinance to amend Section 25.04(4)(d) of the Code of General Ordinances of the City of Beloit pertaining to Officials authorized to Issue Citations. The Community Development Department has recently completed a restructuring of job responsibilities due to staff vacancies. A compliance specialist position was created to address many unmet needs of the department. This position will be responsible for assisting management with federal grant programs, oversight of the rental registration certificate program and as support to the inspection officials during times of high calls for service. As such, it is necessary to provide this position with the ability to issue citations of various code provisions. The Community Development Department has recently completed a restructuring of job responsibilities due to staff vacancies.

The compliance specialist position is a hybrid position designed to be responsible for assisting management with federal grant programs, oversight of the rental registration certificate program and as support to the inspection officials during times of high calls for service. In order to conduct enforcement work, the code requires this position to be added to the enforcement officials in Chapter 25 of the Code.

Councilors Hendricks and Dunkin made a motion to lay the item over to the February 6, 2017 meeting. Motion carried. File 5772

- b. City Attorney Elizabeth A. Krueger, presented a proposed Ordinance to repeal Section 1.51(3)(f) and to amend Section 1.58(7) of the Code of General Ordinances of the City of Beloit pertaining to the Municipal Court.

Pursuant to statute and local ordinance, the Municipal Court is under the direction and control of the elected Municipal Court Judge. The City Council is responsible for determining and setting the budget for the Court. City ordinance requires the Municipal Court to be an independent department. State law changes in 2009 impressed upon communities to respect the independent nature of the Municipal Court and vested with the Municipal Court Judge the responsibilities for hiring, termination and day-to-day work responsibilities of court personnel.

Judge Brooke Joos has requested that the ordinances related to the court be clarified. The proposed ordinance makes clear the direct supervisory authority for the employees that work within the Municipal Court by providing that those employees are to be under the direct supervision of the Municipal Court Judge. The Municipal Court Judge shall be responsible for the oversight of the employees within the Court, including performance appraisals and day-to-day operations of the Court. The City Council sets the budget for the Municipal Court, which is under the direction and control of the Municipal Court Judge. The ordinance is intended to clarify the reporting relationships for those employees who work for the Municipal Court.

Councilors Leavy and Sloniker made a motion to lay the item over to the February 6, 2017 meeting. Motion carried. File 6543

- c. Director of Finances and Administrative Services, Eric Miller, presented a proposed Charter Ordinance to Combine the Offices of the City Clerk and the City Treasurer, to repeal and recreate Section 1.24 and to repeal Section 1.26 of the Code of General Ordinances for the City of Beloit.

Earlier this month, Lillian Morrow retired as the City Treasurer after 42 years of service to the City of Beloit. Mr. Miller thanked Ms. Morrow for her dedication, service and friendship and wished her the best in her retirement. Her knowledge and presence will be missed by all. As part of staff's ongoing efforts to provide services to the residents of the City of Beloit in the most efficient and effective manner, He is proposing to combine the positions of City Clerk and City Treasurer. He highlighted the proposed changes to the council as part of the 2017 budget process. He will be restructuring the Divisions of the City Clerk, Accounting and Purchasing, and City Treasurer in early 2017.

State Statutes controls the combination of the positions of City Clerk and City Treasurer as they are statutory offices for Wisconsin cities. One of the statutory requirements is for the city council to pass a charter ordinance. A charter ordinance requires a vote of 2/3 of the governing body and there is a waiting period of 60 days after its passage and publication. During the 60-day waiting period, electors could file a petition that would require that the combination of the offices be put to a referendum vote of the electors. Such petition would need to be filed with the City Clerk's Office within the 60-day waiting period.

In addition to the charter ordinance, several changes are required to be made to the Code of General Ordinances. The changes to the Code of General Ordinances will become effective upon the effective date of the charter ordinance. The City Clerk and City Treasurer have been separate positions since the 1980s. Prior to that the positions were combined with other offices including several years with the designation of Finance Director/Clerk/Treasurer going back to the 1950s. Current Treasurer, Lillian Morrow, recently retired after 42 years of service to the City of Beloit. The decision to combine the positions and restructure the two divisions was made as a way to provide better customer service, increase efficiencies, and recognize a positive budgetary impact. There are many examples from other peer municipalities who have successfully combined the positions. The City Manager has appointed Lori Stottler as the Acting City Treasurer until such time that the changes to the ordinances become effective. Ms. Stottler will continue to report to Eric Miller, Director of Finance and Administrative Services. The proposed legislation makes the necessary statutory changes to accomplish the combination of the offices.

Councilor Leavy expressed concerns over combining the two offices since so much function and responsibility falls within these two divisions without adding additional staff in this merge. He wants to make sure that customer service doesn't suffer and that too much is not being placed on any existing staff members. Mr. Miller explained that Ms. Morrow was included in the discussion and consolidation process and he is confident that this step will be successful. Councilor De Forest sees efficiencies and benefits to merging these two divisions and thanked the City for exploring options like this transition. City Manager Luther is confident in this and has worked in jurisdictions that operate within this structure. Attorney Krueger added that this is a Charter Ordinance and therefore does not go into effect for 60 days after it is passed and that Charter Ordinance allows for 7% of the electorate to ask that this be put to a referendum vote. Councilors Leavy and De Forest made a motion to lay the item over to the February 6, 2017 meeting. Motion carried. File 6543

- c. City Attorney Elizabeth A. Krueger, presented a proposed Ordinance to amend Section 1.88(7)(a) of the Code of General Ordinances of the City of Beloit pertaining to the regular meeting time for the Police and Fire Commission. The members of the Police and Fire Commission recently adopted a resolution requesting the city council to consider a change to the ordinance related to the start time of the Commission's regular meetings. Specifically, the commission is requesting to change the start time of the meeting changed from 6:30 p.m. to 5:00 p.m. Commission members expressed a desire to have an earlier start time for the meetings to accommodate the various schedules of the commission members. The members of the PFC are petitioning the city council to change the start time of the regular meetings from 6:30 p.m. to 5:00 p.m.

Councilors De Forest and Preuschl made a motion to amend the resolution to reflect that the start time be changed to "no earlier than 5:30pm." Motion carried. Attorney Krueger will bring this back with the amended language. Councilors Dunkin and Sloniker made a motion to lay the item over to the February 6, 2017 meeting. Motion carried. File 6543

## 8. APPOINTMENTS

- a. Appointment Review Committee File 6261

Lynn Vollbrecht, (replacing Mardell Jacobsen) to a term ending December 31, 2019. Councilors Deforest and Hendrix mad a motion to accept the appointment as presented. Motion carried.

## 9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor De Forest thanked the Beloit Fire Department for their donation of coats to Caritas. She recognized the Beloit staffers who organized the winter clothing drive. She announced that there will be a meeting of LULAC discussing municipality ID cards on January 19<sup>th</sup> at San Jose Church, 617 St. Lawrence at 5:30pm. She attended the Unity Banquet and thanked the Beloit School District for hosting. It was a wonderful event and she enjoyed the young people involved in the program. She congratulated Lillian Morrow for her 42 years of service and said she has been a valuable employee who has shown grace and humility and demonstrated a great example as an employee. She's

looking forward to Winterfest and the various activities next weekend. There will be a Family Immigration Resources workshop on February 19<sup>th</sup> at Hackett Elementary from 2-4pm.

- Councilor Sloniker had no report.
- Councilor Dunkin thanked Beloit College for inviting her to be the keynote speaker at the convocation yesterday in celebration of MLK day and thanked her fellow councilors for attending. She recognized Lillian Morrow for 42 years of service and wishes her well. She also welcomed the council candidates in the audience.
- Councilor Preuschl attended the MLK events yesterday. He was happy to hear fellow councilor Hendrix sings at one of the events. He is always pleased to hear from out of towners about how welcoming and helpful people in the City are. He hopes the warm, friendly and engaging continues.
- Councilor Leavy thanked Lillian for her service to the City. As it pertains to MLK celebrations, he hopes that we can charge others to celebrate more often than just January. While it's a wonderful celebration, we can continue to focus on coming together on a regular basis and celebrate and engage one another, especially the youth of our community.
- Councilor Hendrix attended MLK events on Saturday and on Monday. She added that part of the proceeds at the Unity Event will help minorities in the Grow Your Own program, which she was a student of. She is excited to be working with the Beloit Public Library as a "bootlegger" to encourage children to get to the library and be excited about reading.
- Councilor Luebke enjoyed the MLK events on Saturday and Monday as well. He also welcomed council candidates Nancy Forbeck, Rose Richard and Ana Kelly who were in the audience.

## 10. CITY MANAGER'S PRESENTATION

## 11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. City Attorney Elizabeth A. Krueger presented a resolution authorizing extension of Lease Agreement with Congressman Mark Pocan. Congressman Mark Pocan's office has rented approximately 117 square feet of office space in City Hall for use as a constituent services office since 2013. Congressman Pocan's office has requested an additional extension with a lease expiration date of January 2, 2019. The attached lease documents have been agreed upon by staff and the City does have excess office space available at City Hall. The lease payment will be \$350 per month with utilities and WiFi access included in the rent amount. The office will not be used for anything besides constituent services and no campaign activities are allowed. The lease term will expire at the end of the congressman's term, which is January 2, 2019.

Councilors Dunkin and Sloniker made a motion to accept the resolution as presented.

Motion carried. File 8588

- b. Library Director, Nick Dimassis, presented a resolution awarding Contract C16-21R and amending the 2016 Capital Improvements Budget to provide additional funding for the Beloit Public Library Blender Café Project. This project will convert the Beloit Public Library Children's Preschool Area and Program Room into the Blender Café. Two bids were received for this project. The low bid of \$ 201,089.00 was from Klobucar Construction Co. Inc. and is 1.2% less than the engineer's estimate of \$ 203,464.50. The low bid from the original letting, rejected on Dec. 5, 2016, was \$216,200. Klobucar Construction Co. Inc. is considered a responsible bidder for this project.

The costs for this project are as follows: \$ 201,089.00 for construction, \$ 29,511.00 for Change Orders or extra work, for a total of \$ 230,600.00. The City contributed \$100,000 through bond proceeds which was approved in the 2016 CIP. Any additional funding for the project is being provided by the Library Foundation in the amount of \$130,600. The value engineering and re-bid process clarified specific costs for certain elements and resulted in bidders offering highly competitive prices for 10 additive alternates. All 10 additive alternates are now recommended for award.

Councilors Sloniker and Leavy made a motion to accept the resolution as presented. Motion carried. File 8737/8701.

- a. City Attorney Elizabeth A. Krueger presented a resolution waiving Right of First Refusal for Midstates Bedding Company, 1500 Lee Lane. The City was approached about the potential transfer of 1500 Lee Lane, Beloit, WI. The City, by virtue of Declaration of Restrictive Covenants, has repurchase rights related to the property. The City has no interest in exercising those rights and wishes to consent to the internal transfer of the property to SSB Manufacturing Company. The Waiver and Release to effectuate the release of the City's rights has been drafted and is included in the packet for council's consideration. The City has no interest in the property and wishes to consent to the transfer of the property.

Councilors Preuschl and Dunkin made a motion to accept the resolution as presented.  
Motion carried. File 7795

- c. Councilors De Forest and Preuschl made a motion to adjourn into closed session pursuant to Wis. Stats. 19.85 (1)(c) to consider the employment, promotion, compensation, or performance evaluation data of a public employee over which the governmental body has jurisdiction or exercises responsibility. Motion carried and the council proceeded into closed session at 8:01 p.m.

12. Councilors Preuschl and Sloniker made a motion to adjourn at 8:40 p.m. Motion Carried.



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Lorena Rae Stottler, City Clerk

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Date approved by City Council: February 6, 2017