



**PROCEEDINGS OF THE BELOIT CITY COUNCIL**  
**100 State Street, Beloit WI 53511**  
**City Hall Forum – 7:00 p.m.**  
**Monday, February 6, 2017**

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

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 Leavy presented a Proclamation in Recognition of Rock Trail Coalition 25 years of service. File 7148
  - b. President Luebke presented the State of the City Address, and highlighted the accomplishments and activities of 2016.
4. PUBLIC HEARINGS- None
5. CITIZEN PARTICIPATION
  - a. Matt Finnegan, 2212 Knoll View Drive, spoke regarding his concerns about foreclosures due to condition of properties in the City of Beloit, and asked that the City help by notifying insurance agents to provide information about the City of Beloit Homeowners rehab program.
6. CONSENT AGENDA

Councilor De Forest and Dunkin made a motion to adopt the consent Agenda as presented.

- a. The Minutes of the Regular meeting of January 17, 2017 were approved.
  - b. Resolution authorizing Final Payment of Public Works Contract C16-20, Concrete Pavement Repair was adopted. File 8729
  - c. Application for Addendum No. 2 to Kadlec Drive Condominium Plat (2660 Kadlec Drive) was referred to Plan Commission. File 8242
  - d. Application for a Zoning Map Amendment to change the zoning district classification from C-1, Office District to M-1, Limited Manufacturing District for property located at 1801 Gateway Blvd. was referred to Plan Commission. File 8642
7. ORDINANCES
- a. Community Development Director, Julie Christensen, presented the second reading of the 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. Ms. Christensen said that she would give one presentation for 7.a, 7.b and 11.a. She noted that the Planned Unit Development was changed to address a residents concern and modified the last condition to require landscape material to include evergreen shrubs at least 3 feet in height when planted to address neighborhood view and light trespass concerns.

This request is related to the applicant's submittal of the 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 Plan Commission held a public hearing to consider the requested amendment on December 7, 2016 and voted unanimously (6-0) to recommend approval of the proposed amendment

Councilor De Forest asked if Plan was comfortable with the amount of evergreen plantings, she was glad to see the inclusion of the sidewalks. Ms. Christensen responded that they were given enough guidance, requiring the right amount of plantings and said that the applicant said that they would plant whatever landscaping materials we wanted. Councilors Dunkin and Hendrix moved to adopt the proposed ordinance as presented. Motion carried. File 8054 Ordinance 3591

- b. Community Development Director, Julie Christensen, presented the second reading of the 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).

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 Plan Commission reviewed this application on December 7, 2016 and voted unanimously (6-0) to recommend approval of this Zoning Map Amendment

Councilors Leavy and Hendrix moved to adopt the proposed ordinance as presented. Motion carried. File 8054 Ordinance 3592

- c. Community Development Director Julie Christensen, presented the second reading of the 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.

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 Preuschl and De Forest moved to adopt the proposed ordinance as presented. Motion carried. File 5772 Ordinance 3593

- d. City Attorney Elizabeth A. Krueger, presented the second reading of the 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 Preuschl moved to adopt the proposed ordinance as presented. Motion carried. File 6543 Ordinance 3594

- e. Director of Finance and Administrative Service Eric Miller, presented second reading to Proposed Charter Ordinance #10 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. 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. 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. The proposed legislation makes the necessary statutory changes to accomplish the combination of the offices. Council Preuschl clarified that this not an uncommon move, in fact the City of Janesville does it this way. Councilors Dunkin and Preuschl moved to adopt the proposed Charter Ordinance as presented. Motion carried. File 6543 Charter Ordinance #10

- f. City Attorney Elizabeth A. Krueger, presented a second reading for proposed Ordinance substitute amendment #1 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 are requesting to change the start time of the meeting. At the last council meeting the original proposed ordinance was amended to read from 5:00 p.m. – 8:00 p.m. as a start time to 5:30 p.m. to 8:00 p.m. and the substitute amendment #1 reflects that change. Councilors De Forest and Preuschl moved to adopt the proposed ordinance Substitute Amendment #1 as presented. Motion carried. File 6114 Ordinance 6114

## 8. APPOINTMENTS- None

## 9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- a. Councilor De Forest thanked the BTS staff and riders for their flexibility and patience as we develop continued plans for handling route changes. She wanted to encourage riders to contact BTS or elected officials to voice their concerns. She acknowledged City Council candidates Rose Richard, Jeannette Hanson, and Ana Kelly who were in the audience and said she appreciated that they attended the council meetings. She said she was looking forward to two upcoming events, one on

February 19<sup>th</sup> 2-4 p.m. at Hackett School for a workshop on Family Immigration Resources and another on February 25<sup>th</sup> 11:00 on a Community Black History Program hosted by Bethel AME Church at Domenico's.

- b. Councilor Preuschl announced the upcoming Downtown Beloit Association Annual Awards on February 9th and Beloit International Film Festival which will run from February 24-March 5. He said that PBS Program "Around the Corner with John McGivern" will host a special local premiere at Beloit Memorial Auditorium on February 28<sup>th</sup> which will be dedicated to the City of Beloit.
- c. Councilor Dunkin said that she is also looking forward to the DBA Awards Dinner. She announced that Beloit Health Systems will host Happy Heart Month Celebration tomorrow February 7<sup>th</sup> in the Beloit Hospital Auditorium; she said tours will be given of the completed Phase 1 Packard Family Cardiology Clinic of the Hendricks Family Heart Hospital. She said that is beautiful and a wonderful contribution to the City, and gave special thanks to the Hendricks and Packard families, Tim McKeveatt, and Beloit Hospital staff and all involved with the project. She said that she is looking forward to BIFF on February 24- March 5.
- d. Councilor Luebke said that the Beloit Daily News did a nice article on Councilor Mark Preuschl, and congratulated Councilor Dunkin on her new position in Public Relations at Beloit Health Systems. He said that Beloit College was named as one of the top 10 small colleges in the country.

#### 10. CITY MANAGER'S PRESENTATION - None

#### 11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. 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. This item was discussed and voted on after item 7.a. earlier in the agenda.

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. The Resolution has been modified to require evergreen shrubs at least 3 feet in height when planted. Councilors De Forest and Leavy made a motion to accept the resolution as presented. Motion carried. File 8054

- b. Director of Finances and Administrative Services, Eric Miller, presented a resolution authorizing the Payment Restructure of Outstanding Special Assessments against Walnut Grove Plat I and Plat II. On October 7, 2013 the City Council approved a Fourth Amended Resolution granting Walnut Grove subdivisions an additional three-year deferral for payment of the special assessments. The due date for the first installment established in that Fourth Amended Resolution was to be January 31, 2017.

The owners have asked the City to consider a restructure of the current payment plan which is set to be completed January 31, 2021. Under the restructured payment plan, the owners would make a \$25,000 cash payment to the City as partial payment of the existing levied special

assessments which totaled \$112,995.80. The City would then make a cash payment to the County for the difference in order to satisfy the levied special assessment. The County will then send all the funds back to the City as part of the normal Tax Settlement process. The amount the City paid to satisfy the levied special assessment will be added back to the amount the owners owe. The reason for doing it this way alleviates the owners from incurring any late penalty and interest charges and has a zero effect on the City.

Under the new restructure agreement, cumulative interest will be recalculated from 2006 through 2016 at 1.75% on the remaining 30 lots, each with an original principal amount of \$11,033.90. This will recalculate the amount owed as \$400,616.56. The \$25,000 will reduce this amount to \$375,616.56 which will then be repaid over a 10 year basis at an interest rate of 1% per year. The outstanding special assessment on any sold lot will be paid in full upon closing and will be applied to the outstanding annual amount due. If three or more lots are sold and closed upon in the calendar year, the City will waive the amount of interest due that year. This is providing incentive for the owners to build and sell the units faster. If all interest is forgiven over the life of the loan, that will save the developer \$20,932.79 in interest. However, the City will make up that amount in property tax revenue by 2020. If the owners sell less than three units in a calendar year, the City will levy the difference of the amount due and the specials already paid. This protects the City and allows for regular payments to continue to be made. There is a significant benefit to the City in the form of new property tax base and revenue. This restructure begins the process of getting the special assessments repaid. If this restructure is not approved, under the current economic condition of the owners, there is a distinct probability that these parcels would go into tax foreclosure and increases the chance that the City will receive nothing and have to write off the entire balance. Councilors De Forest and Luebke thanked City Manager Luther and Mr. Miller for working with the developer while still considering the City's best interests. Councilors De Forest and Hendrix made a motion to accept the resolution as presented. Motion carried. File 8142

- c. City Manager Lori S. Curtis Luther and City Attorney Elizabeth A. Krueger presented a Resolution leaving Councilor Marilyn Sloniker's Council Seat Vacant and unfilled Until the April 2017 Election. Councilors Preuschl and Dunkin made a motion to accept the resolution as presented. Motion carried. File 5187
- d. Community Director Julie Christensen presented a resolution approving 2017 Community Community Development Block Grant (CDBG) Local Funding Priorities. Councilor De Forest recused herself.

The CDA recommended the local funding priorities on June 22, 2016.

A public hearing was held during the July 5, 2016 City Council meeting to allow public input on the housing, homeless, and community development needs in the Community. Three people spoke during this hearing:

Ian Hedges from HealthNet spoke about the importance of wellness and assistance with costs of medication. He requested that health and dental services be a priority and explained that 40% of their clients are from Beloit.

Donna Ambrose from Caritas and also a Beloit resident spoke about the need for emergency housing assistance and said that Beloit residents need assistance and free education with landlord/tenant issues. She gave examples of Beloit tenants who had property maintenance issues with their units, and once they reported the issues, the landlords retaliated. She also said there is a need in the community for food and security deposit assistance.

Lynn Vollbrecht from Community Action, Inc. spoke about the various programming provided by Community Action and explained that they have a renewed focus on youth programming.

The funding priorities were included in the CDBG application, which was sent out to agencies in July. The City Council subsequently adopted a 2017 CDBG Budget which awarded funds to agencies who meet the local funding priorities.

Councilor De Forest and John Pfliegerer, Executive Director of Family Services, have informed the City that Councilor De Forest works part-time for Family Services as a Client Support Specialist for the Domestic Violence Center on weekends. Her employment began with the agency on May 28, 2016.

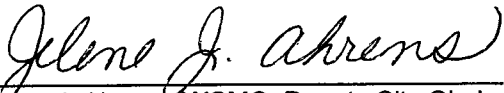
Although Councilor De Forest did abstain from voting on the 2017 CDBG Budget and left the room during the discussion and subsequent vote, she did participate in the discussion and vote on

the 2017 CDBG Local Funding Priorities at the July 25, 2016 City Council Meeting, which constitutes a conflict of interest under the CDBG Program.

Therefore, we are bringing forward the 2017 CDBG Local Funding Priorities at this meeting for action. At the next meeting, on February 20, 2017, the City Council will take action on the 2017 CDBG Budget. Councilor De Forest will abstain from these items and will leave the room during the discussion and subsequent vote on the items.

Councilors Leavy and Dunkin made a motion to accept the resolution as presented. Motion carried 5-0-1 with Councilor De Forest abstaining. File 8739  
Councilor De Forest returned to her seat at 7:39 p.m.

12. Councilors De Forest and Preuschl made a motion to adjourn at 7:40 p.m. Motion carried.

  
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Jelene J. Ahrens, WCMC, Deputy City Clerk

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Date approved by City Council: February 20, 2017