



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, April 3, 2017

Presiding: David Luebke
Present: De Forest, Dunkin, Leavy and Preuschl
Absent: Hendrix
Vacant: Marilyn Sloniker

1. President Luebke called the meeting to order at 7:02 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 Proclamation recognizing National Library Week April 9-15, 2017. Library Director Nick Dimassis invited staff to discuss upcoming events and shared photos of councilors with library cards stating "libraries transform". File 7148
 - b. Councilor De Forest presented a Proclamation recognizing April 21, 2017, as Roy Chapman Andrews Day. File 7148
 - c. Councilor De Forest presented a Proclamation recognizing April as National Fair Housing Month File 7148
4. PUBLIC HEARINGS
 - a. Director of Planning and Building Services, Drew Pennington, presented a resolution authorizing a Conditional Use Permit to allow a drive-through use and outdoor seating area in a C-3, Community Commercial District, for the property located at 2787 Milwaukee Road. Todd Waller of Beloit Capital LLC has filed an application for a Conditional Use Permit to allow a drive-through use and an outdoor seating area in a C-3, Community Commercial District, for the property located at 2787 Milwaukee Road. The applicant has proposed the opening of a Dunkin Donuts restaurant in the existing Asia Buffet space at the eastern end of this existing retail strip center. The proposed restaurant includes a drive-through window and an outdoor seating area, both of which require a Conditional Use Permit. If the uses are approved, the City Council is authorized to impose conditions it deems necessary to reduce or minimize any potential adverse effects on surrounding properties. The Plan Commission reviewed this item on March 22, 2017 and voted unanimously (7-0) to recommend approval of the Conditional Use Permit, subject to the six conditions recommended by planning staff. President Luebke opened the Public Hearing. Erick Johnson, 2386 Tara Ct., who is also a member of the Plan Commission and voted for this proposal expressed one concern with the property. The adjacent property at the Speedway has overgrown pine trees and a dumpster that impedes visibility into the thoroughfare and appears to be a safety issue. He would like to see Wal-Mart, who is the property owner to remove those trees to improve safety. The applicant has offered to pay for the removal of the trees that are impeding but the property is owned by Wal-Mart. Mr. Pennington has reached out to the store manager of Wal-Mart seeking approval to remove the trees. President Luebke closed the public hearing. Councilors Leavy and De Forest made a motion to approve the resolution. Motion carried. File 8740
 - b. Director of Planning and Building Services, Drew Pennington, presented a resolution authorizing an Exception to the Architectural Review and Landscape Code for property located at 2787 Milwaukee Road. Todd Waller of Beloit Capital LLC has filed an application for an Exception to Section 34.21(2)(b) of the Architectural Review and Landscape Code to waive the open green space requirement for the property at 2787 Milwaukee Road. The applicant has proposed the opening of a Dunkin Donuts restaurant in the existing Asia Buffet space at the eastern end of this existing retail strip center. The proposed restaurant includes a drive-through window. The applicant has proposed a new one-way (southbound) drive lane around the western end of the building, which requires a

Landscape Code Exception, as it would encroach into the required 5 feet of open green space along the western lot line. The open green space requirement applies to interior side and rear lot lines, where at least 5 feet of grass must be provided. The applicant has stated that the drive lane would encroach up to 3 feet into the open space, leaving 2 feet of grass along the lot line. The proposed drive lane is a requirement of Dunkin Donuts in order to provide better access to their proposed drive-through lane, which is the subject of a Conditional Use Permit request. The applicant has limited options with respect to changing the layout of this existing retail center. Planning & Engineering staff have worked with the applicant to design the proposed drive-through to function in a counter-clockwise manner, and the new southbound drive lane is an important element. The Plan Commission reviewed this item on March 22, 2017 and voted unanimously (7-0) to recommend approval of the Exception, subject to the conditions recommended by Planning staff. President Luebke opened the Public Hearing. No one spoke. President Luebke closed the public hearing. Councilors Preuschl and De Forest made a motion to approve the resolution. Motion carried. File 8740

- c. Director of Planning and Building Services, Drew Pennington, presented a resolution authorizing a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District-Core, for the property located at 310 State Street. Erick Johnson has submitted an application for a Conditional Use Permit to allow a ground-floor office use in the CBD-1, Central Business District – Core, for the property located at 310 State Street. This is the former “Overflowing Cup” building, which has been acquired by a new owner and will be rehabilitated into a ground-floor real estate office and upper floor housing. The applicant intends to preserve the storefront. In accordance with Section 6.2.10 of the Zoning Ordinance, office uses in the Central Business District are permitted by-right above the ground floor but require a Conditional Use Permit on the ground floor. This provision is intended to encourage retail-oriented uses in the downtown area. Uses in the Central Business District are exempt from the off-street parking requirements contained in the Zoning Ordinance, as on-street parking and City-owned parking lots are nearby. The applicant and property owner intend to renovate and revitalize this commercial building in the heart of the downtown district while maintaining a storefront appearance and first floor fenestration. The proposed office use is expected to have a positive impact by bringing clients into the area that may benefit the adjacent retail businesses. The Plan Commission reviewed this item on March 22, 2017 and voted unanimously (6-0) to recommend approval of the Conditional Use Permit, subject to the three conditions recommended by Planning staff. President Luebke opened the Public Hearing. No one spoke. President Luebke closed the public hearing. Councilors De Forest and Dunkin made a motion to approve the resolution. Motion carried. File 8741
- d. Director of Planning and Building Services, Drew Pennington, presented a resolution authorizing a Conditional Use Permit to allow food production and distribution in a C-3, Community Commercial District, for the Piggly Wiggly property located at 1827 Prairie Avenue. Miguel Guzman has filed an application for a Conditional Use Permit to allow food production and distribution in a C-3, Community Commercial District, for the Piggly Wiggly property located at 1827 Prairie Avenue. The applicant has proposed the renovation of a vacant rear portion of the Piggly Wiggly building into a spice blending and sausage production room. The sausage produced on-site will be sold both on and off-site. Manufacturing & Production uses require a Conditional Use Permit in the C-3 district. The applicant has also proposed renovations at the front of the building to the right of the store entrance, although that retail project is permitted by-right in the C-3 district. Of the existing 84,000 square-foot Piggly Wiggly building, the proposed spice blending area is approximately 1,500 square feet, and the proposed walk-in cooler is approximately 900 square feet in area. The proposed spice blending and sausage production operation will not involve on-site slaughtering, as meat will be purchased in bulk just as it is for the grocery store butcher shop. The proposed spice blending and sausage production operation will only operate during the grocery store’s regular hours. The applicant has stated that any additional truck traffic will be negligible (1-2 per day), and will utilize the existing loading docks where trucks deliver products to the grocery store. A Public Notice was sent to 21 nearby property owners. Planning staff received one phone call in support and one email with questions about the proposed use. The Plan Commission reviewed this item on March 22, 2017 and voted unanimously (7-0) to recommend approval of the Conditional Use Permit, subject to the four conditions included on the attached Resolution. President Luebke opened the Public Hearing. Jim Van De Bogart, 2091 Collingswood Dr., spoke in favor of the CUP and asked the council to allow Mr. Guzman the opportunity to remain competitive in his business. Miguel Guzman, 5989 W. St. Lawrence Ave., thanked the council for considering and supporting his business plan. President Luebke closed the public hearing. Councilors Dunkin and De Forest made a motion to approve the resolution. Motion carried. File 8742

5. PUBLIC COMMENT

- a. Alice Blue, 2621 Prairie Avenue, Beloit brought to the council's attention that this year both Christmas Eve and New Year's Eve fall on a Sunday when liquor sales are limited to opening at noon. She asked if the council might consider an exception on these dates and allow them to open at 9am like other business days. This hasn't happened in ten years but these two days is equivalent to over two weeks' worth of sales. President Luebke and Councilor De Forest asked for information from staff to review this request.

6. CONSENT AGENDA

Councilors Leavy and Dunkin made a motion to adopt consent Agenda as presented. Motion carried.

- a. The Minutes of the Regular and Special meetings of March 20, 2017 were approved.
- b. An application for an Electric Line Easement for Eagles Ridge Park property at 3731 Golden Eagle Drive was referred to Plan Commission. File 8657
- c. An application for a Class "B" Beer License for Los Corrales Restaurant, LLC, d/b/a Los Corrales Restaurant, located at 946 Wisconsin Avenue, Karla P. Robledo Mendoza was referred to the Alcohol Beverage License Control Committee. File 8721
- d. A resolution approving a Relocation order to acquire a Highway Easement and a Temporary Limited Easement over portions of the properties located at 810, 830, & 850 Pleasant Street was approved. File 8744

7. ORDINANCES

- a. Cheryl Simplot, Environmental Coordinator, presented a proposed Ordinance to amend various provisions of Chapters 6, 25 and 29 of the Code of General Ordinances of the City of Beloit pertaining to Hazardous Material Incident Response and the Wastewater Treatment System. The Sewer Use Ordinance (SUO) has been updated pursuant to the requirements of Wisconsin Admin Code section NR 211 related to streamlining requirements. In addition, city staff took this opportunity to provide greater clarity and updates to various provisions of the SUO. The Wisconsin Department of Natural Resources has approved the proposed SUO and ERP that is before you for consideration. The highlights of the changes are as follows:
 - o The ordinance was updated to comply with NR 211 streamlining revisions
 - o The ordinance was updated to clarify definitions
 - o The ordinance was updated to clarify that requirement for the use of public sewers. Sewage discharge to public or private property prohibited
 - o The ordinance was updated to correct references to the administrative code
 - o The ordinance was updated to clarify on the distinction between disconnection of sewer service for failure to pay fees and disconnection of service for other reasons
 - o The ordinance contains updates to the Spill Control Prevention Program
 - o The ordinance updates the permit section to be inclusive of DNR regulations
 - o The ordinance revises language in administrative enforcement section to provide greater clarity
 - o The ordinance was updated to include continuous pH monitoring language
 - o The ERP was updated to be consistent with other ordinance penalty provisionsThis is first reading. Councilors De Forest and Preuschl made a motion to lay over to the April 17th meeting. Motion carried. File 5303

8. APPOINTMENTS - None

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS


- a. Councilor De Forest apologized for missing the March meetings. She thanked NAMI and BPD officer Jamie Linder for the 2-day intensive training on crisis intervention. This was a wonderful training. She attended the immigration resources workshop. She extended her condolences to the Larry Cornellier family and honored his memory for this community involvement. She let the public know that the city will be looking for feedback on the new City logo.
- b. Councilor Preuschl attended the BJSO fundraiser yesterday where the City Manager volunteered as a contestant to support the cause. He photographed the Meals on Wheels fundraiser, Mushing for Meals. He received a thank you from the hockey group who attended last meeting for the photos he took. He had a good turnout at Grinnell Hall for the "what the tech" class he is helping with. The

- Friends of Riverfront hosts the rise and shine breakfast this weekend with their annual meeting.
- c. Councilor Dunkin thanked the Library and the staff for the pictures and all they do to promote reading. She attended the Police Departments Community Conversations at Beloit College and was very pleased with the dialogue exchanged, especially the implicit bias portion. She encouraged voters to vote in the spring election tomorrow.
 - d. Councilor Leavy thanked the Chief of Police for his follow through on the community conversations project. This approach has been very beneficial and the Chief and his staff has presented with enthusiasm and measurable change. He also thanked the entire City staff for the work they do. The customer service and assistance received by all, whether it be with the City Manager or City Attorney or the City Clerk, or other departments who are so helpful in making this City be the positive place with great things happening. He reminded people that their vote matters and local elections are as important as the Presidential elections.
 - e. Councilor Luebke reported that Council Hendrix is excused tonight and is traveling with high school students who are looking at College opportunities. He was pleased to see that all six candidates on the ballot tomorrow were present at this evening's election. On April 20, Beloit Memorial High School will have their annual Hall of Fame night and Tony Scodwell will return to be honored and has been scheduled to perform in several places; April 21st at Suds; April 22nd at Beloit Club; April 23rd at the Grand Avenue Pub and April 24th at Eaton Chapel to perform with the Beloit College band.

10. CITY MANAGER'S PRESENTATION

11. REPORTS FROM BOARDS AND CITY OFFICERS

12. Councilors Preuschl and Dunkin made a motion to adjourn at 8:00 p.m. Motion carried.



Lorena Rae Stottler, City Clerk

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Date approved by City Council: April 17, 2017