



**AGENDA**  
**BELOIT CITY COUNCIL**  
**City Hall Forum - 100 State Street, Beloit, WI 53511**  
**7:00 PM**  
**Monday, May 6, 2024**

Public Comments via email are welcome. If you would like to provide public comment for the Public Comment section of the Agenda, please submit those to [PublicComment@beloitwi.gov](mailto:PublicComment@beloitwi.gov) by 12:00 noon on Monday May 6, 2024.

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
  - 3.a. Proclamation 2024-023 recognizing National Public Works Week (Day)  
[Attachment](#)
  - 3.b. Proclamation 2024-024 recognizing Teacher Appreciation Week (Day)  
[Attachment](#)
  - 3.c. Proclamation 2024-025 recognizing National Police Week (Day)  
[Attachment](#)
  - 3.d. Proclamation 2024-026 recognizing Asian American and Pacific Islander Heritage Month (Day)  
[Attachment](#)
  - 3.e. Proclamation 2024-027 recognizing No Menthol Sunday (Day)  
[Attachment](#)
4. PUBLIC HEARINGS
5. PUBLIC COMMENTS
6. CONSENT AGENDA

*All items listed under the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the General Order of Business and considered at this point on the agenda.*

  - 6.a. Consider the approval of the minutes of the regular meeting of April 1, 2024 (Granger)  
[Attachment](#)
  - 6.b. Consider the approval of the minutes of the regular meeting of April 15, 2024 (Granger)  
[Attachment](#)

- 6.c. Consider the approval of the minutes of the Organizational Meeting of April 16, 2024 (Granger)  
[Attachment](#)
- 6.d. Consideration of Resolution 2024-053 approving applicants for an Alcohol Beverage Operator's (Bartender's) License for years 2023-2025 (Granger)  
[Attachment](#)
- 6.e. Consideration of Resolution 2024-055 authorizing the submittal on an Inflation Reduction Act Urban Forestry Grant application (Frisbee)  
[Attachment](#)
- 6.f. Consideration of Resolution 2024-025 awarding public works contract C23-26, Police VAV & Controls Upgrades (Frisbee)  
[Attachment](#)
- 6.g. Consideration of Resolution 2024-056 approving a grant application through FEMA's Fire Prevention and Safety (FP&S) Grant (Pease)  
[Attachment](#)
- 6.h. Consideration of Resolution 2024-057 authorizing the City Manager to Apply for the Energy Efficiency and Conservation Block Grant Program (Gabrielatos)  
[Attachment](#)
- 6.i. Referral to ABLCC: Consider applications for the annual renewal of Alcohol Beverage Licenses for license period July 1, 2024 through June 30, 2025 (Granger)  
[Attachment](#)
- 6.j. Referral to ABLCC: An application for a new Class "B" Fermented Malt Beverage (Beer) and "Class B" Intoxicating Liquor License(Reserve) for Austin's Filling Station, LLC d/b/a Austin's Filling Station, located at 1414 Cranston Rd, Austin Vance, Agent (Granger)  
[Attachment](#)

## 7. LICENSES

## 8. ORDINANCES

- 8.a. Consideration of Ordinance No. 3831 amending the Zoning District Map of the City of Beloit for the properties located at 510 and 830 W Froebel Drive (Christensen) Plan Commission recommendation for approval 6-0 Second Reading  
[Attachment](#)
- 8.b. Consideration of Ordinance No. 3836 amending the Future Land Use Map of the City of Beloit Comprehensive Plan for the property located at 2149 St. Lawrence Avenue (Christensen) Plan Commission recommendation for approval 6-0 Second Reading  
[Attachment](#)
- 8.c. Consideration of Ordinance No. 3829 amending the Zoning District Map of the City of Beloit for the property located at 2149 St. Lawrence Avenue (Christensen) Plan Commission recommendation for approval 6-0 Second Reading  
[Attachment](#)
- 8.d. Consideration of Ordinance No. 3835 amending 18.02(15)(ad) of the Code of General



Ordinances of the City of Beloit authorizing outdoor vending for an event hosted by Stateline Family Young Men's Christian Association, Inc. (YMCA) in Riverside Park (Frisbee) First Reading  
[Attachment](#)

9. APPOINTMENTS

*The individuals named below have been nominated for a seat on a city board, committee or commission. Each nomination is subject to confirmation by the City Council, approval of appointment will be accomplished by one motion unless a council member requests to take up a nomination separately, in which event the nomination will be removed from the General Order of Business and considered at this point on the agenda.*

10. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

11. CITY MANAGER PRESENTATION

- 11.a. Update on the American Rescue Plan Act (ARPA) funding programs (Christensen)

12. REPORTS FROM BOARDS AND CITY OFFICERS

- 12.a. Consideration of Resolution 2024-054 awarding Home Investment Partnership (HOME) Program funds for New Construction Projects (Christensen) CDA recommendation for approval

[Attachment](#)

- 12.b. Consideration of Resolution 2024-058 approving a Fourth Amendment to the Intergovernmental Agreement between the City of Beloit, the County of Rock and the Ho-Chunk Nation (Gabrielatos)

[Attachment](#)

13. ADJOURNMENT

\*\* Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's Office at 364-6680, 100 State Street, Beloit, WI 53511.

Marcy J. Granger  
City of Beloit Clerk-Treasurer  
[www.beloitwi.gov](http://www.beloitwi.gov)

Regular City Council meetings occur on the first and third Mondays of the month. Meetings are televised on Charter Cable Access digital channel 992 and are live streamed via the Beloit Access Television (BATV) YouTube Channel. Council meetings are rebroadcast on Charter Cable Access digital channel 992 and are archived on the BATV YouTube Channel for viewing at your leisure.





## *Official Proclamation*

**WHEREAS**, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of the City of Beloit; and

**WHEREAS**, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our residents; and,

**WHEREAS**, it is in the public interest for the residents, civic leaders, and children in the City of Beloit to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their community; and,

**WHEREAS**, the year 2024 marks the 64<sup>th</sup> annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association with the theme "Advancing Quality of Life for All."

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Beloit hereby proclaims the week of May 19–25, 2024 as "**NATIONAL PUBLIC WORKS WEEK**" in the City of Beloit and urges all residents to join with the City of Beloit Department of Public Works staff at the Beloit Farmers' Market on May 18, 2024 from 8:00am until 1:00pm, where they will be showcasing some of their equipment and meeting with residents to talk about the services and programs provided by Public Works; and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

Presented this 6<sup>th</sup> day of May, 2024.

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Kevin D. Leavy, City Council President

ATTEST:

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Marcy Granger, City Clerk-Treasurer





## *Official Proclamation*

**WHEREAS**, the teaching professionals in the Greater Beloit community exemplify resilience, creativity, strength, and unwavering dedication to the academic achievement and success of their students; and

**WHEREAS**, these educators are deeply committed to fostering dynamic and inclusive learning environments where students are actively engaged and supported in their social and emotional growth; and

**WHEREAS**, the teachers in the Beloit community embrace diversity by championing, honoring, and respecting our human differences, believe in equity by dismantling barriers and providing essential support for every student to realize their full potential, and uplift and uphold inclusion, ensuring that every student feels a sense of belonging; and

**WHEREAS**, the tireless efforts of teachers extend beyond the classroom, encompassing hours spent preparing lessons, cultivating positive relationships, assessing progress, providing guidance, and nurturing the holistic development of each student; and

**WHEREAS**, our teachers serve as catalysts, expanding horizons and equipping students with the skills and knowledge they need to thrive academically and beyond; and

**WHEREAS**, through their mentorship, care, and guidance, the educators profoundly impact the lives of their students and families; and

**WHEREAS**, they play an indispensable role in shaping the future of our community by nurturing and inspiring the next generation; and

**WHEREAS**, the Greater Beloit community wholeheartedly acknowledges and stands behind its educators in their noble mission to educate all students within our community.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Beloit hereby proclaims May 6 - 10, 2024 as **"TEACHER APPRECIATION WEEK."**

**BE IT FURTHER RESOLVED** that the City Council of the City of Beloit strongly encourages all members of our community to join with it in personally expressing appreciation to teaching professionals in the School District of Beloit, the Lincoln Academy, Our Lady of the Assumption, School District of Beloit Turner, faculty of Beloit College, and Rock County Christian School for their dedication and devotion to their work.

Presented this 6<sup>th</sup> day of May, 2024.

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Kevin D. Leavy, President  
City Council President

ATTEST:

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Marcy J. Granger, City Clerk

2024-024





## *Official Proclamation*

**WHEREAS**, police services provided in our City play an integral part in the everyday life of community members; and

**WHEREAS**, the dedicated men and women who, on a daily basis, protect us, defend us, and serve as guardians are highly trained and committed to public safety; and

**WHEREAS**, the support, trust, and cooperation of an involved community is vital to the efficient and effective operation of community policing practices and programs; and

**WHEREAS**, the health, safety, and quality of life in this community greatly depends on these programs, services, and employees providing them; and

**WHEREAS**, the City of Beloit Police Department incorporates modern-day community policing practices, focusing on their role as guardians by proactively engaging our community to create unity, build and sustain trust, and enhance the overall safety of the City of Beloit; and

**WHEREAS**, all members of the City of Beloit Police Department recognize and take seriously their sworn duty to serve the community by safeguarding life and property, protecting all against violence and disorder, and working in partnership to enhance public safety; and

**WHEREAS**, we proudly honor and pay tribute to the ultimate sacrifice of past City of Beloit law enforcement officers while gratefully acknowledging the daily sacrifices of our present officers.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Beloit hereby proclaims the week of May 12 - 18, 2024, as "**NATIONAL POLICE WEEK**" in the City of Beloit, and calls upon all residents and civic organizations to appreciate the contributions which these officers make every day to our health, safety, and quality of life.

Presented this 6<sup>th</sup> day of May, 2024.

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Kevin D. Leavy, City Council President

ATTEST:

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Marcy J. Granger, City Clerk-Treasurer





CITY OF  
**Beloit**  
WISCONSIN

# *Official Proclamation*

**WHEREAS**, the U.S. government has designated the month of May as Asian American, Native Hawai'ian, and Pacific Islander Heritage Month, celebrating the achievements and contributions of Asian Americans, Native Hawaiian and Pacific Islanders in the United States; and

**WHEREAS**, the month of May was chosen to commemorate the immigration of the first Japanese to the United States in May, 1843, and to mark the anniversary of the completion of the transcontinental railroad in May, 1869 as the majority of workers who laid the tracks were Chinese pioneers; and

**WHEREAS**, generations of Asian and Pacific Islanders have enriched America's history and are instrumental in its future success; and

**WHEREAS**, we celebrate and acknowledge contributions of Asian American, Native Hawai'ian, and Pacific Islanders who enrich the lives of all Americans in the areas of sciences, arts, industry, government, commerce and more; and

**WHEREAS**, the theme for the May 2024 observance of Asian American, Native Hawaiian and Pacific Islander Heritage Month is "Advancing Leaders Through Innovation."

**NOW, THEREFORE, BE IT RESOLVED** that the Beloit City Council does hereby proclaim May 2024 as **ASIAN AMERICAN, NATIVE HAWAI'IAN AND PACIFIC ISLANDER HERITAGE MONTH** in Beloit, Wisconsin and call upon residents to eliminate incidents of anti-Asian bias, educate themselves with the history and culture of Asian Americans and Pacific Islanders, and observe the month with appropriate programs and activities.

Dated this 6<sup>th</sup> day of May, 2024.

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Kevin D. Leavy, City Council President

**ATTEST:**

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Marcy Granger, City Clerk-Treasurer





## *Official Proclamation*

**WHEREAS**, the City of Beloit proudly joins the Southwest Alliance for Tobacco Prevention, faith leaders, friends, family, and community members in celebrating No Menthol Sunday on Sunday, May 19, 2024; and

**WHEREAS**, No Menthol Sunday is a national observance day led by The Center for Black Health and Equity and supported locally by the Wisconsin African American Tobacco Prevention Network and Southwest Alliance for Tobacco Prevention; and

**WHEREAS**, No Menthol Sunday is our annual opportunity for faith and other communities to address the detrimental impact tobacco is having on communities; and

**WHEREAS**, No Menthol Sunday encourages faith leaders and others to talk about the importance of living healthy lives—not only for the sake of one's own physical body, but for the sake of the community as a whole; and

**WHEREAS**, No Menthol Sunday acknowledges that tobacco is the leading cause of preventable death in Wisconsin, and that flavored electronic cigarettes/vapes and flavored cigars and cigarettes have had an increasingly detrimental impact on the mental and physical health of youth; and

**WHEREAS**, No Menthol Sunday recognizes the instrumental role that faith leaders and others play in creating change by supporting those who want to quit tobacco by letting them know that change is within reach; and

**WHEREAS**, the theme for this, the 10th anniversary of No Menthol Sunday, is “**Rooted in Power: A Decade in Determination.**”

**NOW, THEREFORE, BE IT RESOLVED** that the Beloit City Council does hereby proclaim Sunday, May 19, 2024 to be **NO MENTHOL SUNDAY** in Beloit, Wisconsin and encourage all residents to build awareness about important tobacco-related community initiatives and the negative effects of tobacco use, in order to promote the health and well-being of all.

Dated this 6<sup>th</sup> day of May, 2024.

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Kevin D. Leavy, City Council President

**ATTEST:**

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Marcy Granger, City Clerk-Treasurer





**PROCEEDINGS OF THE BELOIT CITY COUNCIL**  
**100 State Street, Beloit WI 53511**  
**City Hall Forum – 7:00 PM**  
**April 1, 2024**

- 1) CALL TO ORDER AND ROLL CALL  
President Dunkin called the meeting to order at 7:00PM  
Present: Regina Dunkin, Nancy V Forbeck, Kevin Day, Yusuf Adama, Kevin Leavy, Sherry Blakeley, Markese Terrell
- 2) PLEDGE OF ALLEGIANCE
- 3) SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
  - 3.a Proclamation 2024-008 recognizing National Fair Housing Month  
[Attachment](#)
  - 3.b Proclamation 2024-013 recognizing Beloit International Film Festival  
[Attachment](#)
  - 3.c Proclamation 2024-017 recognizing National Library Week  
[Attachment](#)
  - 3.d State of the City Address by President Regina Dunkin
- 4) PUBLIC HEARINGS
  - 4.a Public hearing to solicit input on public housing, community development, housing, and homeless needs in the City of Beloit for incorporation in the 2025-2029 Consolidated Plan and Neighborhood Revitalization Strategy Areas (NRSA) Plan  
Grants Administrator Megan McBride presented. President Dunkin opened the public hearing, no one spoke and the public hearing was closed. No official business needed.  
[Attachment](#)
- 5) PUBLIC COMMENTS- Abigail Katz, Beloit- Support for Gaza ceasefire resolution.
- 6) CONSENT AGENDA  
Moved by Nancy V. Forbeck to remove item 6d.  
Moved by Markese Terrell, second by Nancy V. Forbeck to approve items 6a-6c and 6e-6g. Motion carried.

- 6.a The minutes of the regular meeting of March 18, 2024 were approved.  
[Attachment](#)
- 6.b Resolution 2024-042 approving applicants for an Alcohol Beverage Operator's (Bartender's) License for years 2023-2025 was adopted. File 9076  
[Attachment](#)
- 6.c Resolution 2024-038 approving the Extraterritorial Final Plat of Riverstone Subdivision Plat 2 in the Town of Beloit was adopted. File 9039  
[Attachment](#)
- 6.d Resolution 2024-022 authorizing award of Public Works Contract C24-13 Krueger Pool Boiler Upgrades was adopted. File 9075  
Director of Public Works Bill Frisbee presented.  
Moved by Nancy V. Forbeck, second by Kevin Leavy to adopt the resolution as presented.  
[Attachment](#)
- 6.e Resolution 2024-039 approving an Intergovernmental Cooperation Agreement between the Cities of Beloit and Janesville and the County of Rock related to the development of the HOME Consortium's 2025-2029 Consolidated Plan and Analysis of Impediments to Fair Housing was adopted. File 8663  
[Attachment](#)
- 6.f Resolution 2024-040 approving a Seventh Amendment to the Farm Lease for 3015 Cranston Road was adopted. File 7834  
[Attachment](#)
- 6.g Resolution 2024-024 authorizing award of Public Works Contract C24-15, DPW Fuel System Upgrades was adopted. File 9075  
[Attachment](#)
- 7) LICENSES-None
- 8) ORDINANCES
  - 8.a Ordinance No. 3832 amending 3.06 of the Code of General Ordinances of the City of Beloit regarding claims against the city was adopted. Moved by Kevin Leavy, second by Nancy V. Forbeck to adopt the ordinance as presented. Motion carried. File 9024  
[Attachment](#)
  - 8.b Ordinance No. 3828 amending the Zoning District Map for the property located at 2211 Prairie Avenue was adopted. Moved by Markese Terrell, second by Nancy V. Forbeck to adopt the ordinance as presented. Motion carried. File 2024-2211  
[Attachment](#)
  - 8.c Ordinance No. 3833 amending section 7.235(6) of the Code of General Ordinances for the City of Beloit related to Weeds and Grasses was adopted. Moved by Yusuf Adama, second by Nancy V. Forbeck to adopt the ordinance as presented. Motion carried. File 9024  
[Attachment](#)
  - 8.d Consideration of Ordinance No. 3834 establishing limitations on parking in the Parker Bluff Parking Lot, 220 Portland Avenue, First Reading  
Director of Public Works Bill Frisbee presented. Moved by Markese Terrell, second by Nancy V. Forbeck to lay the ordinance over for a second reading. Motion carried. [Attachment](#)



8.e Substitute Amendment #1 to Ordinance No. 3807 removing no parking restrictions on Royce Avenue South of Henry Avenue, First Reading  
Director of Public Works Bill Frisbee presented. Moved by Kevin Leavy, second by Nancy V. Forbeck to lay the ordinance over for a second reading. Motion carried. [Attachment](#)

9) APPOINTMENTS- None

10) COUNCILOR ACTIVITIES AND UPCOMING EVENTS

Sherry Blakeley-Everybody be sure to vote tomorrow. Jadyn Gibson, a senior at Beloit Memorial High School, has been named the 2024 Senate Scholar for the 15<sup>th</sup> Senate District to the State Capitol. Jadyn plans to major in Political Science and later attend law school.

Kevin Leavy- No report

Yusuf Adama- No report

Markese Terrell-The election is tomorrow, myvote.wi.gov is where you can go to find out your polling place. Best of luck to all the candidates. It is important for all of us to work together, regardless of ideology.

Kevin Day-We will hear later about the ARPA Youth Programming Funds, and I want to thank the staff for all the work put into awarding these funds, and now we get to see the money work.

Nancy V. Forbeck-Thank you to the staff for sending out the voter postcards notifying them where to vote.

President Regina Dunkin-First, I want to give heartfelt congratulations to Kristy McDonald on her well-deserved retirement. Kristy was our Housing Rehab Finance Specialist and worked for the City of Beloit for 37 ½ years. Thank you, Kristy, for all your efforts and dedication. We applaud you and wish you all the best. In addition, the City of Beloit and Vets Roll is recognizing the veterans, Rosie-the-Riveters, and volunteers with an honorary street naming. Please join us in celebrating the naming of Vets Roll Drive which will be held on Sunday, April 7, at 1:00pm, in Riverside Park. Congratulations to Vets Roll and Mark Finnegan. I am looking forward to that event. Now, for my Councilor Activities. I attended the YWCA virtual Courageous Conversations meeting and the Rock County Health Department Community Conversation meeting. I also went to the Visit Beloit Board meeting and Downtown Beloit Association Board meeting, celebrating my last meetings since my council term will soon be ending. This last year, I have been serving as the council representative on both of those boards along with the Appointment Review Committee. So, I want to thank Celestino Ruffini, Shauna El-Amin, and Rebecca Wallendal for their leadership, as well as the staff, fellow board members, and volunteers. The time and talent that each of you give to make our city better is immeasurable, and I am proud that I had the opportunity to serve with all of you. In closing, I want to encourage residents to please make your voice be heard and exercise your right to vote.

11) CITY MANAGER PRESENTATION

- 11.a City Manager Update  
Jerry Gabrielatos 22 people have signed up for the Community Academy.

12) REPORTS FROM BOARDS AND CITY OFFICERS

- 12.a Resolution 2024-037 Awarding American Rescue Plan Act (ARPA) Funds to Eligible Programs for Youth Programs and Services was adopted.  
Grants Administrator Megan McBride presented.  
Moved by Markese Terrell, second by Kevin Leavy to adopt the resolution with the PRCAC recommendations. Motion carried.

[Attachment](#)

- 12.b The City Council may adjourn into closed session pursuant to section 19.85(1)(e), Wis. Stats. for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: namely to consider potential sale of a city-owned properties in the Western Hills Subdivision (Lots 52-62 and Lots 65-76). The City Council may thereafter reconvene in open session pursuant to section 19.85(2), Wis. Stats., for possible action on a matter(s) discussed in closed session.

Moved by Nancy V. Forbeck, second by Markese Terrell to adjourn into closed session at 8:18pm. Motion carried.

Moved by Markese Terrell, second by Nancy V. Forbeck to reconvene into open session. Motion carried.

Resolution 2024-041 approving the sale of city property in the Western Hills Subdivision, Beloit WI was presented by Economic Development Director Drew Pennington. File 9050

Moved by Markese Terrell, second by Nancy V. Forbeck to adopt the resolution as presented. Motion carried.

13) ADJOURNMENT

Moved by Yusuf Adama, second by Nancy V. Forbeck to adjourn at 8:36pm.  
Motion carried.

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Marcy J. Granger, City Clerk-Treasurer

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

Date approved by City Council:



**PROCEEDINGS OF THE BELOIT CITY COUNCIL**  
**100 State Street, Beloit WI 53511**  
**City Hall Forum – 7:00PM**  
**April 15, 2024**

- 1) CALL TO ORDER AND ROLL CALL  
President Dunkin called the meeting to order at 7:00PM  
Present: Regina Dunkin, Nancy V Forbeck, Sherry Blakeley, Kevin Day, Markese Terrell, Yusuf Adama  
Absent: Kevin Leavy
- 2) PLEDGE OF ALLEGIANCE
- 3) SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
  - 3a) Proclamation 2024-020 recognizing Caritas 50th Anniversary Day. Max Dodson, Executive Director of Caritas, accepted.  
[Attachment](#)
  - 3b) Proclamation 2024-014 recognizing YWCA Rock County Stand Against Racism Day. Aimee Leavy, Racial Justice Director of YWCA, accepted.  
[Attachment](#)
  - 3c) Proclamation 2024-022 recognizing CASA of Rock County and Child Abuse Prevention Month. Lori Stottler, CASA board treasurer, and Alyssa Whitney of CASA, accepted.  
[Attachment](#)
  - 3d) Proclamation 2024-018 recognizing Arbor Day. Mike Ferger, City of Beloit Parks & Forestry Supervisor, accepted.  
[Attachment](#)
  - 3e) Proclamation 2024-019 recognizing the 50th Anniversary of the CDBG program. Megan McBride, City of Beloit Grants Administrator, accepted.  
[Attachment](#)
  - 3f) Proclamation 2024-021 recognizing Small Business Week. Shauna El-Amin, Executive Director of Downtown Beloit Association, accepted.  
[Attachment](#)
- 4) PUBLIC HEARINGS
  - 4a) Consideration of Ordinance No. 3831 amending the Zoning District Map of the City of Beloit for the properties located at 510 and 830 W Froebel Drive. Plan Commission recommendation for approval 6-0 First Reading. Community Development Director Julie Christensen presented. President Dunkin opened the public hearing, no one spoke and the hearing was closed.

Moved by Nancy V. Forbeck, second by Sherry Blakeley, to lay the ordinance over. Motion carried. File 510-2024

- 4b) Consideration of Ordinance No. 3830 amending the Zoning District Map of the City of Beloit for the property located at 1151 East Grand Avenue. Plan Commission recommendation for approval 6-0, First Reading. Julie Christensen presented. President Dunkin opened the public hearing.

Ron Whitley, Beloit, member of Emanuel Baptist Church, spoke in support of the ordinance.

The public hearing was closed.

Moved by Sherry Blakeley to suspend the rules and have both readings tonight, Motion carried.

Moved by Nancy V. Forbeck, second by Markese Terrell, to adopt the ordinance as presented. Motion carried. File 1151-2024

- 4c) Consideration of Resolution 2024-043 authorizing a Planned Unit Development Master Land Use Plan Amendment for the property located at 1534 Shore Drive. Plan Commission recommendation for approval 6-0. Julie Christensen presented. President Dunkin opened the hearing, no one spoke and the hearing was closed.

Moved by Markese Terrell, second by Nancy V. Forbeck, to adopt the Resolution as presented. Motion carried. 1534-2024

- 4d) Consideration of Ordinance No. 3836 amending the Future Land Use Map of the City of Beloit Comprehensive Plan for the property located at 2149 St. Lawrence Avenue. Plan Commission recommendation for approval 6-0, First Reading. Julie Christensen presented with 4e. President Dunkin opened the hearing, no one spoke and the hearing was closed.

Moved by Sherry Blakeley, second by Yusuf Adama, to lay the ordinance over. Motion carried. File 2149-2024

- 4e) Consideration of Ordinance No. 3829 amending the Zoning District Map of the City of Beloit for the property located at 2149 St. Lawrence Avenue. Plan Commission recommendation for approval 6-0, First Reading.

Moved by Markese Terrell, second by Nancy V. Forbeck, to lay the ordinance over. Motion carried. File 2149-2024

5) PUBLIC COMMENTS

Shirley Williams, Beloit – Thanked councilors for their service to Beloit.

Tia Johnson, Beloit – Support for public education.

Lori Marshall, Beloit – Opposed to 6th street housing development.

Clinton Anderson, Beloit – Congratulated councilors who won seats, welcomed back Marty Densch, and thanked Regina for her service.

6) CONSENT AGENDA

Moved by Sherry Blakeley to remove item 6a.  
 Moved by Nancy V. Forbeck, second by Sherry Blakeley, to approve the consent agenda including 6b-6d. Motion carried.  
 Kevin Day recused himself from 6a and left the forum.  
 Moved by Yusuf Adama, second by Markese Terrell, to approve item 6a as presented. Motion carried.

- 6a) Resolution 2024-044 Awarding Public Works Contract C24-26, Broad Street Bridge Abutment Repair. Public Works Director Bill Frisbee presented. File 9075
- 6b) Resolution 2024-046 approving applicants for an Alcohol Beverage Operator's (Bartender's) License for years 2023-2025 was adopted. File 9073
- 6c) Resolution 2024-049 approving a change of agent on the Class "A" Fermented Malt Beverage (Beer) and "Class A" Intoxicating Liquor License for Wisconsin CVS Pharmacy, LLC d/b/a CVS Pharmacy #8534, located at 1063 Fourth Street, Beloit WI from Tara S. Brown to Jayne E Kenny for license period ending June 30, 2024, was adopted. File 9073
- 6d) Resolution 2024-52 approving a First Amendment to the Pohlman Field Facility Use Agreement between the City of Beloit and Rockford University was adopted. File 9038
- 7) LICENSES-None
- 8) ORDINANCES
  - 8a) Ordinance No. 3834 establishing limitations on parking in the Parker Bluff Parking Lot, 220 Portland Avenue was adopted. File 7791  
 Moved by Nancy V. Forbeck, second by Yusuf Adama, to adopt the ordinance as presented. Motion carried.
  - 8b) Substitute Amendment #1 to Ordinance No. 3807 removing no parking restrictions on Royce Avenue South of Henry Avenue was adopted. File 7791  
 Moved by Nancy V Forbeck, second by Markese Terrell, to adopt the ordinance as presented. Motion carried.
- 9) APPOINTMENTS
  - 9a) Appointments  
 Moved by Markese Terrell, second by Nancy V. Forbeck, to approve the appointments presented. Motion carried.
- 10) COUNCILOR ACTIVITIES AND UPCOMING EVENTS  
 President Dunkin was presented with a plaque recognizing her years of service on the Beloit City Council.

Sherry Blakeley – I was honored to attend the renaming of Summit Park to Regina Dunkin Park last Saturday. It was a great event with 200 people there, such a joyous and heartfelt time. I am happy to know you Regina, and I appreciate your activism, caring, and hard work.

Yusuf Adama – I am a little younger, and being involved in the community and experiencing things in the community, and I'm not originally from Beloit, but I'm seeing the history and how influential Regina has been. So many people have stories of her giving them guidance and lending support. I have really enjoyed working with you. You deserve all this praise and more.

Nancy Forbeck - I missed the SLATS meeting today, but I know they did some good work planning transportation in our communities. I was on vacation and missed Regina's event and the wonderful event for the Vets Roll sign. We have really fun, good things going on in Beloit. Thanks, Regina.

Kevin Day – I went to the dedication on Saturday. I was impressed with the amount of people who showed up to talk about Regina and how she has impacted their lives. Being on Council and having a chance to watch her as a leader has been really good for us. Every time I talk with her, she is always positive. Her dedication and how she represents the council is fantastic. Thank you for your leadership.

Markese Terrell - I was not looking forward to today. It has been a high honor to serve with you, Regina. You have done a lot for the young people, including myself, over the years. You always gave me encouragement when I needed it, and you always believed in me. I will try to live up to your standards and always keep a positive mindset.

Regina Dunkin – First, I want to congratulate my colleagues on being re-elected to the City Council. Congratulations Councilor Terrell, Councilor Day, and Councilor Leavy. It's great that we will gain another experienced councilor, Marty Densch. Congratulations Marty. I know you will be a great addition to our city team. For my Councilor Activities, I attended the Appointment Review Committee meeting, the USS Beloit Commissioning meeting, and the Vets Roll Drive Street Renaming event. Thanks to our city staff and everyone that was involved in making those projects a success. I also want to give heartfelt thanks to the Department of Public Works, our amazing city staff, and each person that participated and attended in the renaming of Summit Park. It was so beautiful. I have been touched by the community effort to rename the park in my honor. I really appreciate it. Thank you to everyone that joined in the celebration, too. I will forever keep those fond memories with me as I complete my term on the Council. This is my last meeting as your President. I want to thank the council and residents of Beloit for giving me the opportunity to serve, and I also want to thank our City of Beloit staff for your dedication and hard work. I know the partnership will continue after I'm gone, and I have hope that the best is yet to come. In closing, I hope everyone will continue to spread more love and kindness throughout our entire community. Together we will make Beloit Proud.

11) CITY MANAGER PRESENTATION

11a) City Manager Update

On behalf of the city staff, thank you Council President Dunkin. We appreciate the dedication you have to the city.

12) REPORTS FROM BOARDS AND CITY OFFICERS

12a) Resolution 2024-045 authorizing the submittal of a State Outdoor Recreation Grant Application by RH Batterman and Co, Inc. and amending the Capital Improvement Budget for the project at 80-100 East Grand Avenue was adopted. File 9013  
Director Bill Frisbee presented.

Moved by Markese Terrell, second by Nancy V Forbeck, to adopt the resolution as presented. Motion carried.

13) ADJOURNMENT

Moved by Yusuf Adama, second by Nancy V Forbeck to adjourn at 8:33pm. Motion carried.

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Marcy J. Granger, City Clerk-Treasurer

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

Date approved by City Council:



**PROCEEDINGS OF THE SPECIAL MEETING OF THE BELOIT CITY COUNCIL**  
**100 State Street, Beloit WI 53511**  
**City Hall Forum -5:00 p.m.**  
**Tuesday, April 16, 2024**

Organizational Meeting of the Beloit City Council

1. Oath of Office administered by City Clerk to newly-elected City Councilors  
Clerk- Treasurer swore in Councilors Kevin Day, Marty Densch, Kevin Leavy and Markese Terrell to their new term.
2. Call to Order  
City Attorney Krueger called the meeting order at 5:05p.m.
3. Roll Call  
Present: Kevin Leavy, Sherry Blakeley, Marty Densch, Nancy V. Forbeck, Markese Terrell, Kevin Day Absent: Yusuf Adama
4. Election of Council President; President assumes the chair  
Attorney Krueger opened the nominations for President. Nancy V. Forbeck nominated Kevin Leavy, no other nominations were made. Nominations were closed. Kevin Leavy was elected Council President. The meeting was handed over to the new president for the remainder of the meeting.
5. Election of Vice President  
President Leavy opened the nominations for Vice President. Markese Terrell nominated Kevin Day, no other nominations were made. Nominations were closed. Kevin Day was elected Vice President.
6. Discussion of Council Committee Appointments  
Councilors were given a listing of current committees and assignments and were asked to indicate their preferences and return them to Clerk Granger by Wednesday May 1, 2024 so President Leavy can make appointments in time for the May 6, 2024 regular council meeting.
7. Adjournment  
Moved by Markese Terrell second by Kevin Day to adjourn at 5:07 p.m.  
Motion carried.

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Marcy J. Granger, City Clerk-Treasurer

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

Date approved by City Council:



# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



**Topic:** Proposed Resolution Considering the Applications for Alcohol Beverage Operator's (Bartender's) Licenses for license period July 1, 2023- June 30, 2025.

**Date:** May 6, 2024

**Presenter:** Marcy J. Granger

**Department:**

City Clerk-Treasurer

### Overview/Background Information

Applicants for an Alcohol Beverage Operator's (Bartender's) License must apply (or renew) on a biennial basis. This process requires an application, proof that a responsible beverage server training course was completed, payment of the applicable fee and submission to a background check of the Beloit Police Department.

State law requires the City Council to act on all licenses prior to issuance. The attached resolution includes applicants received from, April 9, 2024- April 30, 2024.

### Key Issues

1. The applicants being recommended for approval or denial have completed the following steps:
  - a. Submitted a complete application and proof of responsible beverage server training, shown ID, paid applicable fees and submitted to a background investigation.
  - b. Upon completion of the background investigation, the Police Department provides a recommendation for approval or denial to the Clerk-Treasurer.
  - c. Applications recommended for denial are sent a letter stating the reasons for the recommendation of denial and the opportunity to appeal to the City Council. Applications recommended for approval and those that do not appeal are placed on the master list and submitted to City Council every two weeks for consideration.
  - d. Upon Council action, City Clerk-Treasurer provides the necessary follow-up by issuing the license or sending a letter to the applicant stating the reason(s) for denial.
2. Section 125.17(1), Wis. Stats., requires the governing body to approve qualified applicants prior to issuance of the license.
3. This list includes applicants taken between, April 9, 2024- April 30, 2024
  - a. Recommended for Approval - 10 applicants are recommended for approval.
  - b. Recommended for Denial-0 applicant(s) recommended for denial.
4. This process is consistent with state statute as well as guidance from the League of Wisconsin Municipalities guidance for Municipal Licensing and Regulation of Alcohol Beverages.

### Conformance with Strategic Plan

Approval of this action would conform with the stated purpose of the following strategic goal:

- ☐ Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- ☒ Goal #2 - Create and Sustain a High Performing Organization
- ☐ Goal #3 - Create and Sustain Economic and Residential Growth
- ☐ Goal #4 - Create and Sustain a High Quality of Life
- ☐ Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- ☐ Goal #6 - Create and Sustain Enhanced Communications and Community Engagement, while maintaining a Positive Image

### Sustainability

If applicable, briefly comment on the environmental, economic, and/or social sustainability of this policy or program. Consider how current needs are met without compromising the ability of future generations to meet their own needs. Write N/A if not applicable

N/A

### Action Required/Recommendation

Staff recommends approval of the resolution.

### Fiscal Note/Budget Impact

Each applicant pays \$50 for a 2-year license ending June 30, 2025.

## Attachments

Resolution, List of applicants.

Revised 03-09-2022

**RESOLUTION 2024-053**

**RESOLUTION CONSIDERING THE APPROVAL OF APPLICANTS FOR AN ALCOHOL BEVERAGE  
OPERATOR'S (BARTENDER'S) LICENSE FOR YEARS 2023-2025**

**WHEREAS**, the applicant(s) listed in the attached document, which is incorporated herein by reference, have applied for operator's licenses; and

**WHEREAS**, all of the applicants listed in the attached document are either recommended for approval or denial by the Police Department and the City Clerk-Treasurer's Office; and

**WHEREAS**, for any license recommended for denial, the applicant was provided written notification of the basis for the recommendation for denial the basis of which is that the applicant failed to meet the statutory qualifications for the operator's license or that the applicant failed to disclose or provided misleading information on their application.

**NOW, THEREFORE, BE IT RESOLVED THAT** the applicants recommended for approval are hereby approved for the period ending June 30, 2025 and the City Clerk-Treasurer's Office is directed to issue the license to the applicant(s) provided the applicant(s) have complied with all other conditions of the license. The applicant(s) recommended for denial are hereby denied for the reasons stated in the written recommendation from the Police Department.

Adopted this 6th day of May, 2024.

**CITY COUNCIL FOR THE CITY OF BELOIT**

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Kevin D. Leavy, Council President

ATTEST:

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Marcy J. Granger, City Clerk-Treasurer

#### Applicants Recommended for Approval Through April 30, 2024

Amato, Lyndsey M.	Cheeshead Brewery
Borum, Koren M.	Truk'T
Eggers, Kim M.	Woodman's
Eggers, Vanessa L.	n/a
Goralski, Jamison	n/a
Hernandez, Trisha A.	Carom Room
Rippl, Griffon	Classic Cinemas Beloit
Rykowski, Gail	Thirsty Badger
Singh, Gourav	Park Avenue Mart
Ward, Alexis	Beloit Mobil on the Run

Year to Date: 494

#### Applicants recommended for Denial through April 30, 2024

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



**Topic:** Consideration of Resolution 2024-055 authorizing the submittal on an Inflation Reduction Act Urban Forestry Grant application

**Date:** 5/6/2024

**Presenter:** Bill Frisbee - Public Works Director

**Department:**

Public Works

### Overview/Background Information

An Inflation Reduction Act (IRA) Urban Forestry Grant is available to local governments, tribal governments and nonprofit organizations through a competitive Urban Forestry Inflation Reduction Act grants program. The program will support projects that positively impact trees and people within disadvantaged communities in Wisconsin. Eligible projects must take place in or benefit those who live in disadvantaged communities as identified by the DNR.

### Key Issues

1. The City has several qualified census tracts and is eligible to apply for the grant.
2. Grant funds will be utilized to hire a contractor to assist in the pruning of the City owned trees within the qualified census tracts.
3. Grant funds range from \$1,000 to \$500,000 and require no local match. Staff will apply for the maximum grant funding of \$500,000.
4. The City Forestry work group has been behind on general canopy maintenance since the Emerald Ash Borer hit the area.
5. Maintaining the tree canopy is important because it creates healthier trees, allows street lights to properly illuminate the roadway, reduces emergency response due to fallen tree limbs, allows better visibility within the right-of-way, and is more aesthetically pleasing.
6. The assistance provided by the grant will help Public Works become more proactive and less reactive.

### Conformance with Strategic Plan

Approval of this action would conform with the stated purpose of the following strategic goal:

- ☒ Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- ☐ Goal #2 - Create and Sustain a High Performing Organization
- ☐ Goal #3 - Create and Sustain Economic and Residential Growth
- ☒ Goal #4 - Create and Sustain a High Quality of Life
- ☐ Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- ☒ Goal #6 - Create and Sustain Enhanced Communications and Community Engagement, while maintaining a Positive Image

### Sustainability

If applicable, briefly comment on the environmental, economic, and/or social sustainability of this policy or program. Consider how current needs are met without compromising the ability of future generations to meet their own needs. Write N/A if not applicable

N/A

### Action Required/Recommendation

Staff recommends approval of the resolution

### Fiscal Note/Budget Impact

No budgetary impact

### Attachments

Resolution

Revised 03-09-2022

**RESOLUTION 2024-055**

**CONSIDERATION OF RESOLUTION 2024-055 AUTHORIZING THE SUBMITTAL ON AN  
INFLATION REDUCTION ACT URBAN FORESTRY GRANT APPLICATION**

**WHEREAS**, the City of Beloit is committed to creating and sustaining a high quality of life through efforts to increase sustainability; and

**WHEREAS**, funding has been made available by the Wisconsin Department of Natural Resources for the improvement of the urban forest canopy; and

**WHEREAS**, the program covers 100% of eligible cost with no match.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Beloit hereby authorizes the City Manager to:

1. Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available through the Urban Forestry Canopy;
2. Enter into a grant agreement for the project;
3. Submit reimbursement claims along with necessary supporting documentation as described in the application;
4. Submit signed documents; and
5. Take necessary action to undertake, direct and complete the approved program.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY COUNCIL OF THE CITY OF БЕЛОIT**

\_\_\_\_\_  
Kevin D. Leavy, City Council President

ATTEST:

\_\_\_\_\_  
Marcy Granger, City Clerk-Treasurer

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



**Topic:** Award of Contract C23-26 Police VAV & Controls Upgrades

**Date:** May 6, 2024

**Presenter:** Bill Frisbee, Public Works Director

**Department:**

Public Works

### Overview/Background Information

The HVAC controls and variable air volume (VAV) boxes in City Hall are original to the building. These components are no longer manufactured, and are beyond their expected service life. Due to their inefficiency and age, it makes the entire HVAC system at City Hall more inefficient. Also, the remaining controls in the police department are operated with compressed air. Half of the air compressor that provides air for the system has failed, which makes a catastrophic failure of the entire system that much more likely. The exhaust fans for the police department are also original to the building. The exhaust fans are at the end of their expected service life, and an alternate bid was created to replace those fans in addition to the VAV and controls work.

### Key Issues

1. Two bids were received for this project. The low bid was submitted by Mechanical Inc., dba Helm Service for \$228,429.00 base bid, and \$52,937.00 for the alternate #1. Mechanical Inc., dba Helm Service is considered a responsible bidder for this project.
2. The combined bids are 6% lower than the engineer's estimate of \$300,000.00.
3. The costs for this project are as follows: \$281,366.00 for base bid and alternate #1 construction, \$42,204.00 for change orders or extra work, for a total of \$323,570.00.

### Conformance with Strategic Plan

Approval of this action would conform with the stated purpose of the following strategic goal:

- ☐ Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- ☐ Goal #2 - Create and Sustain a High Performing Organization
- ☐ Goal #3 - Create and Sustain Economic and Residential Growth
- ☐ Goal #4 - Create and Sustain a High Quality of Life
- ☒ Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- ☐ Goal #6 - Create and Sustain Enhanced Communications and Community Engagement, while maintaining a Positive Image

### Sustainability

If applicable, briefly comment on the environmental, economic, and/or social sustainability of this policy or program. Consider how current needs are met without compromising the ability of future generations to meet their own needs. Write N/A if not applicable

Replacing these components will make the system more efficient than it currently is, which reduces the energy consumption of the building.

### Action Required/Recommendation

The Engineering Division recommends awarding this Public Works Contract to Mechanical Inc., dba Helm Service in the amount of \$281,366.00.

### Fiscal Note/Budget Impact

Funding is available through the 2023 & 2024 Capital Improvement Budget.

### Attachments

Award memo, Resolution 2024-025

Revised 03-09-2022

**To: Scot Prindiville, City Engineer**

**From: Scott Schneider, Project Engineer**

**Re: Bid Results for Contract C23-26, Police VAV & Controls Upgrades**

**Date: March 27, 2024**

Pursuant to advertisements placed March 6 & 13, 2024, bids were received until 10:30 AM on March 27, 2024 for contract C23-26, Police VAV & Controls Upgrades. A tabulation of bids is below.

Five contractors pulled plans for this project. Two bids were received for this project as follows:

Entity	Location	Base Bid	Alt. #1
0. Engineer's Estimate	Beloit, WI	\$250,000.00	\$50,000.00
1. Mechanical Inc., dba Helm Service	Freeport, IL	\$228,429.00	\$52,937.00
2. Southport Engineered Systems, LLC	Caledonia, WI	\$337,500.00	\$57,800.00

Upon review of the Contractor's Proof of Responsibility Statement, Mechanical Inc., dba Helm Service is determined to be a responsible bidder.

I recommend that the contract be awarded to Mechanical Inc., dba Helm Service of Freeport, IL. The following is a breakdown of the proposed project cost:

**COSTS**

Mechanical Inc., dba Helm Service Bid	\$ 228,429.00
Mechanical Inc., dba Helm Service Alternate Bid	\$ 52,937.00
<u>Allowance for Change Orders and/or Extra Work</u>	<u>\$ 42,204.00</u>
<b>TOTAL PROJECT COST</b>	<b>\$ 323,570.00</b>

**PROJECT INFORMATION**

The HVAC controls and variable air volume (VAV) boxes in City Hall are original to the building. These components are no longer manufactured, and are beyond their expected service life. Due to their inefficiency and age, it makes the entire HVAC system at City Hall more inefficient. Also, the remaining controls in the police department are operated with compressed air. Half of the air compressor that provides air for the system has failed, which makes a catastrophic failure of the entire system that much more likely. The exhaust fans for the police department are also original to the building. The exhaust fans are at the end of their expected service life, and an alternate bid was created to replace those fans in addition to the VAV and controls work.



## RESOLUTION 2024-025

### RESOLUTION AWARDING PUBLIC WORKS CONTRACT C23-26 POLICE VAV & CONTROLS UPGRADES

**WHEREAS**, on March 27, 2024, two bids were received for Contract C23-26, Police VAV & Controls Upgrades, the low bid being from Mechanical Inc., dba Helm Service; and

**WHEREAS**, Mechanical Inc., dba Helm Service is a qualified bidder.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Beloit that Contract C23-26, Police VAV & Controls Upgrades, be and hereby is, awarded to Mechanical Inc., dba Helm Service, Freeport, IL, in the following amounts:

Mechanical Inc., dba Helm Service  
2279 Yellow Creek Road  
Freeport, IL 61032

Base Bid	\$ 228,429.00
Alternate #1 Replace Exhaust Fans	\$ 52,937.00
Allowance for Change Orders and/or Extra Work	\$ 42,204.00
<b>TOTAL PROJECT COST</b>	<b>\$ 323,570.00</b>

**AND IT IS FURTHER RESOLVED**, that the amount of \$323,570.00, be, and hereby is, funded as follows:

P2903876-5511-2023	City Hall RTU, VAV & Controls – Construction	\$ 290,700.00
P2970922-5511-2024	City Hall Boilers	\$ 32,871.00
<b>TOTAL</b>		<b>\$ 323,570.00</b>

Approved this \_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY COUNCIL OF THE CITY OF BELOIT**

\_\_\_\_\_  
Kevin D. Leavy, City Council President

ATTEST:

\_\_\_\_\_  
Marcy Granger, City Clerk-Treasurer

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



<b>Topic:</b>	RESOLUTION APPROVING A GRANT APPLICATION THROUGH FEMA'S FIRE PREVENTION AND SAFETY (FP&S) GRANT FUNDING OPPORTUNITY		
<b>Date:</b>	05/06/2024		
<b>Presenter:</b>	Chief Dan Pease	<b>Department:</b>	Fire

### Overview/Background Information

FEMA's Fire Prevention and Safety Grants (FP&S) allow fire departments to enhance community risk reduction and fire safety efforts. The Beloit Fire Department (BFD) applied for this grant for the purpose of expanding its fire extinguisher training program by acquiring a new piece of fire extinguisher training equipment and more importantly, to fund a comprehensive fire and safety outreach program. The equipment portion of the grant would purchase a virtual fire extinguisher trainer to replace our currently obsolete and less safe fire extinguisher trainer that uses real fire. The comprehensive program portion of the grant would fund additional payroll costs associated with a campaign of twelve training and education appearances in the community.

### Key Issues

Community risk analysis shows that a large majority of fires in Beloit start in apartments and rental properties, specifically in kitchens. In addition, most alarms for "near-miss" fires such as burnt food or small fires confined to pots and pans are in rental homes, apartments, and dormitories. The department has recognized that often no extinguishers are present in the residence, or that they go unused. The US Fire Administration, through its "Fire is Everyone's Fight" program, has identified fire extinguisher training as a key component of community risk reduction. The BFD is seeking to use this grant to fund a targeted community outreach and training program using state-of-the-art equipment at specific locations and events such as at dormitories, apartment buildings, and neighborhood and school events. This program would seek to not only enhance safety to residents, but to decrease losses by fire to homeowners, rental owners, and businesses.

### Conformance with Strategic Plan

Approval of this action would conform with the stated purpose of the following strategic goal:

- ☒ Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- ☒ Goal #2 - Create and Sustain a High Performing Organization
- ☒ Goal #3 - Create and Sustain Economic and Residential Growth
- ☐ Goal #4 - Create and Sustain a High Quality of Life
- ☐ Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- ☒ Goal #6 - Create and Sustain Enhanced Communications and Community Engagement, while maintaining a Positive Image

### Sustainability

(If applicable, briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment. Consider whether the policy or program will reduce dependence upon fossil fuels, reduce dependence on chemicals and other manufacturing substances that accumulate in nature, reduce dependence on activities that harm life sustaining eco-systems, and/or meet the hierarchy of present and future human needs fairly and efficiently. Write N/A if not applicable)

The virtual extinguisher training prop is a long-term investment that would be used over its designated product life of over ten years. This equipment meets a specific need for immediate use for an education effort, but will continue to be useful well after. It enhances learning by allowing for multiple repetitions, and allows for more use due to safety, portability, and the number of locations in which it can be used. The outreach program portion of the grant designated for payroll would be for a one-year campaign designed around a "big push" effort to reach as many community members as possible in a relatively short period of time. It is also estimated that with this new piece of equipment, the BFD can more easily and efficiently incorporate extinguisher training into our existing public education efforts and budget, continuing to extract value out of the grant funded purchase and deliver a valuable safety message for years after the performance period of the grant.

### Action Required/Recommendation

Staff recommends that Council approves this resolution.

### Fiscal Note/Budget Impact

The City of Beloit Fire Department applied for a grant with a 5% match requirement. The grant will be in the amount of \$18,353.22. The 5% match would be \$917.67. The extinguisher trainer accounts for \$14,332.74. The outreach program portion of the grant funds would be \$4,020.48.

Attachments

Extinguisher Trainer Quote, Sole Source Letter, Resolution

Revised 10-12-2021



## Dinges Fire Company

243 E Main St.  
Amboy, IL 61310  
Phone: 815.857.2000  
www.DingesFire.com

### Bill To:

Beloit Fire Department (Beloit,WI)  
C/O: Chad Eneix  
1111 Church Street  
Beloit, WI 53511

### Ship To:

Beloit Fire Department (Beloit,WI)  
1111 Church Street  
Beloit, WI 53511

Quantity	Item	Description	Price	Total
1	LionTE-BEPB03-1B#	BullsEye V3 - Base Package	\$14,332.74	\$14,332.74

\* Sales tax will be applied to customers who have not provided a tax exempt certificate.

**Sub Total** \$14,332.74

\* Quote Created on 11/08/2023. Pricing valid for no more than 30 days, unless noted otherwise.

**Shipping** TBD

\* Financing options may be available. Please contact your sales rep for more information and a payment estimate.

**Total** \$14,332.74

\*\*This is a quotation only. Please do not make payment based off this quotation. An invoice will be sent to you when product is ready for delivery. Contact your local sales representative with any questions or requests.\*\*



January 1, 2024

To Whom It May Concern:

Dinges Fire Company is the sole source provider in Wisconsin for the BullsEye™ System, which is used to provide cost-effective, realistic and repeatable hands-on fire extinguisher training. The BullsEye cannot be purchased through any other vendor and there are no other similar products available on the market.

The BullsEye represents the latest advancement in fire training technology and is the only hands-on fire extinguisher training systems using self-generating digital flames. BullsEye's realistic, self-generating digital flames respond directly to the trainee's actions. Using BullEx's proprietary laser-based training extinguishers, users interact dynamically with BullsEye's digital fire. If trainees fail to use the proper technique, the flames respond accordingly. Flames can diminish, grow gradually or even reignite. There is no pre-recorded fire sequence. Instead, every digital fire is unique and dynamic.

The sensors in the BullsEye extinguisher training system determine where a user is aiming and sweeping the laser-based training extinguisher and the on-board control system determines how to vary the flames in response. The sensors also determine how far the trainee is from the fire and what class of extinguisher the training is using. The fire will not respond if the trainee is not within optimal distance or is using the wrong class of extinguisher. If the user utilizes the correct technique, aiming and sweeping at the base of the fire, the flames will be extinguished. The BullsEye also measures a trainee on his or her performance, and offers a time-to-extinguish score for each trainee.

The BullsEye uses patented technology for its realistic digital flames and its ability to sense the trainee's actions. The United States patent number is 7,748,983. The BullsEye has also been awarded a General Services Administration (GSA) contract by the US government which has approved sole source acquisition.

Sincerely,

Mark Smith  
Senior Vice President

**RESOLUTION 24-056**

**RESOLUTION APPROVING A GRANT APPLICATION THROUGH FEMA'S FIRE PREVENTION AND SAFETY (FP&S) GRANT FUNDING OPPORTUNITY**

**WHEREAS**, the applicant, City of BELOIT is interested in obtaining a Federal Emergency Management Agency (FEMA) grant; and

**Whereas**, fire prevention and safety are paramount concerns for our community; and

**Whereas**, effective training in fire extinguisher usage is essential for safeguarding lives and property; and

**Whereas**, the Federal Emergency Management Agency (FEMA) offers grant funding opportunities through the Fire Prevention and Safety (FP&S) program to support initiatives aimed at enhancing fire prevention and safety measures; and

**Whereas**, the acquisition of a fire extinguisher training prop will enable comprehensive and practical fire extinguisher training for our community members; and

**Whereas**, the purchase and implementation of such a training prop align with the goals and objectives outlined in FEMA's FP&S grant funding opportunity; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Manager of the City of Beloit is hereby authorized to apply for said grant, execute any resulting grant agreement and sign any other documents or take any other action necessary to carry out the terms and conditions of this Resolution on behalf of the City of Beloit.

Adopted this 6th of May, 2024.

**City Council of the City of Beloit**

\_\_\_\_\_  
**Kevin Leavy, City Council President**

**Attest:**

\_\_\_\_\_  
**Marcy Granger, City Clerk-Treasurer**

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic:	Authorization for the City Manager to apply for funds available from the Energy Efficiency and Conservation Block Grant Program		
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Date:	May 6, 2024		
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Presenter:	Jerry Gabrielatos	Department:	City Manager's Office
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### Overview/Background Information

The City of Beloit was awarded \$76,280 through the Department of Energy's Energy Efficiency and Conservation Block Grant Program. The program is designed to assist states, local governments and Tribes in implementing strategies to reduce energy use, to reduce fossil fuel emissions, and to improve energy efficiency.

### Key Issues

Eligible costs for the grant include technical assistance or equipment rebates. After consulting with department directors, it was determined the best use of funds would be the purchase of an electric Ford F150 Lightning Pickup to add to the Public Works fleet. The addition of this vehicle will accelerate the City's transition to an electric/hybrid fleet.

Electric vehicles typically require less maintenance and do not consume fuel. As a result, the addition of this vehicle will lead to reduced costs and energy use.

It should be noted that the original application date for funds was April 30, 2024. Because staff made the determination about the best use of these funds during this Council meeting and the most recent meeting on April 16, 2024, staff is requesting permission to apply for the funds retroactively.

The estimated minimum cost of the vehicle is \$58,625. Staff will be working with the Department of Energy staff to determine if the additional items needed for the vehicle will be covered by the grant. These include an extended battery and an application that would allow for optimal charging.

### Conformance with Strategic Plan

Approval of this action would conform with the stated purpose of the following strategic goal:

- ☒ Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- ☒ Goal #2 - Create and Sustain a High Performing Organization
- ☐ Goal #3 - Create and Sustain Economic and Residential Growth
- ☐ Goal #4 - Create and Sustain a High Quality of Life
- ☒ Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- ☐ Goal #6 - Create and Sustain Enhanced Communications and Community Engagement, while maintaining a Positive Image

### Sustainability

If applicable, briefly comment on the environmental, economic, and/or social sustainability of this policy or program. Consider how current needs are met without compromising the ability of future generations to meet their own needs. Write N/A if not applicable

The addition of this vehicle will reduce fuel costs and the city's carbon footprint.

### Action Required/Recommendation

Staff recommends that Council approve this resolution.

### Fiscal Note/Budget Impact

Should the additional items needed for the vehicle not be covered by the grant, the City will have to cover those costs. Funding may be available from the Vehicle Operations and Maintenance or Buildings and Grounds budgets.

### Attachments

**RESOLUTION 2024-057**

**RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM**

**WHEREAS**, the City has applied for an Energy Efficiency and Conservation Block Grant that would assist local governments in implementing strategies to reduce energy use, to reduce fossil fuel emissions and to improve energy efficiency; and

**WHEREAS**, when the deadline for a grant application makes it impractical to seek City Council approval prior to submission of the application, City policy allows the City Manager to seek City Council authorization at the next regularly scheduled meeting; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council for the City of Beloit hereby authorizes the City Manager to apply for the Energy Efficiency and Conservation Block Grant Program and to take such necessary action to effectuate the purpose of this Resolution.

Dated this 6<sup>th</sup> day of May, 2024

**BELOIT CITY COUNCIL**

---

Kevin D. Leavy, City Council President

Attest:

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Marcy J. Granger, City Clerk-Treasurer



# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



**Topic:** Annual Applications for Beer/Liquor Licenses 2024-2025

**Date:** May 6, 2024

**Presenter:** Marcy J. Granger

**Department:**

City Clerk-Treasurer

### Overview/Background Information

1. The laws defining and regulating the sale, procurement, dispensing and transfer of alcoholic beverages are regulated by Wis. State Stats Chapter 125 and Chapter 31 of the General Code of Ordinances for the City of Beloit. Annually, the premise engaging in the sale, procurement, dispensing and transfer of alcoholic beverages must make application to the City of Beloit for annual renewal of their appropriate liquor license(s).

2. ALL licenses shall expire on June 30 of each year and a renewal process is necessary to maintain operations. The renewal process in the Clerk's office began April 8 when letters were mailed and or emailed to current license holders with a (AB-200) Alcohol Beverage License Application, (AB-101) Alcohol Beverage Appointment of Agent, (AB-100) Alcohol Beverage Individual Questionnaire, The City of Beloit Supplemental questionnaire and instructions for filing with the clerk and a list of applicable fees. They are asked to return the paperwork and pay the publication fee by May 1, 2024. The list is assembled and brought to Council for referral to the ABLCC upon which a recommendation to the City Council is made at the 2<sup>nd</sup> meeting in May.

3. City Ordinance 31.04 - Approval by City Council states: No new retail alcohol beverage license, other than a temporary Class "B" or "Class B" License, shall be granted except by a majority vote of the members present at a meeting of the City Council. In determining the suitability of an applicant, consideration shall be given to the responsibility of the applicant, the appropriateness of the location, the premises proposed and generally, the applicant's fitness for the trust to be resposed in him/her. In addition, the applicant shall possess the qualifications required by §125.04(5), Wis. Stats.

### Key Issues

1. The City Clerk-Treasurer is responsible for receiving all renewal applications for timely referral to ABLCC

2. The City Clerk-Treasurer must publish all applications. (this list will publish May 9, 10 and 13, 2024)

3. The ABLCC will act on this list at the May 14, 2024 regular meeting. Upon committee recommendation, this list will return to the City Council for approval at the May 20, 2024 regular meeting.

4. The Municipal Clerk will issue check sheets and inspection forms to pertinent City authorities, collect all fees and upon successful completion of the application checklist, will issue a new annual license to be effective July 1, 2024-June 30, 2025.

5. By July 15, 2024, the Municipal Clerk is responsible for submitting an annual retail license report to the Department of Revenue.

### Conformance with Strategic Plan

Approval of this action would conform with the stated purpose of the following strategic goal:

- ☒ Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- ☐ Goal #2 - Create and Sustain a High Performing Organization
- ☒ Goal #3 - Create and Sustain Economic and Residential Growth
- ☐ Goal #4 - Create and Sustain a High Quality of Life
- ☐ Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- ☐ Goal #6 - Create and Sustain Enhanced Communications and Community Engagement, while maintaining a Positive Image

### Sustainability

If applicable, briefly comment on the environmental, economic, and/or social sustainability of this policy or program. Consider how current needs are met without compromising the ability of future generations to meet their own needs. Write N/A if not applicable

N/A

### Action Required/Recommendation

Refer to Alcohol Beverage License Control Committee for review and recommendation at their May 14, 2024 regular meeting.

Fiscal Note/Budget Impact
Alcohol Licensing brings approximately \$52,000 in revenues annually.
Attachments
List of Renewal Applications received by May 1, 2024 for Beer/Liquor Licenses for period July 1, 2024- June 30, 2025.
Revised 03-09-2022

# **BEER/LIQUOR LICENSE APPLICATIONS 2024-2025**

## **CLASS "A" BEER**

Class "A" licenses are for the sale of fermented malt beverages from premises within the municipality and authorizes retail sales of fermented malt beverages for consumption off the premises, where sold and in original packages, containers and bottles. See State Statute 125.25 for more.

125.51(2)(e) allows the granting and issuing of a "Class A" Cider license to applicants whose retails sales of intoxicating liquor is limited to cider and already hold a Class "A" license for the same premise. There is no additional cost for the Cider license. "Cider" means any alcohol beverage that is obtained from the fermentation of the juice of apples or pears that contains not less than 0.5 percent alcohol by volume and not more than 7.0 percent alcohol by volume. "Cider" includes flavored, sparkling, and carbonated cider. CLASS A BEER \$500 CLASS A CIDER ONLY \$0 PUBLICATION FEE \$25=525\$

TRADE NAME (DBA)	LEGAL NAME	AGENT	PREMISE ADDRESS	W/Cider	PAID
CLARK GAS STATION	BINDI R. INC	JAY GRAVITT	903 BROAD ST	CIDER	\$525
CORNELLIER FIREWORKS	CORNELLIER ENTERPRISES	BRAD LAWVER	105 DEARBORN	NO	\$525
DAVE'S BAIT & TACKLE	DAVID C. HUYCK	NA	901 BAYLISS AVE	NO	\$525
GS GAS MART	G.S. GAS MART, INC	HARJINDER SINGH SAMRA	1888 SHOPIERE RD	NO	\$525
LIBERTY GAS MART	LIBERTY GAS MART, INC.	HARJINDER SINGH SAMRA	1407 LIBERTY AVENUE	CIDER	\$525
MEXICO DOMINICANA	MEXICO DOMINICANA, INC.	ANGEL L. RODRIGUEZ	854 HENRY AVE	NO	\$525
PARK AVENUE MART	PARK AVENUE MART INC	HARJINDER SINGH SAMRA	1771 PARK AVE	CIDER	\$525
PILOT TRAVEL CENTER #289	PILOT TRAVEL CENTERS LLC	AMBER BARROWS	3001 MILWAUKEE RD	CIDER	
SPEEDWAY #2086	SPEEDWAY LLC	ANN EDGECOMB	1107 LIBERTY AVE	CIDER	
SPEEDWAY #4087	SPEEDWAY LLC	ERIC P KITTLE	148 LIBERTY AVE	CIDER	
SPEEDWAY #4293	SPEEDWAY LLC	GWENDOLYN FORD	2781 MILWAUKEE RD	CIDER	
TEXAS GROCERY	JAIMES ENTERPRISES, LLC	CESAR JAIMES	1909 ST LAWRENCE AVE	NO	

### CLASS "A" BEER AND "CLASS A" LIQUOR

Class "A" licenses are for the sale of fermented malt beverages from premises within the municipality and authorizes retail sales of fermented malt beverages for consumption off the premises, where sold and in original packages, containers and bottles. See State Statute 125.25 for more.

A "Class A" liquor license authorizes the retail sale of intoxicating liquor for consumption off the premises, where sold and in original packages and containers. CLASS A BEER \$500 CLASS A LIQUOR \$500 PUBLICATION FEE \$25= \$1025

TRADE NAME (DBA)	LEGAL NAME	AGENT	PREMISE ADDRESS	PAID
ALDI #48	ALDI, INC	MARLENE WAGNER	2780 MILWAUKEE ROAD	\$1025
BELOIT MOBIL ON THE RUN	ND GAS LLC	SARAH VAN KRAANEN	2883 MILWAUKEE RD	\$1025
CASEY'S GEN STORE #3316	CASEY'S MARKETING COMPANY	ROBERT MOLD	2350 CRANSTON RD	\$1025
CVS PHARMACY #5600	WISCONSIN CVS PHARMACY, LLC	JEANNINE HEAVER	2149 PRAIRIE AVE	\$1025
CVS PHARMACY #8534	WISCONSIN CVS PHARMACY, LLC	JAYNE KENNY	1063 FOURTH STREET	
KWIK TRIP #1151	KWIK TRIP, INC.	ADAM LARSON	3155 PRAIRIE AVE.	\$1025
MADISON ROAD MART	MADISON ROAD MART, INC	HARJINDER SINGH SAMRA	1343 MADISON RD	\$1025
PIGGLY WIGGLY	GUZMAN'S SUPERMARKET, LLC	MIGUEL ANGEL GUZMAN, SR	1827 PRAIRIE AVE	\$1025
SHOPIERE GAS MART	SHOPIERE GAS MART, INC.	HARJINDER SINGH SAMRA	1902 SHOPIERE ROAD	\$1025
SUNNY'S LIQUOR	RSK ENTERPRISES, LLC	AMRIK SINGH	2621 PRAIRIE AVE	\$1025
TOBACCO SHACK	AKSHAR BRAHMA INC	JIGNESH U. DESAI	1212 CRANSTON RD	\$1025
WALGREENS #06096	WALGREENS CO.	REGINA ROPER	1901 PRAIRIE AVE	
WALGREENS #11528	WALGREENS CO.	TAMMY L. PATTERSON	1531 MADISON RD	
WALGREENS #12136	WALGREENS CO.	KIMBERLY CAMPBELL	910 BROAD ST	
WAL-MART #2532	WAL-MART STORES EAST, LP	DON ALAN JOHNSTON	2785 MILWAUKEE RD	\$1025
WOODMAN'S FOOD MARKET	WOODMAN'S FOOD MARKET, INC	KEVIN KOLBERG, JR.	1877 MADISON RD	\$1025

RED BOLDDED AGENTS = NEW this licensing period

### CLASS "B" BEER

Class "B" Beer licenses are for the sale of fermented malt beverages from premises within the municipality and may authorize an official or body of the municipality to issue temporary Class "B" licenses under sub. (6). A Class "B" license authorizes retail sales of fermented malt beverages to be consumed either on the premises, where sold or off the premises. See State Statute 125.26 for more. CLASS B \$100 PUBLICATION FEE \$25 125\$

TRADE NAME (DBA)	LEGAL NAME	AGENT	PREMISE ADDRESS	PAID
BELOIT COLLEGE COUGHY HAUS	BOARD OF TRUSTEES OF BELOIT COLLEGE	ABIGAIL R KATZ	708 CLARY ST	
BELOIT ARTS CENTER	BELOIT FINE ARTS INCUBATOR,	BEN N. HENTHORN	520 EAST GRAND AVENUE	\$125
CLASSIC CINEMAS BELOIT	TIVOLI ENTERPRISES INC	ERIC NEWNHAM	2799 CRANSTON RD	\$125
HAPPY HOUSE	HAPPY HOUSE	YI CHEN	2640 PRAIRIE AVE	
TAQUERIA AZTECA	TAQUERIA AZTECA BELOIT, LLC	RUBEN ROSAS	1910 SHOPIERE RD	\$125
TONY & MARIA'S RESTAURANT	ANTONINO PICCIONE JR	NA	1181 MADISON RD	
TURTLE TAP BASEBALL PARK	THE TURTLE TAP, LTD	CURTIS W. BRANNON	136 DEARBORN AVE	

### CLASS "B" BEER AND "CLASS C" WINE

Class "B" Beer licenses are for the sale of fermented malt beverages from premises within the municipality and may authorize an official or body of the municipality to issue temporary Class "B" licenses under sub. (6). A Class "B" license authorizes retail sales of fermented malt beverages to be consumed either on the premises, where sold or off the premises. See State Statute 125.26 for more.

A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold. A "Class C" license may be issued to a person qualified under s. [125.04 \(5\)](#) for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which does not have a barroom or for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which has a barroom in which wine is the only intoxicating liquor sold. A "Class C" license may not be issued to a foreign corporation, a foreign limited liability company or a person acting as agent for or in the employ of another.

TRADE NAME (DBA)	LEGAL NAME	AGENT	PREMISE ADDRESS	PAID
BELOIT COLLEGE POWERHOUSE	BOARD OF TRUSTEES OF BELOIT COLLEGE	LEIDA CALVILLO RODRIGUEZ	850 PLEASANT STREET	
VINCE'S PIZZA	VINCE'S PIZZA INC	PIERA FIORELLA PARISI	1050 HACKETT STREET	\$225

### CLASS "B" BEER AND "CLASS B" LIQUOR

Class "B" Beer licenses are for the sale of fermented malt beverages from premises within the municipality and may authorize an official or body of the municipality to issue temporary Class "B" licenses under sub. (6). A "Class B" liquor license authorizes the retail sale of intoxicating liquor for consumption on the premises, where sold by the glass and not in the original package or container. In addition, wine may be sold in the original package or container in any quantity to be consumed off the premises where sold. This paragraph does not apply in municipalities in which the governing body elects to come under par. (b) or to a winery that has been issued a "Class B" license. (License Quota is 42 licenses) \$100 FOR CLASS B BEER \$500 CLASS B LIQUOR \$25 PUBLICATION FEE= \$625 FEE

TRADE NAME (DBA)	LEGAL NAME	AGENT	PREMISE ADDRESS	PAID
5BAR	5BAR, LLC	LEVI J. ANDERSEN	530 E GRAND AVE	\$625
ALARM BOX	KATHLEEN A DAVIS	NA	925 FOURTH STREET	
ANDIE'S PUB	ANDIE FLAHERTY	NA	1611 HACKETT STREET	\$625
APPLEBEE'S NEIGHBORHOOD BAR & GRILL	THE BLOOMIN' APPLE BELOIT, LLC	ASHLEY BEAMON	2680 CRANSTON ROAD	\$625
BAGELS AND MORE	BAGELS AND MORE LLC	DAVID J SIEKIERSKI	324 STATE STREET	\$625
BELOIT COLLEGE PEARSONS HALL	BOARD OF TRUSTEES OF BELOIT COLLEGE	LEIDA CALVILLO-RODRIGUEZ	700 COLLEGE STREET	
BELOIT SKY CARP BASEBALL	GERONIMO SPORTS ENTERTAINMENT GROUP, LLC	JEFFREY WHITEMAN	217 SHIRLAND AVE	\$625
BITTERS PUB	HO MING FONG	NA	1309 MADISON ROAD	\$625
BLUE COLLAR COFFEE COMPANY	BLUE COLLAR COFFEE COMPANY,	JEFFREY WHITEMAN	108 W GRAND AVE	\$625
BUSHEL AND PECK'S LOCAL MARKET	YES WE CAN KITCHEN LLC	JACQUELINE GENNETT	328 STATE STREET	\$25
CAROM ROOM	DAVE COLES, INC	DAVID COLES JR.	614 E GRAND AVE	\$625
CHEEZEHEAD BREWING	DAIRY AIR, LLC	THOMAS M MORGAN	414 PLEASANT STREET	\$625
CLUB BALLYHOO	TILLEY'S PIZZA HOUSE INC	TERESA DONOVAN	900 FOURTH ST	
COYOTES	COYOTES OF ROCK CO. LLC	BRAD LAWVER	107 DEARBORN STREET	\$625
DEB'S TOWN CLUB	PETERSON'S TOWN CLUB, LLC	DEBRA E PETERSON	1900 ST LAWRENCE AVE	
DOMENICO'S ITALIAN RESTAURANT	DOMENICO PIZZA & RESTAURANT,	PETER V. GABRIELE	547 E GRAND AVE	\$625
DULCE VIDA MICHOCANA	DULCE VIDA MICHOCANA, INC	ESMERALDA GUZMAN	1817 PRAIRIE AVE	\$625
XSCAPE BAR	RELERFORD GROUP ENTERPRISELLC	DAIYON M DAVIS	613 ST PAUL AVE	
G5 BREWING COMPANY	G5 BREWING COMPANY, LLC	LEE GUNDERSON	1895 GATEWAY BLVD	\$625
GRAND AVENUE PUB	JD SECOND TIME, INC	GAYLE SCHLIEM	132 WEST GRAND AVE	\$625

GRAND HALL II	PALERMO ENTERPRISE, LLC	PETER V. GABRIELE	648 FOURTH STREET	\$625
GRAND SLAM	RUCKERT INVESTMENTS, INC	RUCKERT INVESTMENTS INC	173 W GRAND AVE	
HATLEY'S PUB	HATLEY ENTERPRISES OF BELOIT	GREGORY L HATLEY	435 E GRAND AVE	\$625
HUB BELOIT	THE HUB BELOIT, LLC	LEVI J ANDERSEN	501 PROSPECT STREET	\$625
IRONWORKS GOLF LAB	THE BELOIT CLUB, LLC	JEFFREY E. WHITEMAN	625 3RD ST, SUITE 100	\$625
JERRY'S BAR & GRILL	OGG PRAIRIE STREET, LLC	GERARDO GARCIA	2745 PRAIRIE AVE.	
JERSEY'S BAR & GRILL	JERSEY'S INC	HALLI HINEY	2770 MILWAUKEE RD	\$625
LITTLE MEXICO	LITTLE MEXICO OF BELOIT, LLC	ADRIAN CORTES PICHARDO	2787 MILWAUKEE RD	
LIBERTY HOUSE GRILL	BOLA42, LLC	ASHLEE BARTH	1901 LIBERTY AVE	\$625
MAXINE'S SOCIAL	MAXINE'S SOCIAL, LLC	ZACHARIAH DAVIS	863 FIFTH STREET	
MERRILL AND HOUSTON'S STEAK JOINT	MERRILL& HOUSTON'S STEAK JOINT, LLC	JEFFREY E WHITEMAN	500 PLEASANT ST	\$625
ROAD DAWG PUB	PRD SALOON OF BELOIT, INC	AUSTIN VANCE	2956 MILWAUKEE RD	\$625
THE 615 CLUB	P AND G OF BELOIT, INC	GREGORY L HATLEY	615 BROAD STREET	\$625
THE BRASS RAIL	CPRTB, LLC	TANA L ROBERTS	646 FOURTH ST	\$625
THE LAST LAP	LAST LAP INC	BRADLEY J. SANDMIRE	1028 MARY ST	\$625
THE MOUSE TAVERN & RESTAURANT	MICKY MOUSE TAVERN INC	THOMAS R. ROEHL	1420 MADISON RD	\$625
THE ROCK BAR & GRILL	HOSPITALITY ON THE ROCK, INC	JONATHAN PINGEL	101 MAPLE AVE	\$625
THIRSTY BADGER BAR & GRILL	DRAEVING COMPANIES, LLC	MICHAEL DRAEVING, SR	2683 PRAIRIE AVENUE	\$625
TRUK'T	TRUK'T LLC	JEFFERY E WHITEMAN	443 E GRAND AVE	\$625
TURTLE TAP	THE TURTLE TAP LTD	CURTIS W. BRAN NON	1344 E GRAND AVE	
MEAD ALLEN VFW POST 2306	MEAD-ALLEN POST #2306 VETERANS OF FOREIGN WARS OF THE UNITED	STEVEN MAYFIELD	2711 AFTON RD	\$625
WEST SIDE PUB AND GRILL	DITA'S INC	SPHEZIME SARA FADILOVSKI	1567 MADISON RD	



**CLASS "B" BEER AND RESERVE "CLASS B" LIQUOR**

Class "B" Beer licenses are for the sale of fermented malt beverages from premises within the municipality and may authorize an official or body of the municipality to issue temporary Class "B" licenses under sub. (6). A "Class B" liquor license authorizes the retail sale of intoxicating liquor for consumption on the premises, where sold by the glass and not in the original package or container. In addition, wine may be sold in the original package or container in any quantity to be consumed off the premises where sold. This paragraph does not apply in municipalities in which the governing body elects to come under par. (b) or to a winery that has been issued a "Class B" license. (License Quota is 11) \$625

TRADE NAME (DBA)	LEGAL NAME	AGENT	PREMISE ADDRESS	PAID
BUFFALO WILD WINGS	BLAZIN WINGS, INC	JAMIE SWAN	2747 MILWAUKEE ROAD	
CLANCY'S SPORTS LOUNGE & GRILL	CLANCY L. SMITH	NA	201 SHORT ST	\$625
ECLIPSE EVENT CENTER	ECLIPSE EVENT CENTER LLC	JEFFERY WHITEMAN	100 ECLIPSE CENTER	\$625
LA CASA GRANDE	CASA GRANDE, INC	PETER V. GABRIELE	618 4 <sup>TH</sup> STREET	\$625
LUCY'S #7 BURGER BAR	LUCY'S #7 BURGER BAR, LLC	JEFFERY WHITEMAN	430 E GRAND AVE, STE 102	\$625
THE ALIBI	BRBK LLC	WENDY K. DRAKE	1180 MADISON ROAD	\$625
VELVET BUFFALO	VELVET BUFFALO, LLC	JEFFERY WHITEMAN	500 PUBLIC AVE STE 100	\$625
ZEN SUSHI & GRILL	KYOTAI CORP	TAI K PARK	430 E GRAND AVE, STE 101	\$625

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



<b>Topic:</b>	Referral to ABLCC: An Application for a new Class "B" Fermented Malt Beverage (Beer) and "Class B" Intoxicating Liquor License for Austin's Filling Station, LLC, d/b/a Austin's Filling Station, located at 1414 Cranston Rd, Austin Vance, Agent
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<b>Date:</b>	May 6, 2024
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<b>Presenter:</b>	Marcy J Granger	<b>Department:</b>	City Clerk-Treasurer
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### Overview/Background Information

Austin's Filling Station LLC, d/b/a Austin's Filling Station is applying for a Reserve Class "B" Fermented Malt Beverage (Beer) and "Class B" Intoxicating Liquor License for the License period ending June 30, 2025.

### Key Issues

1. Austin's Filling Station LLC, d/b/a Austin's Filling Station is requesting approval of a Reserve Class "B" Fermented Malt Beverage (Beer) and "Class B" Intoxicating Liquor License for the period ending June 30, 2025.
2. A complete application with publication fees was submitted to the Clerk-Treasurer's office and is being referred to the ABLCC for their May 14, 2024 agenda and back to the City Council on the May 20, 2024 consent agenda.
3. The ABLCC will review the application at their May 14, 2024 regular meeting to assure conformity with existing rules, regulations and zoning ordinances of the city and state and will make a recommendation to the Council based on their review.
4. The City Council will take action on the recommendation of the ABLCC at their May 20, 2024 regular meeting.

### Conformance with Strategic Plan

Approval of this action would conform with the stated purpose of the following strategic goal:

- ☐ Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- ☐ Goal #2 - Create and Sustain a High Performing Organization
- ☒ Goal #3 - Create and Sustain Economic and Residential Growth
- ☐ Goal #4 - Create and Sustain a High Quality of Life
- ☐ Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- ☐ Goal #6 - Create and Sustain Enhanced Communications and Community Engagement, while maintaining a Positive Image

### Sustainability

If applicable, briefly comment on the environmental, economic, and/or social sustainability of this policy or program. Consider how current needs are met without compromising the ability of future generations to meet their own needs. Write N/A if not applicable

N/A

### Action Required/Recommendation

Staff recommends that the ABLCC review the application at its May 14, 2024 meeting and make a recommendation. This will return to Council for a decision at its May 20, 2024 Regular City Council meeting.

### Fiscal Note/Budget Impact

The fee for this action is a \$50.00 publication fee

### Attachments

AB-200 Alcohol Beverage License Application, AB-100 Alcohol Beverage Individual Questionnaire, AB-101 Alcohol Beverage Appointment of Agent, Supplemental Questionnaire, Neighborhood Impact Comment Report

Revised 03-09-2022

Form  
AB-200

# Alcohol Beverage License Application

For Municipal Use Only	
Municipality	C-Beloit
License Period	

License(s) Requested: (up to two boxes may be checked)

- ☐ Class "A" Beer ..... \$ \_\_\_\_\_ ☒ Class "B" Beer ..... \$ \_\_\_\_\_
- ☐ "Class A" Liquor ..... \$ \_\_\_\_\_ ☐ "Class B" Liquor ..... \$ \_\_\_\_\_
- ☐ "Class A" Liquor (cider only) \$ \_\_\_\_\_ ☒ Reserve "Class B" Liquor \$ \_\_\_\_\_
- ☐ "Class C" Liquor (wine only) \$ \_\_\_\_\_

Fees	
License Fees	\$
Background Check Fee	\$
Publication Fee	\$ 50.00 4/12/24
Total Fees	\$

## Part A: Premises/Business Information

1. Legal Business Name (Individual name if sole proprietorship)

Austin's Filling Station, LLC

2. Business Trade Name or DBA

Austin's Filling Station

3. FEIN

99-2249709

4. Wisconsin Seller's Permit Number

456-1031706792-04

5. Entity Type (check one)

☐ Sole Proprietor ☐ Partnership ☒ Limited Liability Company ☐ Corporation ☐ Nonprofit Organization

6. State of Organization

WI

7. Date of Organization

04/01/2024

8. Wisconsin DFI Registration Number

A111461

9. Premises Address

1414 Cranston Road

10. City

Beloit

11. State

WI

12. Zip Code

53511

13. County

Rock

14. Governing Municipality: ☒ City ☐ Town ☐ Village

of: Beloit

15. Aldermanic District

16. Premises Phone

(608) 363-7969

17. Premises Email

vance.businessoffice@gmail.c

18. Website

19. Premises Description - Describe the building or buildings where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary.

Bar and Grill alcoholic and non alcoholic beverages sold for consumption on premise as well as food for consumption on or off premise

20. Mailing Address (if different from premises address)

2956 Milwaukee Road

21. City

Beloit

22. State

WI

23. Zip Code

53511

## Part B: Questions

1. Has the business (sole proprietorship, partnership, limited liability company, or corporation) been convicted of violating federal or state laws or local ordinances? Exclude traffic offenses unless related to alcohol beverages. ☐ Yes ☒ No

If yes, list the details of violation below. Attach additional sheets if necessary.

Law/Ordinance Violated	Location	Trial Date
Penalty Imposed	Was sentence completed? . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No	
Law/Ordinance Violated	Location	Trial Date
Penalty Imposed	Was sentence completed? . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No	

2. Are charges for any offenses pending against the business? Exclude traffic offenses unless related to alcohol . . ☐ Yes ☒ No beverages.  
If yes, describe the nature and status of pending charges using the space below. Attach additional sheets as needed.

3. Is the applicant business or any of its officers, directors, members, agent, employees, owners, or other related individuals or entities a restricted investor with any interest in an alcohol beverage producer or distributor? . . ☐ Yes ☒ No  
If yes, provide the name of the restricted investor and describe the nature of the interest.

4. Is the applicant business owned by another business entity? . . . . . ☐ Yes ☒ No  
If yes, provide the name(s) and FEIN(s) of the business entity owners below. Attach additional sheets as needed.

4a. Name of Business Entity	4b. Business Entity FEIN
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5. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit proof of completion. . . . . ☒ Yes ☐ No

6. Is the applicant business indebted to any wholesaler beyond 15 days for beer or 30 days for liquor/wine? . . . . . ☐ Yes ☒ No

7. Does the applicant business owe past due municipal property taxes, assessments, or other fees? . . . . . ☐ Yes ☒ No

**Part C: Individual Information**

List the name, title, and phone number for each person or entity holding the following positions in the applicant business or businesses listed in Part B, Question 4: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all members, managers, and agent of a limited liability company. Attach additional sheets if necessary.


Include Form AB-100 for each person listed below. Corporations and LLCs must appoint an agent by including Form AB-101.

Last Name	First Name	Title	Phone
Vance	Austin	Owner	(608) 363-7969

**Part D: Attestation**

One of the following must sign and attest to this application:  
 • sole proprietor      • one general partner of a partnership      • one corporate officer      • one member of an LLC

**READ CAREFULLY BEFORE SIGNING:** Under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the license. Further, I agree that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law, including but not limited to, purchasing alcohol beverages from state authorized wholesalers. I understand that lack of access to any portion of a licensed premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this license. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Last Name Vance	First Name Austin	M.I.
Title Owner	Email vance.businessoffice@gmail.com	Phone (608) 363-7969
Signature 		Date 4/12/24

**Part E: For Clerk Use Only**

Date Application Was Filed With Clerk 4/12/24	License Number	Date License Granted	Date License Issued
Signature of Clerk/Deputy Clerk			Date Provisional License Issued (if applicable)

Alcohol Beverage  
Individual QuestionnaireDate  
4/12/24

All individuals involved in the alcohol beverage business must complete this form, including:

- sole proprietor
- all officers, directors, and agent of a corporation or nonprofit organization
- all partners of a partnership
- members and agent of a limited liability company

Your alcohol beverage application or renewal is not complete until all required Individual Questionnaires are submitted.

**Part A: Business Information**

1. Legal Business Name (Individual name if sole proprietor)

Austin's Filling Station, LLC

2. Business Trade Name or DBA

Austin's Filling Station

3. Entity Type (check one)

☐ Sole Proprietor ☐ Partnership ☒ Limited Liability Company ☐ Corporation ☐ Nonprofit Organization**Part B: Individual Information**

1. Last Name

Vance

2. First Name

Austin

3. M.I.

R

4. Relationship to Business (Title)

Owner

5. Email

vance.businessoffice@gmail.com

6. Phone

(608) 363-7969

7. Home Address

6402 E. Buss Road

8. City

Clinton

9. State

WI

10. Zip Code

53525

11. Date of Birth

12. Drivers License/State ID Number

13. Drivers License/State ID State of Issuance

WI

**Part C: Address History**1. Do you currently reside in Wisconsin? ☒ Yes ☐ No

If yes to 1 above, how long have you continuously lived in Wisconsin prior to the date of application? . . . .

Years  
29Months  
3

2. List in chronological order all of your addresses within the last 5 years. Attach additional sheets if necessary.

Previous Address 1

4717 E. Cty Rd. J

City

Beloit

State

WI

Zip Code

53511

Previous Address 2

City

State

Zip Code

Previous Address 3

City

State

Zip Code

Previous Address 4

City

State

Zip Code

Previous Address 5

City

State

Zip Code

3. List all states and counties you have lived in as an adult. Attach additional sheets if necessary.

State	County	State	County	State	County	State	County

Continued →



**Part D: Criminal History**

1. Have you ever been convicted of any offenses (excluding traffic offenses unless related to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or of any county or municipal ordinances? . . . . . ☐ Yes ☒ No

If yes to question 1, please list details of each conviction below. Attach additional sheets as needed.

Law/Ordinance Violated	Location	Conviction Date
Penalty Imposed		Was sentence completed? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No
Law/Ordinance Violated	Location	Conviction Date
Penalty Imposed		Was sentence completed? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No
Law/Ordinance Violated	Location	Conviction Date
Penalty Imposed		Was sentence completed? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No

2. Are charges for any offenses currently pending against you (excluding traffic offenses unless related to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or any county or municipal ordinances? . . . . . ☐ Yes ☒ No

If yes to question 2, describe nature and status of pending charges using the space below. Attach additional sheets as needed.

**Part E: Attestation**

**READ CAREFULLY BEFORE SIGNING:** Under penalty of law, I have answered each of the above questions completely and truthfully. I certify that I am not prohibited from participating in this business due to any involvement in another tier of the alcohol beverage industry as a restricted investor. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Signature 	Date 4/12/24
---	--------------

**Agent Type (check one)**☒ Original (no fee) ☐ Successor (\$10 fee for municipal licensees only)**Part A: Business Information**

1. Legal Business Name (individual name if sole proprietor)

Austin's Filling Station, LLC

2. Business Trade Name or DBA

Austin's Filling Station

3. Entity Type (check one)

☒ Limited Liability Company ☐ Corporation ☐ Nonprofit Organization

4. Alcohol Beverage Business Authorization (check one)

☒ Municipal Retail License ☐ State Permit

5. If successor agent, provide State Permit or Municipal Retail License Number

6. Describe the reason for appointing a successor agent, if successor is checked above.

**Part B: Agent Information**

1. Last Name

Vance

2. First Name

Austin

3. M.I.

R

4. Email

vance.businessoffice@gmail.com

5. Phone

(608) 363-7969

6. Home Address

6402 E. Buss Road

7. City

Clinton

8. State

WI

9. Zip Code

53525

10. Age

11. Drivers License/State ID Number

12. Drivers License/State ID State of Issuance


WI

**Part C: Agent Questions**1. Have you satisfied the responsible beverage server training requirement? ..... ☒ Yes ☐ No  
Submit proof of completion.2. Have you completed Form AB-100, *Alcohol Beverage Individual Questionnaire*? ..... ☒ Yes ☐ No  
Submit a completed Form AB-100 with this form.3. Have you been a Wisconsin resident for at least 90 continuous days? ..... ☒ Yes ☐ No  
See instructions for exceptions.

Continued →


**Part D: Business Attestation**

READ CAREFULLY BEFORE SIGNING: I, the **Undersigned**, authorize the above-named individual to act for the above-named corporation, nonprofit organization, or limited liability company with full authority and control of the premises and of all alcohol beverage activities on such premises. I certify that I am authorized by the above-named entity to authorize this individual to act on behalf of the entity. If I am appointing a successor agent, I rescind all previous agent appointments for this premises. Further, I understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Last Name Vance		First Name Austin		M.I.
Title owner - agent	Email		Phone	
Signature 			Date	

**Part E: Agent Attestation**

READ CAREFULLY BEFORE SIGNING: I, the **Agent**, hereby accept this appointment as agent for the above-named corporation, nonprofit organization, or limited liability company and assume full responsibility for the conduct of all alcohol beverage activities on the premises for the above-named business. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Last Name Vance		First Name Austin		M.I. R
Signature 			Date	





## **SUPPLEMENTAL QUESTIONNAIRE FOR AGENTS**

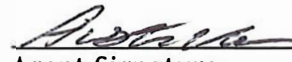
You are required to provide the following information to the City of Beloit to assist in determining whether you meet the qualifications necessary to act as agent for the corporation or limited liability company that has submitted your appointment as agent. (Wis. Stats. 125.04(5) and (6)).

Please attach as many sheets as necessary to provide your answers to the questions below. Your notarized signature is required on the next page and constitutes your sworn statement that the information provided by you is truthful and accurate. It is also necessary that you have a corporate officer sign the second page and have that signature notarized also. The signing and notarization by the corporate officer constitutes a representation to the city that the corporation is requesting that the city rely on the information provided by the agent, which you attach.

### **QUESTIONS**


1. The law requires that the entity appointing you as agent vest in you, by properly authorized and executed written delegation, full authority and control of the premises described in the license or permit of the entity, and of the conduct of all business on the premises relative to alcohol beverages, that the license or permittee could have and exercise if it were a natural person. Please state in your own words how you intend to fulfill those duties and exercise your authority.
2. Please describe any previous experience you have had in retail alcohol sales.
3. Please state how many other people will be under your supervision and engaged in alcohol beverage business.
4. Please describe what type of training you will offer to those under your supervision, describe whether the training will be ongoing, and attach any written training materials or policy manuals you intend to rely on.
5. Please describe in detail what training, policy, and procedures you intend to implement to ensure against underage sales.
6. Please describe what other employees will hold licenses to directly dispense alcohol.
7. Please describe whether you are going to be a full time employee and further state whether you either act as an alcohol agent for any other business or hold any other employment.
8. Please state your intended hours or schedule of being physically present at the licensed premises. Your intended hours should be set on a daily, weekly, or monthly basis as appropriate.

9. Please state whether you understand that you can be personally given citations by the police department for such things as underage sales, open after hours, or other alcohol related violations even when you are not on the premises.
10. Please describe any alcohol related violations you have been charged with in the last five (5) years. Provide the date of the offense, the nature of the charge, and the disposition of the matter. If there are none, so state.
11. Please provide any other information you believe that the City of Beloit should be aware of in deciding whether you satisfactorily qualify to be an alcohol beverage agent.

  
Agent Signature

Austin Vance  
Print Agent Name *owner*

Subscribed and sworn to be this 12 day of April, 2024.

  
Notary Public Rock County, WI  
My Commission Expires: 12/25/2025

  
Corporate Officer Signature  
(Designate Office)

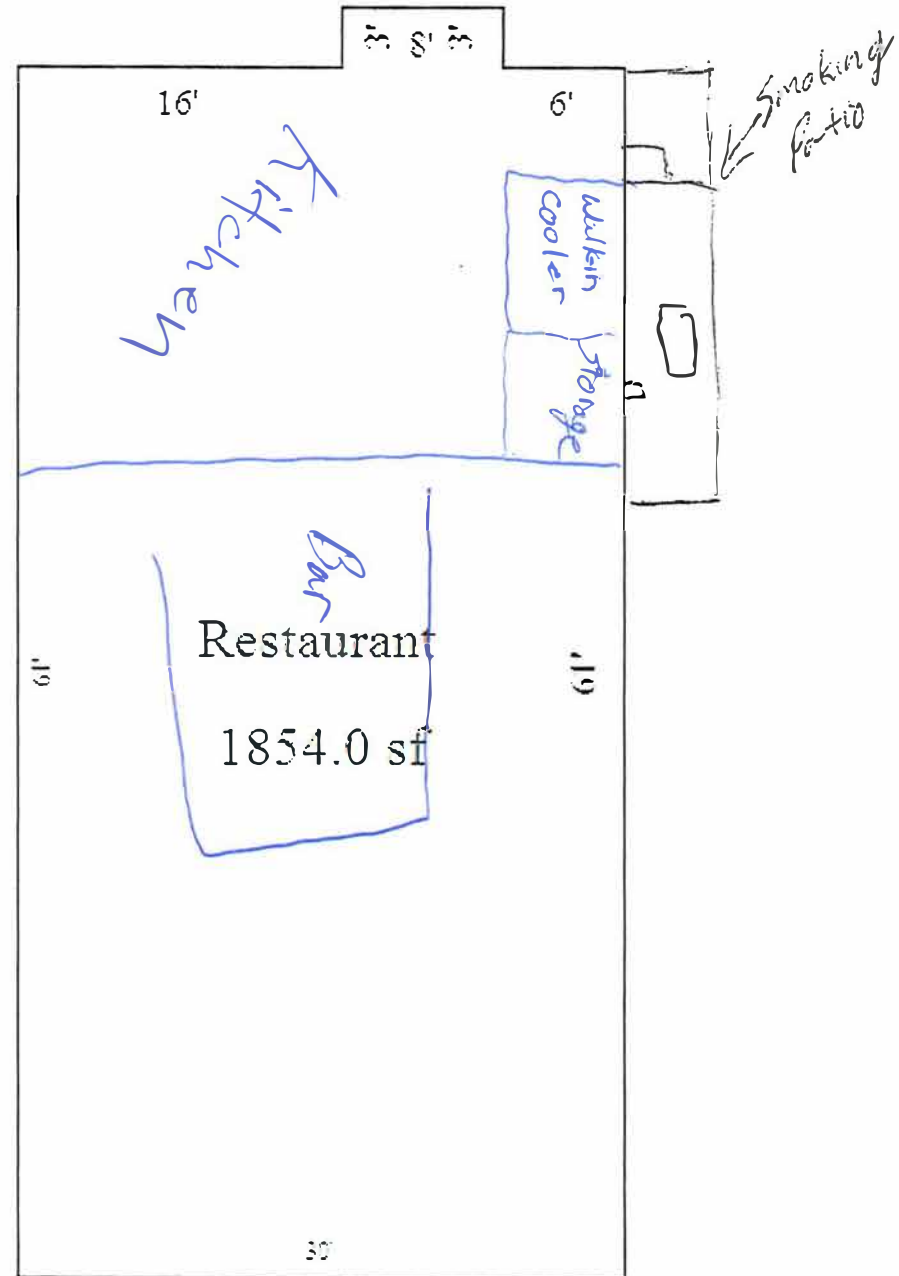
\_\_\_\_\_  
Print Corporate Officer Name

Subscribed and sworn to be this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

## Supplemental Questionnaire

1. I will verify all Bartenders are knowledgeable of the liquor laws and properly licensed to fulfill duties and exercise my authority as agent.
2. I have been working in PRD Saloon of Beloit, Patti's RD Saloon, and PJVance 2014 since 2015, and purchased them in 2022. I have been the registered agent for all three businesses since 2022.
3. There will be 3-4 other bartenders under my supervision.
4. Those under my supervision will be properly licensed and provided with a training manual that will aid in ongoing training. Such as alcohol awareness, liquor law, checking identification, and sanitation.
5. All bartenders will be licensed and properly trained to card everyone that walks through the door, if they are not 21, they cannot be in our bar. Servers are trained to card anyone ordering an alcoholic beverage. We will also provide a digital calendar to aid in reminding all bartenders the date and year that our customers' birth dates must be to enter.
6. There will be an estimated 3-4 other bartenders that will hold licenses with the City.
7. I will be acting agent for this business as well as PRD Saloon of Beloit, PJVance 2014, and Patti's RD Saloon, as I have been for the past two years. These four businesses are my only employment as owner/operator.
8. I am in and out of all of the businesses every single day.
9. I understand.
10. None
11. I have been the agent for my other three businesses for the past two years. I have worked in the businesses since 2015, so my experience in the bar/restaurant business is well versed.



Wendy K. Talignani

conveys and warrants to Austin Vance and Kapria Nicole Vance,  
husband and wife  
the following described real estate in Rock County, State of  
Wisconsin:

Lot 1 of a Certified Survey Map recorded June 24, 2008, as  
Document No. 1834918, in Volume 32 of Certified Survey Maps,  
on Pages 164-166, in the office of the Register of Deeds for Rock  
County, Wisconsin, being part of Out-Lot 24-30, Assessor's Plat  
of Beloit Township, all in part of the NW. 1/4 of the SE. 1/4 of  
Section 24, T. 1 N., R. 12 E. of the 4th P.M., City of Beloit,  
County of Rock, State of Wisconsin.

This is not homestead property.

Exceptions to warranties: Municipal zoning ordinances and  
easements and/or restrictions of record.

## RETURN TO:

Austin Vance  
Kapria Nicole Vance  
2956 Milwaukee Rd  
Beloit WI ~~53511~~ 53511

Tax Key No. 12430660  
Tax ID No. 206 12430660

Dated this 8<sup>th</sup> day of April, 2024.

Wendy K. Talignani (SEAL)  
Wendy K. Talignani

(SEAL)

## AUTHENTICATION

Signatures authenticated this \_\_\_\_ day of  
April, 2024.

## ACKNOWLEDGMENT

STATE OF WISCONSIN )  
 ) ss.  
ROCK COUNTY )

TITLE: MEMBER STATE BAR OF WISCONSIN  
(If not, \_\_\_\_\_  
authorized by §706.06, Wis. Stats.)

Personally came before me, this 8<sup>th</sup> day  
of April, 2024, the above named Wendy K. Talignani

to me known to be the person who executed  
the foregoing instrument and acknowledge the same.

THIS INSTRUMENT WAS DRAFTED BY  
MARK E. ROBINSON, SBN 1000973  
ATTORNEY AT LAW  
4465 MILTON AVE, STE 103  
JANESVILLE, WI 54546  
(Signatures may be authenticated or  
or acknowledged. Both are not necessary.)

Michelle Rice  
Notary Public, Rock County, Wisconsin

My commission expires: 4-18, 2027.

\*Names of persons signing in any capacity should be typed or printed below their signatures.

CITY PLAN/ZONING

ENVIRONMENTAL/WASTEWATER

POLICE DEPARTMENT

HOUSING SERVICES

a. Building Inspection

FIRE DEPARTMENT

## NEIGHBORHOOD IMPACT COMMENT REPORT

(Reserve)

An application has been filed for a Class B Beer & Liquor License with the City Clerk

By: Austin's Filling Station

Located at: 1414 Cranston Rd

Date: 4/17/24

Notice of this application is being submitted to you for *comment*.

Please comment below and return to the City Clerk's Office by: 4/25/2024

**Note: Planning Department report should include if the property is meeting State Statute 125.68 (3) that the premise is not within 300 feet of the main entrance of any public or parochial school, hospital or church. (For liquor sales only)**

DATE: 04/25/24

SIGNED: Rick Smith

**POLICE DEPARTMENT  
NEIGHBORHOOD IMPACT SURVEY**

The undersigned are in favor of or opposed to granting a Class B Beer & License

To: Austin's Filling Station, LLC Liquor

Located at: 1414 Cranston Rd Beloit, WI 53511

NAME	ADDRESS	IN FAVOR	OPPOSED	REASON
Hannah Myers General Manager	1434 Cranston Rd Dairy Queen	X		N/A
Shannon Woods CNA	1712 Cranston Adaptive Alliance	X		
Tori Light Administrator	2122 Pioneer Dr Suites at Beloit	X		
Liza Lyon	2086 Pioneer #13	X		
Jordan Mecler	2086 Pioneer #20	X		
David Zimdars	2086 Pioneer #16	X		
Tom Jackson	2086 Pioneer #2	X		
Dylan Davies	2086 Pioneer #1	X		

PREPARED BY: N. Smith #4459

DATE: 03/22/24



**POLICE DEPARTMENT  
NEIGHBORHOOD IMPACT SURVEY**

The undersigned are in favor of or opposed to granting a Class B Beer & License  
To: Austin's Filling Station, LLC Liquor  
Located at: 1414 Cranston Rd Beloit, WI 53511

B

NAME	ADDRESS	IN FAVOR	OPPOSED	REASON
Ray Solberg	1532 Henderson	X		N/A No comment
Sue Viken (Administrator)	2121 Pioneer Dr Autumn Lake	X		
Trisha Mascari Manager	2149 Pioneer Dr	X		
Debbie Stevenson Secretary	1705 Cranston Carpet Store	X		
Chris Karonias Salesman	1410 Cranston House of carpets	X		
Rae Williams Branch Manager	1184 Cranston Educators credit union	X		
Shannon Ahrens Owner	1122 Cranston	X		
Jade Ostenson Insurance Rep	1116 Cranston State Farm	X		

PREPARED BY: N. Smith #1408

DATE: 03/22/24



**POLICE DEPARTMENT  
NEIGHBORHOOD IMPACT SURVEY**

The undersigned are in favor of or opposed to granting a Class B Beer & Liquor License  
To: Austin's Filling Station, LLC  
Located at: 1414 Cranston Rd Beloit, WI 53511

NAME	ADDRESS	IN FAVOR	OPPOSED	REASON
Diane Meier Employee	1205 Cranston Rd Beloit Floral	X		
Jeff Pargman	2066 Pioneer Dr	X		
Mark Pearsall	1487 Pioneer Dr	X		
Amber Dalgard	1486 Pioneer Dr	X		
James Jacot	1481 Pioneer Dr	X		
Christa Mitson owner	1731 Cranston Rd	X		
Rachel's Smith	1474 Pioneer Dr	X		

PREPARED BY: N. Smith 4054

DATE: 4/25/24

CITY PLAN/ZONING

ENVIRONMENTAL/WASTEWATER

POLICE DEPARTMENT

HOUSING SERVICES

a. Building Inspection

FIRE DEPARTMENT

**NEIGHBORHOOD  
IMPACT COMMENT REPORT**

(Reserve)

An application has been filed for a Class B Beer & Liquor License with the City Clerk

By: Austin's Filling Station

Located at: 1414 Cranston Rd

Date: 4/17/24

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Please comment below and return to the City Clerk's Office by: 4/25/2024

**Note: Planning Department report should include if the property is meeting State Statute 125.68 (3) that the premise is not within 300 feet of the main entrance of any public or parochial school, hospital or church. (For liquor sales only)**

No comment

DATE: 4/22/24

SIGNED: [Signature]

CITY PLAN/ZONING

ENVIRONMENTAL/WASTEWATER

POLICE DEPARTMENT

HOUSING SERVICES

a. Building Inspection

~~FIRE DEPARTMENT~~

**NEIGHBORHOOD  
IMPACT COMMENT REPORT**

(Reserve)

An application has been filed for a Class B Beer & Liquor License with the City Clerk

By: Austin's Filling Station

Located at: 1414 Cranston Rd

Date: 4/17/24

Notice of this application is being submitted to you for *comment*.

Please comment below and return to the City Clerk's Office by: 4/25/2024

**Note: Planning Department report should include if the property is meeting State Statute 125.68 (3) that the premise is not within 300 feet of the main entrance of any public or parochial school, hospital or church. (For liquor sales only)**

No open violations.

DATE:

04/21/2024

SIGNED:

[Signature]

**CITY PLAN/ZONING**

**ENVIRONMENTAL/WASTEWATER**

**POLICE DEPARTMENT**

**HOUSING SERVICES**

**a. Building Inspection**

**FIRE DEPARTMENT**

**NEIGHBORHOOD  
IMPACT COMMENT REPORT**

(Reserve)

An application has been filed for a Class B Beer & Liquor License with the City Clerk

By: Austin's Filling Station

Located at: 1414 Cranston Rd

Date: 4/17/24

Notice of this application is being submitted to you for *comment*.

Please comment below and return to the City Clerk's Office by: 4/25/2024

**Note: Planning Department report should include if the property is meeting State Statute 125.68 (3) that the premise is not within 300 feet of the main entrance of any public or parochial school, hospital or church. (For liquor sales only)**

PROPERTY MEETS STATE STATUTE 125.68(3) AND  
IS NOT WITHIN 300 FEET OF THE MAIN  
ENTRANCE OF ANY PUBLIC OR PAROCHIAL  
SCHOOL, HOSPITAL OR CHURCH.

DATE: 4/19/2024

SIGNED: 

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



<b>Topic:</b>	Zoning Map Amendment for 830 W. Froebel Drive and 510 W. Froebel Drive		
<b>Date:</b>	May 6, 2024		
<b>Presenter:</b>	Julie Christensen	<b>Department:</b>	Community Development

### Overview/Background Information

The City of Beloit has submitted an application for a Zoning Map Amendment to assign a zoning classification of R-1A, Single-Family Residential District, for the properties located at 830 W. Froebel Drive and 510 W. Froebel Drive in the City of Beloit.

### Key Issues

1. The City Council adopted an Ordinance annexing the subject properties to the City of Beloit on February 5, 2024.
2. Staff recommended not assigning a temporary zoning at the time of annexation as allowed by Section 66.0217(8) of Wisconsin Statutes, but rather to initiate a Zoning Map Amendment to assign a zoning classification that is consistent with the Comprehensive Plan if the annexation was approved. The Comprehensive Plan recommends *Single-Family Residential - Urban* for the subject properties.
3. The subject properties were annexed at each owner's request for access to City of Beloit sewer because of failing septic systems. The City of Beloit recently completed a sanitary sewer extension along Froebel Drive to provide service to 13 single family residential properties in the Town including the subject properties.
4. The Plan Commission reviewed the Zoning Map Amendment application on March 20, 2024, and voted (6-0) to recommend approval of the Zoning Map Amendment.

### Conformance with Strategic Plan

Approval of this agreement would conform with the stated purpose of the following strategic goal:

- ☐ Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- ☐ Goal #2 - Create and Sustain a High Performing Organization
- ☒ Goal #3 - Create and Sustain Economic and Residential Growth
- ☐ Goal #4 - Create and Sustain a High Quality of Life
- ☒ Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- ☐ Goal #6 - Create and Sustain Enhanced Communications and Community Engagement, while maintaining a Positive Image

### Sustainability

If applicable, briefly comment on the environmental, economic, and/or social sustainability of this policy or program. Consider how current needs are met without compromising the ability of future generations to meet their own needs. Write N/A if not applicable

N/A

### Action Required/Recommendation

- City Council consideration and 2<sup>nd</sup> reading of the proposed Ordinance.

### Fiscal Note/Budget Impact

N/A

### Attachments

Ordinance No. 3831 and Staff Report to the Plan Commission



**ORDINANCE NO. 3831**

**AN ORDINANCE AMENDING THE  
ZONING DISTRICT MAP OF THE CITY OF БЕЛОIT**

The City Council of the City of Beloit, Rock County, Wisconsin do ordain as follows:

**Section 1.** The Zoning District Map of the City of Beloit, mentioned in the Zoning Code, Chapter 19 of the Code of General Ordinances of the City of Beloit, is amended as follows:

The following described lands are hereby assigned permanent R-1A, Single Family Residential District:

PART OF LOT 1 OF FROEBEL'S SUBDIVISION, BEING PART OF LANDS LOCATED IN PART OF GOVERNMENT LOT 4 OF SECTION 23, T. 1 N., R. 12 E. OF THE 4TH P.M., TOWN OF БЕЛОIT, ROCK COUNTY, WISCONSIN.

DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 23, AFORESAID; THENCE NORTH 0°00'00" EAST A DISTANCE OF 954.53 FEET; THENCE SOUTH 89°18'00" EAST ALONG THE SOUTH LINE OF FROEBEL DRIVE A DISTANCE OF 1360.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°18'00" EAST A DISTANCE OF 36.50 FEET; THENCE SOUTH 0°42'00" WEST A DISTANCE OF 120.00 FEET TO THE SOUTH LINE OF LOT 1 AFORESAID; THENCE NORTH 89°18'00" WEST ALONG THE SOUTH LINE OF LOT 1 AFORESAID, A DISTANCE OF 36.50 FEET; THENCE NORTH 0°42'00" EAST A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.101 ACRES, MORE OR LESS. A/K/A 510 W. FROEBEL DRIVE.

PART OF LOT 2 OF FROEBEL'S SUBDIVISION, BEING PART OF GOVERNMENT LOT 4 OF SECTION 23, T. 1 N., R. 12 E. OF THE 4TH P.M., TOWN OF БЕЛОIT, ROCK COUNTY, WISCONSIN.

DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 23, AFORESAID; THENCE NORTH 0°00'00" EAST A DISTANCE OF 954.53 FEET; THENCE SOUTH 89°18'00" EAST A DISTANCE OF 759.45 FEET TO THE NORTHWEST CORNER OF LOT 2 AFORESAID, BEING THE POINT OF BEGINNING; THENCE SOUTH 89°18'00" EAST ALONG THE SOUTH LINE OF FROEBEL DRIVE A DISTANCE OF 90.00 FEET; THENCE SOUTH 0°42'00" WEST A DISTANCE OF 120.00 FEET TO THE SOUTH LINE OF LOT 2 OF FROEBEL'S SUBDIVISION; THENCE NORTH 89°18'00" WEST ALONG THE SOUTH LINE OF LOT 2 AFORESAID A DISTANCE OF 90.00 FEET; THENCE NORTH 0°42'00" EAST A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.248 ACRES, MORE OR LESS. A/K/A/ 830 W. FROEBEL DRIVE.

**Section 2.** This Ordinance shall take effect and be in force upon its passage and publication.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

**City Council of the City of Beloit**

---

Kevin D. Leavy, Council President

Attest:

---

Marcy J Granger, City Clerk-Treasurer

Published this \_\_\_\_ day of \_\_\_\_\_, 2024

Effective this \_\_\_\_ day of \_\_\_\_\_, 2024

01-611100-5231-\_\_\_\_\_



## **REPORT TO THE PLAN COMMISSION**

**Plan Commission Meeting Date:** March 20, 2024

**Agenda Item:** 3.b.

**File Number:** ZMA-2024-04

### **General Information**

---

**Applicant:** The City of Beloit

**Owner:** Bryon Wolf and Angel Aldama

**Address/Location:** 830 W. Froebel Drive and 510 W. Froebel Drive

**Applicant's Request/Proposal:** Zoning Map Amendment to assign a zoning classification of R-1A, Single-Family Residential District, for the properties located at 830 W. Froebel Drive and 510 W. Froebel Drive in the City of Beloit.

### **Staff Analysis**

---

**Existing Site Conditions:** The City Council adopted Ordinance 3822 and Ordinance 3823 annexing the subject properties along with the Froebel Drive right-of-way to the City of Beloit on February 5, 2024. The subject properties were annexed at each owner's request for access to City of Beloit sewer because of failing septic systems. The City of Beloit recently completed a sanitary sewer extension along Froebel Drive to provide service to 13 single family residential properties in the Town including the subject properties.

**Surrounding Land Use and Zoning:** To the north and across the street from 830 W. Froebel Drive is a large vacant parcel zoned R-1, Single-Family Residential District in the Town of Beloit. To the south, east and west of 830 W. Froebel Drive are residential uses also zoned R-1 in the Town of Beloit.

To the north, south and west of 510 W. Froebel Drive are residential uses zoned R-1, Single-Family Residential District in the Town of Beloit. To the east of the subject property is a commercial structure zoned B-2, Local Business District, which is also in the Town of Beloit.

**City of Beloit Comprehensive and Strategic Plan:** The Future Land Use Map of the Comprehensive Plan recommends a *Single Family Residential – Urban* land use for the parcel, which is consistent with the proposed zoning and existing land uses.

**Future Zoning Classification:** In the past when properties were annexed to the City, a temporary

zoning classification was assigned until an Ordinance approving a Zoning Map Amendment was adopted by the City Council.

Staff recommended not assigning a temporary zoning at the time of annexation as allowed by Section 66.0217(8) of Wisconsin Statutes, but rather to initiate a Zoning Map Amendment to assign a zoning classification that is consistent with the Comprehensive Plan if the annexation was approved.

Notice of the proposed Zoning Map amendment was sent to the Town of Beloit Clerk and the owners of 830 W. Froebel Drive and 510 W. Froebel Drive. No parcels within the City limits other than the City-owned lands along Lenigan Creek are within 150 feet of the subject parcels requiring separate notice.

**Zoning Map Amendment Findings of Fact:** Based on Section 2-304 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:

1. **The existing use of property within the general area of the subject property.**  
The existing use of both properties is single-family residential, and the surrounding uses are either existing single-family residences, areas planned for residential development, or existing local business uses along Afton Road.
2. **The zoning classification of property within the general area of the subject property.**  
The proposed zoning map amendment to assign City of Beloit R-1A, Single-Family Residential District zoning to 830 W. Froebel Drive and 510 W. Froebel Drive is consistent with the adjacent R-1 Single-Family Residential District zoning and residential uses in the Town of Beloit, and compatible with the local business uses along Afton Road in the Town of Beloit.
3. **The suitability of the subject property for the uses permitted under the existing zoning classification.**  
The parcels were recently annexed from the Town of Beloit and so no City of Beloit zoning designation exists. The properties were zoned for single-family residential use in the Town, and are proposed to be zoned for the same use in the City.
4. **The trend of development and zoning map amendments in the general area of the subject property.**  
This area is partially developed in the Town of Beloit, primarily with established single-family residential uses and limited commercial along Afton Road. Nearby development in the City includes single-family uses at the west end of Froebel Drive, and the Burton Ridge Apartments south of Green Drive and the City owned lands along Lenigan Creek, which are south of the subject parcels. No other significant development has occurred in the area.

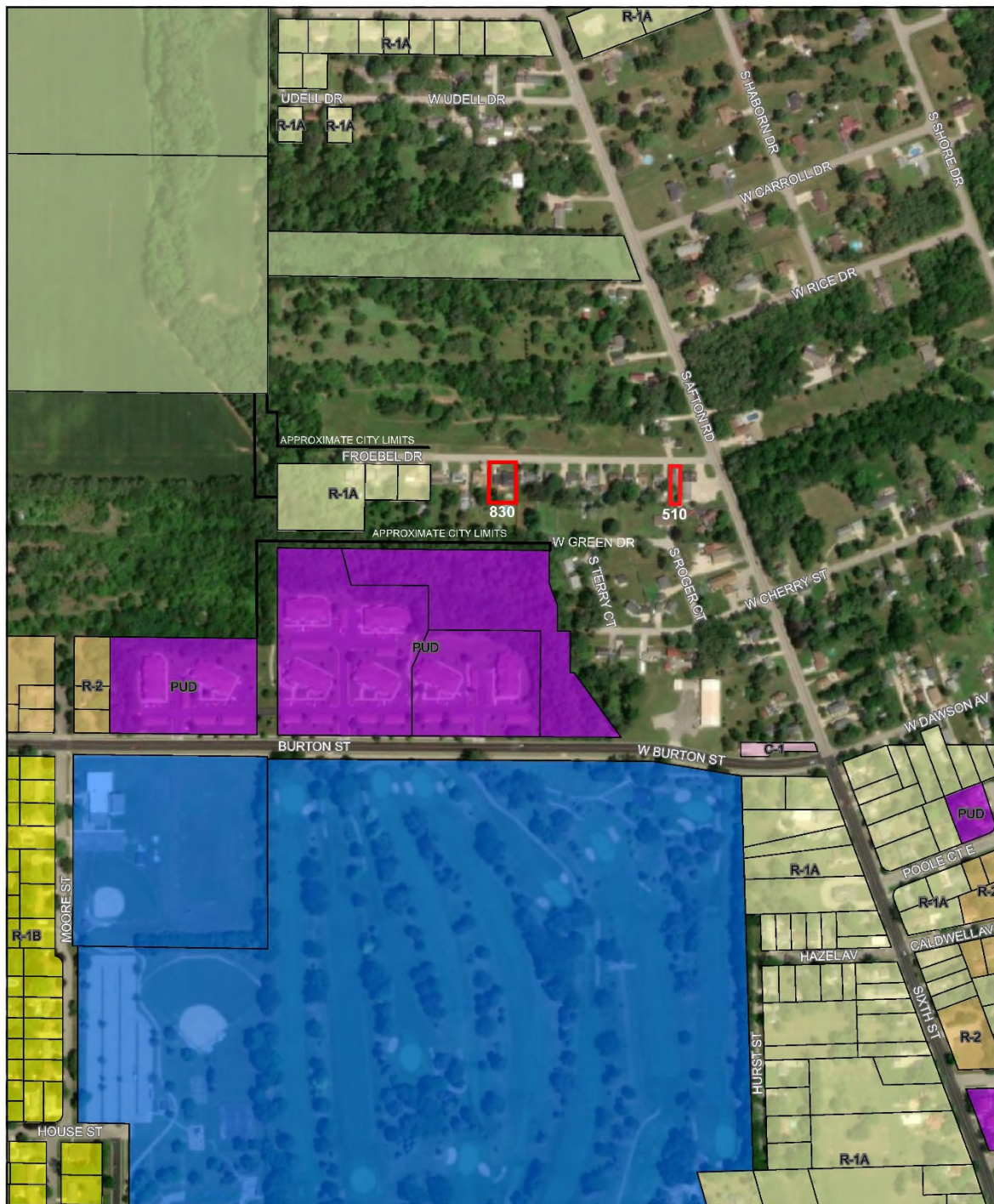
**STAFF RECOMMENDATION – ZONING MAP AMENDMENT:**

The Planning and Building Services Division recommends approval of a Zoning Map Amendment to assign a zoning district classification of R-1A, Single Family Residential District for the properties located at 830 W. Froebel Drive and 510 W. Froebel Drive in the City of Beloit.

**ATTACHMENTS:** Location and Zoning Maps, Application, Annexation Ordinances, Public Notice, and Ordinance.



# CITY OF BELOIT ZONING MAP



12/11/2023

Zoning Districts

- R-1A
- R-1B
- R-2
- C-1
- DH
- PLI
- PUD

World Imagery

Low Resolution 15m Imagery

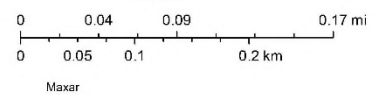
High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

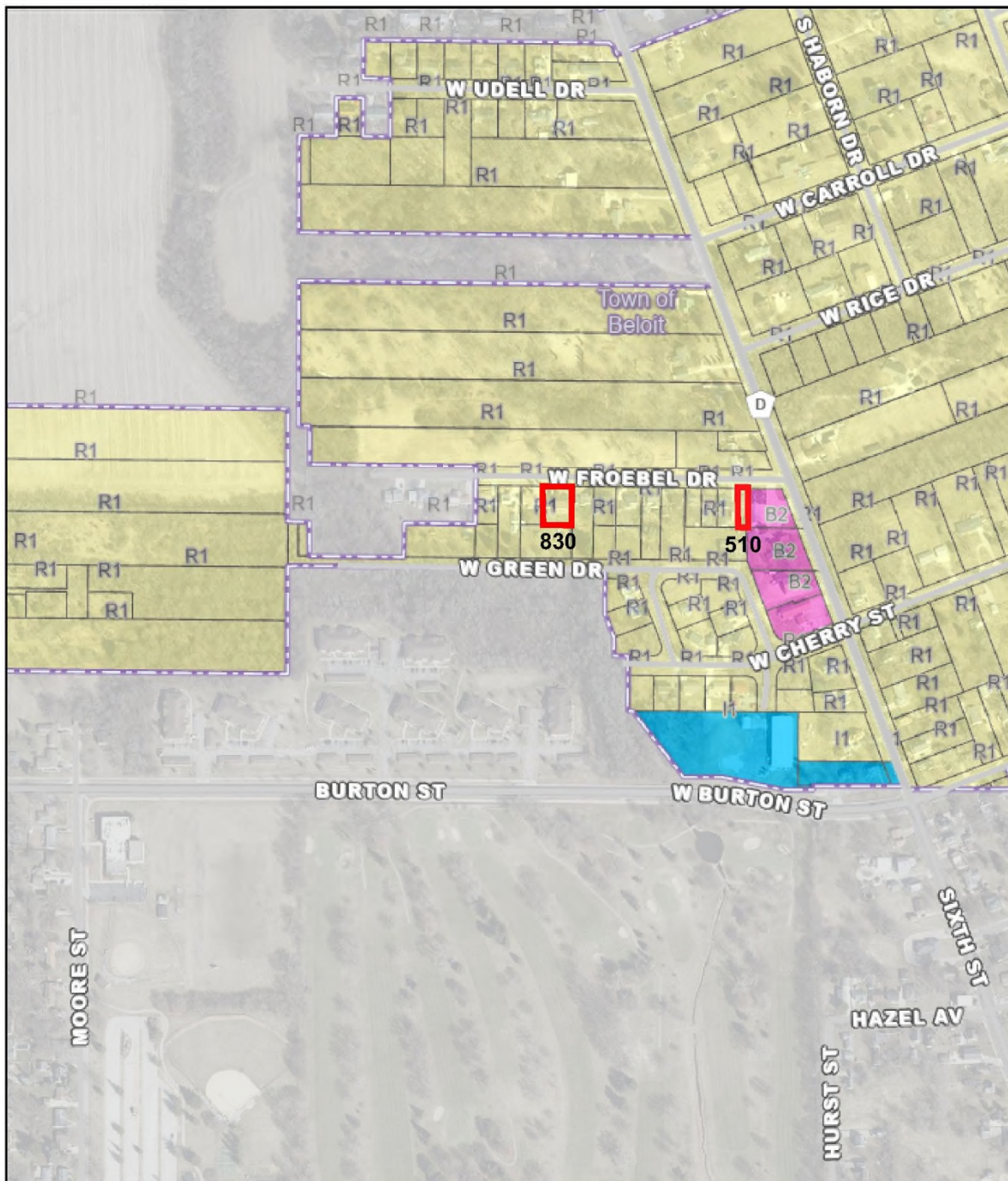
1.2m Resolution Metadata

1:5,000





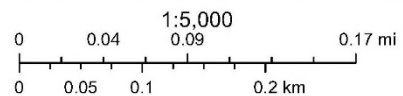
# TOWN OF BELOIT ZONING MAP



12/11/2023, 2:59:21 PM

Zoning Districts

- R1
- B2
- LI



Rock County Land Information Office, County of Rock Land Information Office; Rock County, Wisconsin

# CITY of BELOIT

## PLANNING & BUILDING SERVICES DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

### Zoning Map Amendment Application Form

(Please Type or Print)

File No.: \_\_\_\_\_

1. Address of subject property: 510 and 830 W. Froebel Drive

2. Legal description: Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

(If property has not been subdivided, attach a copy of the complete legal description from deed.)

Property dimensions are: \_\_\_\_\_ feet by \_\_\_\_\_ feet = \_\_\_\_\_ square feet.

If more than two acres, give area in acres: \_\_\_\_\_ acres.

3. Tax Parcel Number(s): 6-2-100.9 and 6-2-1000.1B (Town IDs)

4. Owner of record: Angel Aldama and Bryon Wolf Phone: \_\_\_\_\_

(Address)

(City)

(State)

(Zip)

5. Applicant's Name: City of Beloit

100 State Street

Beloit

WI

53511

(Address)

(City)

(State)

(Zip)

608-364-6703

(Office Phone #)

/ (Cell Phone #)

/ (E-mail Address)

6. **THE FOLLOWING ACTION IS REQUESTED:**

Change zoning district classification from: \_\_\_\_\_ to: R-1A

All existing uses on this property are: Single Family residences

7. All the proposed uses for this property are:

Principal use(s): Single Family residences

Secondary use(s): \_\_\_\_\_

Accessory use(s): \_\_\_\_\_

8. I/we represent that I/we have a vested interest in this property in the following manner:

( ) Owner

( ) Leasehold, Length of lease: \_\_\_\_\_

( ) Contractual, Nature of contract: \_\_\_\_\_

(x) Other, explain: City is assigning permanent zoning following recent annexations

9. Individual(s) responsible for compliance with conditions (if any), if request is granted:

Name(s): \_\_\_\_\_ Phone: \_\_\_\_\_

(Address)

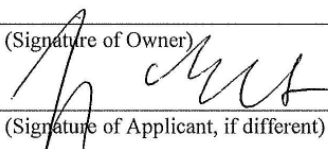
(City)

(State)

(Zip)

**The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.**

I/we, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/we represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/we also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

_____ (Signature of Owner)	_____ (Print name)	_____ (Date)
	Jerry Gabriellatos	3.5.24
_____ (Signature of Applicant, if different)	_____ (Print name)	_____ (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application and all accompanying documents to the Planning and Building Services Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with the application fee.

**To be completed by Planning Staff**

Filing Fee: **\$500.00** Amount Paid: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Application accepted by: \_\_\_\_\_ Date: \_\_\_\_\_



**ORDINANCE NO. 3822**

**AN ORDINANCE ANNEXING 830 W. FROEBEL DRIVE AND THE FROEBEL DRIVE RIGHT-OF-WAY  
FROM THE TOWN OF БЕЛОИТ TO THE CITY OF БЕЛОИТ**

The City Council of the City of Beloit, Rock County, Wisconsin, do ordain as follows:

**Section 1. Territory Annexed.** In accordance with Section 66.0217(2) of Wisconsin Statutes and the *Petition for Direct Annexation* filed by Bryon Wolf with the City Clerk on the 4<sup>th</sup> day of December 2023, signed by all of the owners of real property of the following described property in the Town of Beloit, Rock County, Wisconsin, the following territory is annexed to the City of Beloit, Wisconsin:

PART OF FROEBEL DRIVE AND ALSO A PART OF LOT 2 OF FROEBEL'S SUBDIVISION, BEING PART OF GOVERNMENT LOT 4 OF SECTION 23, T. 1 N., R. 12 E. OF THE 4TH P.M., TOWN OF БЕЛОИТ, ROCK COUNTY, WISCONSIN.

DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 23, AFORESAID; THENCE NORTH 0°00'00" EAST A DISTANCE OF 954.53 FEET; THENCE SOUTH 89°18'00" EAST A DISTANCE OF 549.45 FEET TO THE NORTHEAST CORNER OF CERTIFIED SURVEY MAP DOCUMENT NO. 614715, RECORDED IN VOLUME 1 ON PAGE 36, BEING THE POINT OF BEGINNING; THENCE NORTH 0°42'00" EAST A DISTANCE OF 60.00 FEET TO THE NORTH LINE OF FROEBEL DRIVE; THENCE SOUTH 89°18'00" EAST ALONG THE NORTH LINE OF FROEBEL DRIVE A DISTANCE OF 918.86 FEET; THENCE SOUTH 20°55'00" EAST A DISTANCE OF 32.27 FEET; THENCE SOUTH 89°18'00" EAST A DISTANCE OF 7.53 FEET; THENCE SOUTH 20°55'00" EAST A DISTANCE OF 32.27 FEET TO THE NORTHEAST CORNER OF LOT 1 OF FROEBEL'S SUBDIVISION; THENCE NORTH 89°18'00" WEST ALONG THE SOUTH LINE OF FROEBEL DRIVE A DISTANCE OF 650.17 FEET; THENCE SOUTH 0°42'00" WEST A DISTANCE OF 120.00 FEET TO THE SOUTH LINE OF LOT 2 OF FROEBEL'S SUBDIVISION; THENCE NORTH 89°18'00" WEST ALONG THE SOUTH LINE OF LOT 2 AFORESAID A DISTANCE OF 90.00 FEET; THENCE NORTH 0°42'00" EAST A DISTANCE OF 120.00 FEET TO THE SOUTH LINE OF FROEBEL DRIVE; THENCE NORTH 89°18'00" WEST ALONG THE SOUTH LINE OF FROEBEL DRIVE A DISTANCE OF 210.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.535 ACRES, MORE OR LESS.

**Section 2. Effect of Annexation.** From and after the date of this Ordinance the territory described in Section 1 shall be part of the City of Beloit for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all Ordinances, rules, and regulations governing the City of Beloit.

**Section 3. Payment to Town of Beloit.** The City of Beloit agrees to pay the Town of Beloit, for five (5) years, an amount equal to the annual amount of property taxes levied on the annexed territory by the Town of Beloit as shown on the Town of Beloit's tax roll prepared pursuant to Section 70.65 Wisconsin Statutes.



**Section 4. Ward Designation.** The territory described in Section 1 of this Ordinance is hereby made a part of the Twenty fifth (25<sup>th</sup>) Ward of the City of Beloit, subject to the Ordinances, rules, and regulations of the City, governing ward districts.


**Section 5. Severability.** If any provision of this Ordinance is invalid or unconstitutional, or if the application of this to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance, which can be given effect without the invalid or unconstitutional provision or application.

**Section 6. Effective Date.** This Ordinance shall take effect and be in force upon its passage and publication.

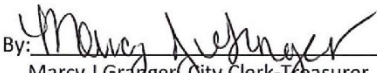
Adopted this 5<sup>th</sup> day of February, 2024.

CITY COUNCIL FOR THE CITY OF БЕЛОIT

By:

  
Regina Dunkin, President

ATTEST:

By:   
Marcy J. Granger, City Clerk-Treasurer

PUBLISHED: 2-13-2024  
EFFECTIVE DATE: 2-14-2024  
01-611100-5231- 24-006



**ORDINANCE NO. 3823**

**AN ORDINANCE ANNEXING 510 W. FROEBEL DRIVE FROM THE TOWN OF БЕЛОИТ  
TO THE CITY OF БЕЛОИТ**

The City Council of the City of Beloit, Rock County, Wisconsin, do ordain as follows:

**Section 1. Territory Annexed.** In accordance with Section 66.0217(2) of Wisconsin Statutes and the *Petition for Direct Annexation* filed by Angel Aldama with the City Clerk on the 4<sup>th</sup> day of December 2023, signed by all of the owners of real property of the following described property in the Town of Beloit, Rock County, Wisconsin, the following territory is annexed to the City of Beloit, Wisconsin:

PART OF LOT 1 OF FROEBEL'S SUBDIVISION, BEING PART OF LANDS LOCATED IN PART OF GOVERNMENT LOT 4 OF SECTION 23, T. 1 N., R. 12 E. OF THE 4TH P.M., TOWN OF БЕЛОИТ, ROCK COUNTY, WISCONSIN.

DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 23, AFORESAID; THENCE NORTH 0°00'00" EAST A DISTANCE OF 954.53 FEET; THENCE SOUTH 89°18'00" EAST ALONG THE SOUTH LINE OF FROEBEL DRIVE A DISTANCE OF 1360.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°18'00" EAST A DISTANCE OF 36.50 FEET; THENCE SOUTH 0°42'00" WEST A DISTANCE OF 120.00 FEET TO THE SOUTH LINE OF LOT 1 AFORESAID; THENCE NORTH 89°18'00" WEST ALONG THE SOUTH LINE OF LOT 1 AFORESAID, A DISTANCE OF 36.50 FEET; THENCE NORTH 0°42'00" EAST A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.101 ACRES, MORE OR LESS.

**Section 2. Effect of Annexation.** From and after the date of this Ordinance the territory described in Section 1 shall be part of the City of Beloit for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all Ordinances, rules, and regulations governing the City of Beloit.

**Section 3. Payment to Town of Beloit.** The City of Beloit agrees to pay the Town of Beloit, for five (5) years, an amount equal to the annual amount of property taxes levied on the annexed territory by the Town of Beloit as shown on the Town of Beloit's tax roll prepared pursuant to Section 70.65 Wisconsin Statutes.

**Section 4. Ward Designation.** The territory described in Section 1 of this Ordinance is hereby made a part of the Twenty fifth (25<sup>th</sup>) Ward of the City of Beloit, subject to the Ordinances, rules, and regulations of the City, governing ward districts.

**Section 5. Severability.** If any provision of this Ordinance is invalid or unconstitutional, or if the application of this to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance, which can be given effect without the invalid or unconstitutional provision or application.

**Section 6. Effective Date.** This Ordinance shall take effect and be in force upon its passage and

publication.

Adopted this 5<sup>th</sup> day of February, 2024.

CITY COUNCIL FOR THE CITY OF BELOIT

By:

  
Regina Dunkin, President

ATTEST:

  
Marcy J. Granger, City Clerk-Treasurer

PUBLISHED: 2-13-2024  
EFFECTIVE DATE: 2-14-2024  
01-611100-5231- 004 - 007



CITY HALL • 100 STATE STREET • BELOIT, WI 53511  
Office: 608/364-6700 • Fax: 608/364-6609  
[www.beloitwi.gov](http://www.beloitwi.gov)  
Equal Opportunity Employer

## **NOTICE TO THE PUBLIC**

March 5, 2024

To Whom It May Concern:

The City of Beloit has initiated an application for a Zoning Map Amendment to assign a zoning classification of R-1A, Single Family Residential to 830 W. Froebel Drive and 510 W. Froebel Drive. The properties were recently annexed from the Town of Beloit to the City of Beloit. The following public hearings will be held regarding these applications:

**Plan Commission:** Wednesday, March 20, 2024 at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**City Council:** Monday, April 15, 2024 at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**We are interested in your opinion. \***

**Anyone bringing handouts to the Plan Commission meeting must bring 10 copies and submit them to City staff before the meeting begins. You may also mail your comments to the attention of TJ Nee at 100 State Street or via email to [planning@beloitwi.gov](mailto:planning@beloitwi.gov). You may also call (608) 364-6711 to provide your comments over the phone.**

**ORDINANCE NO. 3831**

**AN ORDINANCE AMENDING THE  
ZONING DISTRICT MAP OF THE CITY OF БЕЛОIT**

The City Council of the City of Beloit, Rock County, Wisconsin do ordain as follows:

**Section 1.** The Zoning District Map of the City of Beloit, mentioned in the Zoning Code, Chapter 19 of the Code of General Ordinances of the City of Beloit, is amended as follows:

The following described lands are hereby assigned permanent R-1A, Single Family Residential District:

PART OF LOT 1 OF FROEBEL'S SUBDIVISION, BEING PART OF LANDS LOCATED IN PART OF GOVERNMENT LOT 4 OF SECTION 23, T. 1 N., R. 12 E. OF THE 4TH P.M., TOWN OF БЕЛОIT, ROCK COUNTY, WISCONSIN.

DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 23, AFORESAID; THENCE NORTH 0°00'00" EAST A DISTANCE OF 954.53 FEET; THENCE SOUTH 89°18'00" EAST ALONG THE SOUTH LINE OF FROEBEL DRIVE A DISTANCE OF 1360.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°18'00" EAST A DISTANCE OF 36.50 FEET; THENCE SOUTH 0°42'00" WEST A DISTANCE OF 120.00 FEET TO THE SOUTH LINE OF LOT 1 AFORESAID; THENCE NORTH 89°18'00" WEST ALONG THE SOUTH LINE OF LOT 1 AFORESAID, A DISTANCE OF 36.50 FEET; THENCE NORTH 0°42'00" EAST A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.101 ACRES, MORE OR LESS. A/K/A 510 W. FROEBEL DRIVE.

PART OF LOT 2 OF FROEBEL'S SUBDIVISION, BEING PART OF GOVERNMENT LOT 4 OF SECTION 23, T. 1 N., R. 12 E. OF THE 4TH P.M., TOWN OF БЕЛОIT, ROCK COUNTY, WISCONSIN.

DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 23, AFORESAID; THENCE NORTH 0°00'00" EAST A DISTANCE OF 954.53 FEET; THENCE SOUTH 89°18'00" EAST A DISTANCE OF 759.45 FEET TO THE NORTHWEST CORNER OF LOT 2 AFORESAID, BEING THE POINT OF BEGINNING; THENCE SOUTH 89°18'00" EAST ALONG THE SOUTH LINE OF FROEBEL DRIVE A DISTANCE OF 90.00 FEET; THENCE SOUTH 0°42'00" WEST A DISTANCE OF 120.00 FEET TO THE SOUTH LINE OF LOT 2 OF FROEBEL'S SUBDIVISION; THENCE NORTH 89°18'00" WEST ALONG THE SOUTH LINE OF LOT 2 AFORESAID A DISTANCE OF 90.00 FEET; THENCE NORTH 0°42'00" EAST A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.248 ACRES, MORE OR LESS. A/K/A/ 830 W. FROEBEL DRIVE.

**Section 2.** This Ordinance shall take effect and be in force upon its passage and publication.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.



**City Council of the City of Beloit**

---

Regina Dunkin, Council President

Attest:

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Marcy J Granger, City Clerk-Treasurer

Published this \_\_\_\_ day of \_\_\_\_\_, 2024

Effective this \_\_\_\_ day of \_\_\_\_\_, 2024

01-611100-5231-\_\_\_\_\_

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



<b>Topic:</b>	Ordinance No. 3836 amending the Future Land Use Map of the City of Beloit Comprehensive Plan for 2149 St. Lawrence Avenue		
<b>Date:</b>	May 6, 2024		
<b>Presenter:</b>	Julie Christensen	<b>Department:</b>	Community Development

### Overview/Background Information

Blackhawk Phase III, LLC along with the Beloit Historical Society applications for a Comprehensive Plan Amendment from *Institutional and Community Service* to *Single-Family Residential - Urban*, for the property located at 2149 St. Lawrence Avenue in the City of Beloit.

### Key Issues

- The applicant has proposed the following amendment to the Future Land Use Map (Map 10) of the City's Comprehensive Plan: 2149 St. Lawrence Avenue - From *Institutional and Community Services* to *Single-Family Residential -Urban*. This property is home to the Hanchett-Bartlett farmstead, and the Beloit Historical Society recently approved the sale of this property.
- The buyer, Paul Andrew Logan of Blackhawk Phase III, LLC, would like to use the property as a single-family residence. The larger surrounding greenspace is owned by the City of Beloit, and is currently leased to the Beloit Historical Society,
- The Hanchett-Bartlett farmstead has remained closed and underutilized due to needed municipal infrastructure improvements and its location. The Beloit Historical Society assessed the property's condition and feasibility for reuse as a multi-purpose public space, with no success. As such, the most logical land use designation is now single-family residential. This shift aligns with the property's historical origin as a single-family residence.
- Because the Comprehensive Plan's Future Land Use Map recommends *Institutional and Community Services* for this parcel, a Comprehensive Plan Amendment to *Single-Family Residential-Urban* is needed before the parcel could be rezoned to R-1A, Single-Family Residential District, to be consistent with the Comprehensive Plan and allow the proposed use.
- The Plan Commission reviewed the Comprehensive Plan Amendment application on March 6, 2024 and voted (6-0) to recommend approval of the Comprehensive Plan Amendment.

### Conformance with Strategic Plan

Approval of this agreement would conform with the stated purpose of the following strategic goal:

- ☒ Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- ☐ Goal #2 - Create and Sustain a High Performing Organization
- ☐ Goal #3 - Create and Sustain Economic and Residential Growth
- ☐ Goal #4 - Create and Sustain a High Quality of Life
- ☐ Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- ☐ Goal #6 - Create and Sustain Enhanced Communications and Community Engagement, while maintaining a Positive Image

### Sustainability

If applicable, briefly comment on the environmental, economic, and/or social sustainability of this policy or program. Consider how current needs are met without compromising the ability of future generations to meet their own needs. **Write N/A if not applicable**

Once rezoned, renovating the property for single-family use will help create and sustain safe and healthy neighborhoods through community revitalization.

### Attachments

- City Council consideration and 2<sup>nd</sup> reading of the proposed Ordinance.

### Fiscal Note/Budget Impact

The property is currently tax-exempt. Returning the homestead to single-family use will increase the tax base

**Attachments**

Ordinance No. 3836 and Staff Report to the Plan Commission

**ORDINANCE NO. 3836**

**AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF  
THE CITY OF БЕЛОIT COMPREHENSIVE PLAN**

The City Council of the City of Beloit, Rock County, Wisconsin do ordain as follows:

**Section 1.** The Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan adopted in §12.015 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

The future land use category of the following described land is hereby changed from Institutional and Community Services to Single-Family Residential-Urban:

LOT 2 OF CERTIFIED SURVEY MAP NO. 914563, RECORDED IN VOLUME 9 ON PAGES 68-70,  
CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN. SAID PARCEL CONTAINS 1.77 ACRES MORE OR  
LESS. A/K/A 2149 ST. LAWRENCE AVENUE.

**Section 2.** This Ordinance shall take effect and be in force upon its passage and publication.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

**City Council of the City of Beloit**

\_\_\_\_\_  
Kevin D. Leavy, Council President

Attest:

\_\_\_\_\_  
Marcy J Granger, City Clerk-Treasurer

Published this \_\_\_\_ day of \_\_\_\_\_, 2024

Effective this \_\_\_\_ day of \_\_\_\_\_, 2024

01-611100-5231-

## **REPORT TO THE PLAN COMMISSION**

**Plan Commission Meeting Date:** March 6, 2024

**Agenda Items:** 4.b. and 3.b.

**File Number:** ZMA-2024-02 and RPB-2024-01

### **General Information**

---

**Applicant:** Paul Andrew Logan of Blackhawk Phase III, LLC

**Owner:** The Beloit Historical Society

**Address/Location:** 2149 St. Lawrence Avenue

**Applicant's Request/Proposal:** Blackhawk Phase III, LLC along with the Beloit Historical Society has submitted applications for a Comprehensive Plan Amendment from *Institutional and Community Service* to *Single-Family Residential - Urban*, and a Zoning Map Amendment from PLI, Public Lands and Institutions District, to R-1A Single-Family Residential District for the property located at 2149 St. Lawrence Avenue in the City of Beloit, which is the Hanchett-Bartlett farmstead. The applicant has an accepted offer on the subject property and plans to restore the home to live in.

**Background:** The Hanchett-Bartlett farmstead is a local treasure, both historically and architecturally significant. With its distinctive transitional Italianate farmhouse and accompanying outbuildings, the property serves as a living testament to the architectural and agricultural practices of the mid-19th century. The historical significance comes from its association with James Henry Hanchett, a pivotal figure who not only built the house in 1857 but also played instrumental roles in constructing the first dam across the Rock River in 1844 and Hanchett Hall in 1856. The Bartlett family purchased the property in 1901 further adding to its historical value, with three daughters making notable contributions to the community as physicians. The Hanchett-Bartlett farmstead was added to the National Register of Historic Places on April 11, 1977.

The farmstead was acquired by the Beloit Historical Society in 1960. It served as their operational center at one time and a public house museum until 2018. The property showcased mid-19<sup>th</sup> century settler life. The surrounding land (15.2 acres) was sold to the City of Beloit in 1978, with a subsequent land lease granted to the Beloit Historical Society in 1980. Initially covering a portion of the land, the lease was later expanded in 1990 to encompass the entire 15.2-acre tract, and it has been renewed until 2040.

The Beloit Historical Society undertook a Property Condition Assessment in 2017 and followed it with a Comprehensive Feasibility Study in 2022 to determine the viability and practicality of reopening or repurposing the museum. Subsequently, in 2023, a formal Request for Proposals was issued. Unfortunately, despite these efforts, no offers materialized. Faced with financial constraints, the Beloit Historical Society made the challenging decision to place the Hanchett-Bartlett farmstead property up for sale.

### **Staff Analysis**

---

**Existing Site Conditions:** 2149 St. Lawrence Avenue (1.77 acres) is currently a vacant house most recently



used as a museum with a barn, smokehouse, and schoolhouse on the property. It is zoned PLI, Public Lands and Institutions with access off of St. Lawrence Avenue. The future land use designation for this parcel is *Institutional and Community Service*.

**Surrounding Land Use and Zoning:** To the west, north, and east of the subject property is vacant City of Beloit owned land zoned PLI, Public Lands and Institutions. To the south are single-family residences zoned R-1A, Single-Family Residential.

**City of Beloit Comprehensive and Strategic Plan:** Wisconsin's Comprehensive Planning Law, §66.1001 of the Wisconsin Statutes, was signed into law in 1999. The Comprehensive Planning law requires all cities, towns, and villages that regulate land use through land use ordinances (e.g. zoning) to adopt a Comprehensive Plan. This plan is intended to guide development and redevelopment over a 20-year timeframe. The law also requires that land use decisions be consistent with the plan. All land use decisions made by the City of Beloit, including any actions regarding official mapping, local subdivision regulation, and zoning regulations, must be consistent with the plan.

Because the Comprehensive Plan's Future Land Use Map recommends *Institutional and Community Service* for this parcel, a Comprehensive Plan Amendment to *Single-Family Residential - Urban* would be needed for this proposed rezoning to R-1A, Single-Family Residential District to be consistent with the Comprehensive Plan. If rezoned, renovating the property for single-family use will help create and sustain safe and healthy neighborhoods through community revitalization and investment in support of Strategic Goal #1 - Create and Sustain Safe and Healthy Neighborhoods.

#### **Land Use Analysis:**

As stated above, the City's Comprehensive Plan recommends Institutional and Community Service for the subject property to accommodate the Beloit Historical Society operations. However, the property has remained closed and underutilized due to needed municipal infrastructure improvements and its location. Ideally, the homestead could be preserved, programmed, and remain open to the public. The Historical Society diligently assessed the property's condition and feasibility for reuse as a multi-purpose public space, with no success. Considering the lack of prospects for the property in its current designated use, the most logical land use designation is now single-family residential. This shift aligns with the property's historical origin as a single-family residence. The property's current future land use no longer aligns with the initially intended purpose. Therefore, a reevaluation of the land use is necessary to restore and revive the property.

If both the Comprehensive Plan Amendment and Zoning Map Amendment are approved, redevelopment of the property will require building permits and a Certificate of Appropriateness for any exterior repairs.

**Zoning Map Amendment Findings of Fact:** Based on Section 2-304 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:

- 1. The existing use of property within the general area of the subject property.**

Three of the four sides of the property are adjacent to vacant wooded land, and the other is single-family homes. Rezoning 2149 St. Lawrence to R-1A will allow this property to be used as a single-family residence like the majority of properties in the area.

2. **The zoning classification of property within the general area of the subject property.**

Existing zoning surrounding 2149 St. Lawrence Avenue includes PLI, Public Lands and Institutions and R-1A, Single-Family Residential. The PLI zoning was applied to the property because of its local significance and use by the Beloit Historical Society. The proposed change will align better with the surrounding uses.

3. **The suitability of the subject property for the uses permitted under the existing zoning classification.**

The current zoning classification for the property is PLI, Public Lands and Institutions, and is intended for major public and quasi-public uses. However, considering the shift from a house museum to a single-family home, the most suitable zoning district is R-1A, Single-Family Residential. Additionally, it's worth noting that there is an existing domestic water well that requires abandonment, and the current septic system has failed. The responsibility for these updates, including the installation of a new water service and sanitary lateral with connections to the mains along St. Lawrence Avenue, falls upon the buyer of the property.

4. **The trend of development and zoning map amendments in the general area of the subject property.**

There has been minimal development and no demand for zoning map amendments for the surrounding area. Staff believes the intended investment by the proposed buyer will enhance the neighborhood and be compatible with surrounding properties.

**STAFF RECOMMENDATION – COMPREHENSIVE PLAN AMENDMENT AND ZONING MAP AMENDMENT:**

The Planning and Building Services Division recommends approval of a Comprehensive Plan Amendment to change the future land use classification from *Institutional and Community Service* to *Single-Family Residential - Urban* for the property located at 2149 St. Lawrence Avenue in the City of Beloit, and also recommends approval of a Zoning Map Amendment to change the zoning district classification from PLI, Public Lands and Institutions District to R-1A, Single-Family Residential District for the property located at 2149 St. Lawrence Avenue in the City of Beloit.

Resolutions for approval and denial of the Comprehensive Plan Amendment are included in this agenda packet. The Plan Commission will need to make a motion to approve one of the resolutions, as the policy regarding amendments requires Plan Commission to make a recommendation by resolution.

**ATTACHMENTS:** Zoning Map, Location Map, Water and Sewer Map, Letter from the Applicant, Zoning Map Amendment Application, Public Notice, Mailing List, Ordinance, Comprehensive Plan Future Land Use Map, Application and Resolutions.

# City of Beloit Zoning Map



2/27/2024

Zoning Districts

PLI

R-1A

World Imagery

Low Resolution 15m Imagery

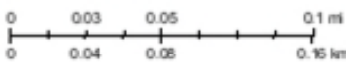
High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

60cm Resolution Metadata

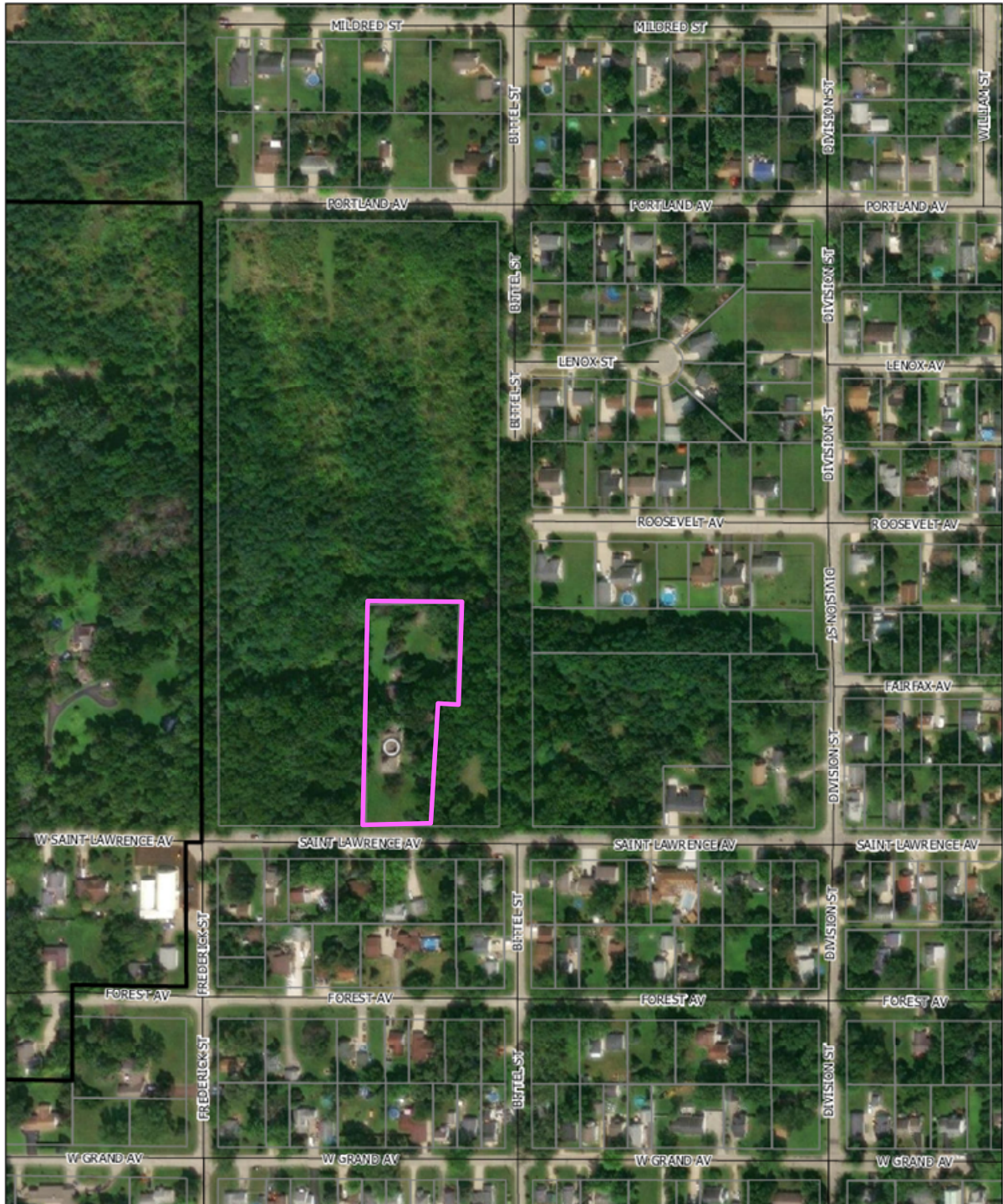
1:3,103



Map, Microsoft



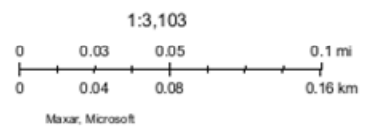
# Location Map



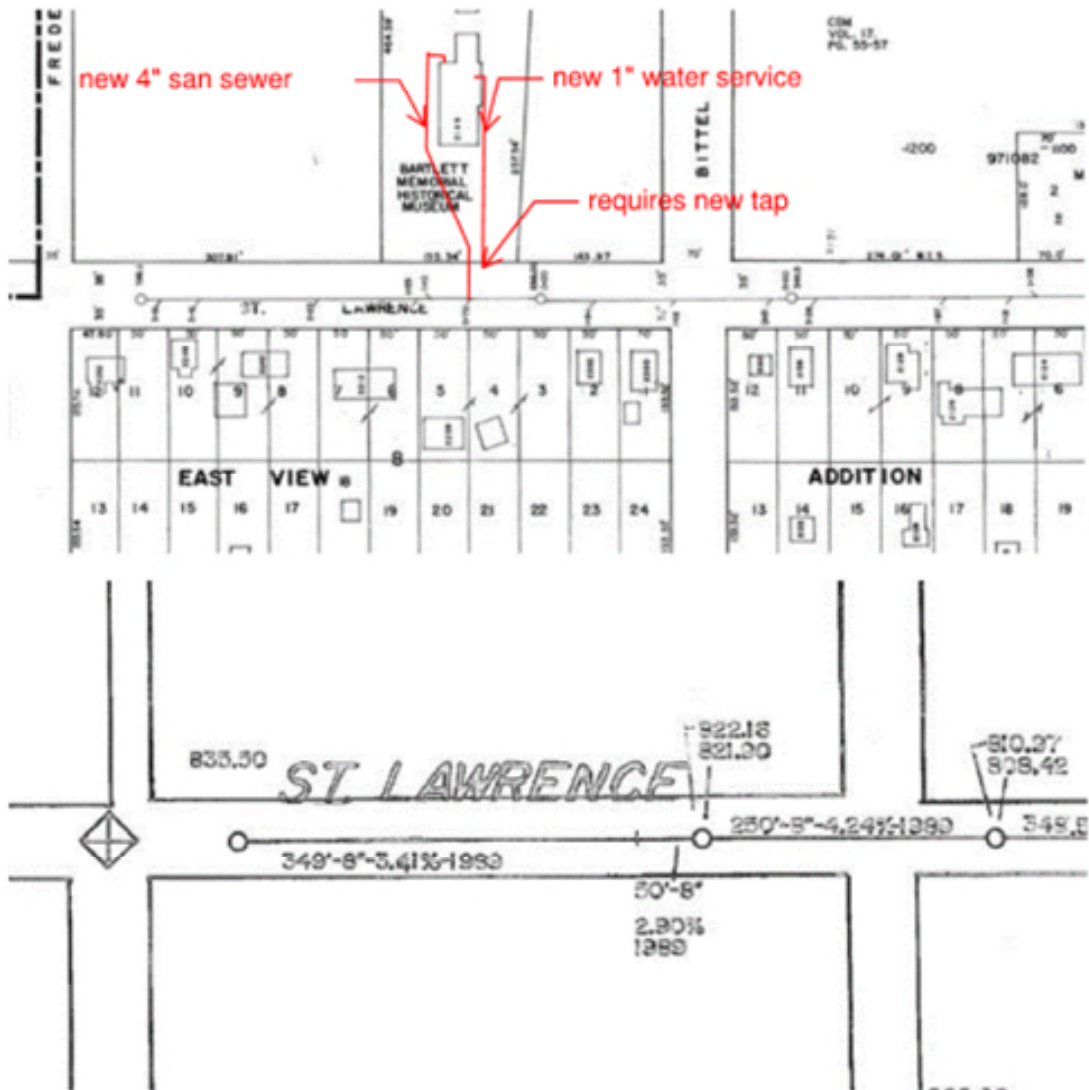
2/27/2024

- Street Centerlines
- City Limits
- Parcel Poly
- World Imagery
- Low Resolution 15m Imagery

- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 60cm Resolution Metadata



## Water and Sewer Map





February 2, 2024

Dear City of Beloit Planning & Building Services Division Staff:

Thank you for allowing me to share my background as it applies to historic buildings and preservation of the Hanchett-Bartlett Homestead.

My love of historic homes comes from my father, the late Jackson Logan, who restored three row-houses on Capitol Hill during my early childhood in Washington, DC. In the 1970s, we moved to a turn-of-the-Century farmhouse outside of Marshall, Wisconsin. From there, my father pursued his greatest love, purchasing and remodeling old farmhouses. He restored at least a dozen such homes in Dane County during my elementary- and middle-school years.

When I was in high school, my parents were remodeling a massive Italianate home in downtown Whitewater (522 West Main Street) for my favorite aunt. On the drive home one day, they noticed that the dilapidated yet historic Black Hawk Hotel building in downtown Fort Atkinson was for sale (for only \$300,000!). With the help of an SBA loan and Historic Preservation grants, they restored the exterior of the building to its 1929 glory and converted the interior to what it remains today--my primary vocation--an assisted living facility for the frail elderly. I took over the business upon their retirement in 2012 and inherited the building in 2021 when my mother passed away from Alzheimer's disease (having tragically lost my father to a fall in 2020).

My most recent renovation project consisted of my current home, an 1850 Italianate farmstead just south of Fort Atkinson, which I purchased in 2015. It had sat fallow for 19 years before I rescued it. Unfortunately, by that time it was too far gone and not large enough for a historic preservation project, but instead I expanded it into a very usable single-family home, still in the Italianate style. In addition to the house, I rescued (and authentically restored) the 1901 dairy barn on the same property.

My goal for the Hanchett-Bartlett Homestead is to rezone it as a single-family home, complete the critical exterior repairs and requisite interior improvements, and live in the home full-time. My plan is to begin renovations this summer with a goal to complete the project by Spring of 2025.

I have already toured the property with my general contractor, Jeff Begovatz (Begovatz Constriction LLC), who supervised the \$800,000 renovation of my current home, as well as over \$2,000,000 in renovations to the Black Hawk hotel building (including a new roof, 115 replacement windows, significant tuck pointing, renovating 18 resident bed- and bathrooms and installing a two-gurney elevator with four-story shaft, all while complying with historic

preservation requirements. His next project is an additional \$800,000 renovation to 20 remaining residential units, the penthouse and common areas on Main Street, slated for 2024.

I would be happy to meet with the City's staff if you have any questions about my intentions or interest in this wonderfully preserved historic property.

Cordially,

Paul Andrew Logan, Trustee  
HL Beemer Preservation Trust  
Black Hawk Phase III, LLC (buyer)  
N1508 Groeler Road  
Fort Atkinson, WI 53538



**CITY of BELOIT**  
**PLANNING & BUILDING SERVICES DIVISION**  
100 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-6609  
**Zoning Map Amendment Application Form**

(Please Type or Print)

File No.: \_\_\_\_\_

1. Address of subject property: 2149 St. Lawrence Ave Beloit WI
2. Legal description: Lot: 2 Block: \_\_\_\_\_ Subdivision: LOT 2 CSM V9 Pgs 68-70  
(If property has not been subdivided, attach a copy of the complete legal description from deed.)  
Property dimensions are: B 464.59 feet by 194.93 feet = 77,101 square feet.  
F 138.34  
If more than two acres, give area in acres: \_\_\_\_\_ acres.
3. Tax Parcel Number(s): 206 1347200 0
4. Owner of record: Beloit Historical Soc. Phone: 608 365-7835  
845 Hackett St. Beloit WI 53511  
(Address) (City) (State) (Zip)
5. Applicant's Name: Black Hawk Phase III, LLC  
1 Milwaukee Ave. W. Fort Atkinson WI 53538  
(Address) (City) (State) (Zip)  
/ 920 723-8081 / PALOGAN@gmail.com  
(Office Phone #) (Cell Phone #) (E-mail Address)
6. **THE FOLLOWING ACTION IS REQUESTED:**  
Change zoning district classification from: PLT to: R-1A  
All existing uses on this property are: none - closed Museum
7. All the proposed uses for this property are:  
Principal use(s): Primary Residence/single family residence  
Secondary use(s): \_\_\_\_\_  
Accessory use(s): \_\_\_\_\_



8. I/we represent that I/we have a vested interest in this property in the following manner:

( ) Owner

( ) Leasehold, Length of lease: \_\_\_\_\_

(X) Contractual, Nature of contract: Purchase Agreement

(X) Other, explain: buyer

9. Individual(s) responsible for compliance with conditions (if any), if request is granted:

Name(s): Andrew Logan Phone: 920 723-8081

1 Milwaukee Ave, W Fort Atkinson, WI 53538  
(Address) (City) (State) (Zip)

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/we, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/we represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/we also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

Richard W. Jordan Richard W. Jordan 1/26/24  
(Signature of Owner) (Print name) (Date)

P. Andrew Logan P. Andrew Logan 1/29/2024  
(Signature of Applicant, if different) (Print name) (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application and all accompanying documents to the Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with the \$300.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant, and it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff

Filing Fee: \$300.00 Amount Paid: 200.00 Meeting Date: Jan. 31. 2024

Number of notices: \_\_\_\_\_ x mailing cost (\$0.50) = cost of mailing notices: \$ \_\_\_\_\_

Application accepted by: \_\_\_\_\_ Date: Jan. 31. 2024

Date Notice Published: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_



CITY HALL • 100 STATE STREET • BELOIT, WI 53511  
**Office: 608/364-6700 • Fax: 608/364-6609**  
www.beloitwi.gov  
*Equal Opportunity Employer*

## **NOTICE TO THE PUBLIC**

February 21, 2024

To Whom It May Concern:

Black Hawk Phase III, LLC on behalf of the Beloit Historical Society has submitted an application for a Zoning Map Amendment from PLI, Public Lands and Institutions District to R-1A, Single-Family Residential District for the property located at **2149 S. Lawrence Avenue**.

The following public hearings will be held regarding the application:

**City Plan Commission:** Wednesday, March 6, 2024 at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**City Council:** Monday, April 15, 2024 at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**We are interested in your opinion. \***

**Anyone bringing handouts to the Plan Commission meeting must bring 10 copies and submit them to City staff before the meeting begins. You may also mail your comments to the attention of Hilary Rottmann at 100 State Street or via email to [planning@beloitwi.gov](mailto:planning@beloitwi.gov). You may also call (608) 364-6708 to provide your comments over the phone.**



Owner	Owner Address
City of Beloit, Inc	100 State St Beloit, WI 53511-6234
John L. Poff Marilyn J. Poff	135 E Yost Dr Beloit, WI 53511-1546
Brian K. Orcutt	2118 Roosevelt Ave Beloit, WI 53511-4823
William Huebner Holly Huebner	2212 Saint Lawrence Ave Beloit, WI 53511-5745
Floyd N. Johnson Jr	5237 E County Rd J Clinton, WI 53525-8827
Adelson Ribeiro	2242 Saint Lawrence Ave Beloit, WI 53511-5745
Virgil D. Lounsbury II Zosia Lounsbury	2121 Saint Lawrence Ave Beloit, WI 53511-5742
David L. Goodyear	2208 Saint Lawrence Ave Beloit, WI 53511-5745

**ORDINANCE NO. 3829**

**AN ORDINANCE AMENDING THE  
ZONING DISTRICT MAP OF THE CITY OF БЕЛОIT**

The City Council of the City of Beloit, Rock County, Wisconsin do ordain as follows:

**Section 1.** The Zoning District Map of the City of Beloit, mentioned in the Zoning Code, Chapter 19 of the Code of General Ordinances of the City of Beloit, is amended as follows:

The following described land is hereby changed from PLI, Public Lands and Institutions District to R-1A, Single-Family Residential District:

LOT 2 OF CERTIFIED SURVEY MAP NO. 914563, RECORDED IN VOLUME 9 ON PAGES 68-70,  
CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN. SAID PARCEL CONTAINS 1.77 ACRES MORE OR  
LESS. A/K/A 2149 ST. LAWRENCE AVENUE.

**Section 2.** This Ordinance shall take effect and be in force upon its passage and publication.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

**City Council of the City of Beloit**

\_\_\_\_\_  
Regina Dunkin, Council President

Attest:

\_\_\_\_\_  
Marcy J Granger, City Clerk-Treasurer

Published this \_\_\_\_ day of \_\_\_\_\_, 2024

Effective this \_\_\_\_ day of \_\_\_\_\_, 2024

01-611100-5231-\_\_\_\_\_

## Comprehensive Plan Future Land Use Map



# CITY of BELOIT

## PLANNING & BUILDING SERVICES DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

### Comprehensive Plan Amendment Application Form

(Please Type or Print)

File No.: \_\_\_\_\_

1. Applicant's Name: Black Hawk Phase III, LLC  
1 Milwaukee Ave. W Fort Atkinson WI 53538  
(Address) (City) (State) (Zip)  
(Office Phone #) / 920 723-8081 / PALOGAN@gmail.com  
(Cell Phone #) (E-mail Address)

2. Type: ☐ Text Amendment  
☒ Map Amendment

3. The following Text Amendment is requested:

Chapter: \_\_\_\_\_, Section: \_\_\_\_\_, Subsection(s): \_\_\_\_\_

Proposed Amendment: \_\_\_\_\_

4. The following Map Amendment is requested:

Map No. & Title: \_\_\_\_\_

Address of Affected Property: 2149 ST Lawrence Ave Beloit WI

Tax Parcel Number(s): 20613472000

Owner of record: Beloit Historical Soc. Phone: 608-365-7835

845 Hackett St. Beloit WI 53511  
(Address) (City) (State) (Zip)

Proposed Amendment: MAP change TO ALLOW ZONING TO  
Residential

5. I/we represent that I/we have a vested interest in this property in the following manner:

( ) Owner

( ) Leasehold, Length of lease: \_\_\_\_\_

(x) Contractual, Nature of contract: Purchase Agreement

(x) Other, explain: buyer

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/we, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/we also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

Richard W. Dexter , Richard W. Dexter , 1/26/24  
(Signature of Owner) (Print name) (Date)

P. Andrew Logan / P. Andrew Logan / 1/29/2024  
(Signature of Applicant, if different) (Print name) (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application and all accompanying documents to the Planning & Building Services Division. This application must be submitted with the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant, and it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff

Filing Fee: \$275.00 Amount Paid: 275.00 Meeting Date: Jan. 31, 2024

Number of notices: \_\_\_\_\_ x mailing cost (\$0.50) = cost of mailing notices: \$ \_\_\_\_\_

Application accepted by: \_\_\_\_\_ Date: Jan. 31, 2024

Date Notice Published: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_



**RESOLUTION 2024-005**

**RECOMMENDING APPROVAL OF AN AMENDMENT TO THE  
CITY OF BELOIT COMPREHENSIVE PLAN**

**WHEREAS**, the Plan Commission of the City of Beloit recommended approval of the Comprehensive Plan of the City of Beloit (the Plan) on September 5, 2018, and the City Council of the City of Beloit approved an Ordinance adopting the Plan on November 5, 2018; and

**WHEREAS**, the Plan may be amended and changed in the years following adoption, particularly in instances where the Plan is becoming irrelevant or contradictory to emerging policies or trends, or does not provide specific advice or guidance on an emerging issue; and

**WHEREAS**, “Amendments” are generally defined as minor changes to the Plan’s maps or text; and

**WHEREAS**, the City Council of the City of Beloit approved a Resolution to Adopt a Process for Amending the City of Beloit Comprehensive Plan on February 1, 2010; and

**WHEREAS**, the approved process directs the Plan Commission to hold a public meeting on the proposed amendment, and following said public meeting, make a recommendation by Resolution to the City Council by majority vote of the entire Commission.

**NOW, THEREFORE, BE IT RESOLVED** that the Plan Commission of the City of Beloit, Rock County, Wisconsin, hereby recommends approval of the following amendment to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

2149 St. Lawrence Avenue – From *Institutional and Community Service* to *Single-Family Residential -Urban*.

Adopted this 6<sup>th</sup> day of March, 2024

**Plan Commission**

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Mike Ramsden, Chairperson

ATTEST:

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Julie Christensen,  
Community Development Director

**RESOLUTION 2024-006**

**RECOMMENDING DENIAL OF AN AMENDMENT TO THE  
CITY OF BELOIT COMPREHENSIVE PLAN**

**WHEREAS**, the Plan Commission of the City of Beloit recommended approval of the Comprehensive Plan of the City of Beloit (the Plan) on September 5, 2018, and the City Council of the City of Beloit approved an Ordinance adopting the Plan on November 5, 2018; and

**WHEREAS**, the Plan may be amended and changed in the years following adoption, particularly in instances where the Plan is becoming irrelevant or contradictory to emerging policies or trends, or does not provide specific advice or guidance on an emerging issue; and

**WHEREAS**, “Amendments” are generally defined as minor changes to the Plan’s maps or text; and

**WHEREAS**, the City Council of the City of Beloit approved a Resolution to Adopt a Process for Amending the City of Beloit Comprehensive Plan on February 1, 2010; and

**WHEREAS**, the approved process directs the Plan Commission to hold a public meeting on the proposed amendment, and following said public meeting, make a recommendation by Resolution to the City Council by majority vote of the entire Commission.

**NOW, THEREFORE, BE IT RESOLVED** that the Plan Commission of the City of Beloit, Rock County, Wisconsin, hereby recommends denial of the following amendment to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

2149 St. Lawrence Avenue – From *Institutional and Community Service* to *Single-Family Residential -Urban*.

Adopted this 6<sup>th</sup> day of March, 2024.

**Plan Commission**

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Mike Ramsden, Chairperson

ATTEST:

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Julie Christensen,  
Community Development Director

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



**Topic:** Ordinance No. 3829 amending the Zoning District Map for 2149 St. Lawrence Avenue

**Date:** May 6, 2024

**Presenter:** Julie Christensen

**Department:**

Community Development

### Overview/Background Information

Blackhawk Phase III, LLC along with the Beloit Historical Society has submitted an application for a Zoning Map Amendment from PLI, Public Lands and Institutions District, to R-1A Single-Family Residential District for the property located at 2149 St. Lawrence Avenue in the City of Beloit.

### Key Issues

- Paul Andrew Logan of Blackhawk Phase III, LLC has submitted an offer to purchase the Hanchett-Bartlett Homestead from the Beloit Historical Society. This offer was approved by the Beloit Historical Society in March.
- The potential buyer would like to use the property as a single-family residence, but this use is not permitted in the PLI, Public Lands and Institutions District. A single-family residence is permitted in the R-1A Single-Family Residential District, which is the most appropriate zoning for the proposed use.
- The subject property meets the development standards for the R-1A District.
- The Plan Commission reviewed the Zoning Map Amendment on March 6, 2024, and voted (6-0) to recommend approval of Zoning Map Amendment.

### Conformance with Strategic Plan

Approval of this agreement would conform with the stated purpose of the following strategic goal:

- ☒ Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- ☐ Goal #2 - Create and Sustain a High Performing Organization
- ☐ Goal #3 - Create and Sustain Economic and Residential Growth
- ☐ Goal #4 - Create and Sustain a High Quality of Life
- ☐ Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- ☐ Goal #6 - Create and Sustain Enhanced Communications and Community Engagement, while maintaining a Positive Image

### Sustainability

If applicable, briefly comment on the environmental, economic, and/or social sustainability of this policy or program. Consider how current needs are met without compromising the ability of future generations to meet their own needs.

**Write N/A if not applicable**

Once rezoned, renovating the property for single-family use will help create and sustain safe and healthy neighborhoods through community revitalization.

### Attachments

- City Council consideration and 2<sup>nd</sup> reading of the proposed Ordinance.

### Fiscal Note/Budget Impact

The property is currently tax-exempt. Returning the homestead to single-family use will increase the tax base

### Attachments

Ordinance No. 3829 and Staff Report to the Plan Commission

**ORDINANCE NO. 3829**

**AN ORDINANCE AMENDING THE  
ZONING DISTRICT MAP OF THE CITY OF БЕЛОIT**

The City Council of the City of Beloit, Rock County, Wisconsin do ordain as follows:

**Section 1.** The Zoning District Map of the City of Beloit, mentioned in the Zoning Code, Chapter 19 of the Code of General Ordinances of the City of Beloit, is amended as follows:

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CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN. SAID PARCEL CONTAINS 1.77 ACRES MORE OR  
LESS. A/K/A 2149 ST. LAWRENCE AVENUE.

**Section 2.** This Ordinance shall take effect and be in force upon its passage and publication.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

**City Council of the City of Beloit**

\_\_\_\_\_  
Kevin D. Leavy, Council President

Attest:

\_\_\_\_\_  
Marcy J Granger, City Clerk-Treasurer

Published this \_\_\_\_ day of \_\_\_\_\_, 2024

Effective this \_\_\_\_ day of \_\_\_\_\_, 2024

01-611100-5231-\_\_\_\_\_



## **REPORT TO THE PLAN COMMISSION**

**Plan Commission Meeting Date:** March 6, 2024

**Agenda Items:** 4.b. and 3.b.

**File Number:** ZMA-2024-02 and RPB-2024-01

### **General Information**

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**Applicant:** Paul Andrew Logan of Blackhawk Phase III, LLC

**Owner:** The Beloit Historical Society

**Address/Location:** 2149 St. Lawrence Avenue

**Applicant's Request/Proposal:** Blackhawk Phase III, LLC along with the Beloit Historical Society has submitted applications for a Comprehensive Plan Amendment from *Institutional and Community Service* to *Single-Family Residential - Urban*, and a Zoning Map Amendment from PLI, Public Lands and Institutions District, to R-1A Single-Family Residential District for the property located at 2149 St. Lawrence Avenue in the City of Beloit, which is the Hanchett-Bartlett farmstead. The applicant has an accepted offer on the subject property and plans to restore the home to live in.

**Background:** The Hanchett-Bartlett farmstead is a local treasure, both historically and architecturally significant. With its distinctive transitional Italianate farmhouse and accompanying outbuildings, the property serves as a living testament to the architectural and agricultural practices of the mid-19th century. The historical significance comes from its association with James Henry Hanchett, a pivotal figure who not only built the house in 1857 but also played instrumental roles in constructing the first dam across the Rock River in 1844 and Hanchett Hall in 1856. The Bartlett family purchased the property in 1901 further adding to its historical value, with three daughters making notable contributions to the community as physicians. The Hanchett-Bartlett farmstead was added to the National Register of Historic Places on April 11, 1977.

The farmstead was acquired by the Beloit Historical Society in 1960. It served as their operational center at one time and a public house museum until 2018. The property showcased mid-19<sup>th</sup> century settler life. The surrounding land (15.2 acres) was sold to the City of Beloit in 1978, with a subsequent land lease granted to the Beloit Historical Society in 1980. Initially covering a portion of the land, the lease was later expanded in 1990 to encompass the entire 15.2-acre tract, and it has been renewed until 2040.



The Beloit Historical Society undertook a Property Condition Assessment in 2017 and followed it with a Comprehensive Feasibility Study in 2022 to determine the viability and practicality of reopening or repurposing the museum. Subsequently, in 2023, a formal Request for Proposals was issued. Unfortunately, despite these efforts, no offers materialized. Faced with financial constraints, the Beloit Historical Society made the challenging decision to place the Hanchett-Bartlett farmstead property up for sale.

## **Staff Analysis**

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**Existing Site Conditions:** 2149 St. Lawrence Avenue (1.77 acres) is currently a vacant house most recently used as a museum with a barn, smokehouse, and schoolhouse on the property. It is zoned PLI, Public Lands and Institutions with access off of St. Lawrence Avenue. The future land use designation for this parcel is *Institutional* and *Community Service*.

**Surrounding Land Use and Zoning:** To the west, north, and east of the subject property is vacant City of Beloit owned land zoned PLI, Public Lands and Institutions. To the south are single-family residences zoned R-1A, Single-Family Residential.

**City of Beloit Comprehensive and Strategic Plan:** Wisconsin's Comprehensive Planning Law, §66.1001 of the Wisconsin Statutes, was signed into law in 1999. The Comprehensive Planning law requires all cities, towns, and villages that regulate land use through land use ordinances (e.g. zoning) to adopt a Comprehensive Plan. This plan is intended to guide development and redevelopment over a 20-year timeframe. The law also requires that land use decisions be consistent with the plan. All land use decisions made by the City of Beloit, including any actions regarding official mapping, local subdivision regulation, and zoning regulations, must be consistent with the plan.

Because the Comprehensive Plan's Future Land Use Map recommends *Institutional and Community Service* for this parcel, a Comprehensive Plan Amendment to *Single-Family Residential - Urban* would be needed for this proposed rezoning to R-1A, Single-Family Residential District to be consistent with the Comprehensive Plan. If rezoned, renovating the property for single-family use will help create and sustain safe and healthy neighborhoods through community revitalization and investment in support of Strategic Goal #1 - Create and Sustain Safe and Healthy Neighborhoods.

## **Land Use Analysis:**

As stated above, the City's Comprehensive Plan recommends Institutional and Community Service for the subject property to accommodate the Beloit Historical Society operations. However, the property has remained closed and underutilized due to needed municipal infrastructure improvements and its location. Ideally, the homestead could be preserved, programmed, and remain open to the public. The Historical Society diligently assessed the property's condition and feasibility for reuse as a multi-purpose public space, with no success. Considering the lack of prospects for the property in its current designated use, the most logical

land use designation is now single-family residential. This shift aligns with the property's historical origin as a single-family residence. The property's current future land use no longer aligns with the initially intended purpose. Therefore, a reevaluation of the land use is necessary to restore and revive the property.

If both the Comprehensive Plan Amendment and Zoning Map Amendment are approved, redevelopment of the property will require building permits and a Certificate of Appropriateness for any exterior repairs.

**Zoning Map Amendment Findings of Fact:** Based on Section 2-304 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:

1. **The existing use of property within the general area of the subject property.**  
Three of the four sides of the property are adjacent to vacant wooded land, and the other is single-family homes. Rezoning 2149 St. Lawrence to R-1A will allow this property to be used as a single-family residence like the majority of properties in the area.
2. **The zoning classification of property within the general area of the subject property.**  
Existing zoning surrounding 2149 St. Lawrence Avenue includes PLI, Public Lands and Institutions and R-1A, Single-Family Residential. The PLI zoning was applied to the property because of its local significance and use by the Beloit Historical Society. The proposed change will align better with the surrounding uses.
3. **The suitability of the subject property for the uses permitted under the existing zoning classification.**  
The current zoning classification for the property is PLI, Public Lands and Institutions, and is intended for major public and quasi-public uses. However, considering the shift from a house museum to a single-family home, the most suitable zoning district is R-1A, Single-Family Residential. Additionally, it's worth noting that there is an existing domestic water well that requires abandonment, and the current septic system has failed. The responsibility for these updates, including the installation of a new water service and sanitary lateral with connections to the mains along St. Lawrence Avenue, falls upon the buyer of the property.
4. **The trend of development and zoning map amendments in the general area of the subject property.**  
There has been minimal development and no demand for zoning map amendments for the surrounding area. Staff believes the intended investment by the proposed buyer will enhance the neighborhood and be compatible with surrounding properties.

**STAFF RECOMMENDATION – COMPREHENSIVE PLAN AMENDMENT AND ZONING MAP AMENDMENT:**

The Planning and Building Services Division recommends approval of a Comprehensive Plan

Amendment to change the future land use classification from *Institutional and Community Service to Single-Family Residential - Urban* for the property located at 2149 St. Lawrence Avenue in the City of Beloit, and also recommends **approval** of a Zoning Map Amendment to change the zoning district classification from PLI, Public Lands and Institutions District to R-1A, Single-Family Residential District for the property located at 2149 St. Lawrence Avenue in the City of Beloit.

Resolutions for approval and denial of the Comprehensive Plan Amendment are included in this agenda packet. The Plan Commission will need to make a motion to approve one of the resolutions, as the policy regarding amendments requires Plan Commission to make a recommendation by resolution.

**ATTACHMENTS:** Zoning Map, Location Map, Water and Sewer Map, Letter from the Applicant, Zoning Map Amendment Application, Public Notice, Mailing List, Ordinance, Comprehensive Plan Future Land Use Map, Application and Resolutions.

# City of Beloit Zoning Map



2/27/2024

Zoning Districts

PLI

R-1A

World Imagery

Low Resolution 15m Imagery

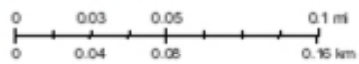
High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

60cm Resolution Metadata

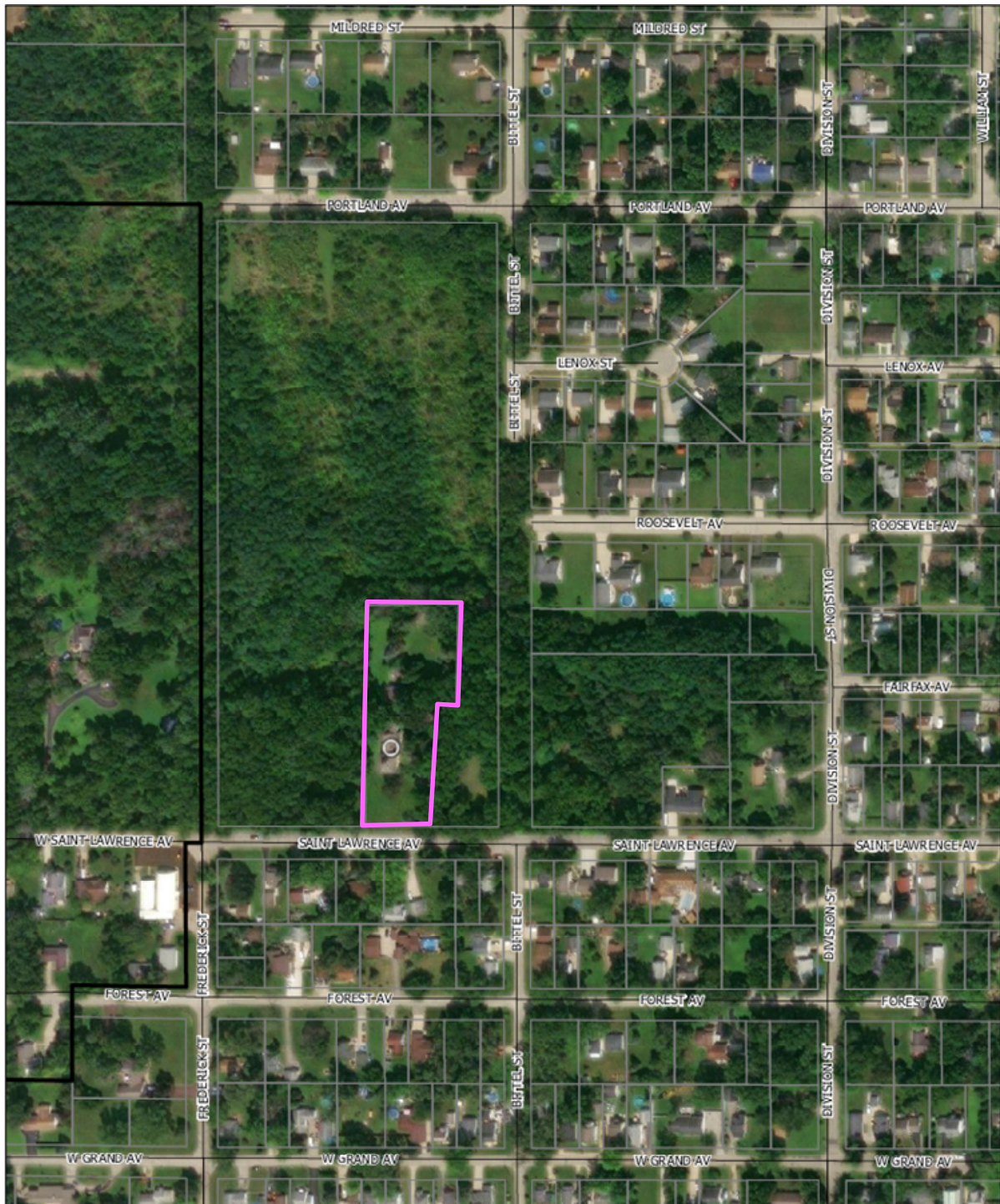
1:3,103



Mapas, Microsoft



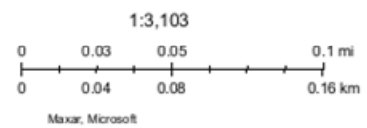
## Location Map



2/27/2024

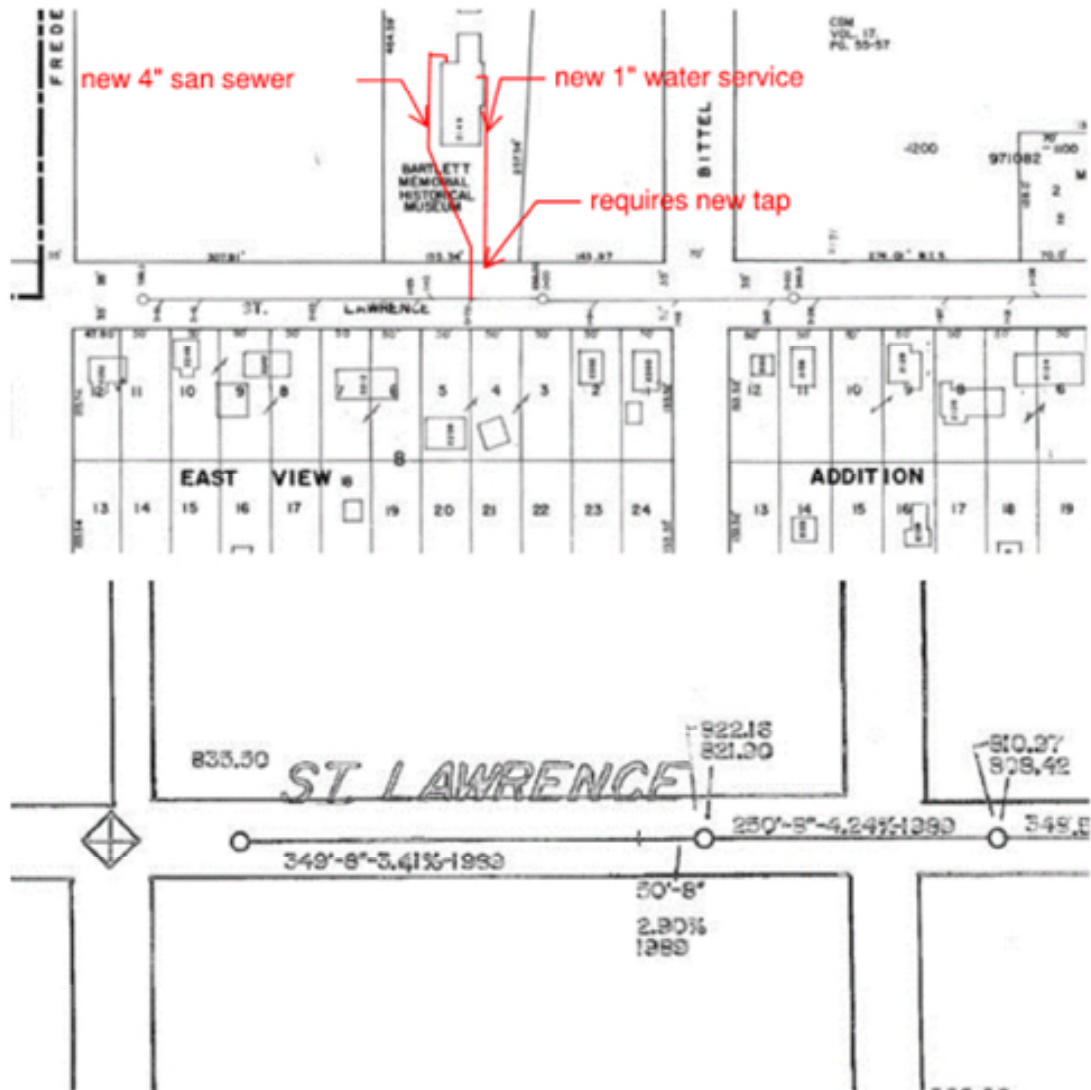
- Street Centerlines
- City Limits
- Parcel Poly
- World Imagery
- Low Resolution 15m Imagery

High Resolution 60cm Imagery  
 High Resolution 30cm Imagery  
 Citations  
 60cm Resolution Metadata





## Water and Sewer Map



February 2, 2024

Dear City of Beloit Planning & Building Services Division Staff:

Thank you for allowing me to share my background as it applies to historic buildings and preservation of the Hanchett-Bartlett Homestead.

My love of historic homes comes from my father, the late Jackson Logan, who restored three row-houses on Capitol Hill during my early childhood in Washington, DC. In the 1970s, we moved to a turn-of-the-Century farmhouse outside of Marshall, Wisconsin. From there, my father pursued his greatest love, purchasing and remodeling old farmhouses. He restored at least a dozen such homes in Dane County during my elementary- and middle-school years.

When I was in high school, my parents were remodeling a massive Italianate home in downtown Whitewater (522 West Main Street) for my favorite aunt. On the drive home one day, they noticed that the dilapidated yet historic Black Hawk Hotel building in downtown Fort Atkinson was for sale (for only \$300,000!). With the help of an SBA loan and Historic Preservation grants, they restored the exterior of the building to its 1929 glory and converted the interior to what it remains today--my primary vocation--an assisted living facility for the frail elderly. I took over the business upon their retirement in 2012 and inherited the building in 2021 when my mother passed away from Alzheimer's disease (having tragically lost my father to a fall in 2020).

My most recent renovation project consisted of my current home, an 1850 Italianate farmstead just south of Fort Atkinson, which I purchased in 2015. It had sat fallow for 19 years before I rescued it. Unfortunately, by that time it was too far gone and not large enough for a historic preservation project, but instead I expanded it into a very usable single-family home, still in the Italianate style. In addition to the house, I rescued (and authentically restored) the 1901 dairy barn on the same property.

My goal for the Hanchett-Bartlett Homestead is to rezone it as a single-family home, complete the critical exterior repairs and requisite interior improvements, and live in the home full-time. My plan is to begin renovations this summer with a goal to complete the project by Spring of 2025.

I have already toured the property with my general contractor, Jeff Begovatz (Begovatz Constriction LLC), who supervised the \$800,000 renovation of my current home, as well as over \$2,000,000 in renovations to the Black Hawk hotel building (including a new roof, 115 replacement windows, significant tuck pointing, renovating 18 resident bed- and bathrooms and installing a two-gurney elevator with four-story shaft, all while complying with historic

preservation requirements. His next project is an additional \$800,000 renovation to 20 remaining residential units, the penthouse and common areas on Main Street, slated for 2024.

I would be happy to meet with the City's staff if you have any questions about my intentions or interest in this wonderfully preserved historic property.

Cordially,

Paul Andrew Logan, Trustee  
HL Beemer Preservation Trust  
Black Hawk Phase III, LLC (buyer)  
N1508 Groeler Road  
Fort Atkinson, WI 53538





# CITY of BELOIT

## PLANNING & BUILDING SERVICES DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

### Zoning Map Amendment Application Form

(Please Type or Print)

File No.: \_\_\_\_\_

1. Address of subject property: 2149 St. Lawrence Ave Beloit WI
2. Legal description: Lot: 2 Block: \_\_\_\_\_ Subdivision: LOT 2 CSM V9 Pgs 68-70  
(If property has not been subdivided, attach a copy of the complete legal description from deed.)  
Property dimensions are: B 464.59 feet by 194.93 feet = 77,101 square feet.  
F 138.34  
If more than two acres, give area in acres: \_\_\_\_\_ acres.
3. Tax Parcel Number(s): 206 1347200 0
4. Owner of record: Beloit Historical Soc. Phone: 608 365-7835  
845 Hackett St. Beloit WI 53511  
(Address) (City) (State) (Zip)
5. Applicant's Name: Black Hawk Phase III, LLC  
1 Milwaukee Ave. W. Fort Atkinson WI 53538  
(Address) (City) (State) (Zip)  
/ 920 723-8081 / PALOGAN@gmail.com  
(Office Phone #) (Cell Phone #) (E-mail Address)
6. **THE FOLLOWING ACTION IS REQUESTED:**  
Change zoning district classification from: PLT to: R-1A  
All existing uses on this property are: none - closed Museum
7. All the proposed uses for this property are:  
Principal use(s): Primary Residence/single family residence  
Secondary use(s): \_\_\_\_\_  
Accessory use(s): \_\_\_\_\_

8. I/we represent that I/we have a vested interest in this property in the following manner:

( ) Owner

( ) Leasehold, Length of lease: \_\_\_\_\_

(X) Contractual, Nature of contract: Purchase Agreement

(X) Other, explain: buyer

9. Individual(s) responsible for compliance with conditions (if any), if request is granted:

Name(s): Andrew Logan Phone: 920 723-8081

1 Milwaukee Ave, W Fort Atkinson, WI 53538  
(Address) (City) (State) (Zip)

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/we, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/we represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/we also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

Richard W. Jordan Richard W. Jordan 1/26/24  
(Signature of Owner) (Print name) (Date)

P. Andrew Logan P. Andrew Logan 1/29/2024  
(Signature of Applicant, if different) (Print name) (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application and all accompanying documents to the Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with the \$300.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant, and it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff

Filing Fee: \$300.00 Amount Paid: 200.00 Meeting Date: Jan. 31. 2024

Number of notices: \_\_\_\_\_ x mailing cost (\$0.50) = cost of mailing notices: \$ \_\_\_\_\_

Application accepted by: \_\_\_\_\_ Date: Jan. 31. 2024

Date Notice Published: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_





CITY HALL • 100 STATE STREET • BELOIT, WI 53511  
Office: 608/364-6700 • Fax: 608/364-6609  
www.beloitwi.gov  
Equal Opportunity Employer

## **NOTICE TO THE PUBLIC**

February 21, 2024

To Whom It May Concern:

Black Hawk Phase III, LLC on behalf of the Beloit Historical Society has submitted an application for a Zoning Map Amendment from PLI, Public Lands and Institutions District to R-1A, Single-Family Residential District for the property located at **2149 S. Lawrence Avenue**.

The following public hearings will be held regarding the application:

**City Plan Commission:** Wednesday, March 6, 2024 at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**City Council:** Monday, April 15, 2024 at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**We are interested in your opinion. \***

**Anyone bringing handouts to the Plan Commission meeting must bring 10 copies and submit them to City staff before the meeting begins. You may also mail your comments to the attention of Hilary Rottmann at 100 State Street or via email to [planning@beloitwi.gov](mailto:planning@beloitwi.gov). You may also call (608) 364-6708 to provide your comments over the phone.**

Owner	Owner Address
City of Beloit, Inc	100 State St Beloit, WI 53511-6234
John L. Poff Marilyn J. Poff	135 E Yost Dr Beloit, WI 53511-1546
Brian K. Orcutt	2118 Roosevelt Ave Beloit, WI 53511-4823
William Huebner Holly Huebner	2212 Saint Lawrence Ave Beloit, WI 53511-5745
Floyd N. Johnson Jr	5237 E County Rd J Clinton, WI 53525-8827
Adelson Ribeiro	2242 Saint Lawrence Ave Beloit, WI 53511-5745
Virgil D. Lounsbury II Zosia Lounsbury	2121 Saint Lawrence Ave Beloit, WI 53511-5742
David L. Goodyear	2208 Saint Lawrence Ave Beloit, WI 53511-5745

**ORDINANCE NO. 3829**

**AN ORDINANCE AMENDING THE  
ZONING DISTRICT MAP OF THE CITY OF БЕЛОIT**

The City Council of the City of Beloit, Rock County, Wisconsin do ordain as follows:

**Section 1.** The Zoning District Map of the City of Beloit, mentioned in the Zoning Code, Chapter 19 of the Code of General Ordinances of the City of Beloit, is amended as follows:

The following described land is hereby changed from PLI, Public Lands and Institutions District to R-1A, Single-Family Residential District:

LOT 2 OF CERTIFIED SURVEY MAP NO. 914563, RECORDED IN VOLUME 9 ON PAGES 68-70,  
CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN. SAID PARCEL CONTAINS 1.77 ACRES MORE OR  
LESS. A/K/A 2149 ST. LAWRENCE AVENUE.

**Section 2.** This Ordinance shall take effect and be in force upon its passage and publication.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

**City Council of the City of Beloit**

\_\_\_\_\_  
Regina Dunkin, Council President

Attest:

\_\_\_\_\_  
Marcy J Granger, City Clerk-Treasurer

Published this \_\_\_\_ day of \_\_\_\_\_, 2024

Effective this \_\_\_\_ day of \_\_\_\_\_, 2024

01-611100-5231-\_\_\_\_\_

## Comprehensive Plan Future Land Use Map



# CITY of BELOIT

## PLANNING & BUILDING SERVICES DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

### Comprehensive Plan Amendment Application Form

(Please Type or Print)

File No.: \_\_\_\_\_

1. Applicant's Name: Black Hawk Phase III, LLC  
1 Milwaukee Ave. W Fort Atkinson WI 53538  
(Address) (City) (State) (Zip)  
(Office Phone #) / 920 723-8081 / PALOGAN@gmail.com  
(Cell Phone #) (E-mail Address)

2. Type: ☐ Text Amendment  
☒ Map Amendment

3. The following Text Amendment is requested:

Chapter: \_\_\_\_\_, Section: \_\_\_\_\_, Subsection(s): \_\_\_\_\_

Proposed Amendment: \_\_\_\_\_

4. The following Map Amendment is requested:

Map No. & Title: \_\_\_\_\_

Address of Affected Property: 2149 ST Lawrence Ave Beloit

Tax Parcel Number(s): 20613472000

Owner of record: Beloit Historical Soc. Phone: 608-365-7835

845 Hackett St. Beloit WI 53511  
(Address) (City) (State) (Zip)

Proposed Amendment: MAP change TO ALLOW ZONING TO  
Residential

5. I/we represent that I/we have a vested interest in this property in the following manner:

( ) Owner

( ) Leasehold, Length of lease: \_\_\_\_\_

(x) Contractual, Nature of contract: Purchase Agreement

(x) Other, explain: buyer



The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/we, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/we also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

Richard W. Dexter , Richard W. Dexter , 1/26/24  
(Signature of Owner) (Print name) (Date)

P. Andrew Logan / P. Andrew Logan / 1/29/2024  
(Signature of Applicant, if different) (Print name) (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application and all accompanying documents to the Planning & Building Services Division. This application must be submitted with the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant, and it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff

Filing Fee: \$275.00 Amount Paid: 275.00 Meeting Date: Jan. 31, 2024

Number of notices: \_\_\_\_\_ x mailing cost (\$0.50) = cost of mailing notices: \$ \_\_\_\_\_

Application accepted by: \_\_\_\_\_ Date: Jan. 31, 2024

Date Notice Published: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_

**RESOLUTION 2024-005**

**RECOMMENDING APPROVAL OF AN AMENDMENT TO THE  
CITY OF BELOIT COMPREHENSIVE PLAN**

**WHEREAS**, the Plan Commission of the City of Beloit recommended approval of the Comprehensive Plan of the City of Beloit (the Plan) on September 5, 2018, and the City Council of the City of Beloit approved an Ordinance adopting the Plan on November 5, 2018; and

**WHEREAS**, the Plan may be amended and changed in the years following adoption, particularly in instances where the Plan is becoming irrelevant or contradictory to emerging policies or trends, or does not provide specific advice or guidance on an emerging issue; and

**WHEREAS**, “Amendments” are generally defined as minor changes to the Plan’s maps or text; and

**WHEREAS**, the City Council of the City of Beloit approved a Resolution to Adopt a Process for Amending the City of Beloit Comprehensive Plan on February 1, 2010; and

**WHEREAS**, the approved process directs the Plan Commission to hold a public meeting on the proposed amendment, and following said public meeting, make a recommendation by Resolution to the City Council by majority vote of the entire Commission.

**NOW, THEREFORE, BE IT RESOLVED** that the Plan Commission of the City of Beloit, Rock County, Wisconsin, hereby recommends approval of the following amendment to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

2149 St. Lawrence Avenue – From *Institutional and Community Service* to *Single-Family Residential -Urban*.

Adopted this 6<sup>th</sup> day of March, 2024

**Plan Commission**

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Mike Ramsden, Chairperson

ATTEST:

---

Julie Christensen,  
Community Development Director

**RESOLUTION 2024-006**

**RECOMMENDING DENIAL OF AN AMENDMENT TO THE  
CITY OF BELOIT COMPREHENSIVE PLAN**

**WHEREAS**, the Plan Commission of the City of Beloit recommended approval of the Comprehensive Plan of the City of Beloit (the Plan) on September 5, 2018, and the City Council of the City of Beloit approved an Ordinance adopting the Plan on November 5, 2018; and

**WHEREAS**, the Plan may be amended and changed in the years following adoption, particularly in instances where the Plan is becoming irrelevant or contradictory to emerging policies or trends, or does not provide specific advice or guidance on an emerging issue; and

**WHEREAS**, “Amendments” are generally defined as minor changes to the Plan’s maps or text; and

**WHEREAS**, the City Council of the City of Beloit approved a Resolution to Adopt a Process for Amending the City of Beloit Comprehensive Plan on February 1, 2010; and

**WHEREAS**, the approved process directs the Plan Commission to hold a public meeting on the proposed amendment, and following said public meeting, make a recommendation by Resolution to the City Council by majority vote of the entire Commission.

**NOW, THEREFORE, BE IT RESOLVED** that the Plan Commission of the City of Beloit, Rock County, Wisconsin, hereby recommends denial of the following amendment to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

2149 St. Lawrence Avenue – From *Institutional and Community Service* to *Single-Family Residential -Urban*.

Adopted this 6<sup>th</sup> day of March, 2024.

**Plan Commission**

---

Mike Ramsden, Chairperson

ATTEST:

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Julie Christensen,  
Community Development Director

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



**Topic:** AN ORDINANCE TO AMEND 18.02 (15)(w) OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF BELOIT AUTHORIZING OUTDOOR VENDING FOR AN EVENT SPONSORED BY STATELINE FAMILY YOUNG MEN'S CHRISTIAN ASSOCIATION, INC. (YMCA)

**Date:** 5/6/2024

**Presenter:** Bill Frisbee - Public Works Director

**Department:**

Public Works

### Overview/Background Information

City ordinance prohibits outdoor vending in City parks unless it is permitted by exception to the ordinance. Stateline Family Young Men's Christian Association (YMCA) is sponsoring "Move Beloit" whom will host a 5K run/walk at Riverside bike path followed by a yoga class at Harry Moore Pavilion on Saturday, June 29, 2024 from 7:30am-2:30pm. The event will also include family fun/yard games. The event is requesting to have food trucks from the hours of 10:30am - 2:30pm. Event organizers anticipate 50-150 attendees.

### Key Issues

1. An exception to the municipal code to allow outdoor vending in Riverside Park is being requested by Move Beloit in partnership with Stateline Family YMCA.
2. The event is open to the public.
3. Event organizer is required to complete the Outdoor Vendor's permit paperwork through the City Clerk's office.

### Conformance with Strategic Plan

Approval of this action would conform with the stated purpose of the following strategic goal:

- ☐ Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- ☐ Goal #2 - Create and Sustain a High Performing Organization
- ☐ Goal #3 - Create and Sustain Economic and Residential Growth
- ☒ Goal #4 - Create and Sustain a High Quality of Life
- ☐ Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- ☒ Goal #6 - Create and Sustain Enhanced Communications and Community Engagement, while maintaining a Positive Image

### Sustainability

If applicable, briefly comment on the environmental, economic, and/or social sustainability of this policy or program. Consider how current needs are met without compromising the ability of future generations to meet their own needs. Write N/A if not applicable

N/A

### Action Required/Recommendation

Staff recommends approval of ordinance.

### Fiscal Note/Budget Impact

No budgetary impact

### Attachments

Proposed Ordinance

Revised 03-09-2022

**ORDINANCE NO. 3835**

**AN ORDINANCE TO CREATE 18.02 (15)(ad) OF THE CODE OF  
GENERAL ORDINANCES OF THE CITY OF БЕЛОIT AUTHORIZING  
OUTDOOR VENDING BY STATELINE FAMILY YOUNG MEN’S  
CHRISTIAN ASSOCIATION, INC IN RIVERSIDE PARK**

The City Council of the City of Beloit, Rock County, Wisconsin, do ordain as follows:

**Section 1. Section 18.02(15)(ad) of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:**

“(ad) An annual event “Move Beloit” sponsored by Stateline Family Young Men’s Christian Association, Inc. (YMCA) in Riverside Park.”

**Section 2. This ordinance shall be in force and take effect upon passage and publication.**

Adopted this \_\_\_\_ day of May, 2024.

**CITY COUNCIL FOR THE CITY OF БЕЛОIT**

By: \_\_\_\_\_  
Kevin D. Leavy, President

**ATTEST:**

By: \_\_\_\_\_  
Marcy J. Granger, City Clerk-Treasurer

PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
01-611100-5231-\_\_\_\_\_

18.02(15)(ad) = ORD 20240422 (24-1086)



# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



<b>Topic:</b>	Resolution 2024-054 awarding HOME funds for New Construction projects		
<b>Date:</b>	May 6, 2024		
<b>Presenter:</b>	Julie Christensen	<b>Department:</b>	Community Development

### Overview/Background Information

The City is a member of the Rock County HOME Consortium. As a result, the City receives an annual allocation of Home Investment Partnership Program (HOME) funds. The Consortium Agreement was amended in 2016 to allocate additional dollars to the City of Beloit. Starting in 2017, the City of Beloit receives 28 percent of the project funds. In addition, the City also receives funds for administrative activities, which includes staff time to operate the program.

### Key Issues

1. In November, 2023, the City Council approved a HOME budget which included \$1,200,799.78 for New Construction projects. 1312 Nelson Avenue was completed in early 2024, and 1235 Dewey Avenue and 1418 Prairie Avenue are currently under construction. After those projects were funded, the balance remaining is \$956,799.64.
2. The City issued a Request for Proposals for HOME New Construction projects. We received two applications: one from Community Action (CAI) and one from Wisconsin Partnership for Housing Development (WPHD). CAI's application is for a new construction project under the Fresh Start program on a vacant lot they own at 2210 Forest Avenue. WPHD's application is for 3 new construction projects on City-owned lots which they would purchase if approved for funding. Those addresses are 1115 Summit Avenue, 1321 Shirland Avenue, and 1325 Shirland Avenue.
3. The application requires that these projects begin in 2024 and be completed by the end of 2025. City staff does not want our HOME funds committed for a longer time period than 2025.
4. Attached is a blank Evaluation form that staff completed for each application. Also attached are the two applications. CAI applied for \$150,000 for one house, and WPHD has applied for \$399,000 for three houses.
5. The table below shows the scores for the two applications.

Evaluation Category	CAI	WPHD
Community Need and Benefit	16	12
Organizational Capacity	17	9
Financial Feasibility	14	7
Total	47	28

Although CAI scored much higher than WPHD, staff supports recommending both projects, as there is budget available, and it would allow for the construction of 4 affordable single family owner-occupied houses within the next two years.

6. The Community Development Authority met on April 24, 2024 and reviewed the applications. They recommended awarding HOME funds to both entities in the amount requested, which is reflected in the attached resolution.

### Conformance with Strategic Plan

Approval of this action would conform with the stated purpose of the following strategic goal:

- ☒ Goal #1 - Create and Sustain Safe and Healthy Neighborhoods
- ☐ Goal #2 - Create and Sustain a High Performing Organization
- ☒ Goal #3 - Create and Sustain Economic and Residential Growth
- ☐ Goal #4 - Create and Sustain a High Quality of Life
- ☐ Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity
- ☐ Goal #6 - Create and Sustain Enhanced Communications and Community Engagement, while maintaining a Positive Image

**Sustainability**

If applicable, briefly comment on the environmental, economic, and/or social sustainability of this policy or program. Consider how current needs are met without compromising the ability of future generations to meet their own needs. **Write N/A if not applicable**

This application meets the goal of social sustainability by providing affordable housing that people can purchase.

**Action Required/Recommendation**

Community Development Authority recommends approval of Resolution 2024-054.

**Fiscal Note/Budget Impact**

Any local match will be provided by the two entities receiving HOME funds.

**Attachments**

Resolution 2024-054; CAI application; WPHD application; Blank Evaluation form

Revised 03-09-2022

**RESOLUTION 2024-054**

**RESOLUTION AWARDING HOME INVESTMENT PARTNERSHIP (HOME)  
PROGRAM FUNDS FOR NEW CONSTRUCTION PROJECTS**

**WHEREAS**, in November, 2023, the City Council of the City of Beloit allocated \$1,200,799.78 in HOME funds for new construction projects; and

**WHEREAS**, the City of Beloit has already committed \$244,000.14 to three New Construction projects this year located at 1312 Nelson Avenue, 1418 Prairie Avenue, and 1235 Dewey Avenue, leaving a balance of \$956,799.64 for New Construction projects; and

**WHEREAS**, both Community Action, Inc and Wisconsin Partnership for Housing Development submitted eligible applications for funding.

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Beloit awards \$150,000 in HOME New Construction funds to Community Action, Inc. and \$399,000 in HOME New Construction funds to Wisconsin Partnership for Housing Development as outlined in their submitted applications.

**BE IT FURTHER RESOLVED**, that the City Manager is authorized to execute any development agreements and any and all documents related to the award of HOME funds.

Adopted this 6th day of May, 2024.

**CITY COUNCIL OF THE CITY OF БЕЛОIT**

---

Kevin D. Leavy, President

ATTEST:

---

Marcy J Granger, City Clerk-Treasurer

**CITY OF BELOIT**  
Application for HOME Project for Fiscal Year 2024

**1. APPLICATION COVER SHEET**

Project Title: Beloit Fresh Start 2210 Forest Avenue

Project Applicant Contact Information

Legal Name of Applicant/Organization: Community Action Inc. of Rock and Walworth Counties

Applicant is:

☐ Unit of Local Government

☐ Municipal Corporation

☒ Non-profit Organization or Developer

☐ For-Profit Organization or Developer

☐ Other, please describe: \_\_\_\_\_

EIN# 391052077

UEI # KJCKNKAKP7

Primary Contact Names and Title: Laura Laux, Deputy Director

Mailing Address: 20 Eclipse Center, Beloit, WI 53511

Phone: 608-755-2462

E-mail: llaux@community-action.org

Address of Project (if known): 2210 Forest Avenue, Beloit

Has your agency previously received HOME funding? Yes

Amount of Request \$150,000

Total Project Budget \$300,000

CERTIFICATION and AUTHORIZED SIGNATURE: To the best of my knowledge and belief, the information contained in this application, and in the additional required documentation submitted with this application, is true and correct. The submission of this application has been duly authorized by the governing body of the Applicant. The Applicant agrees that if the project is allocated funding, it will comply with all federal, state and local statutes, regulations, policies and requirements applicable to CDBG/HOME funding.

Laura Laux  
Signature of Authorized Applicant Representative

4.12.2024  
Date

Laura Laux, Deputy Director – Community Action Inc. of Rock and Walworth Counties  
Name and Title of Authorized Applicant Representative (Please Print or Type)

## 2024 HOME APPLICATION

### A. THRESHOLD AND ELIGIBILITY

Answer each question fully but concisely.

1. Please describe your proposed project in one paragraph (2 to 3 sentences) and include a general statement of the project's overall purpose? The proposed project seeks City of Beloit HOME funds for the new construction of a single-family home at 2210 Forest Ave., currently a vacant lot. This project will serve as the construction site for the 2024-2025 Beloit Fresh Start program members who will be actively engaged in all phases of the project.

The **purpose of this project** is two-fold; 1.) to train and engage Fresh Start members in the construction components of a home build and 2.) completed single-family home is sold to an income eligible (under 80%) Rock County Median Income. Without this program purchase of a single-family new construction would most definitely be out of reach.

2. What process will be used to determine how individuals are selected to participate in this program?

Once construction is near completion, CAI will collaborate with a local realtor to market and promote the homeownership opportunity to those who may be eligible, with emphasis on low-income requirements and availability of down payment / closing cost assistance. Anyone interested in purchasing can submit an offer to purchase, with eligibility verified prior to acceptance.

3. Identify how long your organization has been providing these services and provide a history of any projects completed in the last 5 years.

Community Action has been utilizing HOME resources for many years, with the following projects being completed in the last 5 years.

#### **Fresh Start Program Project Homes**

2023-2024 – currently under construction, 1418 Prairie anticipated completion date of July 2024.

2022-2023 – 1312 Nelson Ave. 2-bedroom, single-family, sold November 2023

2020-2022 – 1256 Dewey Ave. 3-bedroom, single family, sold September 30, 2022. *(This project was delayed due to weather initially and then COVID.)*

2017–2020 - 1316 Nelson Ave. 3-bedroom, single-family, sold March 26, 2021

Prior to 2017 Beloit Fresh Start completed one additional new construction and several rehabilitation projects also utilizing HOME funds.



## B. PROJECT DESCRIPTION AND SOUNDNESS

1. **Project Description:** Please describe the project for which you are requesting funding.

Community Action Inc. (CAI) is requesting City of Beloit, HOME funds for the construction of a 3-bedroom, single-family home, utilizing a vacant lot at 2210 Forest Avenue, Beloit. If funded, this project will serve as the construction site for the 2024-2025 Beloit Fresh Start Program. City of Beloit and Rock County HOME Consortium funds have been awarded to Community Action Inc. in support of the Fresh Start Program builds for the past 17 years.

Community Action Inc. recognizes that affordable homeownership opportunities are often out of reach for many households considered to be low income. While our effort and capacity may seem small, Community Action's Beloit Fresh Start Program makes a big impact in providing hands-on training in the construction field for its students promoting and encouraging skilled trade careers and provides its members a foundation for giving back to their community and encourages making a difference, no matter how small.

2. **What are the specific output goals for the proposed project?**

**Households Served.** Indicate the number of unduplicated households and persons to be assisted in total, and the number to be assisted with HOME funds requested. Unduplicated means that each household and person served by the project is counted only once during the program year.

	PY2024	PY2025
Project Outputs	Households	Households
1. Total assisted (all funding sources)	0*	1
2. Total assisted with HOME funds	0*	1
<i>*Current HOME construction project will be completed in summer 2024 and sold to an income eligible household in 2024.</i>		

3. **HUD requires recipients of federal funding to access outcomes for the program. All approved applicants are required to comply with the Performance Measurement System. Please complete the following:**

- A. State the outcome. Outcomes are the benefits or impacts that result from the services provided. Outcomes measure a change in knowledge, attitude, skills, behavior, conditions or status in the persons served.

**Project Outcome** is to (1) complete the new construction of a 3-bedroom, single-family home and (2) sell to an income eligible homeowner. Community Action Inc. believes in providing access and opportunity to assist individuals and families in achieving

economic self-reliance. Having a safe, affordable home is critical for anyone to be successful in achieving their personal and professional goals.

- B. Indicate the anticipated percentage and number out of total families/households served who will achieve the outcome each year.

Service Number this project will provide one (1) household 100% with the opportunity to purchase the project, a single-family home, within the contract period of performance. Our anticipated timeline is August 2024 with completion and sale in fall 2025.

- C. List the indicators that will be used to show that the persons served achieved the outcome.

Successful Outcome upon completion, this project will be sold to an income eligible homebuyer. Eligibility is determined and outlined by HOME funding requirements, household county median income, and household size at the time of application and offer to purchase – qualified buyer must be at or below 80% of the Rock County median income as determined by their household size.

To be considered eligible for purchase the buyer must: intend to and reside in the home post-closing, complete first-time homebuyer education, meet independent lending requirements for a mortgage, and demonstrate a financial need for down payment/closing cost assistance. The project must be owner occupied for a minimum of -years. Should the buyer be unable to continue residing in the home for any reason, the same sale conditions would be imposed for the remainder of the 5-year period.

- D. State the basis for selecting the outcome and how it demonstrates achievement of the overall goals of the project.

Basis for Outcomes upon completion, this project provides a homeownership opportunity for an individual or family for whom it would not be possible., newly constructed, single-family home for an income eligible household. In addition, this project will provide 40 Beloit Fresh Start students the opportunity to experience; construction trades, teamwork, accountability, dedication, commitment, follow through, and accomplishment in providing safe, affordable housing to someone in their own community. This project, once complete, is a beacon for every student who pounded a nail to build the home.

Community Action believes that projects such as this one, in partnership with the Beloit Fresh Start program are establishing and achieving goals before, during and after the construction is complete.

- E. Indicate how you are going to measure the outcome. Include the data collection tools, the measurement timeline, and who will be responsible for monitoring progress and compiling the information required for reporting.

The tool of measurement is the ability for Community Action Inc. to promote the project to income eligible individuals/households wanting to own their own home. Community Action will work with a local realtor to market the home, local lenders to facilitate understanding of eligibility requirements and NeighborWorks Blackhawk Region for first time homebuyer education and homebuyer assistance programs if available.

Accepted offer to purchase and closing of the home will be the final indicator of the goal being achieved.

4. **What experience do you have in serving the target population and in providing the type of service in the proposed project?**

Describe past experience and performance achieved by this project or similar project; include any barriers encountered and how those barriers were addressed, as well as whether project goals were achieved.

Experience Community Action Inc., and the Beloit Fresh Start Program are fortunate for the support of the City of Beloit and the Rock County HOME Consortium since 2006. While all construction projects come with unique challenges Community Action and the Beloit Fresh Start Program are nearing completion of its fifth new construction housing project at 1418 Prairie Ave, Beloit. This request for funding will be the program's sixth new construction project to date.

Community Action directs its focus and resources to individuals and families who have fewer financial resources and are considered to be low income and purchasing a home is one way to build wealth. But homeownership will require financial resources as ongoing preventative maintenance is critical and can be costly. In the most recent years Beloit Fresh Start has elected to pursue new construction given the uncertainty, timeline setbacks and costly challenges with rehabilitation projects. Even in new construction there will be maintenance and repairs but with the new construction it is anticipated that the buyer has some time to build financial stability for larger, more costly home maintenance projects are necessary they are financially prepared.

## C. ORGANIZATIONAL CAPACITY

### 1. What is your organization's experience in managing publicly funded projects?

- A. Describe any specific experience your organization has in the administration of federal, state, and local government funds. If your organization does not have experience as an organization, then the relevant experience of board members or staff may be used.

Annually, Community Action's budget is comprised of a variety of federal, state, and local government contracts, program income, donations, foundation support, and fundraising efforts. Community Action works closely with area providers to identify community needs, evaluate the effective delivery of program services, and obtain resources needed within the community without duplicating services or efforts.

- B. Describe your organization's fiscal management including financial reporting, record keeping and accounting systems.

Community Action, Inc. of Rock and Walworth Counties (CAI) maintains a uniform double-entry, full accounting system and fiscal management information system in accordance with Generally Accepted Accounting Principles. A chart of accounts is maintained to ensure proper segregation of funds and to support accurate accounts of revenue and expenses for billing purposes. The accounting principles of CAI are consistent with all applicable laws and regulations as required by funding sources, grants, contracts, and to maintain not-for-profit status.

CAI is required to follow various guidelines for allocating costs benefiting more than one program or grant. For this purpose, a Cost Allocation Plan is developed outlining the various methods of cost allocating expenses. A cost allocation basis is adopted each year that satisfies the requirements of all grants for that year. The cost allocation basis is modified any time a new program is started or at the end or beginning of any fiscal year. Due to frequent modifications to the cost allocation basis, it is maintained outside of the accounting procedures manual.

An internal control system assures that there is sufficient segregation of duties to allow checks and balances within the Finance Department. An additional key aspect of internal control is that the Director of Finance reviews the transactions of the other employees & is responsible for communicating any problems to the Executive Director and/or the Finance Committee. An inventory of all property and equipment with a value or cost of \$1,000 or more is maintained. The inventory document contains sufficient information for insurance and grant requirements.

- C. Describe whether your organization has a written personnel policy manual that includes procedures for personnel and financial management, a process for grievance, and a plan for affirmative action.

CAI maintains a full personnel policy manual that includes procedures for personnel and financial management, grievance, and affirmative action.

- D. If you have current HOME projects/contracts, are they progressing timely and in accordance with the project accomplishments and schedule? If not, explain why.

The Beloit Fresh Start Program is in the final stages of its current project at 1418 Prairie Avenue, Beloit. Project completion is on target for summer 2024 with sale to follow. We plan to use the same or very similar plan as the 1256 Dewey project, completed and sold in 2022.

**2. List funders and describe type and frequency of monitoring, as well as any findings, and the resolution of those findings.**

**Department of Housing and Urban Development (HUD)** – requires monthly reporting for Continuum of Care (CoC) funded programs and ongoing Homeless Management Information System (HMIS) data entry. In addition, the Balance of State CoC in conjunction with HUD’s Regional Office monitor these projects on a periodic basis.

**United Way Blackhawk Region (UWBR)** – does not perform an official monitoring but does require annual reporting of all award expenditures.

**Community Services Block Grant (CSBG)** – Wisconsin Department of Children and Families, monitors Community Action, Inc. on an annual basis consisting of an audit-type monitoring where they conduct a sampling of various CAI programs utilizing CSBG funds. No findings were given in its 2023 annual monitoring.

**City of Beloit Community Development Block Grant (CDBG)** – Throughout the program year, City of Beloit staff work closely with its grantees, such as Community Action, Inc., to monitor their fiscal and programmatic progress and compliance with federal regulations. At this time, several Community Action programs are supported with City of Beloit CDBG funds. There were no findings or concerns in the City’s 2023 monitoring of CAI CDBG funds.

**Wipfli** - Community Action, Inc. of Rock & Walworth Counties undergoes an annual single audit as required under OMB Circular A-133. There were no findings in the most recent 2022 audit cycle. The 2023 audit is currently in progress.

**3. What are the qualifications of the staff members involved in the project?**

Describe the qualifications (e.g., education, training, experience) of the specific staff members who will manage the project and provide services.



Laura Laux has served Community Action in a variety of roles for the last 17 years. She has experience in providing direct service to those experiencing homelessness and foreclosure, and administrative experience in managing funding contracts. Transitioning to the Deputy Director role in 2022 she continues to provide oversight and compliance of HOME related projects just as she has for the past eight years.

Josh Kirkpatrick, an experienced finish carpenter by trade, joined the Beloit Fresh Start Program team in September of 2021 (mid-COVID) as the construction trainer, completed the in-progress project at 1256 Dewey Ave in late 2022. In the fall of 2022, as construction manager, Josh has been responsible for the day-to-day planning, coordination, and management of Beloit Fresh Start construction project/s ensuring all phases of construction meet required and necessary compliance standards and inspections. This project will be his third completion and continues to streamline all phases of construction and planning to best involve and expose Beloit Fresh Start members to the construction trade, to maintain timelines, engage with vendors willing to share their time and talent to members and where possible reduce cost.

In the fall of 2022, the Beloit Fresh Start Program added a construction trainer to assist the construction manager and Fresh Start students in the day-to-day phases of the project. We were excited to offer the position to a prior Fresh Start graduate in early 2024.

Nikia Morton, Director of Learning and Adult Preparation and Elena Henry, Fresh Start Program Manager oversee the day-to-day operation of Fresh Start Educational programming. All staff members involved coordinate efforts to ensure the project remains on target for completion and is sold to an income qualified household.

While not directly involved with the construction project the Fresh Start Program has several full-time staff supporting members in their training and education. Those positions include a WI DPI licensed teacher (Josh Swedlund), Job Developer (Marisol Ibara), Life Skills Coach (James Turner), Program Support Specialist (Lourdes Flores-Tello) and Community Service Coordinator (Kaelyb Lokrantz). Each of these positions provides Fresh Start members with programming and support to ensure academic and long-term achievement.

**4. How will your organization assure that project services are provided in a culturally competent and linguistically accessible manner?**

Explain your agency's commitment to and ability to provide services that are culturally competent and linguistically accessible. Include a description of:

- A. How the project's service design and delivery provide for the cultural and linguistic needs of project clients;
- B. The cultural backgrounds and experiences of board members and staff; and
- C. The training and policy guidance provided to board members and staff regarding cultural competence and language barriers.

The Rock and Walworth County communities are racially, ethnically, and culturally diverse and a core value is for this diversity to be represented at all levels of our organization.

CAI Executive Director Marc Perry has more than 20 years' experience providing cultural equity training and education throughout the U.S. for nonprofit organizations, law enforcement, school districts, for-profit businesses, post-secondary institutions, and government entities at various levels. He routinely provides training and educational opportunities for staff, Board members and other volunteers.

Community Action Inc. makes every effort to be mindful and aware of the diverse needs of its current and potential participants. It is CAI's goal to provide services in a manner that meets the individual needs of participants and that they have a positive and beneficial experience. Our website and agency materials can and/or will be translated to the language needed and contracts with Language Line to provide more comprehensive verbal translation services when needed/requested.

**Community Action Inc. adheres to the following Diversity and Inclusion Creed:**

"We recognize that we are part of a broader, diverse community and that this impacts our responsibility to our participants. We believe that culturally diverse teams yield more creative, synergistic, and effective outcomes. We believe that attracting, developing, and retaining a base of employees that reflects the diversity of our customers is essential to our success.

We embrace the opportunities that exist when we strive for inclusiveness. We are also willing to accept and address the conflict that arises as a normal part of existence in a diverse environment to work towards acknowledging, addressing, and confronting our differences positively. We recognize that the development and maintenance of a multicultural organization is a journey not a destination, so we are prepared to learn and grow as issues emerge.

A core component of the CAI onboarding and new hire orientation is a half-day diversity training that includes education, and expectations of the agency's core values and Diversity and Inclusion Creed. CAI also encourages and provides ongoing education and training opportunities for staff to promote their own development and self-exploration of diversity and inclusion. All new Community Action Board members participate in an orientation process, which includes education and expectations regarding our Diversity and Inclusion Creed as well as our organization's core values. Training and educational

opportunities are provided for board members so that they too have opportunities for growth and development.

**5. How does your organization use collaboration with other local community organizations to support the proposed project?**

- A. List the committees, groups, or meetings your organization participates in. For recurring meetings, the expectation is that you list organizations where your agency is present at 75% or more of meetings.

CAI staff participate in many local and statewide efforts to not only promote Community Action programming but to remain engaged and aware of the many other programs and services that may be available to CAI participants. Specifically relating to housing, CAI is engaged with the Rock and Walworth County Homeless Intervention Task Force, the Rock/Walworth Continuum of Care, coordinates first time homebuyer education and down payment assistance with NeighborWorks Blackhawk Region and serves on the Board of ACTS Housing. These relationships directly support the ongoing work and support the efforts requested in this proposal.

- B. Describe how the collaborations listed help to develop support for the proposed project (such as enhanced access to services needed by project clients, a shared scarce resource, or improved public policy).

Collaborating with our community partners ensures that our participants are aware of resources they may be eligible for and ensures that we are not duplicating efforts. Working in partnership with NeighborWorks Blackhawk Region and ACTS Housing provides potential buyers of this project access to homebuyer education and financial assistance programs not offered by Community Action.

## D. FINANCIAL FEASIBILITY

### 1. Provide a copy of the latest Budget Summary for your organization.

- A. Detail by line item the applicant's proposed project budget separating requested HOME funding from additional agency funding dedicated to the project.

*Agency budget summary has been attached at the end of this application for your review.*

<u>Use of Funds</u>		<b>Budget and Source/s of Funding</b>	
		<u>Source of Funds</u>	
Acquisition	\$0	City of Beloit HOME Funds	\$150,000
Construction	\$260,000	Community Action Inc.	\$112,500
Contingency	\$25,000	In Kind Match (25% of HOME)	\$37,500
Developer Fee	\$15,000		
Total Cost	\$300,000	Total Funds	\$300,000

- B. Explain in narrative form how HOME funds will be used as shown in the budget summary and budget worksheets (e.g. specific positions, type of communication costs, type of supplies, description of equipment items in support of direct services). If your program generates program income, explain how these dollars are generated. For each position for which you are requesting full or partial HOME funding, attach a current job description that includes a list of the duties and minimum qualifications for filling the position.

The requested HOME funds will be used solely for the purchase of construction materials and contracted services. This project will provide Beloit Fresh Start Youth Build students, hands on construction and homebuilding experience while working under the direction and supervision of the Fresh Start construction manager, construction trainer and certified professional contractors.

Example of materials and services that will be purchased and procured for this project include lumber, drywall, paint, carpet, appliances, cabinets, fixtures, excavating, plumbing, and electrical.

### 2. If funded, will the proposed project leverage additional resources?

List the source and amount of funds to be leveraged with HOME funding for this project on the Budget Summary for each year of funding requested. Identify which of those funds have been secured, applied for, or are anticipated to be applied for in the future. Match is required for HOME funds. Therefore, please indicate the source and amount for any eligible match that you will contribute to the project. Priority will be given to projects which require match.

This project will leverage additional in-kind and financial support from the Department of Labor (DOL), AmeriCorps YouthBuild, and the school district of Beloit. DOL is the primary funder for Community Action's Fresh Start program, with additional resources provided by AmeriCorps YouthBuild, and the School District of Beloit. Fresh Start members will provide much of the labor to this project. This request is for construction materials and contracted services only and does not support other program related expenses such as staffing, certifications, or student incentives.

**3. If the proposed project is funded at a level lower than requested, will the project still move forward?**

Due to the limited availability of resources, it is often necessary to fund proposed projects at levels below the levels requested. Please describe a reduced level of funding at which project can still be completed.

Should this request not be funded at the level requested Community Action will identify other resources to close the funding gap or reconsider the scope of the project. The project budget can and will be evaluated on an ongoing basis, however it may not be possible to reduce hard construction costs and services. The current and future economic climate will determine the cost of construction materials and services.

**4. Financial Management Capability:**

Provide a narrative of your agency's financial management capacity and include financial audits; describe type, frequency, findings, and resolution to findings.

Community Action is supported by a financial management staff consisting of a Director of Finance, three fiscal managers, and one payroll specialist. Each fiscal manager is assigned financial oversight of specific agency programs. All fiscal managers are knowledgeable about the needs and requirements of agency programs and specific funding source requirements.

Community Action undergoes an annual single audit as required under OMB Circular A-133. There were no findings in the most recently completed 2022 auditing cycle.



### **E. CONFLICT OF INTEREST**

1. Please indicate if any of your agency's staff and/or board/committee members has served on the Beloit Community Development Authority and/or Beloit City Council. Please also indicate if any of your agency's staff and/or board/committee members has served in the last year on the Beloit Community Development Authority and/or Beloit City Council.

If yes, please list their information on the next page.

Name	Title or Position

**CITY OF BELOIT**

Application for HOME Project for Fiscal Year 2024

**1. APPLICATION COVER SHEET**

Project Title: WPHD 2024-2025 Single Family Housing Cohort

Project Applicant Contact Information

Legal Name of Applicant/Organization: Todd Mandel, 608-633-1496, Wisconsin Partnership for Housing Development

Applicant is:

☐ Unit of Local Government

☐ Municipal Corporation

☒ Non-profit Organization or Developer

☐ For-Profit Organization or Developer

☐ Other, please describe: \_\_\_\_\_

EIN# 39-1508503

UEI # RR7NWXCYH5C9

Primary Contact Names and Title: Todd Mandel, Executive Director

Mailing Address: 821 E. Washington Avenue, Suite 200W, Madison, WI 53703

Phone: 608-258-5560 x300

E-mail Address: toddmandel@wphd.org

Address of Project (if known): 1321 Shirland Ave, 1325 Shirland Ave, 1115 Summit Ave

Has your agency previously received HOME funding? ☒ Yes(Y)/No(N)

Amount of Request \$ 399,000

Total Project Budget \$ 950,800.50

CERTIFICATION and AUTHORIZED SIGNATURE: To the best of my knowledge and belief, the information contained in this application, and in the additional required documentation submitted with this application, is true and correct. The submission of this application has been duly authorized by the governing body of the Applicant. The Applicant agrees that if the project is allocated funding, it will comply with all federal, state and local statutes, regulations, policies and requirements applicable to CDBG/HOME funding.

  
\_\_\_\_\_  
Signature of Authorized Applicant Representative

4/10/2024

\_\_\_\_\_  
Date

Todd Mandel, Executive Director

\_\_\_\_\_  
Name and Title of Authorized Applicant Representative (Please Print or Type)

## 2024 HOME APPLICATION

### A. THRESHOLD AND ELIGIBILITY

Answer each question fully but concisely.

1. Please describe your proposed project in one paragraph (2 to 3 sentences) and include a general statement of the project's overall purpose?

WPHD will construct three single-family homes for income-eligible households and sell them to income-eligible households in cooperation with ACTS Housing of Beloit. The homes will be targeted to households in the 60%-80% county median income range and will be three-bedroom, 1.5 bathroom homes. Each home is expected to appraise for around \$190,000 but will be sold for \$180,000-\$185,000 and with coordinated assistance, household can acquire the homes for \$150,000-\$156,000. Overall, the project seeks to increase the number of single-family homeowners in the city.

2. What process will be used to determine how individuals are selected to participate in this program?

Homebuyer selection will occur in cooperation with ACTS Housing of Beloit. Homeowners will be initially screened for income qualification using the Form 5 Long Form income qualification methodology. Once households are deemed income-eligible, ACTS Housing will evaluate homebuyers for readiness and will help prepare homebuyers for successful homebuying. When WPHD begins developing a site, we will reach out to ACTS Housing to inform them that we are beginning a unit. ACTS Housing will review their list of potential homebuyers and identify those that are most ready to purchase a home and are most financially capable of affording the home being developed. Those homeowners will be provided an advanced opportunity to tour the home and place offers. Offers will be reviewed based on price, closing speed, and individual factors such as how long the household has been seeking, their readiness level, and mortgage approval/pre-approval. If, after two weeks, no ACTS Housing buyers have placed an offer, then the home will be placed on the MLS for offers from any income-eligible household. Offers will be evaluated using the same criteria.

3. Identify how long your organization has been providing these services and provide a history of any projects completed in the last 5 years.

WPHD has been providing single-family development services for more than 20 years using HOME funds in a variety of communities. A history of projects completed in the past five years:

- 127 N. Terrace Street, Janesville
- 215 Linn Street, Janesville
- 275 Rockport Road, Janesville
- 311 S. Washington Street, Janesville
- 410 N. Pearl Street, Janesville
- 415 N Pearl Street, Janesville
- 403 N Pearl Street, Janesville
- 478 N Terrace Street, Janesville
- 627 Rockport Road, Janesville
- 121 N Washington Street, Janesville
- 159 Cherry Street, Janesville
- 214 Franklin Street, Janesville
- 312 S Linn Street, Janesville
- 615 Van Buren Street, Janesville
- 335 Highland Avenue, Beloit
- 340 Highland Avenue, Beloit
- 321 Highland Avenue, Beloit
- 354 Euclid Avenue, Beloit
- 1122 Marshall Street, South Milwaukee
- 413 S. Locust Street, Janesville
- 513 Linn Street, Janesville

## B. PROJECT DESCRIPTION AND SOUNDNESS

1. **Project Description:** Please describe the project for which you are requesting funding. This project will create three single-family homes in Beloit to be sold to income-eligible families, targeting the 65%-80% CMI range. The homes will be constructed to meet the Uniform Dwelling Code and, where financially feasible, will meet Focus on Energy standards. Homes will be a minimum of 1400 square feet with three bedrooms, 1.5 bathrooms, two car garages (attached or unattached to be determined), and radon systems if necessary.

2. **What are the specific output goals for the proposed project?**

	PY2024	PY2025
Project Outputs	Households	Households
1. Total assisted (all funding sources)	0	3
2. Total assisted with HOME funds	0	3

3. **HUD requires recipients of federal funding to access outcomes for the program. All approved applicants are required to comply with the Performance Measurement System. Please complete the following:**

Three households will become homeowners. 100% of those participating will become homeowners. The indicator will be a deed showing property ownership. Measurement will come from the number of households with a property deed for a developed home at the end of the grant period.

4. **What experience do you have in serving the target population and in providing the type of service in the proposed project?**

WPHD has extensive experience serving the target populations and in providing single-family development services and sales to eligible households. WPHD has been developing housing for more than 20 years and currently administers HOME funds for Rock County.

## C. ORGANIZATIONAL CAPACITY

### 1. What is your organization's experience in managing publicly funded projects?

WPHD has extensive experience managing federal, state, and local government funding. Currently, WPHD manages more than \$3 million of federal, state, and local funding on an annual basis. Additionally, WPHD serves as a consultant to federal and state funders in developing monitoring and compliance systems.

WPHD utilizes a third-party accounting firm that specializes in non-profit accounting. WPHD has utilized this same firm for more than five years now and the firm has developed experience and knowledge in how to properly document and record transactions related to real estate development, grant funds, and non-grant revenues. WPHD management and board receive monthly financial statements. WPHD maintains written accounting procedures and fiscal procedures.

WPHD has a written personnel policy that was last updated by the Board of Directors in 2023. This policy manual includes grievance procedures and whistleblower procedures. WPHD also maintains an affirmative action plan as well as financial and accounting plans and procedures.

We have one HOME project with the City of Beloit and one with the City of Janesville. Both projects are on schedule.

### 2. List funders and describe type and frequency of monitoring, as well as any findings, and the resolution of those findings.

WPHD receives funding from multiple agencies including: DECHR, WHEDA, City of Madison, Rock County HOME Consortium, City of Janesville, Milwaukee County, and the City of Beloit.

### 3. What are the qualifications of the staff members involved in the project?

Describe the qualifications (e.g., education, training, experience) of the specific staff members who will manage the project and provide services.

Todd Mandel is the lead developer for WPHD and has more than 20 years of experience developing affordable homes using HOME and other funding sources. Todd is certified in Affordable Housing Development by NeighborWorks America, is a Certified HOME Specialist, and is a licensed Wisconsin Real Estate Broker. Tyler Goedtke is WPHD's Construction Manager and manages contractors and buildings trades. He is a certified HQS Inspector and has a degree in Construction Management. Heather Boggs provides intake and income qualification review services at the time of sale. She has successfully overseen the sale of more than 20 affordable single family homes.

### 4. How will your organization assure that project services are provided in a culturally competent and linguistically accessible manner?

WPHD Staff complete bi-annual training on cultural competency and responsiveness. Additionally, WPHD engages members of its Board for assistance in reviewing materials to ensure our materials are culturally responsive. WPHD also maintains agreements with translation agencies to ensure that homebuyer households who do not have an English speaker can still access the information and/or connect with WPHD staff without a financial impact.



#### **D. FINANCIAL FEASIBILITY**

**1. Provide a copy of the latest Budget Summary for your organization.**

HOME funding will be used for two purposes. The bulk of the HOME funding will be used to pay for direct construction costs based on verified invoices received from the General Contractor. When the HOME funds are exhausted, then loan funds will be used. The remainder of the HOME funds will be used for the developer fee on each unit once it is sold.

HOME funds will only be used for construction costs and developer fees. They will not be used for staff costs, equipment, supplies, etc.

**2. If funded, will the proposed project leverage additional resources?**

WPHD will leverage up to \$12,000 of Focus on Energy funding for solar panel installations if that funding continues to be available at the time the project is developed. Buyers will additionally be able to access up to \$5,000 of non-federal downpayment assistance through ACTS Housing and an additional \$10,000 through the FHLBC DownPayment Plus Program.

**3. If the proposed project is funded at a level lower than requested, will the project still move forward?**

Each unit is budgeted at the designated amount in HOME funds. As funds are reduced, less homes can be produced.

**4. Financial Management Capability:**

WPHD utilizes an third-party accounting firm and a third-party auditing firm to manage its financial audits and bookkeeping. WPHD conducts annual audits and is required to submit a single audit due to federal funding. WPHD has not had a finding in its past four audits.

### E. CONFLICT OF INTEREST

1. Please indicate if any of your agency's staff and/or board/committee members has served on the Beloit Community Development Authority and/or Beloit City Council. Please also indicate if any of your agency's staff and/or board/committee members has served in the last year on the Beloit Community Development Authority and/or Beloit City Council.

If yes, please list their information on the next page.

Name	Title or Position
NA	

WISCONSIN PARTNERSHIP FOR HOUSING DEVELOPMENT SOURCES AND USES OF FUNDS										Final		Amount
1321 Shirland Ave, Beloit		Draw 1	Draw 2	Draw 3	Draw 4	Draw 5	Draw 6	Draw 7	Draw 8	Reconciliation	TOTAL	Remaining
BUDGET												
Sources of Funds												
HOME/WRRP/Other Funds	\$ 133,000.00										\$ -	\$ 133,000.00
Focus on Energy	\$ 12,000.00										\$ -	\$ 12,000.00
											\$ -	\$ -
Construction financing	\$ 144,000.00										\$ -	\$ 144,000.00
WPHD funds forwarded	\$ 27,933.50										\$ -	\$ 27,933.50
<b>TOTAL SOURCES</b>	<b>\$ 316,933.50</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 316,933.50
Uses of Funds						#REF!						
Acquisition (Hard Cost)												
Purchase Price	\$ -										\$ -	\$ -
Closing Costs	\$ -										\$ -	\$ -
Property Tax Pro-ration	\$ -										\$ -	\$ -
<b>Subtotal</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
Construction Hard Costs												
Construction Contract	\$ 260,000.00										\$ -	\$ 260,000.00
Solar system	\$ 16,000.00											
Change Orders	\$ -											\$ -
Appliances	\$ 3,000.00											\$ 3,000.00
Contingency	\$ 10,000.00										\$ -	\$ 10,000.00
<b>Subtotal</b>	<b>\$ 289,000.00</b>										\$ -	\$ 273,000.00
Soft Costs												
Construction Loan Fees/Interest	\$ 3,500.00										\$ -	\$ 3,500.00
Insurance	\$ 958.50										\$ -	\$ 958.50
Maintenance (Lawn/Snow)	\$ 2,000.00										\$ -	\$ 2,000.00
Utilities	\$ 1,500.00										\$ -	\$ 1,500.00
Real Estate Taxes	\$ -										\$ -	\$ -
Architect	\$ 500.00										\$ -	\$ 500.00
Appraisal post-rehab	\$ 400.00										\$ -	\$ 400.00
Lead and Environmental Assessments	\$ -										\$ -	\$ -
Other Soft Costs, Travel	\$ 4,000.00										\$ -	\$ 4,000.00
HQS Inspection pre-purchase	\$ -										\$ -	\$ -
HQS Inspection post-purchase	\$ 75.00										\$ -	\$ 75.00
Homebuyer Counseling	\$ -										\$ -	\$ -
Developer Fee	\$ 15,000.00										\$ -	\$ 15,000.00
<b>Subtotal</b>	<b>\$ 27,933.50</b>										\$ -	\$ 27,933.50
<b>TOTAL USES</b>	<b>\$ 316,933.50</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 300,933.50</b>
Net Available	\$ -											
FINAL CLOSING TO HOMEOWNER												
Estimated Sales Price	\$ 180,000.00											
Blackhawk downpayment	\$ (15,000.00)											
ACTS downpayment assistance	\$ (4,000.00)											
FHLBC DPP	\$ (10,000.00)											
Mortgage price to buyer	\$ 151,000.00											

WISCONSIN PARTNERSHIP FOR HOUSING DEVELOPMENT SOURCES AND USES OF FUNDS										Final Reconciliation	TOTAL	Amount Remaining
1325 Shirland Ave, Beloit		Draw 1	Draw 2	Draw 3	Draw 4	Draw 5	Draw 6	Draw 7	Draw 8			
BUDGET												
Sources of Funds												
HOME/WRRP/Other Funds	\$ 133,000.00										\$ -	\$ 133,000.00
Focus on Energy	\$ 12,000.00										\$ -	\$ 12,000.00
											\$ -	\$ -
Construction financing	\$ 144,000.00										\$ -	\$ 144,000.00
WPHD funds forwarded	\$ 27,933.50										\$ -	\$ 27,933.50
<b>TOTAL SOURCES</b>	<b>\$ 316,933.50</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 316,933.50</b>
Uses of Funds						#REF!						
Acquisition (Hard Cost)												
Purchase Price	\$ -										\$ -	\$ -
Closing Costs	\$ -										\$ -	\$ -
Property Tax Pro-ration	\$ -										\$ -	\$ -
<b>Subtotal</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
Construction Hard Costs												
Construction Contract	\$ 260,000.00										\$ -	\$ 260,000.00
Solar system	\$ 16,000.00											
Change Orders	\$ -											\$ -
Appliances	\$ 3,000.00											\$ 3,000.00
Contingency	\$ 10,000.00										\$ -	\$ 10,000.00
<b>Subtotal</b>	<b>\$ 289,000.00</b>										\$ -	<b>\$ 273,000.00</b>
Soft Costs												
Construction Loan Fees/Interest	\$ 3,500.00										\$ -	\$ 3,500.00
Insurance	\$ 958.50										\$ -	\$ 958.50
Maintenance (Lawn/Snow)	\$ 2,000.00										\$ -	\$ 2,000.00
Utilities	\$ 1,500.00										\$ -	\$ 1,500.00
Real Estate Taxes	\$ -										\$ -	\$ -
Architect	\$ 500.00										\$ -	\$ 500.00
Appraisal post-rehab	\$ 400.00										\$ -	\$ 400.00
Lead and Environmental Assessments	\$ -										\$ -	\$ -
Other Soft Costs, Travel	\$ 4,000.00										\$ -	\$ 4,000.00
HQS Inspection pre-purchase	\$ -										\$ -	\$ -
HQS Inspection post-purchase	\$ 75.00										\$ -	\$ 75.00
Homebuyer Counseling	\$ -										\$ -	\$ -
Developer Fee	\$ 15,000.00										\$ -	\$ 15,000.00
<b>Subtotal</b>	<b>\$ 27,933.50</b>										\$ -	<b>\$ 27,933.50</b>
<b>TOTAL USES</b>	<b>\$ 316,933.50</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 300,933.50</b>
Net Available	\$ -											
FINAL CLOSING TO HOMEOWNER												
Estimated Sales Price	\$ 180,000.00											
Blackhawk downpayment	\$ (15,000.00)											
ACTS downpayment assistance	\$ (4,000.00)											
FHLBC DPP	\$ (10,000.00)											
Mortgage price to buyer	\$ 151,000.00											

WISCONSIN PARTNERSHIP FOR HOUSING DEVELOPMENT SOURCES AND USES OF FUNDS										Final		Amount
1115 Summit Avenue, Beloit		Draw 1	Draw 2	Draw 3	Draw 4	Draw 5	Draw 6	Draw 7	Draw 8	Reconciliation	TOTAL	Remaining
BUDGET												
<b>Sources of Funds</b>												
HOME/WRRP/Other Funds	\$ 133,000.00										\$ -	\$ 133,000.00
Focus on Energy	\$ 12,000.00										\$ -	\$ 12,000.00
											\$ -	\$ -
Construction financing	\$ 144,000.00										\$ -	\$ 144,000.00
WPHD funds forwarded	\$ 27,933.50										\$ -	\$ 27,933.50
<b>TOTAL SOURCES</b>	<b>\$ 316,933.50</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 316,933.50
<b>Uses of Funds</b>						#REF!						
<b>Acquisition (Hard Cost)</b>												
Purchase Price	\$ -										\$ -	\$ -
Closing Costs	\$ -										\$ -	\$ -
Property Tax Pro-ration	\$ -										\$ -	\$ -
<b>Subtotal</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Construction Hard Costs</b>												
Construction Contract	\$ 260,000.00										\$ -	\$ 260,000.00
Solar system	\$ 16,000.00											
Change Orders	\$ -											\$ -
Appliances	\$ 3,000.00											\$ 3,000.00
Contingency	\$ 10,000.00										\$ -	\$ 10,000.00
<b>Subtotal</b>	<b>\$ 289,000.00</b>										\$ -	\$ 273,000.00
<b>Soft Costs</b>												
Construction Loan Fees/Interest	\$ 3,500.00										\$ -	\$ 3,500.00
Insurance	\$ 958.50										\$ -	\$ 958.50
Maintenance (Lawn/Snow)	\$ 2,000.00										\$ -	\$ 2,000.00
Utilities	\$ 1,500.00										\$ -	\$ 1,500.00
Real Estate Taxes	\$ -										\$ -	\$ -
Architect	\$ 500.00										\$ -	\$ 500.00
Appraisal post-rehab	\$ 400.00										\$ -	\$ 400.00
Lead and Environmental Assessments	\$ -										\$ -	\$ -
Other Soft Costs, Travel	\$ 4,000.00										\$ -	\$ 4,000.00
HQS Inspection pre-purchase	\$ -										\$ -	\$ -
HQS Inspection post-purchase	\$ 75.00										\$ -	\$ 75.00
Homebuyer Counseling	\$ -										\$ -	\$ -
Developer Fee	\$ 15,000.00										\$ -	\$ 15,000.00
<b>Subtotal</b>	<b>\$ 27,933.50</b>										\$ -	\$ 27,933.50
<b>TOTAL USES</b>	<b>\$ 316,933.50</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 300,933.50</b>
Net Available	\$ -											
<b>FINAL CLOSING TO HOMEOWNER</b>												
Estimated Sales Price	\$ 180,000.00											
Blackhawk downpayment	\$ (15,000.00)											
ACTS downpayment assistance	\$ (4,000.00)											
FHLBC DPP	\$ (10,000.00)											
Mortgage price to buyer	\$ 151,000.00											

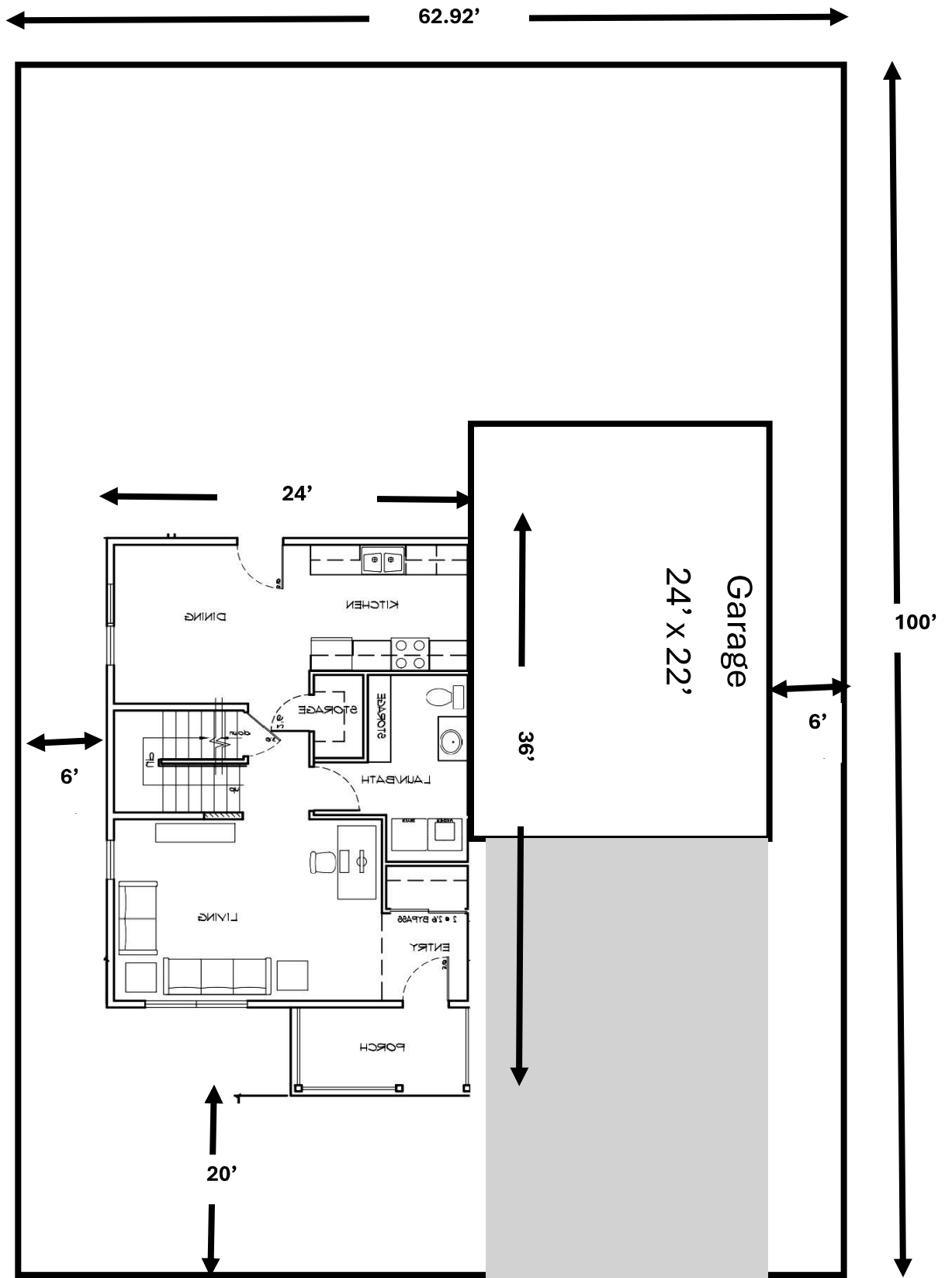
## Floorplans, Elevations and Site Plans

The following site plans are provided as a guide to the projects. Final design is subject to changes based on topography, architectural demands, and cost impacts.

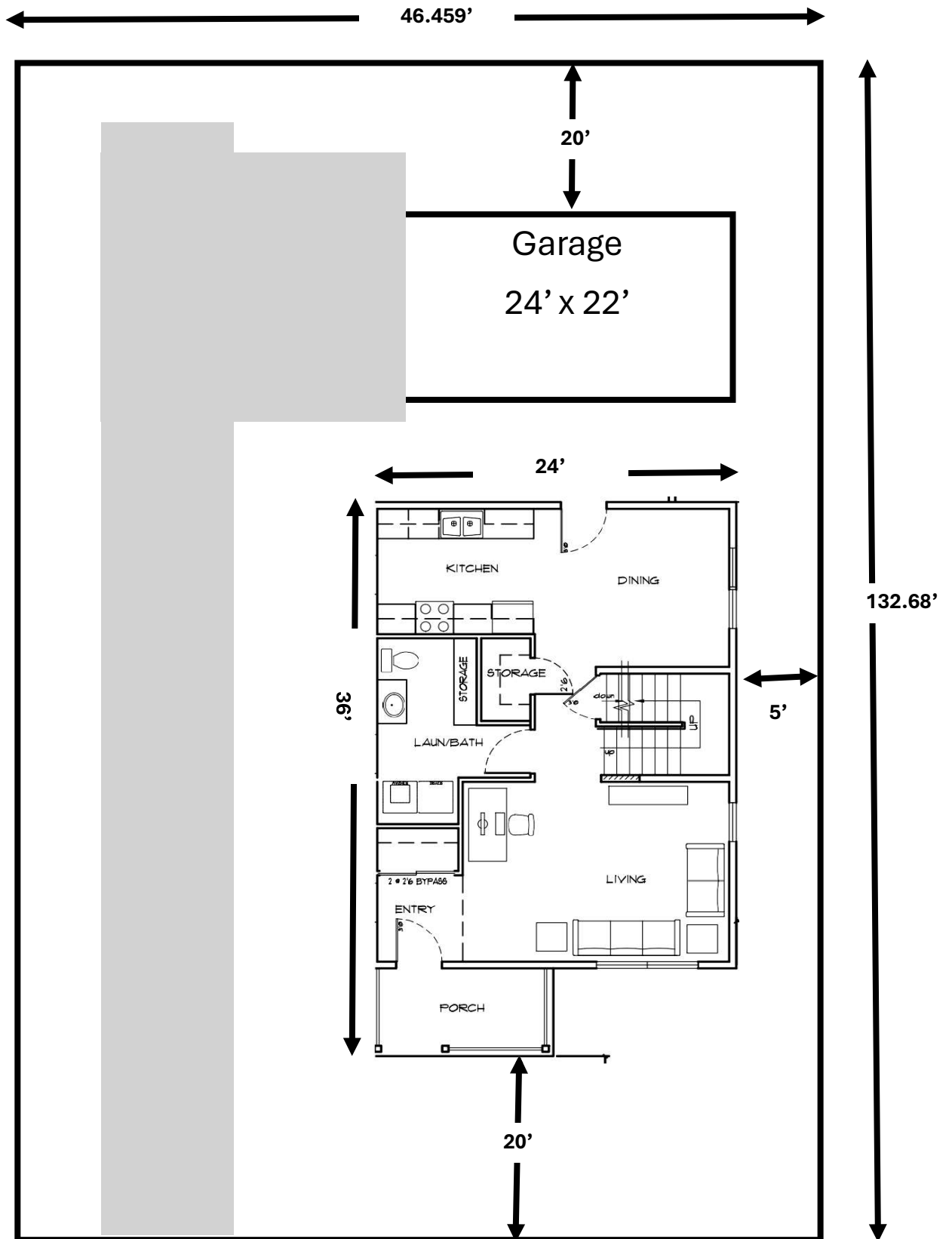
Garages may be attached or unattached depending on the lot size, setback rules, and zoning requirements. Only attached garages are shown in the attached plans. However, the attached plans are only for demonstration/example purposes.

It would be WPHD's intention to construct homes that look similar to the attached floorplans/elevations. This would be a floorplan/house style that WPHD has not previously constructed in Beloit. However, by utilizing existing designs, WPHD can initiate the projects faster.

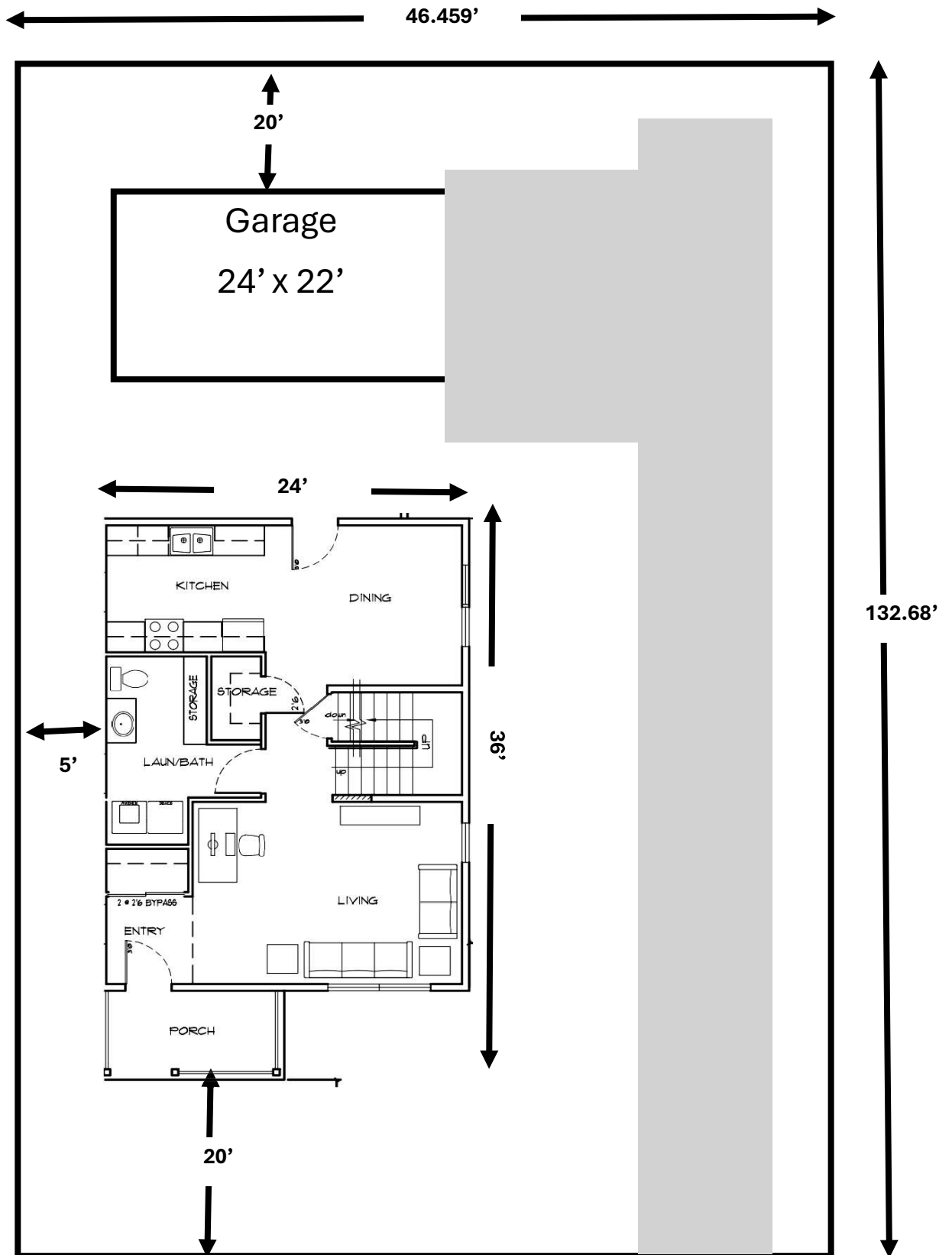




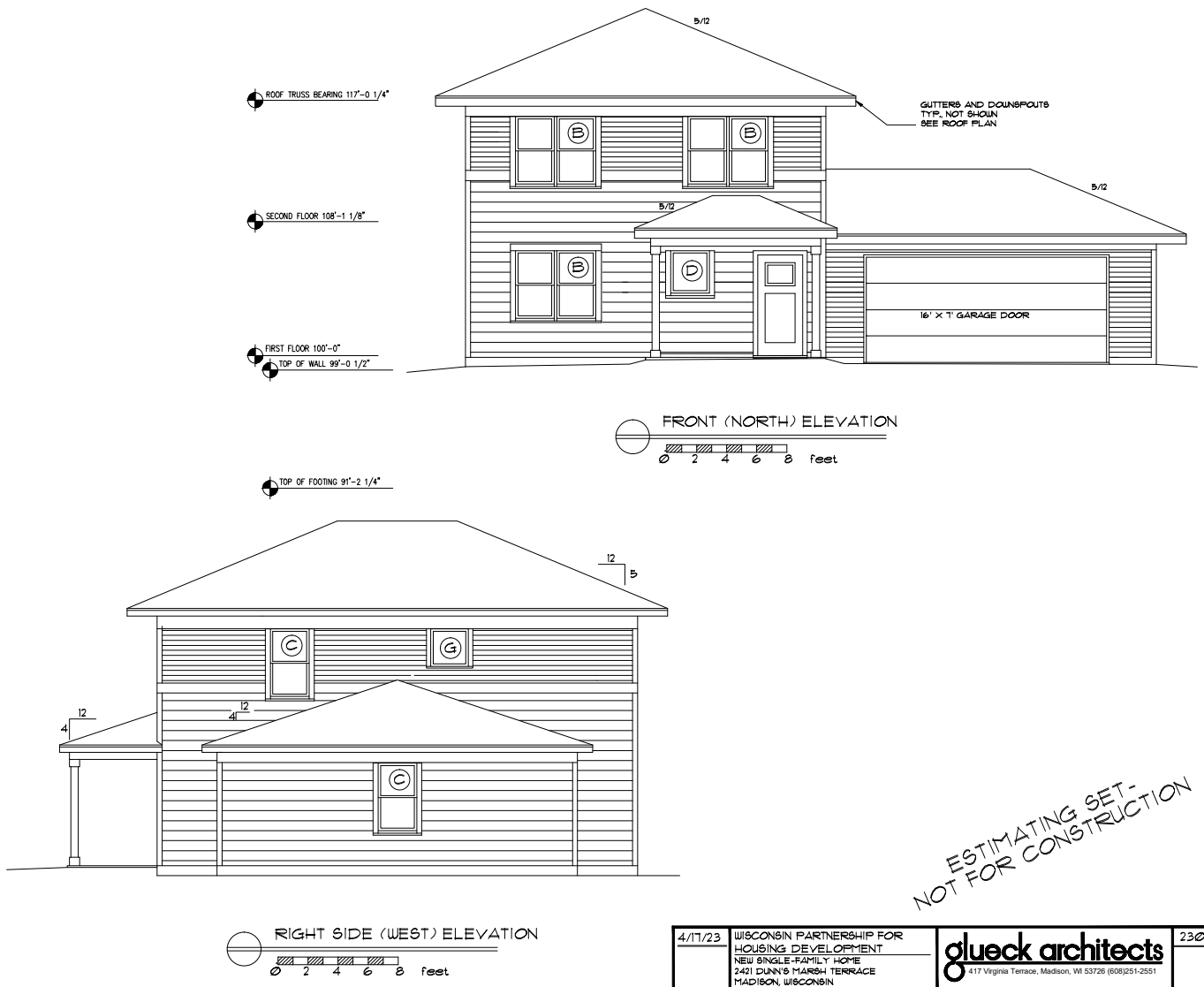
**1115 Summit**

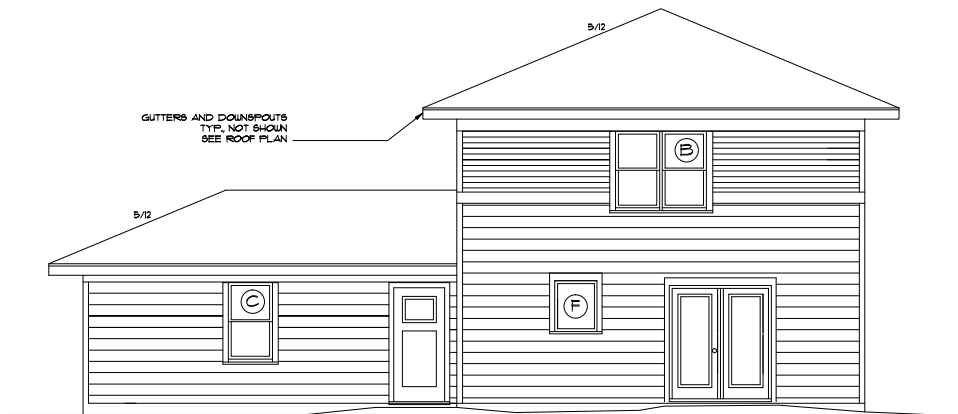


**1321 Shirland**

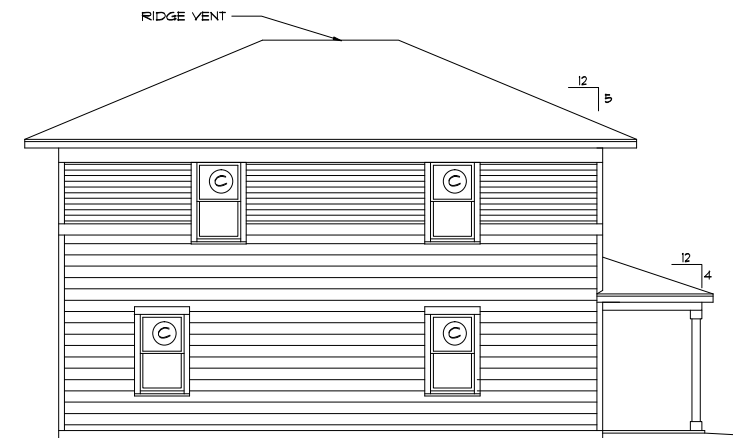


**1325 Shirland**





REAR (SOUTH) ELEVATION



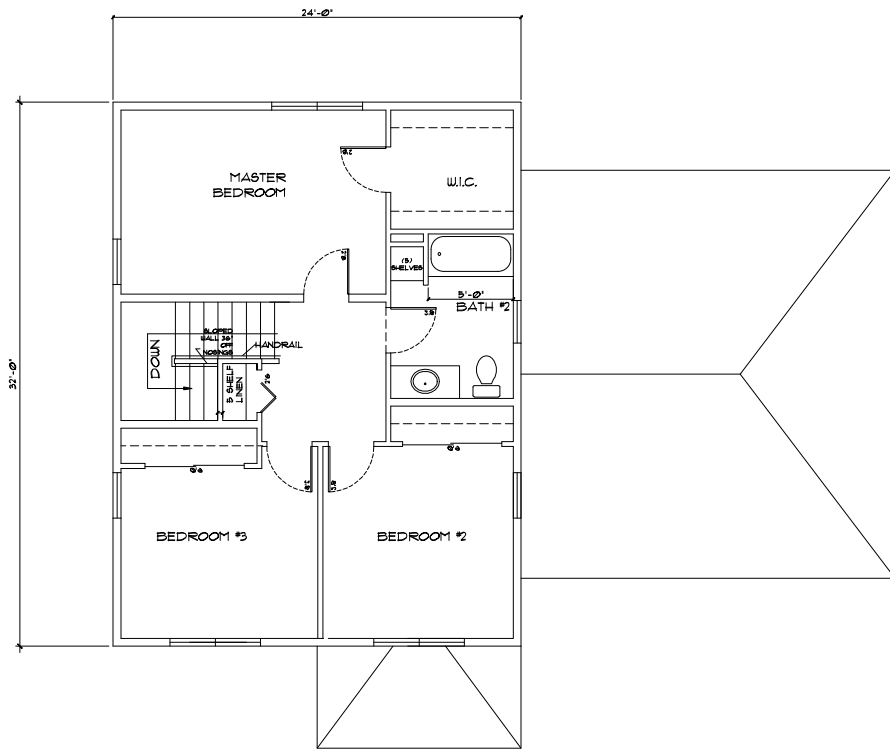
LEFT SIDE (EAST) ELEVATION


ESTIMATING SET -  
NOT FOR CONSTRUCTION

4/17/23	WISCONSIN PARTNERSHIP FOR HOUSING DEVELOPMENT NEW SINGLE-FAMILY HOME 2421 DUNN'S MARSH TERRACE MADISON, WISCONSIN	<b>glueck architects</b> 417 Virginia Terrace, Madison, WI 53726 (608)251-2551	2301
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**SECOND FLOOR PLAN**  

 0 2 4 6 8 feet

ESTIMATING SET -  
NOT FOR CONSTRUCTION

4/17/23	WISCONSIN PARTNERSHIP FOR HOUSING DEVELOPMENT NEW SINGLE-FAMILY HOME 2421 DUNN'S MARSH TERRACE MADISON, WISCONSIN	<b>glueck architects</b> <small>417 Virginia Terrace, Madison, WI 53726 (608)251-2551</small>	2301
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**City of Beloit**  
**HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)**  
**THRESHOLD REVIEW AND EVALUATION CRITERIA**

Incomplete or late applications will not be considered. Applications must meet threshold criteria to be considered for funding.

<b>THRESHOLD CRITERIA</b>		
<u><b>Criteria:</b></u>	<b>Yes</b>	<b>No</b>
A. Application package is complete and was submitted on time.	<input type="checkbox"/>	<input type="checkbox"/>
B. Is an eligible New Construction activity under the HOME Investment Partnership Program.	<input type="checkbox"/>	<input type="checkbox"/>
C. Consistent with City of Beloit's Consolidated Plan	<input type="checkbox"/>	<input type="checkbox"/>
<b>Application Meets Threshold Criteria:</b> If yes, proceed to review below.	<input type="checkbox"/>	<input type="checkbox"/>

<b>EVALUATION CRITERIA</b>
----------------------------

Applications for CDBG/HOME projects can receive a maximum of 100 points using the following criteria. Details of the criteria expectations can be found throughout the application materials.

**PROJECT DESCRIPTION and SOUNDNESS**

**1. Project Activities**

**Was the project clearly described? Does the project indicate a location, who will complete the project, and the timeline for project completion?**

0 = No description of project to be completed, location, or timeline.

1 = Project description, but no specific location or timeline.

3 = Project description with timeline, but no specific location.

5 = Project description with timeline and specific location.

**2. Specific Output Goals**

**Were output goals provided by year?**

0 = No information was provided.

3 = Information was provided.

**3. Outcomes and Indicators**

**Evaluate the outcomes. Did the applicant provide information on families/households to be served, indicators to be used, and the basis for selecting the outcomes?**

0 = No information was provided on outcomes.

1 = Information was provided on outcomes but no information was provided on indicators to be used.

3 = General, vague information outcomes and indicators.

5 = Project provided detailed information on outcomes, indicators to be used, and the basis for selecting outcomes.

**4. Experience serving the target population and completing New Construction projects.**

0 = No information on experience, past performance, and past barriers encountered.

1 = Information on experience with the target population or New Construction projects.

3 = General information on experience but no description of past performance and/or barriers.

5 = Application provided experience with the target population and New Construction projects.

Explanation included an description of past performance and past barriers encountered.

**ORGANIZATIONAL CAPACITY**

**1. History of Publicly Funded Project Management**

**Evaluate how well the agency demonstrates the ability to successfully implement and manage publicly funded (federal, state, and local) projects in a timely manner, consistent with funding requirements AND the agency's experience working with similar projects.**

0 = No mention of previous publicly funded project management experience.

1 = Mentioned that agency has managed publicly funded and similar projects in the past but no evidence or further details were provided.

3 = Partial or vague description of implementation and management of publicly funded projects and similar projects but evidence was not complete.

5 = Provided clear and complete description of publicly funded projects AND similar projects implemented AND that they were managed with all relevant details included (e.g., timelines, funding requirements, deliverables, etc.).

**2. Program Monitoring Record**

**Evaluate the agency's program monitoring record and whether any findings were resolved prior to submission of the application.**

0 = No information about program monitoring frequency or findings was provided.

1 = Indicated that program monitoring has occurred but did not specify regularity and did not provide detail or if there were any prior findings.

3 = Indicated that program monitoring and reporting has met funder expectations but did not indicate whether the agency has received any specific findings, or how those findings may have been resolved.

5 = Demonstrated that program monitoring and reporting has met funder expectations; provided detail on whether the agency has received any findings and described how those findings have been resolved.

**3. Staffing Capacity**

**Project demonstrates that they have the staff experience and proper level of staffing to carry out the project.**

0 = No mention of staff qualifications or experience or of current level of staffing.

1 = Vague mention that they have adequate staffing but no evidence of such.

3 = Partially demonstrated that the staff has adequate experience and qualifications and that the proper level of staffing is available; provided some evidence but evidence was not complete.

5 = Clear detailed description of staffing level and organizational structure was provided; qualifications and experience of staff to be involved with the project were clearly presented.

4. **Cultural Competency**

**Evaluate how well the agency demonstrates their ability to implement programs that are culturally competent and linguistically accessible for the target population AND the agency's cultural competency (staff and board members).**

0 = No information was provided about culturally competent service delivery or agency capacity to provide such service.

1 = Indicated that service delivery and the agency were culturally competent but did not specify or describe how.

3 = Provided a partial description of how the agency delivers culturally competent services and the staff and board members' ability to be culturally competent.

5 = Provided a clear detailed description of how the agency addresses cultural needs of clients AND described the cultural backgrounds and experiences of staff and board members AND described ongoing efforts by the agency to ensure that services are delivered in a culturally sensitive manner.

5. **Agency Community Participation**

**Evaluate the degree of agency participation within the local community, including its collaborative efforts with other agencies and committees.**

0 = Provided no information about collaboration with other agencies or participation in consortiums or committees.

1 = Indicated they were involved with collaborative efforts but did not list those efforts; indicated that agency participates in consortiums or committees but did not specify which ones.

3 = Listed collaborative efforts and committees in which the agency participates but did not explain how those collaborations support the proposed project.

5 = Listed collaborative efforts and committees in which the agency participates and described how those collaborations help to support the proposed project.

## **FINANCIAL FEASIBILITY**

### **1. Budget**

**Project budget estimates and costs are reasonable and well supported or justified relative to the number of persons to be served, the services to be provided, and the target population.**

0 = No support or justification for project budget estimates.

1 = Budget estimates and costs are not reasonable and justified or budget forms are inconsistent or inaccurate.

5 = Proposed budget estimates and costs appear reasonable; some justification and support for budget estimates were provided; budget forms are accurate.

### **2. Additional Resources**

**Project leverages other federal, state, local or private resources.**

0 = Did not mention additional funding or resources that had been leveraged.

1 = Vague mention that other funding or resources had been leveraged but no clear evidence that monies or resources were secured. No match indicated.

3 = Partial evidence showing that additional funding or resources were secured.

5 = Evidence clearly shows that additional funding or resources were secured. Match is identified.

### **3. Project Viability**

**The agency provided evidence of possible future sources of funding for project.**

0 = Project cannot move forward without the full funding request being awarded.

1 = Vague mention that the project could continue if full funding request was not awarded.

3 = Mentioned possible sources for funding any funding gap.

5 = Clearly identified appropriate alternative funding sources AND a plan with timelines for requesting future funding.

### **4. Financial Management Capability**

**Project sponsor has appropriate financial management capacity as indicated by audited financial statements and management of prior projects. Any audit findings of the organization have been resolved prior to submission of application.**

0 = No mention of financial management capacity; agency budget and financial statements not provided.

1 = Mentioned that financial management capacity exists but no evidence provided.

3 = Partially demonstrated that financial management capacity exists; some evidence provided but evidence was not complete.

5 = Provided clear and complete evidence of financial management capacity; all necessary audited financial statements provided.



# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



<b>Topic:</b>	Consideration of Resolution 2024-058 approving a Fourth Amendment to the Intergovernmental Agreement between the City of Beloit, the County of Rock and the Ho-Chunk Nation		
<b>Date:</b>	5/6/2024		
<b>Presenter:</b>	Jerry Gabrielatos, City Manager	<b>Department:</b>	City Manager's Office
<b>Overview/Background Information</b>			
The proposed resolution recommends a Fourth Amendment to the IGA relating to the development and operation of a Class III Gaming Facility by the Nation to extend the IGA to December 31, 2024 to ensure that adequate time is provided to complete the remaining approvals and secure the financial interests of the City and County related to this project.			
<b>Conformance with Strategic Plan</b>			
Approval of this action would conform with the stated purpose of the following strategic goal:			
<input type="checkbox"/> Goal #1 - Create and Sustain Safe and Healthy Neighborhoods			
<input type="checkbox"/> Goal #2 - Create and Sustain a High Performing Organization			
<input checked="" type="checkbox"/> Goal #3 - Create and Sustain Economic and Residential Growth			
<input checked="" type="checkbox"/> Goal #4 - Create and Sustain a High Quality of Life			
<input checked="" type="checkbox"/> Goal #5 - Create and Sustain High Quality Infrastructure and Connectivity			
<input checked="" type="checkbox"/> Goal #6 - Create and Sustain Enhanced Communications and Community Engagement, while maintaining a Positive Image			
<b>Sustainability</b>			
If applicable, briefly comment on the environmental, economic, and/or social sustainability of this policy or program. Consider how current needs are met without compromising the ability of future generations to meet their own needs. Write N/A if not applicable			
The IGA includes an acknowledgment of the Nation of its intent to build an environmentally friendly building and facilities and a commitment to construct the building and facilities in a manner that honors its heritage and culture as it relates to the treatment of natural resources in the environment.			
<b>Action Required/Recommendation</b>			
City Management recommends approval of the Fourth Amendment			
<b>Fiscal Note/Budget Impact</b>			
The IGA includes guaranteed minimum payments to offset the City's infrastructure commitments and prior infrastructure costs and further provides for impact payments to offset any potential loss of real estate tax revenue.			
<b>Attachments</b>			
Proposed Resolution Fourth Amendment to the IGA Prior related documents			

Revised 03-09-2022

**RESOLUTION 2024-058**

**A RESOLUTION APPROVING A FOURTH AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF БЕЛОИТ, THE COUNTY OF ROCK AND THE HO-CHUNK NATION**

**WHEREAS**, the City of Beloit, Wisconsin (“City”), County of Rock (“County”) and the Ho-Chunk Nation (“Nation”) entered into an Intergovernmental Agreement in March 2012 related to the Nation’s proposal to develop and operate a gaming facility in the City of Beloit; and

**WHEREAS**, Article 4 of the Intergovernmental Agreement provides for an automatic expiration of the Agreement in March, 2015; and

**WHEREAS**, on March 23, 2015, the City approved a First Amendment to the Intergovernmental Agreement that extended the automatic expiration of the agreement to March 26, 2018; and

**WHEREAS**, on March 26, 2018, the City approved a Second Amendment to the Intergovernmental Agreement that extended the automatic expiration of the agreement to March 26, 2021; and

**WHEREAS**, on March 25, 2021, the City approved a Third Amendment to the Intergovernmental Agreement that extended the automatic expiration of the agreement to June 30, 2022; and

**WHEREAS**, the City wishes to extend the Intergovernmental Agreement until the end of this year to ensure that adequate time is provided to complete the remaining requirements.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Beloit, Rock County, Wisconsin, that attached Fourth Amendment to the Intergovernmental Agreement between the City of Beloit, the County of Rock and the Ho-Chunk Nation is hereby approved.

**BE IT FURTHER RESOLVED** that the City Manager of the City of Beloit be, and is hereby, authorized to execute the agreement or other document necessary to effectuate purpose of this resolution.

Adopted this 6<sup>th</sup> day of May, 2024.

**CITY COUNCIL OF THE CITY OF БЕЛОИТ**

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Kevin D. Leavy, President

Attest:

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Marcy J. Granger, City Clerk-Treasurer

## FOURTH AMENDMENT OF INTERGOVERNMENTAL AGREEMENT

THIS FOURTH AMENDMENT TO INTERGOVERNMENTAL AGREEMENT ("Fourth Amendment") is effective on July 1, 2022 ("Fourth Amendment Effective Date") by and between the HO-CHUNK NATION, a federally recognized Indian Tribe organized under Section 16 of the Indian Reorganization Act (the "Nation"), the CITY OF BELOIT, a municipal corporation organized under the laws of the state of Wisconsin (the "City"), and the COUNTY OF ROCK (the "County"), a municipal corporation organized under the laws of the state of Wisconsin. The Nation, City and County are each a "Party" and are collectively the "Parties."

The Parties entered into that certain Intergovernmental Agreement with an Execution Date of March 26, 2012 (the "Original IGA"). The Parties amended the IGA pursuant to that certain Second Amendment of Intergovernmental Agreement with an effective date of January 29, 2018 ("Second Amendment"). The Parties then amended the IGA again pursuant to that certain Third Amendment of the Intergovernmental Agreement with an effective date of March 26, 2021 ("Third Amendment"). The Original IGA, as amended by the Second Amendment and Third Amendment, is the "IGA." The Parties wish to amend Section 4.3 of the IGA to extend the date of automatic expiration from June 30, 2022, to December 31, 2024.

The Parties further agree as follows:

1. **Defined Terms.** Any capitalized term used but not defined in this Fourth Amendment has the meaning given it in the IGA.
2. **Automatic Expiration Extension.** Section 4.3 of the Third Amendment is hereby deleted in its entirety and replaced with the following:
  - i. **Section 4.3. Automatic Expiration.** Unless the Parties agree otherwise in writing, this IGA automatically expires and becomes null and void on December 31, 2024, if the Trust Approval Date has not then occurred. However, if the Trust Approval Date has occurred on or before December 31, 2024, then this Section 4.3 shall be deemed deleted from this IGA.
3. **Full Force and Effect.** Except as modified by this Fourth Amendment, the IGA and its terms and conditions are in full force and effect.
4. **Counterparts.** This Fourth Amendment may be executed in any number of counterparts, each of which shall be deemed an original, and all of which together shall constitute one agreement. Original signatures sent by facsimile or by electronic mail shall be accepted as originals and shall be binding upon the Parties.

*(Signatures on following pages)*

IN WITNESS WHEREOF, the Parties have entered into this Fourth Amendment as of the effective date listed in the Fourth Amendment.

ATTEST:

CITY OF BELOIT, WISCONSIN

By:

\_\_\_\_\_  
Marcy Granger,  
City Clerk-Treasurer

\_\_\_\_\_  
Jerry Gabrielatos, City Manager

Approved as to Form:

\_\_\_\_\_  
Elizabeth Krueger, City Attorney

I hereby certify that there are sufficient funds  
Available to pay the liability incurred by the  
City of Beloit, if any, pursuant to this Fourth Amendment.

By:

\_\_\_\_\_  
Eric Miller, Finance & Administrative  
Services Director

ATTEST:

COUNTY OF ROCK, WISCONSIN

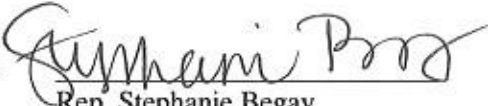
By:


\_\_\_\_\_  
Lisa Tollefson, County Clerk

\_\_\_\_\_  
Richard Bostwick, County Board Chair

ATTEST:

By:

  
Rep. Stephanie Begay  
Tribal Secretary, Ho-Chunk Nation

  
Karena Thundercloud, Vice President  
Ho-Chunk Nation

# **INTERGOVERNMENTAL AGREEMENT**

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HO-CHUNK NATION  
CITY OF BELOIT  
ROCK COUNTY

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## INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT (this "IGA") is entered into as of the Effective Date by and between the HO-CHUNK NATION, a federally recognized Indian Tribe organized under Section 16 of the Indian Reorganization Act, the CITY OF BELOIT, a municipal corporation organized under the laws of the state of Wisconsin, and COUNTY OF ROCK, a municipal corporation organized under the laws of the state of Wisconsin, for the purpose of facilitating construction by the Nation of the Class III Gaming Facility and the construction of a full service hotel with conference and meeting facilities, restaurants and related support facilities; all as subject to the successful approval of the Federal Trust Application and final approval by the Secretary of the Interior to take the Nation Trust Property into Federal Trust and authorizing the Nation to construct the Class III Gaming Facility thereon.

### R E C I T A L S

WHEREAS, capitalized terms used in these recitals are defined in Article I of this IGA;

WHEREAS, pursuant to the provisions of the IRA, the Nation has adopted a constitution, which was approved by the Secretary of the Interior on November 1, 1994;

WHEREAS, pursuant to Article V, § 2(i) of the Nation's constitution, the Nation's Legislature holds the exclusive authority to "negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals";

WHEREAS, pursuant to Article XII, § 1 of the Nation's constitution, the Nation's Legislature holds the authority to waive the Nation's sovereign immunity from suit;

WHEREAS, the Nation (then known as the Wisconsin Winnebago Tribe) entered into the Gaming Compact with the government of the state of Wisconsin pursuant to the Indian Gaming Regulatory Act;

WHEREAS, the Gaming Compact, approved by the Secretary of the Interior on July 30, 1992, authorizes the Nation to conduct Class III Gaming at four (4) Class III Gaming facilities in Wisconsin, three (3) of which have been constructed and are operating as of the Execution Date;

WHEREAS, the Nation has purchased, and intends to conduct Class III Gaming upon, the Nation Trust Property;

WHEREAS, the Nation intends to submit the Federal Trust Application to the Secretary of the Interior with respect to the Nation Trust Property;

WHEREAS, pursuant to 25 U.S.C. § 2719(b)(1) of the Indian Gaming Regulatory Act, the Secretary of the Interior may approve the Federal Trust Application if, after consultation with the Nation and appropriate State and local officials, it determines that the Beloit Class III Gaming Facility would be in the best interest of the Nation and its members, and would not be detrimental to the surrounding community, but only if the Governor of Wisconsin concurs in the Secretary of Interior's determination;

WHEREAS, the support of local government is important to secure the Secretary of the Interior's approval of the Federal Trust Application, and to the ultimate success of the Beloit Class III Gaming Facility;

WHEREAS, a purpose of this IGA is to more clearly describe the scope of the Parties' respective rights and obligations, to minimize conflict, and to maximize the Parties' and their residents' and members' collective prosperity, benefit and cooperation;

WHEREAS, the Parties recognize the Beloit Class III Gaming Facility will be beneficial to the City, County, area residents, and to the Nation and its tribal members by, among other things, providing increased revenue, economic development, and employment opportunities;

WHEREAS, the City and County acknowledge the significant investment the Nation intends to make with the establishment of the Beloit Class III Gaming Facility and the benefits derived therefrom to the Beloit community;

WHEREAS, the Nation recognizes that the approval of the Federal Trust Application and the operation of the Beloit Class III Gaming Facility will have the potential Impacts described hereinafter;

WHEREAS, in order to address and compensate for the Impacts, the City and County have requested, and the Nation has agreed to provide, the Impact Payments to the City and County;

WHEREAS, the City and County recognize that the Impact Payments to be made by the Nation to the City and County under this IGA shall be substantially higher than taxes and assessments paid to the City and County by a business not engaged in the conduct of Class III Gaming but of comparable location, size and valuation to the Beloit Class III Gaming Facility and that the Impact Payments therefore are good and valuable consideration to the City and County in recognition of and in compensation for the Impacts and of the City's and County's obligations hereunder;

WHEREAS, the Parties intend that nothing in this IGA will limit the customary application of the general ordinances of the City and the ordinances of the County with respect to the Nation Fee Property; and

WHEREAS, the Parties, out of mutual respect and recognition of their separate governmental status and authority, desire to enter into this IGA to set forth their respective rights and obligations in regard to the Nation Trust Property, the Beloit Class III Gaming Facility, the Impact Payments, the Nation Fee Property, and certain other appurtenant matters.

NOW, THEREFORE, in consideration of the foregoing, the covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

## ARTICLE I DEFINITIONS

Section 1.1. **"City"** means the City of Beloit, Wisconsin, a municipal corporation organized and existing under the laws of the state of Wisconsin.

Section 1.2. **"City Approved PUD"** means the Planned Unit Development ("PUD") Zoning District for the Nation Trust Property in the form approved by the City in accordance with Section 3.10.4 of this IGA.

Section 1.3. **"City Improvements"** means certain improvements to City infrastructure intended to support the operation of the Beloit Class III Gaming Facility.

Section 1.4. **"City Zoning Ordinance"** means Chapter 19 of the City ordinances, as amended.

Section 1.5. **"Class III Gaming"** shall have the definition given such term in the Indian Gaming Regulatory Act.

Section 1.6. **"Commencement Date"** means the date on which the Beloit Class III Gaming Facility is first made open to the public for the purpose of Class III Gaming.

Section 1.7. **"County"** means the County of Rock, Wisconsin, a municipal corporation organized and existing under the laws of the state of Wisconsin.

Section 1.8. **"Development Agreement"** means an agreement to be entered into between the City and Nation with respect to the City Improvements and related matters, which the City and Nation anticipate becoming effective shortly following the Trust Approval Date.

Section 1.9. **"Development Area"** means the real property depicted on the map attached hereto as **Exhibit E**.

Section 1.10. **"Effective Date"** means the first date upon which all of the following have occurred: (i) approval of this IGA by the governing bodies of each of the Parties; (ii) execution of this IGA by the appropriate officers of the Parties; and (iii) approval of this IGA in the form approved and executed by the Parties by the Secretary of the Interior under 25 U.S.C. § 81 (or a written determination by the Secretary of the Interior that this IGA is not subject to 25 U.S.C. § 81).

Section 1.11. **"Execution Date"** means the first date upon which all of the following have occurred: (i) approval of this IGA by the governing bodies of each of the Parties; and (ii) execution of this IGA by the appropriate officers of the Parties.

Section 1.12. **"Exhibits"** means and includes the following exhibits to this IGA:

<b>Exhibit A</b>	Legal Description and Map of Nation Trust Property
<b>Exhibit B</b>	Nation Resolutions Approving this IGA



<b>Exhibit C</b>	City Resolutions Approving this IGA
<b>Exhibit D</b>	County Resolutions Approving this IGA
<b>Exhibit E</b>	Depiction of Development Area

Section 1.13. **"Federal Trust"** means real property acquired by the Secretary of the Interior in trust for the benefit of a federally recognized Indian tribe.

Section 1.14. **"Federal Trust Application"** means the Nation's fee-to-trust application to the Secretary of the Interior to place the Nation Trust Property into Federal Trust pursuant to 25 U.S.C. § 2719(b) of the Indian Gaming Regulatory Act.

Section 1.15. **"Gaming Compact"** means the Gaming Compact of 1992 dated June 11, 1992 by and between the Nation and the state of Wisconsin, as amended.

Section 1.16. **"Impact Payments"** means the Infrastructure Down Payment, the Net Win Payment, and the Room PILOT, each made in recognition of the Impacts, as further described in Section 3.1 of this IGA.

Section 1.17. **"Impacts"** means the following potential impacts to the City and County resulting from the acceptance of the Nation Trust Property into Federal Trust and the conduct of Class III Gaming at the Beloit Class III Gaming Facility: (i) loss of City and County tax revenue; (ii) increased utilization of City and County services; (iii) increased use of the City and the County infrastructure; (iv) a need for additional improvements to City and County infrastructure; (v) increased maintenance, repair and replacement of County and/or City infrastructure; and (vi) costs related to mitigating impacts arising out of Class III Gaming.

Section 1.18. **"Indian Gaming Regulatory Act"** means the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq., as amended.

Section 1.19. **"Indian Reorganization Act"** means the Indian Reorganization Act of 1934, 25 U.S.C. § 461, et seq., as amended.

Section 1.20. **"Infrastructure Down Payment"** means a one-time Impact Payment in the amount of two million dollars (\$2,000,000.00).

Section 1.21. **"Joint Commission"** means a four-member commission comprised of two (2) members of the Nation Legislature and two (2) members of the City Council, as further described in Section 3.10.4.4 of this IGA.

Section 1.22. **"Municipal Services"** means the provision of municipal potable water, storm water control and diversion, sanitary sewer collection and treatment, police, fire inspection and emergency response, public safety dispatch, emergency medical and ambulance service, and all other applicable municipal services customarily provided to City residents under the Permitted City Ordinances, together with applicable inspections and permitting.

Section 1.23. **"Nation"** means the Ho-Chunk Nation, a federally recognized Indian Tribe organized under Section 16 of the Indian Reorganization Act.

Section 1.24. **"Nation Approved PUD"** means the PUD Zoning District for the Nation Trust Property in the form approved by the Nation in accordance with Section 3.10.4 of this IGA.

Section 1.25. **"Nation Fee Property"** means any interests in real property owned by the Nation within the Development Area, except for the Nation Trust Property.

Section 1.26. **"Nation Gaming Ordinance"** means 5 HCC § 1, as amended.

Section 1.27. **"Nation Trust Property"** is the approximately 32 acres of real property located within the boundaries of the City as legally described on the attached **Exhibit A**, together with all appurtenant rights.

Section 1.28. **"Nation Zoning Ordinance"** means 8 HCC § 4, as amended.

Section 1.29. **"Net Win"** shall have the definition given such term in the Gaming Compact.

Section 1.30. **"Net Win Payment"** means the Impact Payment described in Section 3.1.2 of this IGA.

Section 1.31. **"Party"** means any of the Nation, the City or the County.

Section 1.32. **"Parties"** means the Nation, City and County, collectively.

Section 1.33. **"Permitted City Ordinances"** means the designated chapters of the General Code of Ordinances for the City of Beloit, which will be applicable on the Nation Trust Property as listed in Section 3.9.1 of this IGA, all as amended.

Section 1.34. **"Permitted County Ordinances"** means the designated chapters of the County Code of Ordinances for the County of Rock, which will be applicable on the Nation Trust Property as listed in Section 3.9.2 of this IGA, all as amended.

Section 1.35. **"PUD Application"** means an application prepared by the Nation with respect to the Nation Trust Property to rezone the Nation Trust Property to a PUD Zoning District as further described in Section 3.10.4 of this IGA.

Section 1.36. **"PUD Zoning District"** means planned unit development district zoning under the City Zoning Ordinance and planned unit development combining zone under the Nation Zoning Ordinance, as amended.

Section 1.37. **"Quarter" or "Quarterly"** means occurring at 3-month intervals.

Section 1.38. **"Quarter of Operation"** means the period commencing upon the first day of the first full month following the Commencement Date, and ending upon the last day of the third month thereafter, and including each Quarterly period thereafter during the term of this IGA.

Section 1.39. **"Room PILOT"** means the Impact Payment and payment in lieu of taxes by the Nation in an amount equal to the amount that would be due and owing under the City's ordinance enacted under § 66.0615 of the Wisconsin Statutes if such ordinance were applicable to the Nation Trust Property, as further described in Section 3.1.3 of this IGA.

Section 1.40. **"Secretary of the Interior"** means the Secretary of the United States Department of Interior.

Section 1.41. **"Trust Approval Date"** means the first date upon which all of the following have occurred: (i) approval of any Gaming Compact amendments necessary to approve or construct the Beloit Class III Gaming Facility by the Governor of Wisconsin, the Nation and the Secretary of the Interior; (ii) approval of the Federal Trust Application by the Secretary of the Interior and the concurrence of the Governor of Wisconsin; and (iii) publication in the Federal Register of an official notice from the Secretary of the Interior that the Nation Trust Property has been accepted into Federal Trust.

Section 1.42. **"Wisconsin's Minimum Mark-up Law"** means Wisconsin law applicable to the mark-up of fuel prices over wholesale cost.

## ARTICLE II COMMITMENTS OF THE CITY AND THE COUNTY

Section 2.1. **Municipal Services.** The Nation hereby determines that it is more cost effective, efficient and productive for the Nation to utilize certain existing government services provided by the City and County rather than duplicate those services on the Nation Trust Property. The City and County shall provide the Municipal Services to the Nation and shall bill the Nation (in addition to the Impact Payments) for the provision of the Municipal Services in the same manner as is usual and customary for all other users of such Municipal Services; provided, however, and notwithstanding anything to the contrary in this IGA, that any costs and fees associated with providing the Municipal Services that are customarily included in City or County real property taxes or special assessments shall not be billed separately to the Nation and shall be deemed paid as part of the Impact Payments.

Section 2.2. **City Improvements.** The City Improvements, and the City's and Nation's respective rights and obligations with respect to the City Improvements and related matters shall be set forth in a Development Agreement to be separately negotiated and entered into by the City and Nation. The preliminary scope of City Improvements is as follows: (i) construction of a fourth lane on the east side of Willowbrook Road between Stateline Road on the south and Colley Road on the northerly border of the Nation Trust Property, to include driveway aprons, deceleration/turning lanes, and other necessary and appurtenant road infrastructure and including certain improvements to Willowbrook Road made prior to the Execution Date in support of the Nation Trust Property; (ii) reconstruction, including possible relocation, of Colley Road to meet applicable design standards and as deemed appropriate by the City and Nation, including the installation of curb and gutter in either a two (2) or four (4) lane configuration; and (iii)

construction of traffic signalization in the vicinity of the Nation Trust Property at the intersections of existing and/or reconstructed public streets, if warranted by applicable design standards. The cost of the City Improvements will be financed and paid for exclusively by the City and will be subject to repayment from the Nation to the City pursuant to a guaranteed minimum payment and the Infrastructure Down Payment as further described in the Development Agreement.

**Section 2.3. Support of Federal Trust Application.** The City and the County shall support the Federal Trust Application consistent with this IGA. In the event this IGA is revised or disapproved, in whole or in part, in any fashion by the Secretary of the Interior, the City or the County may reconsider such support at their respective discretion.

**Section 2.4. Resolution of Support.** The City agrees to provide the Nation with a resolution adopted by the City Council in support of the Beloit Class III Gaming Facility and Federal Trust Application. The City agrees to consult with the Nation on the language to be contained in the resolution and to present it to the Nation no later than one hundred twenty (120) days after the Execution Date.

**Section 2.5. Support of Gaming Compact Amendments.** Upon and after the Execution Date, the City and County shall support and not oppose approval by the Governor of Wisconsin and the state of Wisconsin of any additional amendments to the Gaming Compact necessary to effectuate the operation of the Beloit Class III Gaming Facility consistent with this IGA. The Nation shall provide sufficient information and shall confer with the City and County regarding any amendment to the Gaming Compact affecting the operation of the Beloit Class III Gaming Facility. All information provided to the City and County regarding the negotiation of such amendment, including, without limitation, drafts thereof, shall be confidential and not subject to public disclosure.

**Section 2.6. Additional Class III Gaming Facility.** The City and the County agree that, during the term of this IGA and for so long as the Nation conducts Class III Gaming on the Nation Trust Property, the City and County shall not support the establishment of any Class III Gaming Facility within Rock County other than the Beloit Class III Gaming Facility.

### ARTICLE III COMMITMENTS OF THE NATION

**Section 3.1. Impact Payments.** In exchange for the Impacts, the Nation agrees to make the following Impact Payments described below.

**3.1.1 Infrastructure Down Payment.** Subject to the terms of the Development Agreement, the Nation shall make a Two Million and No/100 Dollar (\$2,000,000.00) Infrastructure Down Payment to the City, payable within thirty (30) days following the Trust Approval Date, which shall be applied against the cost of the City Improvements. Because this Infrastructure Down Payment will be applied by the City against the cost of the City Improvements, it will be paid exclusively to the City and will not be divided between the City and County as provided for in Section 3.3 of this IGA.

3.1.2 Net Win Payment. On or before the fifteenth (15<sup>th</sup>) day of each month following a Quarter of Operation, the Nation shall make a payment to the City equivalent to two percent (2%) of the Net Win at the Beloit Class III Gaming Facility with respect to such prior Quarter of Operation.

3.1.3 Room PILOT. The Nation agrees to make applicable Quarterly payments of the Room PILOT to the City and Beloit Convention and Visitor's Bureau. Because the Room PILOT will be paid exclusively to the City and Beloit Convention and Visitor's Bureau, it will not be divided between the City and County as provided for in Section 3.3 of this IGA.

3.1.4 Nation Fee Property. Except for the Nation Trust Property, if the Nation acquires real property within the Development Area, then such property will be Nation Fee Property hereunder and shall not be included in the Federal Trust Application. If the Nation later desires to submit such Nation Fee Property to Federal Trust, then the Parties agree to negotiate in good faith an amendment hereto with respect to such application. Nothing in this IGA shall prevent or restrict in any manner the Nation's acquisition and development of Nation Fee Property.

**Section 3.2. Wire Transfer of Impact Payments.** The Nation shall make all Impact Payments to the City and Beloit Convention and Visitors Bureau (in the case of the Room PILOT) by wire transfer to an account or accounts specified in writing by the City Treasurer no later than the date such Impact Payment is due and payable hereunder.

**Section 3.3. County-City Split of Net Win Payment.** The City shall make distributions to the County equal to thirty percent (30%) of the amount of each Net Win Payment actually received by the City within twenty (20) days following receipt of each such Net Win Payment from the Nation under this IGA.

**Section 3.4. Business Operations on Nation Fee Property.** Business operations conducted on Nation Fee Property shall be taxed as any other business and pay such amounts as are generally levied upon similar businesses operated in the City. The Nation agrees that it will not sell on Nation Fee Property any casino chips, tokens, coupons, tickets or similar credits for redemption, for Class III Gaming or any other use at the Beloit Class III Gaming Facility.

**Section 3.5. Audits and Records.** The City and County, or their consultants, shall have the right, following the Commencement Date, upon reasonable prior notice to the Nation, to examine those portions of the annual independent financial audits provided to the State pursuant to the Gaming Compact (specifically Article XII thereof) related to the calculation of the Net Win Payment from the Beloit Class III Gaming Facility ("Audit"). The City and County acknowledge that the Audit is confidential and proprietary and shall remain the exclusive property of the Nation even if examined by the City and/or the County. Any consultants used by the City and County shall be bound by the same confidentiality obligations set out herein for the City and County. Any such examination shall be conducted during normal daytime business hours at the offices of the Beloit Class III Gaming Facility in a manner that will, to the maximum extent permitted by law, minimize the risk of public disclosure of the Audit. The City, County and the Nation do not intend by this IGA to make the Audit subject to any applicable open records laws. Should the Gaming Compact be amended or renumbered in any fashion, the above

references shall be deemed to include the equivalent amended or renumbered provisions thereof. Each year, the City shall notify the Nation when its Comprehensive Annual Financial Report (CAFR) is completed and posted to the City's website for the Nation's information and use.

### **Section 3.6. Nation's Infrastructure Commitments.**

3.6.1 Signalization. Should the Nation desire to install signalization at a Beloit Class III Gaming Facility entrance site which is other than a public roadway intersection, and provided further that the signalization meets appropriate traffic design warrants, the cost for said installation shall be borne by the Nation.

3.6.2 Private Infrastructure. The costs of constructing and maintaining private roadways, driveways and parking facilities upon the Nation Trust Property or Nation Fee Property shall be the responsibility of the Nation, including any off-street loading and storage sites. The Nation shall be further responsible for the construction and maintenance of private water lines, private sewer service lines and private storm water lines upon the Nation Trust Property or Nation Fee Property.

3.6.3 Road Relocation. Should the Nation and the City mutually agree to relocate one or more existing roadways adjacent to or nearby the Nation Trust Property, it shall be the responsibility of the Nation to acquire the necessary property and to dedicate right-of-way of a sufficient width to meet then applicable traffic design standards for roadway width.

3.6.4 Green Construction. The Nation acknowledges its intent to build environmentally friendly buildings and facilities. Accordingly, the Nation will construct the Beloit Class III Gaming Facility in a manner that honors its heritage, culture and Mother Earth as it relates to the treatment of natural resources and the environment.

**Section 3.7. Charitable Contributions.** The Nation acknowledges that in addition to Impact Payments and other requirements provided herein, the Nation anticipates making charitable contributions to Beloit-area based not-for-profits, service clubs, and related organizations to help support philanthropic activities within the Beloit area. The Nation has a long history of such contributions at its other Wisconsin Class III Gaming facilities and will continue that practice at the Beloit Class III Gaming Facility.

**Section 3.8. Compulsive Gambler Program.** The Nation shall maintain at the Beloit Class III Gaming Facility, its programs and policies for the assessment, identification and assistance of compulsive gamblers currently in effect at its other Class III Gaming facilities.

**Section 3.9. Nation Sovereignty.** In accordance with applicable law, no City or County law, ordinance, code, resolution, rule or other regulation limiting zoning or otherwise governing, regulating, or controlling the use or development of real or personal property, shall be applicable to the Nation Trust Property. The Nation shall have and enjoy, to the maximum extent permitted under applicable law, sovereign control, ownership and governance over any lands accepted into Federal Trust on behalf of the Nation, including without limitation, the Nation Trust Property

(following the Trust Approval Date), and over all activities conducted thereupon unless and to the extent expressly waived in accordance with applicable law by the Nation in this IGA.

3.9.1 Permitted City Ordinances. Notwithstanding the above, the Nation finds that to ensure that the development of the Class III Gaming Facility complies with host community standards, it is in the Nation's best interest, subject to the terms and conditions of this IGA, to permit the City to enforce upon the Nation Trust Property only the following portions of the Code of General Ordinances of the City of Beloit until such time as the Nation and City may agree to any replacements pursuant to Section 3.10.4.3 of this IGA (collectively, the "Permitted City Ordinances"):

- Chapter 6 – Fire Prevention Code;
- Chapter 7 – Property Maintenance Code;
- Chapter 8 – Plumbing Code;
- Chapter 9 – Building Code;
- Chapter 10 – Electrical Code;
- Chapter 11 – Streets and Sidewalks;
- Chapter 13 – Traffic Code;
- Chapter 15 – Public Peace and Good Order;
- Chapter 16 – Public Nuisances (excluding Section 16.08);
- Chapter 17 – Regulation of Solid Waste;
- Chapter 19 – Zoning Code;
- Chapter 24 – Stormwater Management;
- Chapter 26 – Heating and Air Conditioning Code;
- Chapter 27 – City Water Utility;
- Chapter 29 – Wastewater Treatment System;
- Chapter 30 – Outdoor Sign Regulations;
- Chapter 31 – Alcohol Beverages; and
- Chapter 34 – Architectural Review and Landscape Code.

Notwithstanding anything to the contrary herein, the Permitted City Ordinances shall not include the rights and obligations of the City Board of Appeals.

3.9.2 Permitted County Ordinances. Notwithstanding the above and subject to the terms and conditions of this IGA, the Nation shall permit the County to enforce upon the Nation Trust Property only the following portions of the County ordinances until such time as the Nation and County agree to any replacements pursuant to Section 3.10.4.3 of this IGA (whether one or more, the "Permitted County Ordinances"): that portion of Chapter 13 of the County Public Health Ordinance governing the operation of restaurants, hotels and swimming pools.

### **Section 3.10. Municipal Ordinances and Inspections.**

3.10.1 Enforcement of Permitted Ordinances. The Nation shall permit the City and County to enforce the Permitted City Ordinances and Permitted County Ordinances, respectively, upon the Nation Trust Property. Notwithstanding anything in this IGA to the contrary, any provision of the Permitted City Ordinances or Permitted County Ordinances that



conflicts with provisions of the Indian Gaming Regulatory Act, the Gaming Compact, or this IGA or that in any way restricts Class III Gaming, or that is applied exclusively to the Nation or to the Nation Trust Property, shall be deemed excluded from the Permitted City Ordinances and Permitted County Ordinances and inapplicable to the Nation Trust Property. The Nation further hereby (i) authorizes the Beloit Police Department, the Beloit Fire Department, City inspectors and County officials to carry out their respective rights and obligations under the Permitted City Ordinances and Permitted County Ordinances, as applicable, upon the Nation Trust Property, (ii) authorizes the office of the Beloit City Attorney to carry out its rights and obligations in prosecuting violations of the Permitted City Ordinances occurring upon the Nation Trust Property, (iii) authorizes the office of Rock County Corporation Counsel to carry out its rights and obligations in prosecuting violations of the Permitted County Ordinances occurring upon the Nation Trust Property, and (iv) authorizes City district and circuit courts located within the City and County to adjudicate violations of the Permitted City Ordinances occurring upon the Nation Trust Property. The Nation agrees to construct and maintain or cause to be constructed and maintained all buildings and improvements at the Nation Trust Property in accordance with the relevant chapters of the Permitted City Ordinances governing building design, construction, safety, and operation, and to submit to all related City inspections, fees and approvals required with respect thereto.

3.10.2 Grant of Right of Access and Inspection. The Nation hereby grants to the Beloit Police Department, the Beloit Fire Department, and emergency responders from other public safety departments summoned by the City pursuant to mutual aid agreements with the City, and to applicable City and County inspectors a license to access the Nation Trust Property and Beloit Class III Gaming Facility as necessary to perform their respective duties under the Permitted City Ordinances and Permitted County Ordinances. Except during emergencies, the City and County shall make reasonable efforts to provide the Nation with advance notice when scheduled or regular inspections are needed, and such inspections shall be made during normal business hours. Such notice shall be made by phone or e-mail to such phone number or e-mail address designated in writing by the Nation from time to time.

3.10.3 Zoning and Land Use – Nation Fee Property. The Nation Fee Property shall be subject to all chapters of the Beloit municipal code, including chapters related to zoning, building, construction, site plan and architectural review.

3.10.4 Zoning and Land Use – Nation Trust Property.

3.10.4.1 Prior to Completion of Construction. At all times prior to the issuance of a Certificate of Occupancy for the Beloit Class III Gaming Facility, the Permitted City Ordinances shall apply to and govern the zoning and land use of improvements upon the Nation Trust Property; provided, however, that all rights and obligations of the City Board of Appeals with respect to the Nation Trust Property shall be held and exercised solely by the Joint Commission. The Nation shall prepare and submit to the City in accordance with the City Zoning Ordinance, the PUD Application for the Nation Trust Property. The PUD Application shall include a general development plan for the Nation Trust Property and will include a specific development plan for the Beloit Class III Gaming Facility. The construction of the Beloit Class III Gaming Facility shall occur consistent with the City Approved PUD and with all

other applicable Permitted City Ordinances. In addition, the Nation shall adopt and approve the City Approved PUD as a Nation Approved PUD. The City and Nation agree to act in good faith hereunder and to not unreasonably delay or refuse to issue any approvals, minutes, certificates, or inspections contemplated hereunder.

3.10.4.2 Following Completion of Construction – Land Use and Zoning. At all times following the issuance of a Certificate of Occupancy for the Beloit Class III Gaming Facility, the Nation Zoning Ordinance shall exclusively apply to the Nation Trust Property; provided, however, that if the Nation (following the issuance of a Certificate of Occupancy for the Beloit Class III Gaming Facility) wishes to construct improvements on the Nation Trust Property in a manner that varies from the City Approved PUD, then the Nation shall first submit an application to amend the City Approved PUD to the Joint Commission. As a condition of approval, the Joint Commission may require review and recommendation by City and/or Nation planning and zoning staff. The City and Nation and Joint Commission agree to act in good faith hereunder and to not unreasonably delay or refuse to issue any approvals, minutes, certificates, or inspections contemplated hereunder.

3.10.4.3 Following Completion of Construction – Building Permits, Including Site and Architectural Review. Notwithstanding anything to the contrary in this IGA, all Permitted City Ordinances, except for the City Zoning Ordinance, shall continue to apply and govern over the Nation Trust Property, following the issuance of a Certificate of Occupancy for the Beloit Class III Gaming Facility. However, after the issuance of a Certificate of Occupancy for the Beloit Class III Gaming Facility, any building permit application, including site, sign and architectural review applications, which result in an irreconcilable difference of opinion between the Nation and the City, shall be submitted to the Joint Commission for resolution. The City and the Nation and Joint Commission agree to act in good faith hereunder and to not unreasonably delay or refuse to issue any approvals, minutes, certificates, or inspections contemplated hereunder. Further, after the Commencement Date, the Nation may petition to the City, as to Permitted City Ordinances, and the County, as to Permitted County Ordinances, to replace one or more of any such ordinances with the Nation's ordinances, provided those ordinances are in writing, approved by the Nation's legislature, and are substantially similar to the City or County ordinance being replaced.

3.10.4.4 Joint Commission. Any decision of the Joint Commission shall require the affirmative vote of three (3) or more of its members, and no decision may be made and effective unless made at a properly noticed meeting of the Joint Commission where at least three (3) of its members are present, provided that such meetings shall be held at a convenient place in the City of Beloit and notice thereof shall comply with Sections 19.83, 19.84 and 19.85 of the Wisconsin Statutes. The Joint Commission shall have the authority to enact and enforce policies regarding notice, meeting times, and other procedural matters of the Joint Commission not in conflict with this IGA.

Section 3.11. **Tobacco Sales.** Notwithstanding anything herein to the contrary, neither the City nor the County shall impose or enforce any prohibition or restriction on the sale of tobacco products on the Nation Trust Property; provided, however, that the Nation shall collect and remit

all federal, Nation and state taxes applicable to such sales and shall abide by applicable State of Wisconsin laws governing the sale of tobacco to minors.

Section 3.12. **Fuel Sales.** Notwithstanding anything in this IGA to the contrary, the Nation shall be permitted to engage in the construction and operation of a gasoline station upon the Nation Trust Property for the purpose of engaging in the retail sale of gasoline, diesel fuel, kerosene, and/or propane, together with tobacco products and other consumables; provided, however, that the Nation's sale and storage of such fuels shall be subject to all applicable federal, Wisconsin, County and City health and safety laws and regulations (including inspections) governing the installation, operation and closure of such facilities, and that all fuel sales to non-members of the Nation shall be subject to the same federal, Nation, Wisconsin, County and City (if applicable) taxes then in effect for the retail sale of fuels in Beloit, Wisconsin, with all such taxes, or equivalent payments thereto to be collected by the Nation and remitted to the appropriate government agency. Further, the sale of gasoline by the Nation on the Nation Trust Property shall be subject to Wisconsin's Minimum Mark-up Law, if any.

Section 3.13. **Day Care Center.** The Nation may provide day care services to serve the patrons and employees of the Beloit Class III Gaming Facility. Any such day care facility shall be licensed and operated in compliance with State of Wisconsin, City and County laws, rules, ordinances and regulations related to the operation of day care facilities.

Section 3.14. **Gaming Only As Authorized.** Class III Gaming shall be conducted at the Beloit Class III Gaming Facility in accordance with Indian Gaming Regulatory Act, the Gaming Compact, the Nation Gaming Ordinance, and shall be subject to the authority of the Nation Gaming Commission.

## ARTICLE IV TERM

Section 4.1. **Termination.** This IGA shall remain in effect until either of the following occurs: (i) termination of Class III Gaming at the Nation Trust Property; or (ii) termination of the Gaming Compact with respect to the Nation Trust Property; provided, however, that this IGA may continue in effect thereafter upon the written consent of the Parties.

Section 4.2. **Reutilization of the Trust Land for Purposes other than Class III Gaming.** Should the Nation, for any reason, cease Class III Gaming on the Nation Trust Property and desire to continue to use the Nation Trust Property for other purposes, it agrees to enter into good faith negotiations with the City and County to amend this IGA or to create a new intergovernmental agreement to mitigate the impact of the proposed different use. The utilization of the Nation Trust Property for purposes that do not include Class III Gaming shall not commence until either an amended IGA or new intergovernmental agreement is in place that provides for impact payments to the City and County.

Section 4.3. **Automatic Expiration.** This IGA shall automatically expire and become null and void on the date occurring three (3) years following the Execution Date if the Trust Approval Date has not then occurred, unless the Parties agree otherwise in writing.

## ARTICLE V

### WAIVER OF IMMUNITY AND DISPUTE RESOLUTION

Section 5.1. **Meet and Confer.** Whenever, during the term of this IGA, any disagreement or dispute arises between the Parties as to the interpretation of this IGA or any rights or obligations arising thereunder, all such matters shall be resolved, whenever possible, by meeting and conferring. Any Party may request such a meeting by giving notice to the other, in which case such other Party shall make itself available within seven (7) days thereafter. If such matters cannot be so resolved within ten (10) days after the longer of giving such notice to confer or conferring which has commenced within seven (7) days of giving such notice, or for matters involving immediate threat to public health or safety without any requirement to meet and confer, any Party may seek judicial enforcement of this IGA as provided in Section 5.2 of this IGA.

Section 5.2. **Limited Waiver of Sovereign Immunity.** The Parties do not waive, limit, or modify their respective immunity from unconsented suit, except as expressly provided herein.

5.2.1 By the Nation. The Nation, pursuant to Article XII, § 1, of the Nation's Constitution, by resolution of the Nation's Legislature, expressly waives for the City and County only, in a limited manner, its immunity from suit with respect to matters arising under this IGA.

5.2.2 By the City. The City, by resolution of the City Council, expressly waives for the Nation and County only, in a limited manner, its immunity from suit with respect to matters arising under this IGA.

5.2.3 By the County. The County, by resolution of the County's Board of Supervisors, expressly waives for the Nation and City only, in a limited manner, its immunity from suit with respect to matters arising under this IGA.

Section 5.3. **Jurisdiction and Venue.** Any Party may commence an action or counterclaim against other Parties in the United States District Court for the Western District of Wisconsin or the Wisconsin Circuit Court for Rock County (subject to the right of any Party to petition for removal of said action to the United States District Court for the Western District of Wisconsin) with respect to disputes arising out of or relating to this IGA. The Parties agree that, whenever arguments for federal jurisdiction can be made consistent with the requirements of Federal Rule of Civil Procedure 11, they shall file any such actions in the United States District Court for the Western District of Wisconsin.

Section 5.4. **Limitation of Remedy.** The Parties' waiver of sovereign or governmental immunity provided herein is specifically limited to the following actions and judicial remedies: (i) declaratory relief to determine whether either Party or both are violating any of the terms of this IGA; (ii) equitable relief to compel the Party or Parties to specifically perform their obligations under this IGA; and (iii) monetary relief, limited to the award of any sums that may be due and owing under the terms of this IGA. A prevailing Party shall further be entitled to enforce any equitable relief granted by court order or injunction and enforce, execute upon and obtain satisfaction of any resulting monetary judgment through any remedy which that Party

would be able to invoke if the other Party were an entity that did not enjoy sovereign or governmental immunity (including, but not limited to the remedies of attachment and foreclosure).

**Section 5.5. Service of Process.** If a Party initiates any legal action to enforce the provisions of this IGA, the Parties agree, and do hereby expressly authorize, the City Clerk of the City on behalf of the City, the Secretary to the Nation's Legislature on behalf of the Nation, and the County Clerk on behalf of the County, to accept service of process. In addition, the Nation expressly gives its consent to any process server authorized by the City or County to come onto the Nation's Trust Lands where the Nation's administrative governmental offices are located for the sole purpose of personally serving the process authorized herein.

**Section 5.6. Governing Law.** This IGA shall be governed by and construed in accordance with the applicable laws of the state of Wisconsin and of the United States.

**Section 5.7. Exclusive Remedy.** The Parties agree that the dispute resolution procedures set forth in Article V of this IGA shall provide the exclusive means for resolving any disputes arising out of or relating to this IGA.

**Section 5.8. Exhaustion of Remedies.** The Parties do hereby unconditionally waive any right to require any exhaustion of City, County, Wisconsin or Nation administrative or judicial remedies in any manner other than as set forth in Article V of this IGA.

**Section 5.9. Prevailing Party to Receive Costs and Fees.** In the event of litigation arising under this IGA, the prevailing Party in any such litigation shall be entitled to an award and judgment for its reasonable attorney's fees and any statutory costs.

**Section 5.10. No Challenges to this IGA.** The Parties each hereby waive any right each may have to commence or maintain any civil action or other proceeding to contest, invalidate or challenge this IGA, any procedure or proceeding undertaken to adopt this IGA or any of the actions required or contemplated by this IGA, or to take any actions, either directly or indirectly, to oppose or in any other way, to initiate, promote or support the opposition of approvals required under this IGA or to hinder, obstruct or unduly delay any of the actions required or contemplated by this IGA. This paragraph shall not be construed to prevent a Party to this IGA from commencing a declaratory judgment action regarding the interpretation of this IGA. In the event of a challenge to the validity of this IGA by any third party, each of the Parties shall defend the validity and enforceability of this IGA in any administrative or judicial proceeding.

**Section 5.11. Indemnification.**

**5.11.1 By the Nation.** The Nation agrees to and shall indemnify, defend, protect and hold harmless the City and the County from and against any and all claims, losses, proceedings, damages, causes of action, liability, costs and expenses (including reasonable attorneys' fees) to the extent arising from or in connection with, or caused by any act, omission, or negligence of the Nation or its contractors, licensees, invitees, agents, lessees or employees, related to or in connection with any obligations on the Nation's part to be performed under the terms of this

IGA, and in case any action or proceeding be brought against the City and/or County (or the City's or County's agents, employees, contractors, subcontractors or legal counsel) by reason of any such claim, the Nation upon notice from the City and/or County shall have the option to defend the same at the Nation's expense by counsel reasonably satisfactory to the City and/or County, as applicable. However, in the event that the Nation does not elect to defend the action or proceeding, the City and/or County, as applicable, shall defend the same, at the Nation's expense, and shall consult with the Nation during the pendency of the action or proceeding.

5.11.2 By the City. The City agrees to and shall indemnify, defend, protect and hold harmless the Nation and the County from and against any and all claims, losses, proceedings, damages, causes of action, liability, costs and expenses (including reasonable attorneys' fees) to the extent arising from or in connection with, or caused by any act, omission, or negligence of the City or its contractors, licensees, invitees, agents, lessees or employees, related to or in connection with any obligations on the City's part to be performed under the terms of this IGA, and in case any action or proceeding be brought against the Nation and/or County (or the Nation's or County's agents, employees, contractors, subcontractors or legal counsel) by reason of any such claim, the City upon notice from the Nation and/or County shall have the option to defend the same at the City's expense by counsel reasonably satisfactory to the Nation and/or County, as applicable. However, in the event that the City does not elect to defend the action or proceeding, the Nation and/or County, as applicable, shall defend the same, at the City's expense, and shall consult with the City during the pendency of the action or proceeding.

5.11.3 By the County. The County agrees to and shall indemnify, defend, protect and hold harmless the Nation and the City from and against any and all claims, losses, proceedings, damages, causes of action, liability, costs and expenses (including reasonable attorneys' fees) to the extent arising from or in connection with, or caused by any act, omission, or negligence of the County or its contractors, licensees, invitees, agents, lessees or employees, related to or in connection with any obligations on the County's part to be performed under the terms of this IGA, and in case any action or proceeding be brought against the Nation and/or City (or the Nation's or City's agents, employees, contractors, subcontractors or legal counsel) by reason of any such claim, the County upon notice from the Nation and/or City shall have the option to defend the same at the County's expense by counsel reasonably satisfactory to the Nation and/or City, as applicable. However, in the event that the County does not elect to defend the action or proceeding, the Nation and/or City, as applicable, shall defend the same, at the County's expense, and shall consult with the County during the pendency of the action or proceeding.

## ARTICLE VI TERMINATION

No breach or violation of any of the terms of this IGA by any of the Parties shall operate to void or terminate or provide grounds for termination of this IGA, it being the intent of the Parties that the provisions of this IGA shall be subject to specific performance, and injunctive relief shall be provided to cure any breaches prospectively, and that damages shall be awarded to redress any harm occasioned by a breach; provided, however, that if a Party cannot or will not conform to the requirements of this IGA as evidenced by a pattern of violations, and if such violations pose a

serious threat to the public health, safety or welfare, this restriction on termination of this IGA shall not apply.

## ARTICLE VII AUTHORIZATION

Section 7.1. **Authorization.** The Parties each represent and warrant that each has performed all acts precedent to adoption of this IGA, including, but not limited to, matters of procedure and notice, and each has the full power and authority to execute this IGA and to perform its obligations in accordance with the terms and conditions thereof, and that the representative executing this IGA on behalf of such Party is duly and fully authorized to so execute and deliver this IGA.

Section 7.2. **Nation Resolutions.** Evidence of Nation Legislature approval of this IGA is attached hereto as Exhibit B.

Section 7.3. **City Resolutions.** Evidence of City Council approval of this IGA is attached hereto as Exhibit C.

Section 7.4. **County Resolutions.** Evidence of County Board of Supervisors approval of this IGA is attached hereto as Exhibit D.

## ARTICLE VIII NOTICES

All notices required to be given hereunder shall be given in writing, sent by either personal delivery, certified mail, return receipt requested, or overnight mail. If sent via personal delivery, the notice shall be effective on the date of delivery. If sent by certified mail, the notice shall be deemed effective five (5) days after such mailing. If sent by overnight mail, the notice shall be effective on the date of delivery. All notices shall be addressed as follows:

To the City:	City of Beloit Attn: City Manager 100 State Street Beloit, WI 53511
With Copy To:	City of Beloit Attn: City Attorney 100 State Street Beloit, WI 53511
To the County:	County of Rock Attn: Rock County Clerk 51 South Main Street Janesville, WI 53545



With Copy To: County of Rock  
Attn: Rock County Corporation Counsel  
51 South Main Street  
Janesville, WI 53545

To the Nation: Ho-Chunk Nation  
Office of the President  
P.O. Box 667  
West 9814 Airport Road  
Black River Falls, WI 54615

With Copy To: Ho-Chunk Nation  
Office of the Attorney General  
P.O. Box 667  
West 9814 Airport Road  
Black River Falls, WI 54615

## **ARTICLE IX INTERPRETATION**

This IGA shall be interpreted as though jointly drafted by the Parties.

## **ARTICLE X SEVERABILITY**

No provision of this IGA is severable from this IGA. In the event that any provision of this IGA is adjudged by any Court of competent jurisdiction or federal agency having jurisdiction over this IGA or Indian gaming to be invalid, ineffective or unenforceable, in whole or in part, the Parties shall promptly meet to discuss how they might satisfy the terms of this IGA by alternative means. The Parties shall use their best efforts to find, design and implement a means of successfully effectuating the terms of this IGA. If necessary, the Parties shall negotiate appropriate amendments of this IGA to maintain, as closely as possible, the original terms, intent and balance of benefits, and burdens of this IGA. In the event the Parties are not able to reach agreement in such situation, the dispute resolution procedures of Article V of this IGA shall apply.

## **ARTICLE XI GOOD FAITH AND FAIR DEALING**

The Parties to this IGA agree that this IGA imposes on them a duty of good faith and fair dealing.

## ARTICLE XII CAPTIONS

The captions contained in this IGA are inserted only as matter of convenience and for reference and in no way define, limit, extend or describe the scope of this IGA or the intent of any provisions hereof.

## ARTICLE XIII AGREEMENT IN COUNTERPARTS

This IGA may be executed in several counterparts, each of which fully executed counterparts shall be deemed an original.

## ARTICLE XIV AMENDMENTS

This IGA may only be amended by written instrument executed by all of the Parties.

## ARTICLE XV COMPLETE AGREEMENT

This IGA, including and incorporating all Exhibits, represents the entire integrated agreement between the Parties and supersedes all past agreements and all negotiations, representations, promises or agreements, either written or oral, made during the course of negotiations leading to this IGA.

## ARTICLE XVI APPROVAL BY THE SECRETARY OF THE INTERIOR

The Parties agree that this IGA may be subject to the approval of the Secretary of the Interior under 25 U.S.C. § 81. The Parties agree to use their best efforts to secure the approval of the Secretary of the Interior or a written determination of the Secretary of the Interior that this IGA is not subject to 25 U.S.C. § 81.

## ARTICLE XVII ASSIGNMENT OR TRANSFER

Neither this IGA nor any of the rights or obligations created herein shall be assignable or transferable by operation of law or otherwise by any Party without the prior written consent of all the Parties. Any attempted assignment or transfer by one Party without first obtaining the written consent of all Parties shall become null and void.

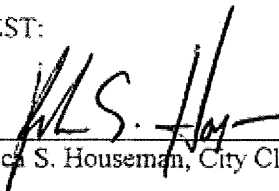
### **ARTICLE XVIII FORCE MAJEURE**

No Party shall be liable or deemed to be in default for any delay or failure in performance under this IGA resulting directly or indirectly from Acts of God, civil or military authority, acts of public enemy, war, riots, civil disturbances, accidents, fire, explosions, earthquakes, floods, the elements, strikes, lockouts, labor disturbances, shortages of suitable parts, labor or transportation, delays caused by suppliers or other cause beyond the reasonable control of such Party. In the event of such a cause, the performance of the Party prevented from performing shall be excused for the period of the cause event. Should the period exceed ninety (90) days, a Party may proceed under Article V of this IGA. The obligation to make payments due or payable shall not be excused for any force majeure event.


[Signature page follows]

IN WITNESS WHEREOF, the Parties have entered into this IGA as of the Execution Date.

ATTEST:

By:   
Rebecca S. Houseman, City Clerk

CITY OF BELOIT, WISCONSIN

By:   
Larry N. Arfi, City Manager

Date: March 6, 2012


Approved as to Form:

By:   
Thomas R. Casper, City Attorney

ATTEST:

By:   
Lori Stottler, County Clerk

COUNTY OF ROCK, WISCONSIN

By:   
J. Russell Podzilni, County Board Chair

Date: March 9, 2012

ATTEST:

By:   
Hope B. Smith, Tribal Secretary

HO-CHUNK NATION

By:   
Greg Blackdeer, Vice President

Date: March 26, 2012

[APPROVAL OF SECRETARY OF THE INTERIOR IS ON THE FOLLOWING PAGE.]

**APPROVAL OF THIS IGA BY THE  
UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF INDIAN AFFAIRS**

Pursuant to its authority under 25 U.S.C. § 81 (1988), the undersigned designee of the Secretary of the Department of the Interior of the United States of America, by executing below, does hereby approve the terms and conditions of the forgoing Intergovernmental Agreement by and between the Ho-Chunk Nation, the City of Beloit, Wisconsin and the County of Rock, Wisconsin.

United States Department of the Interior  
Bureau of Indian Affairs

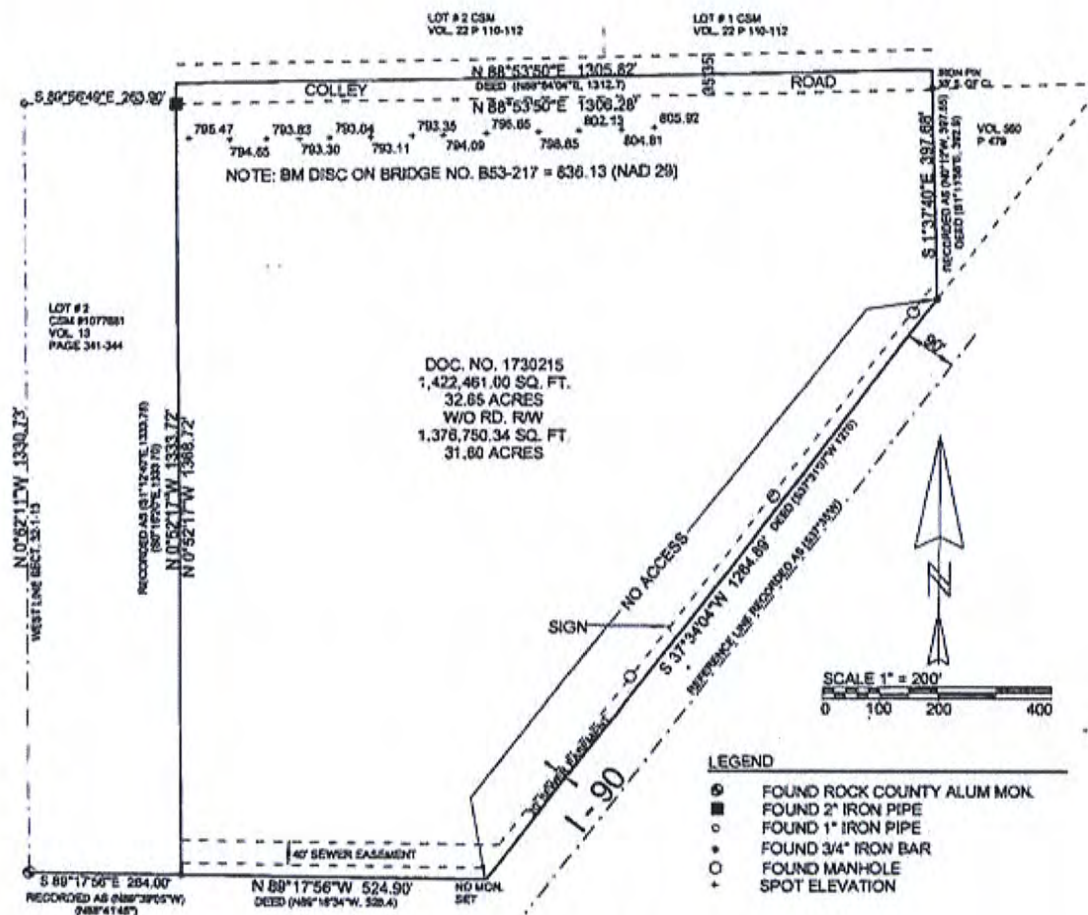
By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_

Date: \_\_\_\_\_

# ROCK COUNTY PLAT OF SURVEY

PART OF THE NW1/4 OF SECTION 32, T1N, R13E, CITY OF BELOIT,  
ROCK COUNTY, WISCONSIN.

COORDINATES ARE BASED ON THE ROCK COUNTY COORDINATE SYSTEM  
USING GPS OBSERVATIONS. THE WEST LINE OF THE NW QUARTER BEARS N0°52'11"W.



I, GREGORY A GOETZKA, REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT, BY THE ORDER AND UNDER THE DIRECTION OF THE HO-CHUNK NATION, I HAVE SURVEYED AND MAPPED PART OF THE NW1/4 SECTION 32, T1N, R13E, CITY OF BELOIT, ROCK COUNTY, WISCONSIN. FURTHER DESCRIBED AS FOLLOWS: COMMENCING AT THE W1/4 CORNER OF SAID SECTION 32; THENCE S89°17'56"E, ALONG THE E-W QUARTER LINE OF SAID SECTION 32 284.00 FEET TO AN IRON AT THE SE CORNER OF LOT #2 OF CSM # 1077881 RECORDED IN VOL. 13 PAGES 341-344 AND THE POINT OF BEGINNING; THENCE N0°52'11"W, ALONG THE EAST LINE OF SAID LOT #2 1388.72 FEET TO THE CENTER LINE OF COLLEY ROAD; THENCE N88°53'50"E, ALONG SAID CENTERLINE OF COLLEY ROAD 1305.82 FEET TO THE WEST LINE OF LAND CONVEYED BY WARRANTY DEED RECORDED IN VOLUME 580 PAGE 479; THENCE S1°37'40"E, 397.68 FEET TO AN IRON MARKING THE SOUTHERLY CORNER OF SAID WARRANTY DEED AND ALSO MARKING THE WESTERLY RIGHT OF WAY LINE OF I-90; THENCE S37°34'04"W, ALONG SAID RIGHT OF WAY LINE OF I-90 1264.89 FEET TO THE E-W QUARTER LINE OF SAID SECTION 32; THENCE N89°17'56"W, ALONG THE QUARTER LINE 524.90 FEET TO THE POINT OF BEGINNING, CONTAINING 1,422,461.00 SQUARE FEET OR 32.65 ACRES MORE OR LESS AND IS SUBJECT TO ALL EASEMENTS RECORDED OR UNRECORDED, THAT THIS MAP OF SURVEY IS A TRUE AND CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED, AND THAT I HAVE COMPLIED WITH THE PROVISIONS OF CHAPTER AE-7 OF THE WISCONSIN ADMINISTRATIVE CODE, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*Gregory A Goetzka* 10/22/09  
Gregory A Goetzka, Registered Land Surveyor, S-2171  
Ho-Chunk Nation BIA Roads Program  
P.O. Box 170, Tomah Wisconsin 54660  
(608) 374-3850





## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN THE HO-CHUNK NATION, CITY OF BELOIT AND ROCK COUNTY

#### RESOLUTION 03-20-12 A

- WHEREAS,** on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and
- WHEREAS,** the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") gives the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS,** Article V, Section 2(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; and
- WHEREAS,** Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and
- WHEREAS,** Article V, Section 2(k) of the Constitution grants the Legislature the power to acquire or purchase lands for the benefit of the Nation and its members; and
- WHEREAS,** Article V, Section 2(l) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets; and
- WHEREAS,** Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation; and
- WHEREAS,** Article V, Section 2(x) of the Constitution grants the Legislature the power to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its legislative powers delegated by the General Council pursuant to Article III including but not limited to the foregoing list of powers; and

EXHIBIT

B

PAGE 1 of 3

#### Executive Offices

W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615  
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343



- WHEREAS,** the Nation currently conducts Class III gaming under the Indian Gaming and Regulatory Act (IGRA) at three (3) sites under its Gaming Compact with the State of Wisconsin, yet the Nation has had the right to conduct similar gaming at a fourth location since 1992; and
- WHEREAS,** the Nation has attempted to pursue a fourth Class III gaming site at multiple locations within the State of Wisconsin, but the local governments in question did not indicate their approval; and
- WHEREAS,** in 2007, the Legislature adopted Resolution 6-19-07E to express the Nation's intent to pursue a fourth site for Class III gaming within the City of Beloit if the application for similar gaming filed by the St. Croix Chippewa and Bad River Band of Lake Superior Chippewa tribes (at the time) was denied or sent back to the regional office of the Bureau of Indian Affairs; and
- WHEREAS,** on January 13, 2009, the U.S. Department of Interior, Bureau of Indian Affairs, issued a decision to the St. Croix Chippewa and Bad River Band of Lake Superior Chippewa to deny their request to take land into trust in Beloit, Wisconsin; and
- WHEREAS,** the Nation, by Legislative approval, later purchased approximately 32 acres of land within the City of Beloit in order to protect the Nation's interests; and
- WHEREAS,** the Legislature then authorized ongoing discussions with the City of Beloit with respect to the potential for pursuing the Nation's fourth Class III gaming site in the City; and
- WHEREAS,** the Nation acknowledges that the pursuit of a fourth site under its Gaming Compact will require obtaining a resolution of support from any city in which the Nation selects a location; and
- WHEREAS,** the Nation realizes that the pursuit of a Class III fourth site location will require approval by the Bureau of Indian Affairs to place the Nation's land into federal trust status under 25 CFR Part 151; and
- WHEREAS,** for the Nation to move forward with a fourth site Class III facility on land acquired after 1988, the U.S. Department of Interior will need to make a two-part determination under the IGRA, 25 U.S.C. § 2719(b)(1), to conclude that any proposed gaming site is in the best interest of the Nation and its members and would not be detrimental to the surrounding community, and then obtain concurrence by the Governor of Wisconsin; and
- WHEREAS,** as a result of the Nation's due diligence, and several meetings, the Legislature reached a point of agreement in principle on the terms of a Draft Intergovernmental Agreement ("IGA") with the City of Beloit and Rock County, Wisconsin, to protect the interests of the Nation as well as the City and County, in order to support the Nation's trust application to the Bureau of Indian Affairs; and



**WHEREAS,** the City of Beloit approved the IGA with the Nation by Resolution on March 5, 2012 and the Rock County Board approved the IGA on March 8, 2012; and

**WHEREAS,** the Legislature deems it appropriate to seriously consider the pursuit of the Nation's fourth site in Beloit, Wisconsin, in order to protect and preserve the sovereign interests of the Nation and its members, while also furthering the economic benefits to the tribe and its members;

**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, hereby approves the IGA intended to support the Nation's pursuit of Class III gaming, and to have the Nation's lands in Beloit, WI, accepted into trust for the benefit of the Nation;

**BE IT FURTHER RESOLVED** that the Vice President is authorized to sign and execute the IGA, as necessary and to assist, along with necessary staff, in the preparation of the IGA for the Nation's trust application;

**BE IT FURTHER RESOLVED** that the Nation acknowledges the terms of the IGA do not go into effect with the approval by the Nation, but rather upon acceptance of the land into trust by the Department of the Interior.

#### CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members of whom 12 constituting a quorum were present at a meeting duly called and convened and held that on the 20<sup>th</sup> day of March, 2012, adopted the foregoing resolution at said meeting by an affirmative vote of 6 members, 5 opposed, and 1 abstaining, pursuant to the Article V, Section 2(a) and (x) of the Constitution of the Ho-Chunk Nation, approved by the Secretary of the Interior on November 1, 1994, and that the foregoing resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

*Hope B. Smith*  
Hope B. Smith, Tribal Secretary

*March 20, 2012*  
Date





City of  
**BELOIT**, Wisconsin

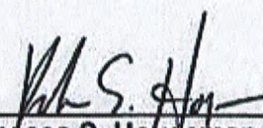
CITY CLERK • CITY HALL • 100 STATE STREET • BELOIT, WI 53511

Office: 608/364-6680 • Fax: 608/364-6649

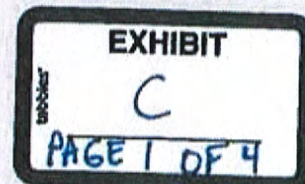
*Equal Opportunity Employer*

[www.ci.beloit.wi.us](http://www.ci.beloit.wi.us)

I, Rebecca S. Houseman, City Clerk of the City of Beloit, Rock County, Wisconsin, do hereby certify that the attached is a true copy of a Resolution adopted by the City Council of the City of Beloit, Wisconsin, at the regular meeting held March 5, 2012.

  
\_\_\_\_\_  
Rebecca S. Houseman  
City Clerk

Dated at Beloit Wisconsin  
This 6th day of March, 2012.



FILE# 8525
MAR 5 2012
CITY OF БЕЛОИТ CITY CLERK

**RESOLUTION RESCINDING PRIOR INTERGOVERNMENTAL  
AGREEMENT REGARDING CASINO PROJECT AND  
APPROVING AN INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITY OF БЕЛОИТ, THE COUNTY OF ROCK  
AND THE HO-CHUNK NATION**

**WHEREAS**, the City of Beloit ("City"), County of Rock ("County") and the Ho-Chunk Nation ("Nation") have concluded negotiations regarding an Intergovernmental Agreement ("IGA") relating to the construction and operation of a Class III Gaming Facility on property owned by the Nation; and

**WHEREAS**, the Nation intends to submit a Federal Trust Application, including the IGA, for approval to the United States Secretary of Interior ("Secretary"); and

**WHEREAS**, the support of host local governments is important to secure the Secretary's approval of the Federal Trust Application and to the ultimate success of the Beloit Class III Gaming Facility; and

**WHEREAS**, the City recognizes that said Class III Gaming Facility will be beneficial to the City, the County, area residents, and to the Nation and its members by, in part, providing employment opportunities and promoting economic development in the region; and

**WHEREAS**, the City and the County had previously negotiated and entered into an Intergovernmental Agreement, including various amendments thereto, with the Bad River Band of Lake Superior Chippewa Indians of Wisconsin, the St. Croix Chippewa Indians of Wisconsin, and Niizhoo Akiing (collectively, "the Chippewa Tribes") with the original agreement being entered into on April 11, 2001, and the most recent amendment being approved by this City Council on October 12, 2006, with the final extension to terminate on January 12, 2014; and

**WHEREAS**, the Federal Trust Application submitted by the Chippewa Tribes was formerly denied by the Secretary on January 13, 2009; and

**WHEREAS**, the Intergovernmental Agreement with the Chippewa Tribes contained provisions limiting and describing the land to be transferred into trust and specifically identified a 26-acre parcel of land within the city as being included in the application for transfer from fee lands to trust lands and further specifically provided that no other lands be subject to the application; and

**WHEREAS**, the Chippewa Tribes ultimately lost control of the proposed trust site by declining to purchase the parcel when offered to them for sale by the previous owner, which failure allowed the parcel to be purchased by the Nation on October 29, 2009; and

EXHIBIT
C
PAGE 2 OF 4



**WHEREAS**, in August 2011 the Beloit City Attorney issued a written legal opinion to the attorney acting on behalf of the Chippewa Tribes that the City no longer viewed the Intergovernmental Agreement with the Chippewa Tribes as still binding for several reasons, including the fact that the Chippewa Tribes had lost site control of the 26-acre parcel that was to have been subject to transfer from fee to trust; the Federal Trust Application had been formally denied by the Secretary; and that the previously extended January 12, 2014 termination date was the date by which the Chippewa Tribes would have to complete development and begin operation of the contemplated Class III Gaming Facility on the 26-acre parcel; and

**WHEREAS**, the Chippewa Tribes have done nothing substantively to gain site control since the Nation purchased the site on October 29, 2009, nor have they amended, refiled or otherwise taken affirmative steps to further pursue the Federal Trust Application since its denial by the Secretary on January 13, 2009 (other than filing an unsuccessful lawsuit against the Secretary of the Department of Interior, which was dismissed September 30, 2008, in the U.S. District Court for the District of Columbia, Civil Case No. 07-2210 (RJL), which dismissal was upheld on appeal by the U.S. Court of Appeals for the District of Columbia Circuit); and

**WHEREAS**, the Nation has site control by virtue of its ownership of the site, said site is specified in the IGA, and will be included in the Federal Trust Application; and

**WHEREAS**, the Nation has entered into a Gaming Compact with the State of Wisconsin, which provides for an additional Class III Gaming site; and

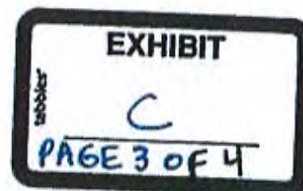
**WHEREAS**, said Gaming Compact in Article XXVII B requires that a resolution of support authorizing Class III Gaming be delivered to the governor by the city and the county where such site is to be located.

**NOW, THEREFORE**, the City Council of the City of Beloit, Rock County, Wisconsin, does hereby declare that it deems the Intergovernmental Agreement between the City of Beloit, the Bad River Band of Lake Superior Chippewa Indians of Wisconsin, St. Croix Chippewa Indians of Wisconsin, and Nizhoo Aking to be of no further force and effect.

**BE IT FURTHER RESOLVED** that all prior City Council resolutions approving the Intergovernmental Agreement with the above-named Chippewa Tribes, and the amendments thereto, be, and they are hereby, rescinded.

**BE IT FURTHER RESOLVED** that the attached IGA between the City, the County and the Nation be, and it is hereby, approved.

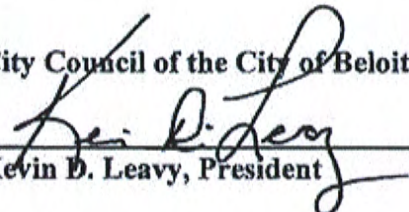
**BE IT FURTHER RESOLVED** that the City hereby authorizes Class III Gaming consistent with the attached IGA and authorizes the delivery of this resolution of support to the Governor of the State of Wisconsin.



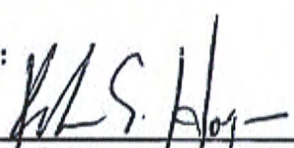
**BE IT FURTHER RESOLVED** that the City Manager be, and he is hereby, authorized to execute said IGA on behalf of the City and to do all other necessary things to effectuate implementation.

Adopted this 5<sup>th</sup> day of March, 2012.

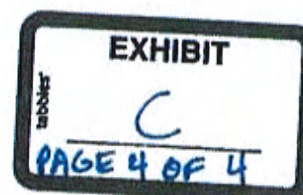
City Council of the City of Beloit

  
Kevin D. Leavy, President

Attest:

  
Rebecca S. Houseman, City Clerk

tdh\res\Casino IGA Approval=res=120208 1127 (cln) (99-1240)





**ROCK COUNTY, WISCONSIN**

Office of the Rock County Clerk  
 51 South Main Street  
 Janesville, WI 53545

*Lori Stottler, Rock County Clerk*  
*Maureen K. Johnson, Deputy*



Office (608) 757-5660  
 Fax (608) 757-5662  
[www.co.rock.wi.us](http://www.co.rock.wi.us)

STATE OF WISCONSIN )  
 ) SS  
 COUNTY OF ROCK )

This is to certify that this Resolution is a true and correct copy of the original as passed by the Rock County Board of Supervisors at a meeting of said Board held in the Rock County Court House, Janesville, Wisconsin, Thursday, March 8, 2012.

Given under my hand and Official Seal of the County of Rock, State of Wisconsin, this 8th of March, 2012.

Lorena R. Stottler  
 Rock County Clerk

(SEAL)





RESOLUTION NO. 12-3A-606AGENDA NO. 12.D.3.(1)

**RESOLUTION  
ROCK COUNTY BOARD OF SUPERVISORS**

COUNTY BOARD STAFF  
COMMITTEE  
INITIATED BY



JEFFREY S. KUGLITSCH  
DRAFTED BY

FEBRUARY 1, 2012  
DATE DRAFTED

COUNTY BOARD STAFF  
COMMITTEE  
SUBMITTED BY

**RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY  
OF BELOIT, THE COUNTY OF ROCK AND THE HO-CHUNK NATION**

1 WHEREAS, the City of Beloit ("City"), County of Rock ("County") and the Ho-Chunk Nation  
2 ("Nation") have concluded negotiations regarding an Intergovernmental Agreement ("IGA") relating to  
3 the construction and operation of a Class III Gaming Facility on property owned by the Nation; and  
4

5 WHEREAS, the Nation intends to submit a Federal Trust Application, including the IGA, for  
6 approval to the United States Secretary of the Interior ("Secretary"); and  
7

8 WHEREAS, the support of host local governments is important to secure the Secretary's  
9 approval of the Federal Trust Application and to the ultimate success of the Beloit Class III Gaming  
10 Facility; and  
11

12 WHEREAS, the County recognizes that said Class III Gaming Facility will be beneficial to the  
13 City, the County, area residents, and to the Nation and its members by, in part, providing employment  
14 opportunities and promoting economic development in the region; and  
15

16 WHEREAS, the City and the County had previously negotiated and entered into an  
17 Intergovernmental Agreement, including various amendments thereto, with the Bad River Band of  
18 Lake Superior Chippewa Indians of Wisconsin, the St. Croix Chippewa Indians of Wisconsin, and  
19 Niizhoo Akiing (collectively, "the Chippewa Tribes") with the original agreement being entered into in  
20 2001, and the most recent amendment being approved by this County Board in 2008, with the final  
21 extension to terminate in 2014; and  
22

23 WHEREAS, the Federal Trust Application submitted by the Chippewa Tribes was formally  
24 denied by the Secretary on January 13, 2009; and  
25

26 WHEREAS, the Nation now has ownership of the site, said site is specified in the IGA, and  
27 will be included in the Federal Trust Application; and  
28

29 WHEREAS, the Nation has entered into a Gaming Compact with the State of Wisconsin, which  
30 provides for an additional Class III Gaming site; and  
31

32 WHEREAS, said Gaming Compact in Article XXVII B requires that a resolution of support  
33 authorizing Class III Gaming be delivered to the Governor by the city and the county where such site is  
34 to be located.  
35

36 NOW, THEREFORE, BE IT RESOLVED by the Rock County Board of Supervisors, in  
37 session this 1<sup>st</sup> day of March, 2012, that they approve the current proposed IGA between the City of  
38 Beloit, the County and the Nation.  
39

40 BE IT FURTHER RESOLVED that the County hereby authorizes Class III Gaming consistent  
41 with the IGA and also authorizes the delivery of this resolution of support to the Governor of the State  
42 of Wisconsin.  
43

12-3A-606

EXHIBIT

D

PAGE 2 OF 4

RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF  
BELOIT, THE COUNTY OF ROCK AND THE HO-CHUNK NATION

Page 2

44 BE IT FURTHER RESOLVED that the Rock County Board of Supervisors, declares that it  
45 deems the Intergovernmental Agreement between the County of Rock, City of Beloit, the Bad River  
46 Band of Lake Superior Chippewa Indians of Wisconsin, St. Croix Chippewa Indians of Wisconsin, and  
47 Nizhoo Akiing to be of no further force and effect.

48  
49 BE IT FURTHER RESOLVED that all prior County resolutions approving the  
50 Intergovernmental Agreement with the above-named Chippewa Tribes, and the amendments thereto, be  
51 rescinded.

52  
53 BE IT FURTHER RESOLVED that the County Board Chair and County Clerk be authorized to  
54 execute the current IGA on behalf of the County of Rock.

Respectfully submitted:

COUNTY BOARD STAFF COMMITTEE

*Russell Podzilni*  
Russell Podzilni, Chair

*Sandra Kraft*  
Sandra Kraft, Vice Chair

*Eva Arnold*  
Eva Arnold

*Hank Brill*  
Hank Brill

*Betty Jo Bussie*  
Betty Jo Bussie

*Ivan Collins*  
Ivan Collins

*- Dissent -*  
Marilynn Jensen

Absent  
Louis Peer

/s/Kurtis Yankee  
Kurtis Yankee

LEGAL NOTE:

The County Board is authorized to take this action pursuant to sec. 59.01 and 59.51, Wis. Stats.

*Jeffrey S. Kuglitsch*  
Jeffrey S. Kuglitsch  
Corporation Counsel

FISCAL NOTE:

This agreement requires the County to provide usual and customary services to the proposed casino. These costs cannot be measured at this time. It also provides for the Ho-Chunk Nation to make payments equaling 2% of the net win to the City of Beloit, of which the County would receive 30%. These payments would be in lieu of property taxes. The financial impact is unknown at this time.

*Sherry Oja*  
Sherry Oja  
Finance Director

ADMINISTRATIVE NOTE:

Recommended.

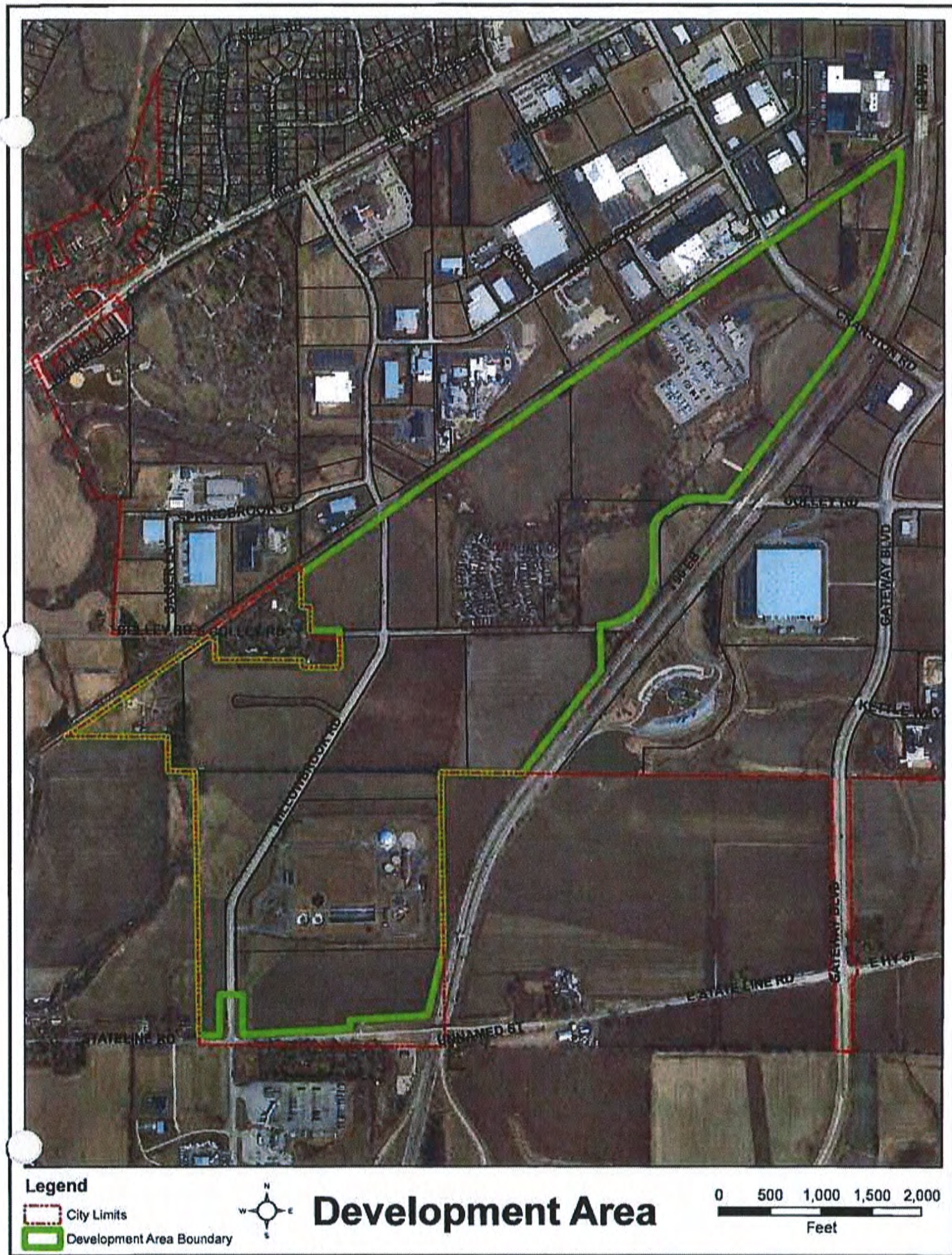
*Craig Knutson*  
Craig Knutson  
County Administrator

## EXECUTIVE SUMMARY

This resolution approves an Intergovernmental Agreement between the City of Beloit, the County of Rock and the Ho-Chunk Nation. It relates to the construction and operation of a Class III gaming facility on property currently owned by the Ho-Chunk Nation in the City of Beloit. The support of the County is important to help secure the Secretary of the Interior's approval of the Federal Trust Application. The County recognizes that such a facility would be beneficial to area residents by providing employment opportunities and promoting economic development. An issue that is raised by approving this Agreement is the status of the previously negotiated Agreement with the Bad River Band of Lake Superior Chippewa Indians, the St. Croix Chippewa Indians of Wisconsin and the Niizhoo Akiing (collectively known as the Chippewa Tribes). The County previously agreed to work with the Chippewa Tribes for a casino back in 2001 with extensions that pushed the approval to January 2014. The Federal Trust Application submitted by the Chippewa Tribes was formally denied by the Secretary of the Interior on January 13, 2009. In addition, the Intergovernmental Agreement with the Chippewa Tribes contained specific provisions limiting and describing the lands to be transferred into trust. It identified a specific 26-acre parcel of land within the City of Beloit as being included in its trust application. The Chippewa Tribes ultimately lost control of the proposed trust site. This allowed the property to be purchased by the Ho-Chunk Nation in October 2009. Since this land is no longer possible to be placed into trust for the Chippewa Tribes, the County needs to rescind the approval it had given for those properties. This resolution also provides that the IGA between the City, the County and the Nation be approved with the County getting a 30 percent share of the net win proceeds from the City of Beloit as provided for under the Agreement.









## FIRST AMENDMENT OF INTERGOVERNMENTAL AGREEMENT

THIS FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT ("First Amendment") is made effective as of March 1, 2015 by and between the HO-CHUNK NATION, a federally recognized Indian Tribe organized under Section 16 of the Indian Reorganization Act (the "Nation"), the CITY OF BELOIT, a municipal corporation organized under the laws of the state of Wisconsin (the "City"), and the COUNTY OF ROCK (the "County"), a municipal corporation organized under the laws of the state of Wisconsin. The Nation, City and County are each a "Party" and are collectively the "Parties."

The Parties entered into that certain Intergovernmental Agreement with an Execution Date of March 26, 2012 (the "IGA"). Section 4.3 of the IGA provides for the automatic expiration of the IGA on the third anniversary of the IGA's Execution Date. The Parties wish to amend the IGA to extend the automatic expiration for an additional three (3) years pursuant to the terms of this First Amendment.

In consideration of the premises above and the agreements below, the Parties agree as follows:

1. Defined Terms. Any capitalized term used but not defined in this First Amendment shall have the meaning given it in the IGA.
2. Automatic Expiration Extension. Section 4.3 of the IGA is hereby deleted in its entirety and replaced with the following:


Section 4.3 **Automatic Expiration**. This IGA shall automatically expire and become null and void on the date occurring six (6) years after the Execution Date (March 26, 2018,) if the Trust Approval Date has not then occurred, unless the Parties agree otherwise in writing.

3. Full Force and Effect. Except as modified by this First Amendment, the IGA and all of its terms and conditions are in full force and effect.
4. Counterparts. This First Amendment may be executed in any number of counterparts, each of which shall be deemed an original, and all of which together shall constitute one agreement. Original signatures sent by facsimile or by electronic mail shall be accepted as originals and shall be binding upon the Parties.

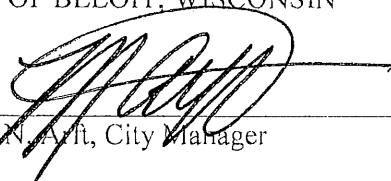
*(Signatures on following pages)*

IN WITNESS WHEREOF, the Parties have entered into this First Amendment as of the date first written above.

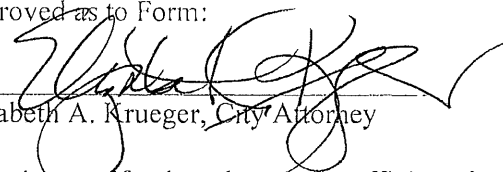
ATTEST:

By:   
Rebecca Houseman Lemire, City Clerk

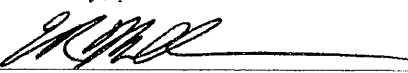
CITY OF BELOIT, WISCONSIN

By:   
Larry N. Arlt, City Manager


Approved as to Form:

By:   
Elizabeth A. Krueger, City Attorney

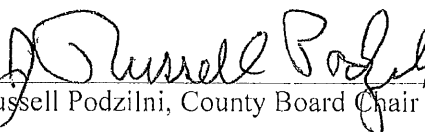
I hereby certify that there are sufficient funds available to pay the liability incurred by the City of Beloit, if any, pursuant to this First Amendment.

By:   
Eric Miller  
Finance & Administrative Services Director

ATTEST:

By:   
Lori Stottler, County Clerk

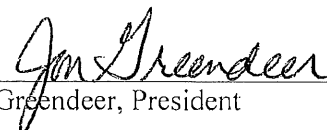
COUNTY OF ROCK, WISCONSIN

By:   
J. Russell Podzilni, County Board Chair

ATTEST:

By:   
Kathyleen LoneTree-Whiterabbit, Tribal Secretary

HO-CHUNK NATION

By:   
Jon Greendeer, President

## SECOND AMENDMENT OF INTERGOVERNMENTAL AGREEMENT

THIS SECOND AMENDMENT TO INTERGOVERNMENTAL AGREEMENT ("Second Amendment") is effective on January 29, 2018 ("Second Amendment Effective Date") by and between the HO-CHUNK NATION, a federally recognized Indian Tribe organized under Section 16 of the Indian Reorganization Act (the "Nation"), the CITY OF BELOIT, a municipal corporation organized under the laws of the state of Wisconsin (the "City"), and the COUNTY OF ROCK (the "County"), a municipal corporation organized under the laws of the state of Wisconsin. The Nation, City and County are each a "Party" and are collectively the "Parties."

The Parties entered into that certain Intergovernmental Agreement with an Execution Date of March 26, 2012 (the "Original IGA"). The Parties amended the IGA pursuant to that certain First Amendment of Intergovernmental Agreement with an effective date of March 1, 2015 ("First Amendment"). The Original IGA, as amended by the First Amendment, is the "IGA." The Parties wish to amend Section 4.3 of the IGA to extend the date of automatic expiration from March 26, 2018 to March 26, 2021.

The Parties further agree as follows:

1. Defined Terms. Any capitalized term used but not defined in this Second Amendment has the meaning given it in the IGA.
2. Automatic Expiration Extension. Section 4.3 of the First Amendment is hereby deleted in its entirety and replaced with the following:

Section 4.3. **Automatic Expiration**. Unless the Parties agree otherwise in writing, this IGA automatically expires and becomes null and void on March 26, 2021 if the Trust Approval Date has not then occurred. However, if the Trust Approval Date has occurred on or before March 26, 2021, then this Section 4.3 shall be deemed deleted from this IGA.

3. Full Force and Effect. Except as modified by this Second Amendment, the IGA and all of its terms and conditions are in full force and effect.
4. Counterparts. This Second Amendment may be executed in any number of counterparts, each of which shall be deemed an original, and all of which together shall constitute one agreement. Original signatures sent by facsimile or by electronic mail shall be accepted as originals and shall be binding upon the Parties.

*(Signatures on following pages)*

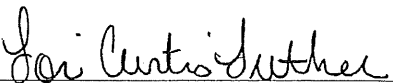


IN WITNESS WHEREOF, the Parties have entered into this Second Amendment as of the Second Amendment Effective Date.

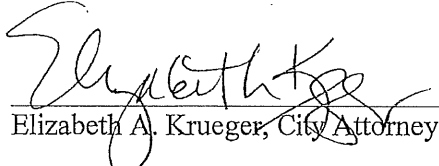
ATTEST:

CITY OF BELOIT, WISCONSIN

By:   
Lori Stottler, City Clerk-Treasurer

By:   
Lori Curtis Luther, City Manager

Approved as to Form:

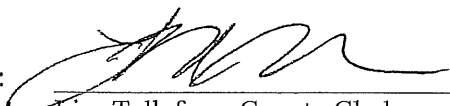
By:   
Elizabeth A. Krueger, City Attorney

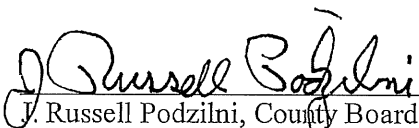
I hereby certify that there are sufficient funds available to pay the liability incurred by the City of Beloit, if any, pursuant to this Second Amendment.

By:   
Eric Miller, Finance & Administrative Services Director

ATTEST:

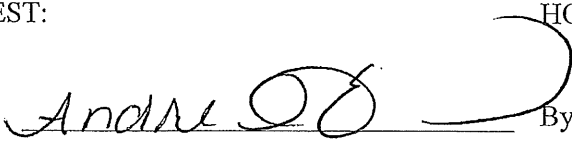
COUNTY OF ROCK, WISCONSIN

By:   
Lisa Tollefson, County Clerk

By:   
J. Russell Podzilni, County Board Chair

ATTEST:

HO-CHUNK NATION

By:   
Tribal Secretary

By:   
Douglas Greengrass, Vice President

### THIRD AMENDMENT OF INTERGOVERNMENTAL AGREEMENT

THIS THIRD AMENDMENT TO INTERGOVERNMENTAL AGREEMENT ("Third Amendment") is effective on March 26, 2021 ("Third Amendment Effective Date") by and between the HO-CHUNK NATION, a federally recognized Indian Tribe organized under Section 16 of the Indian Reorganization Act (the "Nation"), the CITY OF BELOIT, a municipal corporation organized under the laws of the state of Wisconsin (the "City"), and the COUNTY OF ROCK (the "County"), a municipal corporation organized under the laws of the state of Wisconsin. The Nation, City and County are each a "Party" and are collectively the "Parties."

The Parties entered into that certain Intergovernmental Agreement with an Execution Date of March 26, 2012 (the "Original IGA"). The Parties amended the IGA pursuant to that certain Second Amendment of Intergovernmental Agreement with an effective date of January 29, 2018 ("Second Amendment"). The Original IGA, as amended by the Second Amendment, is the "IGA." The Parties wish to amend Section 4.3 of the IGA to extend the date of automatic expiration from March 26, 2021 to June 30, 2022.

The Parties further agree as follows:

1. Defined Terms. Any capitalized term used but not defined in this Third Amendment has the meaning given it in the IGA.
2. Automatic Expiration Extension. Section 4.3 of the Second Amendment is hereby deleted in its entirety and replaced with the following:
 

Section 4.3. Automatic Expiration. Unless the Parties agree otherwise in writing, this IGA automatically expires and becomes null and void on June 30, 2022 if the Trust Approval Date has not then occurred. However, if the Trust Approval Date has occurred on or before June 30, 2022, then this Section 4.3 shall be deemed deleted from this IGA.
3. Full Force and Effect. Except as modified by this Third Amendment, the IGA and all of its terms and conditions are in full force and effect.
4. Counterparts. This Third Amendment may be executed in any number of counterparts, each of which shall be deemed an original, and all of which together shall constitute one agreement. Original signatures sent by facsimile or by electronic mail shall be accepted as originals and shall be binding upon the Parties.

*(Signatures on following pages)*

11.C.(5)

IN WITNESS WHEREOF, the Parties have entered into this Third Amendment as of the Third Amendment Effective Date.

ATTEST:

By:

Lori Stottler  
Lori Stottler, City Clerk-Treasurer

CITY OF BELOIT, WISCONSIN

By:

Lori Curtis Luther  
Lori Curtis Luther, City Manager

Approved as to Form:

By:

Elizabeth A. Krueger  
Elizabeth A. Krueger, City Attorney

I hereby certify that there are sufficient funds available to pay the liability incurred by the City of Beloit, if any, pursuant to this Third Amendment.

By:

Eric Miller  
Eric Miller, Finance & Administrative Services Director

ATTEST:

By:

Lisa Tollefson  
Lisa Tollefson, County Clerk

COUNTY OF ROCK, WISCONSIN

By:

Richard Bostwick  
Richard Bostwick, County Board Chair

ATTEST:

By:

Minu Smith  
Minu Smith, Tribal Secretary

HO-CHUNK NATION

By:

Karena Thundercloud  
Karena Thundercloud, Vice President