



# City of Madison

City of Madison  
Madison, WI 53703  
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## Proceedings - Approved COMMON COUNCIL

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Tuesday, October 16, 2007

6:30 PM

210 Martin Luther King, Jr. Blvd.  
Room 201 (City-County Building)

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**Roll Call at 6:32 p.m., Ald. Mike Verveer in the Chair.**

**Present:** 19 -

Brenda K. Konkell; Lauren Cnare; Michael E. Verveer; Robbie Webber; Marsha A. Rummel; Zachariah Brandon; Eli Judge; Paul E. Skidmore; Brian L. Solomon; Tim Gruber; Satya V. Rhodes Conway; Julia S. Kerr; Tim Bruer; Larry Palm; Judy Compton; Joseph R. Clausius; Michael Schumacher; Mark Clear and Thuy Pham-Remmele

**Excused:** 2 -

Jed Sanborn and David J. Cieslewicz

### **SUSPEND THE RULES**

Suspend Rules 2.04 (order of business), 2.05 (introduction of business), 2.24 (ordinances), and 2.25 (resolutions) for items so designated on the agenda.

**A motion was made by Ald. Bruer, seconded by Ald. Konkell, to Suspend the Rules. The motion passed by voice vote/other.**

### **BUSINESS BY THE MAYOR**

1. [07729](#) Report of the Mayor submitting Alder committee appointments.

**A motion was made by Ald. Bruer, seconded by Ald. Konkell, to Confirm . The motion passed by voice vote/other.**

2. [07744](#) Report of the Mayor submitting citizen committee appointments (introduced 10-16-2007; action 11-6-2007).

Confirm at the 11/6/07 Common Council Meeting.

**A motion was made by Ald. Bruer, seconded by Ald. Konkell, to Refer to a future Meeting to Confirm . The motion passed by voice vote/other.**

**RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM**

**REPORT OF PLAN COMMISSION**

- 3. [07228](#) Creating Section 28.06(2)(a)3284. of the Madison General Ordinances rezoning property from Temp A Agriculture to M1 Limited Manufacturing District and creating Section 28.06(2)(a)3285. of the Madison General Ordinances rezoning property from Temp A Agriculture to W Wetlands District; Proposed Use: Demolish Single-Family Home & Construct Multi-Tenant Industrial Building; 16th Aldermanic District: 5402 Voges Road

**Sponsors:** Common Council By Petition

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt and Close the Public Hearing. The motion passed by voice vote/other.**

Enactment No: ORD-07-00144

**PUBLIC HEARINGS - BEGIN AT 6:45 PM**

**REPORT OF BOARD OF ESTIMATES**

- 4. [07639](#) 2008 Executive Operating Budget and Amendments.

**A motion was made by Ald. Bruer, seconded by Ald. Webber, to Rerefer for Recessed Public Hearing to the BOARD OF ESTIMATES, due back on 11/6/2007. The motion passed by voice vote/other.**

**REPORT OF BOARD OF PUBLIC WORKS**

- 5. [07570](#) Approving plans, specifications and schedule of assessments for streetlights - Reston Heights. (3rd AD)

**Sponsors:** Common Council By Request

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt and Close the Public Hearing. The motion passed by voice vote/other.**

Enactment No: RES-07-01023

**REPORT OF PLAN COMMISSION**

- 6. [07316](#) Creating Section 28.06(2)(a)3292. of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District and W Wetland District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3293. of the Madison General Ordinances rezoning property from Amended PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Construct 12-Unit Townhouse Building; 7th Aldermanic District: 6733 Fairhaven Road.

**Sponsors:** Common Council By Petition

**A motion was made by Ald. Bruer, seconded by Ald. Rhodes Conway, to Adopt and Close the Public Hearing. The motion passed by voice vote/other.**

Enactment No: ORD-07-00145

- 7. [07317](#) Creating Section 28.06(2)(a)3294. of the Madison General Ordinances rezoning property from R6 General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3295. of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Add Additional Unit in Multi-Family Residential Building; 4th Aldermanic District: 430 West Dayton Street.

**Sponsors:** Common Council By Petition

**A motion was made by Ald. Bruer, seconded by Ald. Rhodes Conway, to Rerefer for Recessed Public Hearing to the PLAN COMMISSION. The motion passed by voice vote/other.**

**END OF PUBLIC HEARINGS**

**At this time, the balance of the agenda which has not been acted upon will be moved with the recommended action listed for each items EXCEPT #'s: 12 & 48 on a motion made by Ald. Bruer, seconded by Ald. Brandon.**

**REPORTS OF OFFICERS**

**REPORT OF AFFIRMATIVE ACTION COMMISSION**

- 8. [07373](#) Amending 39.02(9)(a)3. to make the Affirmative Action requirements consistent for subdivision improvement contracts and similar contracts for the construction of public improvements that will be accepted by the city, and creating 39.02(9)(a)2.i. and amending 39.02(9)(b) to clarify the affirmative action and nondiscrimination contract requirements for contracts with state and federal governments, and exempting written employment contracts from the Affirmative Action provisions.

**Sponsors:** Joseph R. Clausius

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

**Excused:** 2 -

Jed Sanborn and David J. Cieslewicz

Enactment No: RES-07-01056

**REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE**

- 9. [07728](#) Alcohol License Review Committee Report of Operator License Applications October 16, 2007. See attached report for list of operators.

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Grant. The motion passed by the following vote:**

**Excused:** 2 -

Jed Sanborn and David J. Cieslewicz

**Ayes:** 18 -

Brenda K. Konkel; Lauren Cnare; Michael E. Verveer; Robbie Webber; Marsha A. Rummel; Eli Judge; Paul E. Skidmore; Brian L. Solomon; Tim Gruber; Satya V. Rhodes Conway; Julia S. Kerr; Tim Bruer; Larry Palm; Judy Compton; Joseph R. Clausius; Michael Schumacher; Mark Clear and Thuy Pham-Remmele

**Abstentions:** 1 -

Zachariah Brandon

**REPORT OF BOARD OF BUILDING CODE, FIRE CODE, AND LICENSING APPEALS**

10. [07159](#) Amending Section 1.08(4) of the Madison General Ordinances to allow the Director of the Neighborhood Preservation and Inspection Division of the Department of Planning and Community and Economic Development, or designee, to issue citations for violations of the City's Noise Control Regulation Ordinance, Section 24.08 of the Madison General Ordinances.

**Sponsors:** Michael E. Verveer

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: ORD-07-00147

**REPORT OF BOARD OF ESTIMATES**

11. [07354](#) Amending the policy for collection of refuse from nonresidential properties and establishing an annual per cart collection fee for properties using more than four carts.

**Sponsors:** David J. Cieslewicz

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01024

12. [07522](#) Dissolving Tax Incremental District (TID) #24 (Southeast Industrial).

**Sponsors:** David J. Cieslewicz

**A motion was made by Ald. Bruer, seconded by Ald. Kerr, to Adopt. The motion passed by the following vote:**

**Excused:** 2 -

David J. Cieslewicz and Jed Sanborn

**Ayes:** 18 -

Brenda K. Konkel; Lauren Cnare; Michael E. Verveer; Robbie Webber; Marsha A. Rummel; Zachariah Brandon; Eli Judge; Paul E. Skidmore; Brian L. Solomon; Tim Gruber; Satya V. Rhodes Conway; Julia S. Kerr; Tim Bruer; Larry Palm; Judy Compton; Michael Schumacher; Mark Clear and Thuy Pham-Remmele

**Noes:** 1 -

Joseph R. Clausius

Enactment No: RES-07-01025

13. [07523](#) Dissolving Tax Incremental District (TID) #28 (Bassett Neighborhood).

**Sponsors:** David J. Cieslewicz

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01026

14. [07544](#) That the position (#3892) of Zoning Code Enforcement Officer 1 in Compensation Group 16, Range 13, (occupied by J. Kirchgatter) in the permanent salary detail of the Inspection Unit budget is repealed and recreated as a position of Zoning Code Enforcement Officer 2 in Compensation Group 16, Range 16, thereof. Be it further resolved that the incumbent shall be reallocated to said position.

**Sponsors:** David J. Cieslewicz

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01027

15. [07546](#) That the 0.65 FTE position (#3919) of Clerk Typist 2 in Compensation Group 20, Range 06, (occupied by J. McClain) in the permanent salary detail of the Overture Center budget is repealed and recreated as a 0.65 FTE position of Administrative Clerk 1 in Compensation Group 20, Range 09, thereof. Be it further resolved that the incumbent shall be reallocated to said position.

**Sponsors:** David J. Cieslewicz

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01028

16. [07547](#) That the 0.80 FTE position (#438) of Librarian 2 in Compensation Group 33, Range 02, (occupied by T. Elias) in the permanent salary detail of the Madison Public Library budget is repealed and recreated as a 0.80 FTE position of Librarian 3 in Compensation Group 33, Range 03, thereof. Be it further resolved that the incumbent shall be reallocated to said position.

**Sponsors:** David J. Cieslewicz

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01029

17. [07564](#) Approving Facade Improvement Grant to: 12 South Carroll Street (Fromagination).

**Sponsors:** Michael E. Verveer

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01030

18. [07587](#) That the vacant position (#2582) of Automotive Service worker in Compensation Group 16, Range 08, in the permanent salary detail of the Police Department budget is repealed and recreated as a position of Police Property Clerk in Compensation Group 16, Range 07, thereof.

**Sponsors:** David J. Cieslewicz

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01031

19. [07592](#) Approving the settlement of all issues arising out of an arbitration between the City of Madison and the Building and Construction Trades Council of South Central Wisconsin.

**Sponsors:** David J. Cieslewicz

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01032

#### REPORT OF BOARD OF PARK COMMISSIONERS

20. [06568](#) Authorizing the Mayor and City Clerk to enter into an Amendment to the Agreement between the City and Organizacion Latina De Futbol, Inc. to require Organizacion Latina to schedule and designate a field marshal for Elver Park fields #3 and #4.

**Sponsors:** Joseph R. Clausius and Michael Schumacher

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01033

#### REPORT OF BOARD OF PUBLIC WORKS

21. [07323](#) Amending the Master List of Street Names and Designations and amending the City Engineer's Street Numbering Map, referred to in Sections 10.34(1) and 10.35, Madison General Ordinances: Changing the existing name of Yesterday Drive to Eagle Summit Court from Owl Creek Drive to the point of intersection with a line between the Northeast corner of Lot 22 and the Southeast corner of Lot 31, Madison Commerce Park. (16th AD)

**Sponsors:** Judy Compton

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion FAILED voice vote/other.**

Enactment No: RES-07-01034

22. [07351](#) Authorizing the Mayor and the City Clerk to execute a release of the platted public utility easement reserved along the lot line dividing Lots 239 and 240, First Addition to Reston Heights.

**Sponsors:** Lauren Cnare

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01035

23. [07368](#) Authorizing the Mayor and City Clerk to execute a lease with the Perry J. Schappe Revocable Trust, the owner of property located at 819 East Washington Avenue, to accommodate the existing air space encroachment of a building canopy into the East Washington Avenue public right of way.

**Sponsors:** Marsha A. Rummel

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01036

24. [07497](#) Improvements accepted for Drinking Fountains - 2005, Contract No. 5772. (Various ADs)

**Sponsors:** Common Council By Request

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01037

- 25. [07520](#) Declaring the City of Madison's intention to exercise its police powers establishing the Schroeder Road Sidewalk Assessment District - 2007. (1st AD)

**Sponsors:** Common Council By Request

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01038

- 26. [07521](#) Improvements Accepted for Street Tree Installation- 2007 Contract #6050.(Various ADs)

**Sponsors:** Common Council By Request

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01039

- 27. [07568](#) Improvements accepted for Water Service Laterals by Private Contract to serve: Southern Ridge. (1st AD)

**Sponsors:** Common Council By Request

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01040

- 28. [07594](#) Approving temporary construction work with associated noise impacts between the hours of 7:00 PM and 7:00 AM on State Street. (4th AD)

**Sponsors:** Michael E. Verveer

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01041

- 29. [07604](#) Improvements accepted for John Nolen Drive Service Road Extension Assessment District - 2002, Contract No. 5398. (14th AD)

**Sponsors:** Common Council By Request

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01042

30. [07605](#) Approving plans and specifications for public improvements necessary for the project known as 8001 Raymond Road PUD and authorizing construction to be undertaken by the Developer, Private Contract No. 2176. (7th AD)
- Sponsors:** Common Council By Request
- A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-07-01043
31. [07606](#) Approving plans and specifications for public improvements necessary for the Subdivision known as Hawks Ridge and authorizing construction to be undertaken by the Developer, Private Contract No. 2129. (1st AD)
- Sponsors:** Common Council By Request
- A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-07-01044
32. [07608](#) Authorizing an Amendment No. 4 to the contract between the City of Madison and Potter Lawson, Inc., in the amount of \$11,458 for additional architectural and engineering design services for the City-County Building & Madison Municipal Building Tenant Improvements. (6th AD)
- Sponsors:** Common Council By Request
- A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-07-01045
33. [07610](#) Improvements accepted for Restoration/Landscaping - 2005, Contract No. 5826. (Various ADs)
- Sponsors:** Common Council By Request
- A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-07-01046
34. [07616](#) Awarding Public Works Contract No. 6028, Starkweather Creek Improvements and Clyde Gallagher Avenue Reconstruction - 2007.
- Sponsors:** Common Council By Request
- A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01047

35. [07617](#) Awarding Public Works Contract No. 6058, Kettle Pond Dredging.

**Sponsors:** Common Council By Request

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01048

36. [07619](#) Awarding Public Works Contract No. 6083, Fire Sprinkler Installation @ Fire Stations 1, 5, & 6.

**Sponsors:** Common Council By Request

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01049

37. [07621](#) Awarding Public Works Contract No. 6092, CDS Device Installation - Erin Street Outfall & Starker Avenue.

**Sponsors:** Common Council By Request

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01050

38. [07637](#) Improvements accepted for Local Road Traffic Calming & Arterial Pedestrian Enhancement - 2005, Contract No. 5814. (Various ADs)

**Sponsors:** Common Council By Request

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01051

39. [07644](#) To establish assessments for the installation of street trees requested by the property owner (notices and public hearings have been waived). (Various ADs)

**Sponsors:** Common Council By Request

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01052

**REPORT OF COMMUNITY AND ECONOMIC DEVELOPMENT UNIT**

40. [07689](#) Report of the Community Development Authority of the City of Madison, Wisconsin re: WID/MIR Redevelopment Plan.

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Accept report under suspension of the rules. The motion passed by voice vote/other.**

**REPORT OF COMMUNITY DEVELOPMENT BLOCK GRANT COMMISSION**

41. [07623](#) SUBSTITUTE - Authorizing the subordination of a previously approved loan to Wexford Ridge Neighborhood Center to a first mortgage holder during the period of construction and authorizing the Mayor and City Clerk to sign agreements to effect such a change.

**Sponsors:** Mark Clear, Marsha A. Rummel, Paul E. Skidmore, Thuy Pham-Remmele and Tim Bruer

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01053

**REPORT OF DOWNTOWN COORDINATING COMMITTEE**

- 42. [07559](#) To approve the 2008 Operating Plan for Madison's Central Business Improvement District (#1).

**Sponsors:** Michael E. Verveer

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

Enactment No: RES-07-01054

**REPORT OF PLAN COMMISSION**

- 43. [07601](#) Approving the preliminary plat of "Edge of Madison" located at 4216 Jerome Street. 15th Ald. Dist.

**Sponsors:** Common Council By Request

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Place On File . The motion passed by voice vote/other.**

- 44. [07602](#) Approving Certified Survey Map of the Matthew E. Lund property located at 5306 Raymond Road. 20th Ald. Dist.

**Sponsors:** Common Council By Request

**A motion was made by to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.**

**Excused:** 2 -

Jed Sanborn and David J. Cieslewicz

Enactment No: RES-07-01055

**REPORT OF RISK MANAGER**

- 45. [07531](#) B. Nelson, 933 Waban Hill, Madison - vehicle damage - \$1,000.00.

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Disallow. The motion passed by voice vote/other.**

**REFERRED TO THIS MEETING****APPOINTMENTS**

46. [07625](#) Report of the Mayor submitting citizen committee appointments (introduced 10-2-2007; action 10-16-2007).

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Confirm. The motion passed by voice vote/other.**

**ORDINANCES**

47. [07609](#) Adopting and confirming Revision 260 of the Madison General Ordinances as of September 15, 2007 to incorporate the changes pursuant to Sec. 66.0103, Wis. Stats.

**Sponsors:** Common Council By Request

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by voice vote/other.**

**Excused:** 2 -

Jed Sanborn and David J. Cieslewicz

**Ayes:** 19 -

Brenda K. Konkel; Lauren Cnare; Michael E. Verveer; Robbie Webber; Marsha A. Rummel; Zachariah Brandon; Eli Judge; Paul E. Skidmore; Brian L. Solomon; Tim Gruber; Satya V. Rhodes Conway; Julia S. Kerr; Tim Bruer; Larry Palm; Judy Compton; Joseph R. Clausius; Michael Schumacher; Mark Clear and Thuy Pham-Remmele

Enactment No: ORD-07-00148

48. [07715](#) Repealing Section 2.38(2) of the Madison General Ordinances to remove the deadline requirements by which the Common Council must take action on a recommendation to confirm the appointment of a City employee.

**Sponsors:** Michael E. Verveer, Marsha A. Rummel, Brenda K. Konkel, Robbie Webber, Satya V. Rhodes Conway, Zachariah Brandon, Paul E. Skidmore, Mark Clear, Michael Schumacher, Judy Compton, Larry Palm, Jed Sanborn, Joseph R. Clausius and Brian L. Solomon

Adopt at the 11/6/07 Common Council Meeting.

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to a future Meeting to Adopt. The motion passed by voice vote/other.**

**RESOLUTIONS**

49. [07220](#) SUBSTITUTE - Amending the 2007 Operating Budget to appropriate \$100,000 from Contingent Reserve for Citywide Neighborhood Safety Initiatives.

**Sponsors:** David J. Cieslewicz, Jed Sanborn, Thuy Pham-Remmele, Judy Compton and Michael E. Verveer

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt. The motion passed by the following vote:**

**Excused:** 2 -

Jed Sanborn and David J. Cieslewicz

**Ayes:** 19 -

Brenda K. Konkell; Lauren Cnare; Michael E. Verveer; Robbie Webber; Marsha A. Rummel; Zachariah Brandon; Eli Judge; Paul E. Skidmore; Brian L. Solomon; Tim Gruber; Satya V. Rhodes Conway; Julia S. Kerr; Tim Bruer; Larry Palm; Judy Compton; Joseph R. Clausius; Michael Schumacher; Mark Clear and Thuy Pham-Remmele

Enactment No: RES-07-01056

50. [07665](#) Urging passage of the Wisconsin State Senate version of the State Biennial Budget.

**Sponsors:** Satya V. Rhodes Conway, Brian L. Solomon, Brenda K. Konkell, Robbie Webber, Marsha A. Rummel, David J. Cieslewicz, Michael E. Verveer, Michael Schumacher, Mark Clear, Judy Compton, Joseph R. Clausius and Thuy Pham-Remmele

**A motion was made by Ald. Bruer, seconded by Ald. Webber, to Refer to a future Meeting to Adopt. The motion passed by the following vote:**

**Excused:** 2 -

Jed Sanborn and David J. Cieslewicz

**Ayes:** 18 -

Brenda K. Konkell; Lauren Cnare; Michael E. Verveer; Robbie Webber; Marsha A. Rummel; Eli Judge; Paul E. Skidmore; Brian L. Solomon; Tim Gruber; Satya V. Rhodes Conway; Julia S. Kerr; Tim Bruer; Larry Palm; Judy Compton; Joseph R. Clausius; Michael Schumacher; Mark Clear and Thuy Pham-Remmele

**Abstentions:** 1 -

Zachariah Brandon

**NEW BUSINESS**

**ORDINANCES**

51. [07651](#) Amending Sections 31.05(2)(b) and 31.11 of the Madison General Ordinances to remove the prohibition on relocating or replacing advertising street graphics.
- Sponsors:** Jed Sanborn and Thuy Pham-Remmele
- Additional Referral(s): Urban Design Commission, Economic Development Commission, Downtown Coordinating Committee. Due back at the 12/4/07 Common Council Meeting.
- A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer For Public Hearing to the PLAN COMMISSION, due back on 12/4/2007. The motion passed by voice vote/other.**
52. [07730](#) Amending Section 28.06(1)(h) and creating Sections 28.107(12), (14), (15), and (16) of the Madison General Ordinances to establish Wellhead Protection Districts Nos. 6, 12, 18 and 24.
- Sponsors:** David J. Cieslewicz, Lauren Cnare and Robbie Webber
- Due back at the 11/20/07 Common Council Meeting.
- A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer For Public Hearing to the PLAN COMMISSION, due back on 11/20/2007. The motion passed by voice vote/other.**
53. [07732](#) Amending Sections 28.11(3)(k) of the Madison General Ordinances to cap the number of parking spaces at one space for each two hundred fifty (250) square feet of gross floor area for certain uses and amending Section 28.08(2)(c)5., creating Sections 28.08(5)(c)16., (6)(c)14., (7)(c)14., (8)(c)3., and (11)(c)15., 28.085(2)(c)5. and (5)(c)6., amending Section 28.09(2)(c)8., creating Section 28.09(5)(c)22., amending Section 28.10(4)(d)11., and creating Sections 28.10(4)(d)33. and (6)(d)8. of the Madison General Ordinances to create a conditional use for exceeding the maximum number of parking spaces.
- Sponsors:** Tim Gruber
- Due back at the 11/20/07 Common Council Meeting.
- A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer For Public Hearing to the PLAN COMMISSION, due back on 11/20/2007. The motion passed by voice vote/other.**
54. [07734](#) Creating Sections 27.05(2)(aa), (bb), (cc), and (dd) and Section 29.20(21) of the Madison General Ordinances to require bulbs with an energy efficiency of at least thirty (30) lumens in some common areas and dwelling units in residential buildings.
- Sponsors:** Larry Palm and Brian L. Solomon
- Additional Referral(s): Commission on the Environment, Housing Committee, Public Safety Review Board, Solid Waste Advisory Committee
- A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the BUILDING CODE, FIRE CODE AND LICENSING APPEALS BOARD. The motion passed by voice vote/other.**

55. [07735](#) Creating Section 28.06(2)(a)3317. of the Madison General Ordinances rezoning property from A Agriculture, R2 Single-Family Residence District, R3 Single-Family and Two-Family Residence District and R4 General Residence District to R2 Single-Family Residence District; Proposed Use: 9 Residential Lots & 2 Institutional Lots; 3rd Aldermanic District: 651 South Sprecher Road.
- Sponsors:** Common Council By Petition  
Due back at the 11/20/07 Common Council Meeting.
- This Ordinance was Refer For Public Hearing to the PLAN COMMISSION, due back on 11/20/2007**
56. [07736](#) Creating Section 28.06(2)(a)3318. of the Madison General Ordinances rezoning property from R6 General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)3319. of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(SIP) Planned Unit Development Plan (Specific Implementation Plan) District; Proposed Use: Demolish 2 Houses to Construct 14-Story, 162-Unit Apartment Building; 8th Aldermanic District: 1022 West Johnson Street.
- Sponsors:** Common Council By Petition  
Due back at the 11/20/07 Common Council Meeting.
- A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer For Public Hearing to the PLAN COMMISSION and should be returned by 11/20/2007. The motion passed byvoice vote/other.**
57. [07738](#) Creating Section 28.06(2)(a)3320. of the Madison General Ordinances rezoning property from PUD(SIP) Planned Unit Development Plan (Specific Implementation Plan) District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)3321. of the Madison General Ordinances rezoning property from Amended PUD(GDP) Planned Unit Development (General Development Plan) District to Amended PUD(SIP) Planned Unit Development Plan (Specific Implementation Plan) District; Proposed Use: Construction of 124-Unit Apartment Building; 9th Aldermanic District: 639 Pleasant View Road.
- Sponsors:** Common Council By Petition  
Due back at the 11/20/07 Common Council Meeting.
- A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer For Public Hearing to the PLAN COMMISSION, due back on 11/20/2007. The motion passed by voice vote/other.**

## RESOLUTIONS

58. [07643](#) Declaring November 11-17, 2007 as Voter Registration Week in the City of Madison.
- Sponsors:** David J. Cieslewicz and COMMON COUNCIL  
Adopt at the 11/6/07 Common Council Meeting.
- A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to a future Meeting to Adopt. The motion passed by voice vote/other.**

59. [07690](#) Authorizing the Common Council to accept ownership from Hiestand Neighborhood Association of a neighborhood entrance sign to be located within a public greenway at 402 Swanton Road.
- Sponsors:** Lauren Cnare
- Additional Referral(s): Plan Commission
- A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.**
60. [07696](#) Requiring non-represented employees in Compensation Groups 18, 19, 21, and 44 to make a co-payment for health insurance coverage for 2008.
- Sponsors:** David J. Cieslewicz
- Due back at the 11/6/07 Common Council meeting.
- A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the BOARD OF ESTIMATES, due back on 11/6/2007. The motion passed by voice vote/other.**
61. [07717](#) Authorizing Public Health-Madison and Dane County to accept a grant from the National Association for County and City Health Organizations for community-based preparedness.
- Sponsors:** Lauren Cnare
- Additional Referral(s): Board of Health for Madison and Dane County
- A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the BOARD OF ESTIMATES. The motion passed by voice vote/other.**
62. [07741](#) Authorizing a lease agreement with Bock Water Heaters, Inc. for the use of a portion of the City's East Rail Corridor property adjacent to Bock's property located at 110 South Dickinson Street.
- Sponsors:** Marsha A. Rummel
- Additional Referral(s): Plan Commission
- A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the BOARD OF ESTIMATES. The motion passed by voice vote/other.**
63. [07742](#) Transferring debt proceeds among several projects in Engineering-Major Streets, Engineering-Other, Sewer Utility and the Stormwater Utility and amending the 2007 and 2008 Capital Budgets.
- Sponsors:** David J. Cieslewicz
- A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the BOARD OF ESTIMATES. The motion passed by voice vote/other.**

64. [07747](#) Approving plans and specifications for the reconstruction of the Lien Road Underpass of I-39/90/94 and authorizing the Mayor and City Clerk to execute an agreement with the State of Wisconsin Department of Transportation for reconstruction and cost sharing of the Lien Road Underpass of I-39/90/94. (17th AD)

**Sponsors:** Joseph R. Clausius

Additional Referral(s): Board of Public Works

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the BOARD OF ESTIMATES. The motion passed by voice vote/other.**

65. [07748](#) Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of Plat of land interests required for the construction of sidewalk within the property at 6102 Schroeder Road related to Sidewalk and Curb & Gutter, Citywide Installation and Repair-2007-Engineering Project No. 53W0417. (1st AD)

**Sponsors:** Jed Sanborn

Additional Referral(s): Plan Commission, 11/20/07 Common Council Meeting

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer For Public Hearing to the BOARD OF PUBLIC WORKS, due back on 11/20/2007. The motion passed by voice vote/other.**

66. [07749](#) Authorizing and Providing for the Sale and Issuance of \$30,525,000 Water Utility Mortgage Revenue Bonds, Series 2007, and All Related Details

**Sponsors:** Lauren Cnare

Additional Referral(s): Water Utility Board. Due back at the 11/6/07 Common Council Meeting.

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the BOARD OF ESTIMATES, due back on 11/6/2007. The motion passed by voice vote/other.**

67. [07753](#) Amending the Ground Lease Agreements between the City of Madison and Larry E. and Dolores A. Lichte and between the City of Madison and Polly O'Hare to delete references to a 42 inch high, 2-rail, split-rail fence, and to make other minor modifications.

**Sponsors:** Mark Clear

Additional Referral(s): Landmarks Commission

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the BOARD OF PARK COMMISSIONERS. The motion passed by voice vote/other.**

#### CLAIMS - REFER TO RISK MANAGER

68. [07648](#) C. Sayers, 1814 Waunona Way, Madison - property damage - \$229.00.

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the Risk Manager. The motion passed by voice vote/other.**

69. [07662](#) J. Bunbury for Randall Park Rentals, 103 N. Randall, Madison - property damage - \$665.00.

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the Risk Manager. The motion passed by voice vote/other.**

70. [07663](#) A. Pollasch, 420 W. Doty St., Madison - vehicle damage - \$3,210.45

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the Risk Manager. The motion passed by voice vote/other.**

71. [07664](#) M. Pribbernow, 2551 Kendall Ave., Madison - vehicle damage - \$1,696.61.

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the Risk Manager. The motion passed by voice vote/other.**

72. [07716](#) C. and M. Dilorio, 941 Spaight St., Madison - property damage - \$2,100.00.

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the Risk Manager. The motion passed by voice vote/other.**

73. [07719](#) J. Wooten, 12 Coronado Ct., # 4 - Madison - vehicle damage - \$1,843.12.

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the Risk Manager. The motion passed by voice vote/other.**

74. [07722](#) P. Rebek, NaviTech, Inc., 11330 Lakefield Dr., Bldg. 2, Ste. 200, Duluth, GA - vehicle damage - \$488.64.

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the Risk Manager. The motion passed by voice vote/other.**

75. [07723](#) M. Meyer, 2002 Yahara Pl., Madison - vehicle damage - \$319.51.

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the Risk Manager. The motion passed by voice vote/other.**

76. [07764](#) S. Eisenberg, Eisenberg Law Offices, S.C. for P. Hammersley, 1406 Chandler St., Madison - personal injury - \$600,000.

**A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Refer to the Risk Manager. The motion passed by voice vote/other.**

**ITEM(S) INTRODUCED FROM THE COUNCIL FLOOR**

77. [07760](#) Approving a settlement of Fair Labor Standards Act litigation, Larry Acker, et al. v. City of Madison, Case No. 05CV467; authorizing the Mayor and City Clerk to sign settlement documents and related amendments to the Collective Bargaining Agreement with Local 311 of the International Association of Firefighters AFL-CIO to effectuate the approved settlement; transferring sufficient funds from the contingent reserve and amending the 2007 Operating Budget to appropriate the \$122,692.62 settlement costs and any on-going FLSA overtime payable under the agreement between May and the end of the budget year.

**A motion was made by Ald. Bruer, seconded by Ald. Rhodes Conway, to Refer to the BOARD OF ESTIMATES. The motion passed by voice vote/other.**

78. [07768](#) Amending Section 28.11(3)(l)5.d. of the Madison General Ordinances to modify the minimum number of parking spaces required for certain uses.

**Sponsors:** Tim Gruber

**A motion was made by Ald. Gruber, seconded by Ald. Webber, to Refer to the PLAN COMMISSION. The motion passed by voice vote/other.**

79. [07784](#) Requesting quarterly financial reports from the Comptroller and City agencies.

**Sponsors:** Brenda K. Konkel

**A motion was made by Ald. Skidmore, seconded by Ald. Kerr, to Refer to the PLAN COMMISSION. The motion passed by voice vote/other.**

80. [07786](#) Supporting the objection to the waiver of state building codes for balconies at 700 University Avenue.

**Sponsors:** Brenda K. Konkel

Additional Referral(s): Plan Commission, Commission on People with Disabilities, Common Council Meeting 11/6/07

**This Resolution was Refer to the BOARD OF ESTIMATES**

81. [07785](#) Creating Section 28.10(3)(c)14. of the Madison General Ordinances to add certain servicing, distribution, and wholesaling establishments as permitted uses in the SM District.

**Sponsors:** Paul E. Skidmore

**A motion was made by Ald. Skidmore, seconded by Ald. Kerr, to Refer to the PLAN COMMISSION. The motion passed by voice vote/other.**

**ADJOURNMENT**

**A motion was made by Ald. Bruer, seconded by Ald. Webber, to Adjourn at 7:11 p.m. The motion passed by voice vote/other.**

I certify that the foregoing action of the Common Council was approved by the Mayor on October 18, 2007.

Ordinances published November 2, 2007.

MARIBETH WITZEL-BEHL, CITY CLERK