City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Proceedings - Approved

COMMON COUNCIL

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Tuesday, October 7, 2008 | **6:30 PM** | **210 Martin Luther King, Jr. Blvd. Room 201 (City-County Building)**

Roll Call at 6:32 p.m., Mayor Cieslewicz in the Chair.
Late: Ald. Gruber (6:35 p.m.); Ald. Compton (6:36 p.m.)

Present: 19 -
David J. Cieslewicz; Jed Sanborn; 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; Judy Compton; Joseph R. Clausius; Michael Schumacher; Mark Clear and Thuy Pham-Remmele

Excused: 2 -
Libby Monson and Larry Palm

OPENING REMARKS

SUSPENSION OF 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. Clear, to Suspend the Rules. The motion passed by voice vote/other.

HONORING RESOLUTIONS

1. 12091 Commending Madison City Channel on winning a national award at the NATOA 23rd Annual Government Programming Awards.

Sponsors: David J. Cieslewicz, Judy Compton, Marsha A. Rummel, Paul E. Skidmore, Michael E. Verveer, Michael Schumacher, Julia S. Kerr, Lauren Cnare, Joseph R. Clausius, Satya V. Rhodes Conway and Brian L. Solomon

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

Enactment No: RES-08-00932

EARLY PUBLIC COMMENT

PETITIONS AND COMMUNICATIONS

COMMUNICATIONS

2. 12134 Communication dated September 17, 2008 from Sondy Pope-Roberts, State Representative, 79th Assembly District re: result of a recent incident in the City of Madison, in which a bicyclist was cited for riding too close to a parked car after being hit by an opened car door.

Additional Referral(s): Public Safety Review Board

This Communication was Referred to the PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION

SPECIAL ORDER OF BUSINESS AT 6:45 PM

PRESENTATION OF CONSENT AGENDA

At this time, a consent agenda will be moved with the recommended action listed for each item EXCEPT #: 29, 33, 41, 55 and 123 on a motion made by Ald. Bruer, seconded by Ald. Verveer.

RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM

3. 11696 2009 Executive Capital Budget.

3 Registrant(s) in opposition wishing to speak.

Adopt as amended at the 11/11/08 Common Council Meeting.

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Rerefer for Recessed Public Hearing to the COMMON COUNCIL, due back on 11/11/2008. The motion passed by voice vote/other.

PUBLIC HEARINGS - BEGIN AT 6:45 PM

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

4. 11385 Public Hearing - New License
Sam's East Inc • dba Sam's Club #8255
7050 Watts Rd • Agent: David Atkinson
Class A Beer, Class A Liquor
Aldermanic District 01 (Alder Sanborn) • Police Sector 123

1 Registrant(s) in support not wishing to speak.

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

5. 11390

Public Hearing - New License
Road Ranger LLC • dba Road Ranger #129
4102 Commercial Ave • Agent: Vickie D Mason
Class A Liquor
Aldermanic District 03 (Alder Cnare) • Police Sector 607

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

6. 11789

Public Hearing - New License
Fugu Eastern Inc • dba Fugu Eastern Cuisine • 8% alcohol, 92% food
411 W Gilman St • Agent: Kong Feng Ni • Estimated Capacity: 90
Class B Beer, Class C Wine
Aldermanic District 4 (Alder Verveer) • Police Sector 403 • Density Area

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

7. 11817

Public Hearing - New License
Applicant OCRV LLC • dba la Baguette • 8% alcohol, 92% food
7424 Mineral Point Rd • Agent: Carine Vigy • Estimated Capacity: 30
Class B Combination Liquor & Beer
Aldermanic District 9 (Alder Skidmore) • Police Sector 125

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

8. 11863

Public Hearing - New License
Brickhouse BBQ LLC • dba Brickhouse BBQ LLC • 25% alcohol, 75% food
408 W Gorham St • Agent:Jong Yean Lee • Estimated Capacity: 180-200
Class B Combination Liquor & Beer
Aldermanic District 04 (Alder Verveer) • Police Sector 403 • Density Area

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Rerefer for Recessed Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.

REPORT OF BOARD OF PARK COMMISSIONERS

9. **11811** To amend the formula for calculation of the Mall Maintenance Special Charges for the State Street Mall/Capitol Concourse, to amend the State Street Mall/Capitol Concourse service area, and to approve the schedule of Mall Maintenance Special Charges to be imposed for 2007/2008. (4th & 8th ADs)

Sponsors: Michael E. Verveer and Eli Judge

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

Enactment No: RES-08-00931

REPORT OF PLAN COMMISSION

10. **11614** Creating Section 28.06(2)(a)3382. of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3383. 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: Amend Reston Heights Multi-Family GDP and SIP approval for 158 apartments (at 6901 Littlemore Drive); 3rd Aldermanic District: 6854 Stockbridge Drive, 6801-6901 Littlemore Drive.

Sponsors: Common Council By Request

1 Registrant(s) in support not wishing to speak.

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

Enactment No: ORD-08-00118

11. **11616** Creating Section 28.06(2)(a)3384. of the Madison General Ordinances rezoning property from C2 General Commercial District to C3 Highway Commercial District. Proposed Use: Construct a Honda Dealership Facility; 17th Aldermanic District: 5555 High Crossing Boulevard.

Sponsors: Common Council By Request

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

END OF PUBLIC HEARINGS

BUSINESS PRESENTED BY THE MAYOR

12. 11988 Report of the Mayor submitting citizen committee appointments (introduced 9-16-2008; action 10-7-2008).

Sponsors: David J. Cieslewicz

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

13. 12005 Report of the Mayor submitting citizen committee appointments (introduced 10-7-2008; action 10-28-2008).

Sponsors: David J. Cieslewicz

Adopt at the 10/28/08 Common Council Meeting.

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Refer to a future Meeting to Confirm to the COMMON COUNCIL, due back on 10/28/2008. The motion passed by voice vote/other.

14. 12076 Approving the acceptance of 200 First Alert carbon monoxide alarms for distribution to low income families.

Sponsors: David J. Cieslewicz and Paul E. Skidmore

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

Enactment No: RES-08-00933

REPORTS OF OFFICERS

REPORT OF AFFIRMATIVE ACTION COMMISSION

15. 10515 Amending Secs 33.07(7)(m) and 39.02(9)(e)1.a., and creating Sec. 39.02(9)(e)3. of the Madison General Ordinances to clarify procedures relating to Public Bidding and Affirmative Action Plans.

Sponsors: David J. Cieslewicz, Joseph R. Clausius and Brian L. Solomon

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Rerefer to the AFFIRMATIVE ACTION COMMISSION. The motion passed by voice vote/other.

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

16. 11383

Change of Licensed Premise
Bab's French Quarter Kitchen LLC • dba Bab's French Quarter Kitchen
Capacity of 60 • 1353 Williamson St
Class B Combination Liquor & Beer • 20% Alcohol, 80% food
Aldermanic District 06 (Alder Rummel) • Police Sector 410
Request to have up to 3 events (crawfish boils) in April and May of 2009, and a music fest in October of 2008 (one day - the 18th or 25th). Events would be held in the parking lot of the business. All 4 events will be on Saturdays. The approximate time for all events will be 1:00 p.m. to 7:00 p.m.

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Grant. The motion passed by voice vote/other.

17. 11455

Operator License Application
Sean Lee - Establishment where employed: Ginza in the Dells (not presently bartending in Madison)

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Place On File Without Prejudice. The motion passed by voice vote/other.

18. 11481

Change of Licensed Premise
Brewers Showcase Inc • dba The Malt House • capacity of 90
2609 E Washington Ave • Agent: William Rogers
Class B Combination Liquor & Beer • 95% Alcohol, 5% food
Aldermanic District 15 (Alder Palm) • Police Sector 603
Request to fence off private concrete slab to provide space for outside seating. Build raised wood platform to cover an old building remnant, and use platform for seating also.

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Grant. The motion passed by voice vote/other.

19. 11500

Operator License Application
Joseph Cummings - Establishment where employed: Brass Ring

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Place On File Without Prejudice. The motion passed by voice vote/other.

20. 11540

Operator License Application
Doug Hartsough - Establishment where employed: Mr. Roberts

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Place On File Without Prejudice. The motion passed by voice vote/other.

21. 11791

Change of Corporate Control -- 1 new officer
Applicant Gerald A Bartell Community Theatre Foundation • dba Bartell Theatre
113 E Mifflin St • Agent: Sarah Hoover
Class B Beer, Class C Wine
Aldermanic District 4 (Alder Verveer) • Police Sector 406

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Grant. The motion passed by voice vote/other.

22. 11803

Operator License Application
Glenn Odom - Establishment where employed: n/a

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Deny. The motion passed by voice vote/other.

23. 11804

Change of Licensed Premise
Applicant Meristar H&R Operating Co LP • dba Crowne Plaza Madison
4402 E Washington Ave • Agent: James Davis
Class B Combination Liquor & Beer • 76% Alcohol, 24% food
Aldermanic District 17 (Alder Clausius) • Police Sector 518
Request to eliminate 2500 square feet of former bar space to meeting and banquet space. Renovate existing lobby bar to new bar space. Seating for 60 in new lobby bar.

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Grant. The motion passed by voice vote/other.

24. 11805

Change of Agent
Applicant Radhe-Shyam LLC • dba Comfort Inn & Suites
4822 E Washington Ave
New Agent: Jewelynn Edison
Class B Combination Liquor & Beer
Aldermanic District 17 (Alder Clausius) • Police Sector 518

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Grant. The motion passed by voice vote/other.

25. 11889

Change of Licensed Premise
Orbut on State Inc. • dba Mondays • capacity of 151
523 State St • Agent: Gary Garten
Class B Combination Liquor & Beer • 100% Alcohol
Aldermanic District 04 (Alder Verveer) • Police Sector 403
Request to add a sidewalk cafe with five tables and 18 chairs.

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Grant. The motion passed by voice vote/other.

26. 11906 Operator License Application
Jason Koepke - Establishment where employed: Nitty Gritty

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Deny. The motion passed by voice vote/other.

27. 11907 Operator License Application
Barrett Casto - Establishment where employed: Spot Liquor

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Deny. The motion passed by voice vote/other.

28. 12177 Alcohol License Review Committee Report of Operator License Applications October 1, 2008. See attached report for list of operators.

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Grant. The motion passed by voice vote/other.

REPORT OF CITY ATTORNEY

29. 07734 SUBSTITUTE - 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

1 Registrant(s) in opposition not wishing to speak.

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

REPORT OF BOARD OF ESTIMATES

30. 11544 Amending the 2008 Fire Capital Budget and Awarding Public Works Contract No. 6195, Fire Station #5 Remodel - Phase II to Miron Construction Co., Inc.

Sponsors: BOARD OF PUBLIC WORKS

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

Excused: 2 -
Libby Monson and Larry Palm

Ayes: 18 -

Jed Sanborn; 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; Judy Compton; Joseph R. Clausius; Michael Schumacher; Mark Clear and Thuy Pham-Remmele

Non Voting: 1 -

David J. Cieslewicz

Enactment No: RES-08-00935

31. 11565 Establishing a Glass-Free Zone for the State Street area from 9:30 p.m. on October 31, 2008 to 6:00 a.m. on November 1, 2008 and from 9:30 p.m. on November 1, 2008 to 6:00 a.m. on November 2, 2008.

Sponsors: David J. Cieslewicz, Tim Bruer, Mark Clear, Eli Judge and Michael E. Verveer

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

Enactment No: RES-08-00936

32. 11569 Authorizing the Mayor and City Clerk to execute a contract with Frank Productions, Inc., subject to both the Mayor's Office approval and the conditions included in the Street Use Permit expected to be issued to Frank Productions, Inc. for events associated with Halloween 2008.

Sponsors: David J. Cieslewicz, Tim Bruer, Mark Clear, Eli Judge and Michael E. Verveer

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

Enactment No: RES-08-00937

33. 11571 Amending the Police Department 2008 operating budget by appropriating $40,000 from the Contingent Reserve Fund and amending the Engineering Division, Streets Division and Parks Division 2008 Operating Budgets by reallocating various cost savings; utilizing these funds for various expenses related to the Halloween event; and authorizing the receipt of revenues derived from admission fees and donations.

Sponsors: David J. Cieslewicz, Tim Bruer, Mark Clear, Eli Judge and Michael E. Verveer

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

Excused: 2 -

Larry Palm and Libby Monson

Ayes: 18 -

Jed Sanborn; 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; Judy Compton; Joseph R. Clausius; Michael Schumacher; Mark Clear and Thuy Pham-Remmele

Non Voting: 1 -

David J. Cieslewicz

Enactment No: RES-08-00938

34. 11795 Authorizing the execution of a Dedication Agreement between the City of Madison and Homburg Farms, LLC for the dedication of land for the Glacial Drumlins State Bike Trail, and the execution of a sanitary sewer easement with the Village of Cottage Grove and a bike path easement with the Wisconsin Department of Natural Resources within the dedicated lands.

Sponsors: Judy Compton and Lauren Cnare

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

Enactment No: RES-08-00939

35. 11812 A resolution regarding application to the Dane County Board for exemption from Dane County Library tax levied under Section 43.64(2) Wisconsin Statutes.

Sponsors: Larry Palm

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

Enactment No: RES-08-00940

36. 11862 Authorizing the Mayor and City Clerk to execute a Labor Agreement between the City of Madison and Teamsters Union Local 695 for the period of January 1, 2008 through December 31, 2009.

Sponsors: David J. Cieslewicz

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

Enactment No: RES-08-00941

37. 11880 Transferring Debt Proceeds among several projects in the Stormwater Utility and amending the 2008 Capital Budget of the Stormwater Utility.

Sponsors: Joseph R. Clausius and Larry Palm

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

Excused: 2 -
Larry Palm and Libby Monson

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; Judy Compton; Joseph R. Clausius; Michael Schumacher; Mark Clear; Thuy Pham-Remmele and Jed Sanborn

Non Voting: 1 -
David J. Cieslewicz

Enactment No: RES-08-00942

38. 11913 Adopting and confirming the Labor Agreement between the City of Madison and Teamsters Union Local 695 from January 1, 2008 to December 31, 2009.

Sponsors: Common Council By Request

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

Enactment No: ORD-08-00119

39. 11992 Authorizing an amendment to the Planning Division 2008 Adopted Operating Budget to increase expenditures and offsetting revenues by $11,200 to upgrade the MPO's Internet Ride-matching Software.

Sponsors: Joseph R. Clausius, Paul E. Skidmore, Satya V. Rhodes Conway and Robbie Webber

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

Enactment No: RES-08-00943

REPORT OF BOARD OF HEALTH FOR MADISON AND DANE COUNTY

40. 11643 Amending Sections 7.01, 7.02, 7.05, 7.085, and 7.44 of the Madison General Ordinances to create uniformity with the IGA, repealing and recreating Sec. 7.03 to establish definitions for the Chapter, repealing and creating Sec. 7.04 to establish appeal procedures for humane officer abatement orders, amending Sec. 7.06 to remove reference to the Madison General Hospital, and amending Sec. 7.29 to permit a humane officer to enforce the ordinance.

Sponsors: Lauren Cnare

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

Enactment No: ORD-08-00120

REPORT OF BOARD OF PARK COMMISSIONERS

41. 11799 Communication dated August 26, 2008 from Ald. Cnare on behalf of a group of neighbors of the Door Creek Park re: referral of the topic of Door Creek Park ski trail construction and placement to the Board of Parks Commission Agenda, September 10, 2008, for further discussion.

1 Registrant(s) in support wishing to speak; 3 Registrant(s) in opposition wishing to speak; 3 Registrant(s) neither in support nor opposition wishing to speak.

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Rerefer to the BOARD OF PARK COMMISSIONERS. The motion passed by the following vote:

Absent: 1 -
Satya V. Rhodes Conway

Excused: 2 -
Larry Palm and Libby Monson

Ayes: 12 -
Lauren Cnare; Michael E. Verveer; Robbie Webber; Marsha A. Rummel; Eli Judge; Brian L. Solomon; Julia S. Kerr; Tim Bruer; Judy Compton; Thuy Pham-Remmele; Jed Sanborn and Brenda K. Konkel

Noes: 5 -
Paul E. Skidmore; Tim Gruber; Joseph R. Clausius; Michael Schumacher and Mark Clear

Non Voting: 1 -
David J. Cieslewicz

REPORT OF BOARD OF PUBLIC WORKS

42. 11837 Awarding Public Works Contract No. 6179, Wingra Creek Parkway Improvements Phase 2.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-08-00944

43. 11838 Awarding Public Works Contract No. 6227, Hiestand Park Culvert Crossing and Path.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-08-00945

44. 11840 Awarding Public Works Contract No. 6239, Paint High Point Road Elevated Tank.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-08-00946

45. 11946 Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Villager IT Training Room Remodel, Contract No. 6258. (14th AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-08-00947

46. 11947 Assessing Benefits - Schroeder Road Sidewalk Assessment District - 2007. (1st AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-08-00928

47. 11960 Accepting improvements and assessing benefits for the D'Onofrio Drive and High Point Road Traffic Signal Assessment District. (9th AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-08-00929

48. 11961 Awarding Public Works Contract No. 6172, Ravine Street Arch Culvert Rehab.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-08-00948

49. 11962 Awarding Public Works Contract No. 6245, East Streets Maintenance Lighting Retrofit - 2008.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-08-00949

50. 11964 Approving future phase contract for public improvements necessary for the Subdivision known as Hawks Ridge Subdivision, Private Contract No. 2129. (1st AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-08-00950

51. 11965 Improvements accepted for Reroofing of Fire Stations 2 & 5, Contract No. 6111. (19th & 3rd ADs)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-08-00951

52. 11966 Improvements accepted for Fire Administration Lighting Retrofit - 2007, Contract No. 6110. (4th AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-08-00952

53. 11978 Approving plans for public improvements necessary for the project known as WID/MIR - 1301 University Avenue PUD and authorizing construction to be undertaken by the Developer, Private Contract No. 2190. (8th AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-08-00953

54. 11991 Terminating the Declaration of Public Works Emergency per Section 62.15(1b) of the Wisconsin Statues to repair broken sanitary sewer force main in the 600 block of North Carroll Street. (2nd AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-08-00954

55. 12002 Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Capital City Trail - Acewood Interim Path. (16th AD)

Sponsors: BOARD OF PUBLIC WORKS

2 Registrant(s) in support wishing to speak; 1 Registrant(s) in support not wishing to speak.

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

Enactment No: RES-08-00955

56. 12006 Authorizing the Mayor and City Clerk to enter into an agreement with Dane County to participate with, cooperate on and create a Hazard Mitigation Plan for Dane County and the City of Madison.

Sponsors: Michael Schumacher

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

Enactment No: RES-08-00956

REPORT OF DOWNTOWN COORDINATING COMMITTEE

57. 12001 To approve the 2009 Operating Plan for Madison's Central Business Improvement District (#1).

Sponsors: Michael E. Verveer

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

Enactment No: RES-08-00930

REPORT OF PED BIKE MOTOR VEHICLE COMMISSION

58. 11425 SUBSTITUTE - Authorizing the Traffic Engineering Division to apply for and accept grant funding up to $15,000 to undertake a survey of bicycling in Madison and amending the Traffic Engineering operating budget as appropriate.

Sponsors: Mark Clear and Satya V. Rhodes Conway

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

Enactment No: RES-08-00957

59. 11505 Authorizing the execution of a First Amendment to Easement pertaining to a Public Utility Easement from the City to Wisconsin Bell, Inc., d/b/a AT&T Wisconsin, within the Isthmus Bike Path located at 320 Division Street.

Sponsors: Marsha A. Rummel

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

Enactment No: RES-08-00958

REPORT OF RISK MANAGER

60. 04524 Habush Habush & Rottier S.C., attorney for M. Beaty, 5138 Prairie Rose Rd., Madison - personal injury - $250,000.00.

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

61. 11290 L. Grab, 1501 Brynwood Dr., Madison, 53716 - vehicle damage - $139.96.

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

62. 11887 A. Bruner Zimmerman, 2045 Atwood Ave., # 408, Madison, 53704 - property damage - $519.00.

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

63. 11945 J. Muller, 408 Maple St., DeForest - vehicle damage - $615.70.

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

REPORT OF TRANSIT/ PARKING COMMISSION

64. 08820 SUBSTITUTE - Creating new Section 12.1335(4)(d), renumbering current Section 12.1335(4)(d) to Section 12.1335(4)(e), creating Section 12.1335(6), amending Section 12.1339, amending Section 12.141(2), creating new Section 12.141(3), renumbering current Sections 12.141(3)-(9) to Sections 12.141(4)-(10), and amending Section 1.08(3)(a) of the Madison General Ordinances to further deter snow parking violations and more efficiently allow for cleaning of the streets.

Sponsors: David J. Cieslewicz, Marsha A. Rummel and Satya V. Rhodes Conway

A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Rerefer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE. The motion passed by voice vote/other.

REPORT OF WATER UTILITY BOARD

65. 11480 Accepting the Conservation and Sustainability Plan of the Madison Water Utility and its recommendations.

Sponsors: Lauren Cnare, Michael Schumacher and Satya V. Rhodes Conway

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

Enactment No: RES-08-00959

66. 11701 Authorizing the Mayor and the City Clerk to enter into a Memorandum of Agreement with the Board of Regents of the University of Wisconsin for the purpose of continuing to promote drinking water research that will help to improve water quality within the Madison water system, protect public health, and improve system operations. (City-wide).

Sponsors: Michael Schumacher

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

Enactment No: RES-08-00960

67. 11780 Authorizing the Water Utility General Manager to certify water and sewer bills, assessments and charges to the 2008 tax rolls of other governmental units for delinquent accounts in those jurisdictions.

Sponsors: Lauren Cnare and Michael Schumacher

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

Enactment No: RES-08-00961

68. 11955 Creating Section 13.205 and amending Section 1.08(3)(a) of the Madison General Ordinances to prohibit tampering with Water Utility mains and to establish a bail deposit for a violation.

Sponsors: Lauren Cnare and Michael Schumacher

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

Enactment No: ORD-08-00117

ORDINANCES & RESOLUTIONS REFERRED TO THIS MEETING

RESOLUTIONS

69. 12024 Proclaiming Monday, October 13, 2008, as Indigenous Peoples Day.

Sponsors: Brenda K. Konkel, Michael E. Verveer, Satya V. Rhodes Conway, Marsha A. Rummel and Robbie Webber

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

Enactment No: RES-08-00962

INTRODUCTION OF NEW BUSINESS FOR REFERRAL WITHOUT DEBATE

ORDINANCES

70. 12071 Amending Section 9.20 of the Madison General Ordinances to add a licensing requirement to more types of work in the public right-of-way, to require a permit for more types of work in the public right-of-way, and to increase license and permit fees.

Sponsors: David J. Cieslewicz, Lauren Cnare and Julia S. Kerr

This Ordinance was Referred to the BOARD OF PUBLIC WORKS

71. 12086 Creating Section 10.185 of the Madison General Ordinances to require recycling of construction and demolition site waste.

Sponsors: Tim Gruber and Satya V. Rhodes Conway

Additional Referral(s): Commission on the Environment, Plan Commission

This Ordinance was Referred to the SOLID WASTE ADVISORY COMMITTEE

72. 12113 Creating Section 28.06(2)(a)3390. of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: Mixed-Use Development with Theatre/Entertainment Complex; 17th Aldermanic District: 4021 Grand Crossing Road.

Sponsors: Common Council By Request

Due back at the 12/2/08 Common Council Meeting.

This Ordinance was Referred for Public Hearing to the PLAN COMMISSION, due back on 12/2/2008

73. 12117 Amending Section 28.12(13)(b)3. of the Madison General Ordinances to remove the sunset provision for the application review fee.

Sponsors: David J. Cieslewicz

Due back at the 11/18/08 Common Council Meeting.

This Ordinance was Referred for Public Hearing to the PLAN COMMISSION, due back on 11/18/2008

74. 12162

Adopting and confirming Revision 264 of the Madison General Ordinances as of September 15, 2008 to incorporate the changes pursuant to Sec. 66.0103, Wis. Stats.

Sponsors: Common Council By Request

Adopt at the 10/28/08 Common Council Meeting.

This Ordinance was Refer to a future Meeting to Adopt to the COMMON COUNCIL, due back on 10/28/2008

75. 12163

Creating New Sec. 38.10(1)(f), renumbering current Sec. 38.10(1)(f) to (g) and amending Renumbered Sec. 38.10(1)(g) of the Madison General Ordinances relating to nonrenewal of unissued or unused retail alcohol beverage licenses, upon the recommendation of the Alcohol License Review Committee.

Sponsors: Michael E. Verveer and Michael Schumacher

This Ordinance was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

76. 12168

Amending sec. 9.13(1) to clarify the licensing requirements and definition of "street vending," creating sec. 9.13(8)(d) to prohibit street vending while suspended or revoked, and amending sec. 9.13(9), penalties.

Sponsors: Michael E. Verveer

Adopt at the 10/28/08 Common Council Meeting.

This Ordinance was Refer to a future Meeting to Adopt to the COMMON COUNCIL, due back on 10/28/2008

77. 12169

Amending various portions of Sections 12.1375 and 12.138 of the Madison General Ordinances to increase permit fees, to update language pertaining to the Director of Transportation, and update language pertaining to residential parking permits.

Sponsors: Brian L. Solomon

Additional Referral(s): Board of Estimates

This Ordinance was Referred to the TRANSIT AND PARKING COMMISSION

78. 12179 Amending Section 1.08(3)(a) of the Madison General Ordinances to add a bail deposit amount for violations of Section 10.056, amending 1.08(4) to add cross-references to the list of ordinances that can be enforced by the Neighborhood Preservation and Inspection Division, amending 10.056(11) to authorize the Superintendent of Parks to shut down a street use event in progress for violating conditions of the Street Use Permit, and amending 10.056(12)(d) to remove the word "knowingly."

Sponsors: Michael E. Verveer

Adopt at the 10/28/08 Common Council Meeting.

This Ordinance was Refer to a future Meeting to Adopt to the COMMON COUNCIL, due back on 10/28/2008

RESOLUTIONS

79. 11547 Authorizing the Equal Opportunities Division of the Department of Civil Rights to expend funds held in reserve from unspent funds from previous contracts with the U.S. Equal Employment Opportunity Commission.

Sponsors: Brenda K. Konkel, Marsha A. Rummel, Thuy Pham-Remmele, Michael E. Verveer, Brian L. Solomon and Tim Gruber

This Resolution was Referred to the BOARD OF ESTIMATES

80. 11695 Accepting the Staff Report on Alternatives to Improve Stump Grubbing, Street Tree Pruning Cycles and Preparation for the Emerald Ash Borer (EAB).

Sponsors: David J. Cieslewicz

Additional Referral(s): Board of Public Works, Commission on the Environment, Board of Park Commissioners, Solid Waste Advisory Committee

This Resolution was Referred to the BOARD OF ESTIMATES

81. 12075 Accepting grant monies not to exceed $35,000.00 for the Madison Arts Commission annual grants program.

Sponsors: Tim Gruber and Michael E. Verveer

Additional Referral(s): Madison Arts Commission

This Resolution was Referred to the BOARD OF ESTIMATES

82. 11986 Authorizing the Mayor and the City Clerk to accept sponsorship by MillerCoors, LLC in the amount of $10,000 to help offset the cost of providing free expanded transit service on New Year's Eve. The agreement includes an indemnification clause.

Sponsors: Jed Sanborn, Brian L. Solomon and Robbie Webber

Additional Referral(s): Board of Estimates

This Resolution was Referred to the TRANSIT AND PARKING COMMISSION

83. 12018

Approving the Fire Department to raise funds and contract with TriData Corporation to conduct a fire safety study.

Sponsors: Paul E. Skidmore and Michael Schumacher

This Resolution was Referred to the BOARD OF ESTIMATES

84. 12031

Authorizing the Mayor and City Clerk to execute a contract with the Wisconsin Department of Military Affairs for the Fire Department to provide services to support the provision of emergency medical services at Dane County Regional Airport and Truax field.

Sponsors: Paul E. Skidmore and Lauren Cnare

This Resolution was Referred to the BOARD OF ESTIMATES

85. 12066

Resolution that position #720 of Administrative Clerk 1 in Compensation Group 20, Range 09 in the permanent salary detail of the Assessor's Office budget (occupied by H. Hart) be repealed and recreated as a position of Administrative Clerk 2 in Compensation Group 20, Range 11 thereof. Be it further resolved that the incumbent shall be reallocated to said position.

Sponsors: David J. Cieslewicz

Additional Referral(s): Personnel Board

This Resolution was Referred to the BOARD OF ESTIMATES

86. 12092

Authorizing the execution of an Underground Utility Easement to Madison Gas and Electric Company across a portion of Secret Places Park located at 6001 Sledding Parkway.

Sponsors: Judy Compton

Additional Referral(s): Plan Commission

This Resolution was Referred to the BOARD OF PARK COMMISSIONERS

87. 12126

Authorizing the Mayor and the City Clerk to enter into an agreement with Dane County for the following purposes in the calendar year 2009: (1) providing the Transit Utility with MA Waiver Community Integration Program (CIP) funding; (2) providing Dane County with State 85.20 funding by the Transit Utility for the County's provision of accessible transportation for persons unable to use the Transit Utility's paratransit services within its service area.

Sponsors: Jed Sanborn and Brian L. Solomon

Additional Referral(s): Board of Estimates

This Resolution was Referred to the TRANSIT AND PARKING COMMISSION

88. 12127

Authorizing the Mayor and City Clerk to amend the contract with Gillig Corporation for the manufacture and delivery of up to seventy-five (75) coaches and spare parts, and amending the 2008 Metro Transit Capital budget to transfer $119,000 from the Swiss Colony Park and Ride to support the purchase of the transit coaches. The cost of the first order of buses is not to exceed $7,040,000.

Sponsors: Jed Sanborn

Additional Referral(s): Board of Estimates

This Resolution was Referred to the TRANSIT AND PARKING COMMISSION

89. 12150

Amending the 2008 Library Capital Budget to increase authorized funding by $220,000 for the Sequoya Branch Library capital project.

Sponsors: Larry Palm

Additional Referral(s): Madison Public Library Board

This Resolution was Referred to the BOARD OF ESTIMATES

90. 12165

Report of Police Chief re: 3rd Quarter 2008 Overtime.

This Resolution was Referred to the BOARD OF ESTIMATES

91. 12178

Accepting the report entitled "Madison Public Market: Project Report: Key Highlights and Findings."

Sponsors: Marsha A. Rummel

Additional Referral(s): Community Development Block Grant Commission, Plan Commission, Economic Development Commission

This Resolution was Referred to the BOARD OF ESTIMATES

LICENSES

92. 12158

Public Hearing - New License
Leziz LLC • dba Oliva • 15% alcohol, 85% food
745 N High Point Rd • Agent: Mehmet Dayi • Estimated Capacity: 40
Class B Beer, Class C Wine
Aldermanic District 09 (Alder Skidmore) • Police Sector 126

Due back at the 10/28/08 Common Council Meeting.

This License was Referred for Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE, due back on 10/28/2008

93. 12161

Public Hearing - New License
Appetize Inc. • dba HuHot Mongolian Grill • 6% alcohol, 94% food
610 Junction Rd • Agent: David Lindenstruth • Estimated Capacity: 250-300
Class B Combination Liquor & Beer
Aldermanic District 09 (Alder Skidmore) • Police Sector 128

Due back at the 10/28/08 Common Council Meeting.

This License was Referred for Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE, due back on 10/28/2008

94. 12164

Public Hearing - New License
RNF LLC • dba 24 Hour Pump
2801 University Ave • Agent: Sid Kabir
Class A Beer, Class A Liquor
Aldermanic District 11 (Alder Gruber) • Police Sector 101

Due back at the 10/28/08 Common Council Meeting.

This License was Referred for Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE, due back on 10/28/2008

95. 12166

Public Hearing - New License
Cellar Enterprises LLC • dba State Street Gallery • 30% alcohol, 70% other
109 State St • Agent: Christina Fenner • Estimated Capacity: 200
Class B Beer
Aldermanic District 04 (Alder Verveer) • Police Sector 405 • Density Area

Due back at the 10/28/08 Common Council Meeting.

This License was Referred for Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE, due back on 10/28/2008

96. 12167

Public Hearing - New License
Madison Ice Inc. • dba Madison Ice, Inc
1834 Commercial Ave • Agent: Andrea Chaffee • Estimated Capacity: 500
Class B Beer
Aldermanic District 12 (Alder Rhodes-Conway) • Police Sector 503

Due back at the 10/28/08 Common Council Meeting.

This License was Referred for Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE, due back on 10/28/2008

OPERATING BUDGET

97. 12155

2009 Executive Operating Budget.

Due back at the 10/28/08 Common Council Meeting.

This Operating Budget was Referred for Public Hearing to the BOARD OF ESTIMATES, due back on 10/28/2008

PRESENTATION OF CLAIMS AGAINST THE CITY OF MADISON

CLAIMS - REFER TO RISK MANAGER

98. 11995 J. Knutson, 126 Pine View Dr., Madison, 53704 - personal injury - $50,000.

99. 12007 Madison Gas and Electric Company, P.O. Box 1231, Madison - 53701, property damage, $2,400.41.

100. 12008 Madison Gas and Electric Company, P.O. Box 1231, Madison, 53701 - property damage - $362.29.

101. 12009 Madison Gas and Electric Company, P.O. Box 1231, Madison, 53701 - property damage - $13,456.16.

102. 12020 Terrence M. Polich, Clifford and Raihala, S.C., attorney for M. and H. Agushi, 422 Rushmore Ln., #9, Madison, 53711 - personal injury - $130,000.00.

103. 12021 D. Caballero, 4305 Rolla Ln., Madison, 53711 - vehicle damage - $891.05.

104. 12022 Charles Caputo, Thomas George Assoc., LTD for B. Duck, 1305 Hanover Ct., Waunakee, 53597 - vehicle damage - $6,669.48.

105. 12056 W. Vedeges, 719 S. Chapman St., Madison, 53711 - vehicle damage - $1,632.23.

106. 12067 S. Kirwin, 9 Mammoth Cir., Madison, 53719 - property damage - $110.63.

107. 12068 NOTICE OF INJURY: B. Welacha, 919 E. Johnson St., Madison, 53703 - personal injury - amount to be determined.

108. 12069 NOTICE OF INJURY: M. Biever, 7109 Mockingbird Ln., Middleton, 53562 - personal injury - amount to be determined.

109. 12072 Vicki Wolf, West Bend Mutual Insurance, for R. Dankert, 7 Singleton Ct., Madison, 53711 - vehicle damage - $2,012.50.

110. 12081 S. Saul, 14 S. Hillside Terr., Madison, 53705 - vehicle damage - $1008.21.

111. 12082 J. Jones, Jr., 511 Northport Dr., # 1, Madison, 53714 - vehicle damage - $4,968.02.

112. 12083 S. Mistlebauer, 805 Gary St., Madison, 53716 - vehicle damage - $1,638.97.

113. 12084 NOTICE OF INJURY: L. Galway, 5910 Old Middleton Rd., Madison - personal injury - amount to be determined.

114. 12085 P. Rehbein, 2026 E. Washington Ave., Madison, 53704 - vehicle damage - $1,123.96.

115. 12119 Nichole Magnifico, Metropolitan Property and Casualty Insurance Co. for L. Lomasney, 20 Heritage Cir # 3, Madison, 53711 - vehicle damage - $326.51.

116. 12132 G. Sykes, 1166 Petra Pl, Madison, 53713 - vehicle damage - $3255.90.

117. 12137 J. Kennedy, 1309 Ruskin St., Madison, 53704 - vehicle damage - $2,569.51.

118. 12139 M. Schultz, 6037 Sledding Pky., McFarland, 53558 - vehicle damage - $427.67.

119. 12146 D. Ringelstetter, Risk Manager for Wisconsin DOA, P.O. Box 7869, Madison, 53707-7869 - vehicle damage - $3710.35.

120. 12173 B. Muckian, 6029 Birch Hill Dr., Madison, 53711 - property damage - $530.00.

121. 12174 T. Golomb, 14301 N. 87th St., Ste. # 108, Scottsdale, AZ 85260 - personal injury - $20,000.

122. 12175 T. Blawusch, 1116 Gilson St., Madison, 53715 - vehicle damage - $1,397.31.

ADDENDUM

REPORT OF BOARD OF ESTIMATES

123. 11983 Authorizing the issuance of $58,000,000 General Obligation Promissory Notes, Series 2008-A, of the City of Madison, Wisconsin, providing the details thereof, establishing interest rates thereon and levying taxes therefor.

Sponsors: David J. Cieslewicz

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

Excused: 3 -
Julia S. Kerr; Larry Palm and Libby Monson

Ayes: 17 -
Michael E. Verveer; Robbie Webber; Marsha A. Rummel; Eli Judge; Paul E. Skidmore; Brian L. Solomon; Tim Gruber; Satya V. Rhodes Conway; Tim Bruer; Judy Compton; Joseph R. Clausius; Michael Schumacher; Mark Clear; Thuy Pham-Remmele; Jed Sanborn; Brenda K. Konkel and Lauren Cnare

Non Voting: 1 -
David J. Cieslewicz

Enactment No: RES-08-00963

LATE ITEMS

124. 12176 Creating Section 8.32 of the Madison General Ordinances to create policies and procedures for removal of personal property from public lands.

Sponsors: Brenda K. Konkel

Additional Referral(s): Board of Park Commissioners, Housing Committee, Public Safety Review Board

This Ordinance was Referred to the COMMUNITY DEVELOPMENT BLOCK GRANT COMMISSION

ANNOUNCEMENTS & INTRODUCTION OF ITEMS FROM THE FLOOR

ADJOURNMENT

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adjourn at 8:25 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 9, 2008.
Ordinances published October 24, 2008.

MARIBETH WITZEL-BEHL, CITY CLERK