



City of Madison

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

Proceedings - Approved COMMON COUNCIL

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Tuesday, November 18, 2008

6:30 PM

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

Roll Call at 6:33 p.m., Mayor Cieslewicz in the Chair.

Present: 20 -

Libby Monson; 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; Tim Bruer; Larry Palm; Judy Compton; Joseph R. Clausius; Michael Schumacher; Mark Clear and Thuy Pham-Remmele

Excused: 1 -

Julia S. Kerr

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. [12588](#) Commending the Madison City Clerk's Office.

Sponsors: David J. Cieslewicz, Tim Bruer and Mark Clear

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

Enactment No: RES-08-01013

PETITIONS AND COMMUNICATIONS - None received

EARLY PUBLIC COMMENT AT 6:45 P.M.

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 #: 3, 4, 10, 30, 32, 33, 43, and 46 on a motion made by Ald. Bruer, seconded by Ald. Verveer.

PUBLIC HEARINGS - BEGIN AT 6:45 PM

REPORT OF PLAN COMMISSION

- 2. [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

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

Enactment No: ORD-08-00131

END OF PUBLIC HEARINGS

BUSINESS PRESENTED BY THE MAYOR

- 3. [12377](#) Report of the Mayor submitting citizen committee appointments (introduced 10-28-2008; action 11-18-2008).

Sponsors: David J. Cieslewicz and Tim Bruer

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

A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Confirm except for Megan Christensen appointment to the Downtown Coordinating Committee (refer to Mayor's Office). The motion passed by voice vote/other.

A motion was made by Ald. Konkell, seconded by Ald. Webber to Table. The motion passed by voice vote/other.

A motion was made by Ald. Konkell, seconded by Ald. Verveer to Take off the Table. The motion passed by voice vote/other.

4. [12391](#) Authorizing the Mayor and City Clerk to sign a Distributed Generation Interconnection Agreement with Madison Gas and Electric Company and authorizing indemnification of MG&E, for PVG sites at Alicia Ashman Library and Demetral and Greentree Landfills.
- Sponsors:** David J. Cieslewicz, Satya V. Rhodes Conway, Paul E. Skidmore and Jed Sanborn

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

Enactment No: RES-08-01014

5. [12595](#) Report of the Mayor submitting citizen committee appointments (introduced 11-18-2008; action 12-2-2008).

Sponsors: David J. Cieslewicz

Confirm at the 12/2/08 Common Council Meeting (2/3 vote required for appointees to the Admin Rev Bd, EDC, Gardens Com, Madison's Central Business Imp Dist Bd.)

This Appointment was Refer to a future Meeting to Confirm to the COMMON COUNCIL, due back on 12/2/2008

6. [12624](#) Report of the Mayor submitting alder committee appointments.

Sponsors: David J. Cieslewicz

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

BUSINESS PRESENTED BY THE PRESIDENT OF THE COMMON COUNCIL

7. [12620](#) Sunsetting the Platinum Biking City Planning Committee and thanking its members, staff and supporters for their work.

Sponsors: Mark Clear

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

Enactment No: RES-08-01015

8. [12623](#) Amending membership to the Tax Incremental Financing Policy Committee.

Sponsors: Brenda K. Konkel

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

Enactment No: RES-08-01016

- 9. [11560](#) Creating and implementing a comprehensive, multi-modal transportation and parking design for central Madison.

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

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

- 10. [12360](#) Authorizing the Clerk to issue a Summons to A Place for Friends Bar & Grill, LLC, dba A Place for Friends, Darius Wilson, Registered Agent, to appear before the Alcohol License Review Committee

Sponsors: Michael E. Verveer and Michael Schumacher

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

Enactment No: RES-08-01017

REPORTS OF OFFICERS

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

- 11. [12722](#) Alcohol License Review Committee Report of Operator License Applications November 12, 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 BOARD OF ESTIMATES

- 12. [12010](#) Amending the 2009 Capital Budgets of the Traffic Engineering and Parking Utility agencies and Awarding Public Works Contract No. 6218, Sayle Street Traffic Engineering Warehouse Building Phase 2 Building Construction to Stevens Construction Corporation.

Sponsors: David J. Cieslewicz and Julia S. Kerr

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

Excused: 2 -

Paul E. Skidmore and Julia S. Kerr

Ayes: 18 -

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

Non Voting: 1 -

David J. Cieslewicz

Enactment No: RES-08-01018

13. [12178](#) Accepting the report entitled "Madison Public Market: Project Report: Key Highlights and Findings."

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-08-01019

14. [12301](#) Authorizing the Mayor and City Clerk to execute a Labor Agreement between the City of Madison and the Building and Construction Trades Council of South Central Wisconsin, 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-08-01020

15. [12320](#) Adopting and confirming the Labor Agreement between the City of Madison and the Building and Construction Trades Council for South Central Wisconsin for the period 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-08-00133

16. [12325](#) Double fill authorization of Parking Utility Program Assistant 2.

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-08-01021

- 17. [12345](#) Resolution that the position (#1770) of Maintenance Worker, in Compensation Group 16, Range 11 (occupied by P. Paul), and the position (#1807) of Maintenance Mechanic 1 in Compensation Group 16, Range 13 (occupied by T. Sullivan) both in the permanent salary detail of the Water Utility Budget are repealed and recreated as Maintenance Mechanic 2's in Compensation Group 16, Range 15, thereof. Be it further resolved that the incumbents shall be reallocated to said positions.

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-08-01022

- 18. [12347](#) Resolution authorizing the creation of the classification of Elevator Code Enforcement Officer 1 in Compensation Group 16, Range 19, and the creation of one vacant position therein; and authorizing the creation of the classification of Elevator Code Enforcement Officer 2 in Compensation Group 16, Range 20, and the creation of one vacant position therein, in the permanent salary detail of the Fire Department budget.

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-08-01023

- 19. [12386](#) Amending RES-08-00185 File ID 08923 funding a \$250,000 Madison Capital Revolving Fund (MCRF) loan to Blount Street, LLC and 301 Blount Historic Building, LLC.

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-08-01024

- 20. [12393](#) Amending Sections 9.31(2) and 9.50(2) of the Madison General Ordinances to increase the fees for cat and dog licenses.

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: ORD-08-00134

21. [12420](#) Resolution authorizing the creation of the hourly classification of Library Security Monitor at an hourly 2008 rate of \$13.30 in Compensation Group 16, thereof.

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-08-01025

22. [12424](#) Authorizing and awarding \$11,195,000 Sewer System Revenue Bonds, Series 2008-B, and establishing interest rates thereon

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: 1 -

Julia S. Kerr

Ayes: 19 -

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; Tim Bruer; Larry Palm; Judy Compton; Joseph R. Clausius; Michael Schumacher; Mark Clear; Thuy Pham-Remmele and Libby Monson

Non Voting: 1 -

David J. Cieslewicz

Enactment No: RES-08-01026

REPORT OF BOARD OF PUBLIC WORKS

23. [12387](#) Awarding Public Works Contract No. 5939, Capital City Trail - Acewood Interim 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-08-01027

- 24. [12388](#) Awarding Public Works Contract No. 6231, Professional Drilling Services Associated with the Installation of a Groundwater Monitoring (Sentry) Well - Unit Well #29/Sycamore Landfill.

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-08-01028

- 25. [12447](#) Declaring the City of Madison's intention to exercise its police powers establishing the University Avenue & Campus Drive Pavement Rehab Assessment District - 2009. (5th & 11th 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-08-01029

- 26. [12448](#) Declaring the City of Madison's intention to exercise its police powers establishing the University Avenue & West Gorham Street Reconstruction Assessment District - 2009. (4th, 5th, & 8th 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-08-01030

- 27. [12449](#) Declaring the City of Madison's intention to exercise its police powers establishing the Hoepker Road & American Parkway/Rattman Road Assessment District - 2009. (17th 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-08-01031

28. [12498](#) Declaring the City of Madison's intention to exercise its police powers establishing the South Mills Street Reconstruction Street Assessment District-2009. (13th 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-08-01032
29. [12516](#) Declaring the City of Madison's intention to exercise its police powers establishing the Monona Drive Reconstruction Assessment District - 2009. (16th 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-08-01033
30. [12521](#) Authorizing the Mayor and City Clerk to execute agreements with the State of Wisconsin for demolition and cost sharing of the building located at 2014 Allied Drive.
- 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-08-01034
31. [12524](#) Declaring the City of Madison's intention to exercise its police powers establishing the West Gorham Street & North Broom Street Reconstruction Assessment District - 2009. (4th & 8th 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-08-01035

REPORT OF HOUSING COMMITTEE

32. [11977](#) SUBSTITUTE - Creating an Ad Hoc Housing Merger Planning Committee.

Sponsors: David J. Cieslewicz and Tim Bruer

A motion was made by Ald. Konkol, seconded by Ald. Verveer, to Adopt With Amendment(s) as follows: strike "Develop regional housing strategy;" in the second BE IT FURTHER RESOLVED clause. The motion passed by voice vote/other.

Enactment No: RES-08-01036

REPORT OF PLAN COMMISSION

33. [11309](#) AMENDED - Approving the Inclusionary Dwelling Unit Plan for the approved 1000 Oaks subdivision located at 604-702 South Point Road. 9th Ald. Dist.

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

A motion was made by Ald. Cnare, seconded by Ald. Compton, to Adopt with the following amendments/additional condition(s) to the Plan Commission recommendation: replace the approval of 40 inclusionary dwelling units and payment of \$12,400 with a requirement of either 1 inclusionary dwelling unit and payment of \$21,775 or, alternatively, 2 inclusionary zoning units. The final plan will be determined by the City Planning Unit, in consultation with the developer and reflected prior to final recording.

REPORT OF DEPARTMENT OF PLANNING AND COMMUNITY AND ECONOMIC DEVELOPMENT

34. [12591](#) Approving a Certified Survey Map of property owned by Sweet Investments, LP at 4850 Helgesen Drive. 16th Ald. Dist.

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: RES-08-01037

35. [12592](#) Approving a Certified Survey Map of property owned by Douglas D. Schoepp and Cornett Properties, LLC at 18-22 Turnwood Circle. 1st Ald. Dist.

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: RES-08-01038

36. [12593](#) Approving a Certified Survey Map of property owned by 708 Heartland Trail, LLC at 708 Heartland Trail. 9th Ald. Dist.

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: RES-08-01039

37. [12594](#) Re-approving the final plat of "1000 Oaks" located at 604 & 702 South Point Road. 9th Ald. Dist.

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: RES-08-01040

REPORT OF RISK MANAGER

38. [12069](#) M. Biever, 7109 Mockingbird Ln., Middleton, 53562 - personal injury - \$10,215.00.

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

39. [12081](#) S. Saul, 14 S. Hillside Terr., Madison, 53705 - vehicle damage - \$1008.21.

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

40. [12379](#) S. Eisenberg, P.O. Box 1069, Madison, 53701, attorney for S. Johnson for D. Johnson, Madison - personal injury and damages - \$606,663.00.

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

41. [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

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

Enactment No: RES-08-01041

42. [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

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

Enactment No: RES-08-01042

Note: Ald. Skidmore left for another meeting at 7:30 p.m.

Present: 19 -

Libby Monson; David J. Cieslewicz; Jed Sanborn; Brenda K. Konkel; Lauren Cnare; Michael E. Verveer; Robbie Webber; Marsha A. Rummel; Eli Judge; Brian L. Solomon; Tim Gruber; Satya V. Rhodes Conway; Tim Bruer; Larry Palm; Judy Compton; Joseph R. Clausius; Michael Schumacher; Mark Clear and Thuy Pham-Remmele

Excused: 2 -

Paul E. Skidmore and Julia S. Kerr

43. [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

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

Excused: 2 -

Paul E. Skidmore and Julia S. Kerr

Ayes: 18 -

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

Non Voting: 1 -

David J. Cieslewicz

Enactment No: RES-08-01043

44. [12169](#) SUBSTITUTE - 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

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

Enactment No: ORD-08-00132

45. [12383](#) SUBSTITUTE - Authorizing the Mayor and the City Clerk to amend their current agreement with St. Mary's Hospital Medical Center to continue the provision of fare free access by St. Mary's employees and volunteers to Metro Transit fixed route and ADA paratransit services, with reimbursement to the Transit Utility for trips taken for the period of January 1, 2009 through December 31, 2009.

Sponsors: Brian L. Solomon and Jed Sanborn

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

Enactment No: RES-08-01044

ORDINANCES & RESOLUTIONS REFERRED TO THIS MEETING

RESOLUTIONS

46. [12535](#) Creating an Ad Hoc Housing Diversity Planning Committee.

Sponsors: David J. Cieslewicz, Mark Clear, Tim Bruer and Brenda K. Konkel

1 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-08-01045

**INTRODUCTION OF NEW BUSINESS FOR REFERRAL WITHOUT DEBATE -
Referred on a motion made by Ald. Bruer, seconded by Ald. Verveer.**

ORDINANCES

47. [12473](#) Creating Section 28.06(2)(a)3394 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)3395 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: Remodel Existing Apartment Building and Construct New 16-Unit Apartment Building; 2nd Aldermanic District: 201-229 West Lakelawn Place.
- Sponsors:** Common Council By Request
- Additional Referral(s): Landmarks Commission
Due back at the 1/6/09 Common Council Meeting.
- This Ordinance was Referred for Public Hearing to the PLAN COMMISSION, due back on 1/6/2009**
48. [12482](#) Creating Section 28.06(2)(a)3393. of the Madison General Ordinances rezoning property from R4 General Residence District to C2 General Commercial District. Proposed Use: Convert Former Atwood Community Center into Restaurant with Residence Above; 6th Aldermanic District: 2425 Atwood Avenue.
- Sponsors:** Common Council By Request
- Due back at the 1/6/09 Common Council Meeting.
- This Ordinance was Referred for Public Hearing to the PLAN COMMISSION, due back on 1/6/2009**
49. [12537](#) Amending Section 3.32(16)(b) of the Madison General Ordinances relating to compensation for employees serving as city election officials.
- Sponsors:** David J. Cieslewicz
- This Ordinance was Referred to the BOARD OF ESTIMATES**

50. [12549](#) Repealing Section 3.54(5)(b) of the Madison General Ordinances to eliminate the requirement to pay IATSE Local No. 251 union members at the prevailing hourly rate in the Madison community when no other wage rate for such work has been established by the City.

Sponsors: David J. Cieslewicz

This Ordinance was Referred to the BOARD OF ESTIMATES

51. [12575](#) SUBSTITUTE - Creating Sec. 34.42, amending Sec. 27.05(2)(w) and creating Sec. 32.06(2)(a)1.j. of the Madison General Ordinances to govern installation and maintenance of smoke alarms in single- family dwellings, mobile homes, duplexes, multifamily dwellings, rooming houses, dormitories, residential buildings containing rooming units, and non-owner occupied single family residences.

Sponsors: Michael E. Verveer, Paul E. Skidmore, Brenda K. Konkol, Judy Compton, Tim Gruber and Lauren Cnare

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

This Ordinance was Referred to the BUILDING CODE, FIRE CODE AND LICENSING APPEALS BOARD

52. [12578](#) Adopting and confirming amendments to the Madison General Ordinances as set forth in attached Exhibit D pursuant to Sec. 66.0103, Wis. Stats. to create Chapter 40 - Elevator Code and to amend Sec. 29.18 renaming the Board of Building Code, Fire Code, and Licensing Appeals.

Sponsors: Michael Schumacher and Paul E. Skidmore

Additional Referral(s): Public Safety Review Board

This Ordinance was Referred to the BUILDING CODE, FIRE CODE AND LICENSING APPEALS BOARD

53. [12579](#) Amending Sections 35.02(7) and 35.025(4) of the Madison General Ordinances to establish 2009 Sewer Utility Rates (including Landfill Remediation Fees) effective January 1, 2009 and Amending Section 37.05(4) of the Madison General Ordinances to establish 2009 rates for the Public Stormwater System.

Sponsors: David J. Cieslewicz

Additional Referral(s): Board of Public Works
Due back at the 12/2/08 Common Council Meeting.

This Ordinance was Referred to the BOARD OF ESTIMATES, due back on 12/2/2008

54. [12583](#) Creating Section 28.06(2)(a)3397. of the Madison General Ordinances rezoning property from M1 Limited Manufacturing District to R3 Single Family and Two-Family Residence District; 6th Aldermanic District: 1210 E Wilson Street.

Sponsors: Common Council By Request

Due back at the 1/6/09 Common Council Meeting.

This Ordinance was Referred for Public Hearing

55. [12584](#) Creating Section 28.06(2)(a)3398. of the Madison General Ordinances rezoning property from C3 Highway Commercial District to R3 Single Family and Two-Family Residence District; 6th Aldermanic District: 1229 E Wilson Street.

Sponsors: Common Council By Request

Due back at the 1/6/09 Common Council Meeting.

This Ordinance was Referred for Public Hearing to the PLAN COMMISSION, due back on 1/6/2009

56. [12585](#) Amending Section 7.47(8)(b) of the Madison General Ordinances to increase the application fee and the annual discharge permit fees for the discharge of nonstorm water.

Sponsors: Lauren Cnare

Additional Referral(s): Board of Estimates

This Ordinance was Referred to the BOARD OF HEALTH FOR MADISON AND DANE COUNTY

57. [12596](#) Amending Sections 23.11(1)(a) and (b) of the Madison General Ordinances to modify the curfew hours for juveniles.

Sponsors: Jed Sanborn

This Ordinance was Referred to the PUBLIC SAFETY REVIEW BOARD

58. [12617](#) Creating Section 28.06(2)(a)3396. of the Madison General Ordinances rezoning property from M1 Limited Manufacturing District to R3 Single Family and Two-Family Residence District. 6th Aldermanic District: 1110 E Wilson Street.

Sponsors: Common Council By Request

Due back at the 1/6/09 Common Council Meeting.

This Ordinance was Referred for Public Hearing to the PLAN COMMISSION, due back on 1/6/2009

RESOLUTIONS

59. [12441](#) Amending the 2008 Capital Budget of Facilities Management to authorize the spending of additional grant money received from Focus on Energy.

Sponsors: David J. Cieslewicz

This Resolution was Referred to the BOARD OF ESTIMATES

60. [12453](#) 2009 Public Health Grants and Contracts.

Sponsors: Lauren Cnare

Additional Referral(s): Board of Health for Madison and Dane County

This Resolution was Referred to the BOARD OF ESTIMATES

61. [12455](#) To authorize a contract between the City and the Madison Metropolitan School District for the provision of programming by Madison School and Community Recreation at Warner Park Community Recreation Center for 2009.

Sponsors: Michael Schumacher, Satya V. Rhodes Conway and Joseph R. Clausius

Additional Referral(s): Board of Park Commissioners

This Resolution was Referred to the BOARD OF ESTIMATES

62. [12487](#) Approving the provision of \$116,300 of CDBG dollars for improvement projects in the Hiestand neighborhood as a way to implement a portion of the Hiestand Neighborhood Plan, and in a manner that will address City, community and neighborhood development objectives, and amending the 2008 CDBG operating budget, the Engineering and the Parks 2008 capital budgets to authorize the implementation of the projects.

Sponsors: Tim Bruer, Thuy Pham-Remmele and Marsha A. Rummel

This Resolution was Referred to the BOARD OF ESTIMATES

63. [12488](#) Authorizing the carry-over of CDBG, HOME and other funds, and the extension of previously authorized projects within the Community Development program budget.

Sponsors: Tim Bruer, Thuy Pham-Remmele and Marsha A. Rummel

This Resolution was Referred to the BOARD OF ESTIMATES

64. [12490](#) Authorizing the provision of \$50,000 of Federal HOME Match funds and \$50,000 of City Housing Trust funds to assist Common Wealth Development, Inc to acquire and develop the East Wilson Homeownership Program in ways that address City, Community and Neighborhood Development Objectives;

This Resolution was Referred to the BOARD OF ESTIMATES

65. [12491](#) Authorizing the provision of \$124,000 in CDBG funds to assist Community Coordinated Child Care (4-C's) to construct a building at 5 Odana Court to allow them to continue to address City, Community and Neighborhood Development Objectives, and authorizing the Mayor and City Clerk to enter into contractual agreements as appropriate.

Sponsors: Tim Bruer, Thuy Pham-Remmele and Marsha A. Rummel

This Resolution was Referred to the BOARD OF ESTIMATES

66. [12495](#) Declaring 4231 Sheffield Road and 4230 Milford Road as surplus to the needs of the Madison Sewer Utility. (10th AD)

Sponsors: Brian L. Solomon

Additional Referral(s): Plan Commission

This Resolution was Referred to the BOARD OF PUBLIC WORKS

67. [12496](#) Authorizing the execution of an Underground Utility Easement to Charter Communications across a portion of Secret Places Park located at 6001 Sledding Parkway.

Sponsors: Judy Compton

This Resolution was Referred to the BOARD OF PARK COMMISSIONERS

68. [12499](#) Authorizing the Mayor and City Clerk to sign a three (3) year contract for software support and maintenance services with New World Systems Corporation.

Sponsors: Paul E. Skidmore

This Resolution was Referred to the BOARD OF ESTIMATES

69. [12533](#) To authorize the Mayor and City Clerk to enter into an agreement between the City of Madison and the Tenney-Lapham Corporation, Inc. for the transfer of funds for the design and construction of a new Tenney Park Shelter in 2009. (2nd A.D.)
- Sponsors:** Michael Schumacher and Joseph R. Clausius
- Additional Referral(s): Board of Park Commissioners
- This Resolution was Referred to the BOARD OF ESTIMATES**
70. [12546](#) Release of Licensed Establishment Reserves.
- Sponsors:** David J. Cieslewicz and Lauren Cnare
- Additional Referral(s): Board of Health for Madison and Dane County
- This Resolution was Referred to the BOARD OF ESTIMATES**
71. [12547](#) Authorizing the Mayor and Chief of Police to accept four (4) traffic safety grants totaling \$60,000 from WI Department of Transportation for the following activities in 2008/2009: Alcohol Enforcement Grant (\$25,000), Speed Enforcement Grant (\$27,000), Pedestrian Safety Enforcement Grant (\$4,000) and Bicycle Safety Enforcement Grant (\$4,000).
- Sponsors:** David J. Cieslewicz
- This Resolution was Referred to the BOARD OF ESTIMATES**
72. [12561](#) Double-fill Authorization of Three (3) Street Machine Operator I's.
- Sponsors:** David J. Cieslewicz
- A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Place On File Without Prejudice. The motion passed by voice vote/other.**
73. [12563](#) To authorize the City to enter into a one (1) year agreement with the possibility of a two additional, one-year renewal terms with Madison Metropolitan School District for the non-exclusive use of city park land for adult baseball and softball programs by the Madison School Community Recreation. (Various AD's)
- Sponsors:** Joseph R. Clausius and Michael Schumacher
- Additional Referral(s): Board of Park Commissioners
- This Resolution was Referred to the BOARD OF ESTIMATES**

74. [12565](#) Authorizing the Mayor and Chief of Police to accept a grant award from the U.S. Dept. of Justice, Office of Community Oriented Policing Services, in the amount of \$444,268 for the implementation of technology initiatives.

Sponsors: David J. Cieslewicz

This Resolution was Referred to the BOARD OF ESTIMATES

75. [12587](#) Reallocating previously approved CDBG funds to alternative Southwest Neighborhood Projects.

Sponsors: Tim Bruer, Thuy Pham-Remmele and Marsha A. Rummel

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

This Resolution was Referred to the BOARD OF ESTIMATES, due back on 12/2/2008

76. [12589](#) Authorizing the execution of a lease at 29 Marsh Court for the storage of evidentiary vehicles and other miscellaneous materials associated with Madison Police Department operations.

Sponsors: Judy Compton

This Resolution was Referred to the BOARD OF ESTIMATES

77. [12590](#) Authorizing the Mayor and City Clerk to execute a Memorandum of Understanding with the County of Dane providing for the City's short-term use of County-owned space within the City-County Building.

Sponsors: David J. Cieslewicz

This Resolution was Referred to the BOARD OF ESTIMATES

78. [12597](#) Authorizing the Mayor and the City Clerk to sign an agreement with Thomas LaFleur, his 2009 contract for professional services as Rent Abatement Hearing Examiner for the Building Inspection Division of the Department of Planning and Community and Economic Development.

Sponsors: Michael E. Verveer

Due back at the 1/6/09 Common Council Meeting.

This Resolution was Referred to the HOUSING COMMITTEE, due back on 1/6/2009

79. [12598](#) Authorizing the Mayor and City Clerk to execute a loan agreement for funds not to exceed \$51,786 Bassett Neighborhood Small Cap TIF Loan to Brandon Cook ("Borrower") to purchase and rehabilitate the property located at 115 S. Bassett Street to convert it from a rental to owner-occupied housing.

Sponsors: Michael E. Verveer

This Resolution was Referred to the BOARD OF ESTIMATES

80. [12600](#) Authorizing the Mayor and the City Clerk to sign an agreement with Thomas Boykoff, his 2009 contract for professional services as Rent Abatement Hearing Examiner for the Building Inspection Division of the Department of Planning and Community and Economic Development.

Sponsors: Michael E. Verveer

Due back at the 1/6/09 Common Council Meeting.

This Resolution was Referred to the HOUSING COMMITTEE, due back on 1/6/2009

81. [12601](#) Authorizing the termination of an Easement for Public Bus Shelter and Bike Rack and accepting a grant of a Limited Non-Exclusive Access Easement for Municipal Transit Purposes (the "Access Easement") from Sherman Plaza, Inc. and authorizing funding of improvements within the Access Easement.

Sponsors: David J. Cieslewicz and Satya V. Rhodes Conway

Additional Referral(s): Transit and Parking Commission, Plan Commission

This Resolution was Referred to the BOARD OF ESTIMATES

82. [12610](#) Authorizing the Dane County Humane Society Contract. BY TITLE ONLY.

Sponsors: Lauren Cnare

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

83. [12613](#) Amending the 2008 Capital Budget of Engineering-Other to Increase the Budget Authority of Bikeways (Project 7) by \$631,000.

Sponsors: Michael E. Verveer

This Resolution was Referred to the BOARD OF ESTIMATES

- 84. [12614](#) Authorizing the Mayor and City Clerk to sign a four year contract for software support and maintenance services with Sagem Morpho, Inc. for the AFIS Workstation.

Sponsors: David J. Cieslewicz

This Resolution was Referred to the BOARD OF ESTIMATES

- 85. [12631](#) Authorizing the Board of Health for Madison and Dane County on behalf of Public Health - Madison and Dane County to execute a lease with International Properties LLP for office space located at 2701 International Lane.

Sponsors: Lauren Cnare and Joseph R. Clausius

Additional Referral(s): Board of Health for Madison and Dane County

This Resolution was Referred to the BOARD OF ESTIMATES

- 86. [12632](#) Authorizing the Common Council to accept ownership from Allied Dunn's Marsh Neighborhood Association of a neighborhood entrance sign to be located within a public right-of-way at 2014 Allied Drive.

Sponsors: Brian L. Solomon

Additional Referral(s): Plan Commission

This Resolution was Referred to the BOARD OF PUBLIC WORKS

LICENSES

- 87. [12472](#) Public Hearing - New License
Out Nightclub Inc • dba XO2 • 44% alcohol, 55% food, 1% Other
1262 John Q Hammons Dr • Agent: Bruce M DeWall • Estimated Capacity:
386
Class B Combination Liquor & Beer
Aldermanic District 09 (Alder Skidmore) • Police Sector 127
Due back at the 12/2/08 Common Council Meeting.

This License was Referred for Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE, due back on 12/2/2008

- 88. [12476](#) Public Hearing - New License
Vandewalle, Brian E • dba Washington Hotel Coffee Room LLC
10% alcohol, 80% food, 10% Other
402 W Lakeside St • Agent: Miranda Hofmann • Estimated Capacity: 50
Class B Combination Liquor & Beer
Aldermanic District 13 (Alder Kerr) • Police Sector 306
Due back at the 12/2/08 Common Council Meeting.

This License was Referred for Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE, due back on 12/2/2008

89. [12479](#) Public Hearing - New License
David Blake • dba David's Jamaican Cuisine • 20% alcohol, 80% food
1616 Beld St • Agent: David Blake • Estimated Capacity: 42
Class B Beer, Class C Wine
Aldermanic District 13 (Alder Kerr) • Police Sector 306
Due back at the 12/2/08 Common Council Meeting.
- This License was Referred for Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE, due back on 12/2/2008**
90. [12481](#) Public Hearing - New License
Roaring Fork LLC • dba Qdoba Mexican Grill • 2% alcohol, 98% food
4718 East Towne Blvd • Agent: Ron Stokes • Estimated Capacity:100
Class B Combination Liquor & Beer
Aldermanic District 17 (Alder Clausius) • Police Sector 517
Due back at the 12/2/08 Common Council Meeting.
- This License was Referred for Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE, due back on 12/2/2008**

PRESENTATION OF CLAIMS AGAINST THE CITY OF MADISON

CLAIMS - REFER TO RISK MANAGER

91. [12505](#) A. Witz, 708 Chapman St., Madison, 53711 - property damage - \$450.00
92. [12508](#) S. Loose, 5001 Sheboygan Ave., # 101, Madison (53705) - property damage - \$220.00.
93. [12512](#) D. Mallin, Legal Counsel for Madison Metropolitan School District, 545 W. Dayton St., Rm. 103, Madison (53703) - property damage - \$40,632.57.
94. [12528](#) E. Jordan, 3302 Leopold Way, # 207, Fitchburg, 53713 - vehicle damage - \$3,552.40.
95. [12725](#) T. Anderson, 145 Iota Ct., # 403, Madison (53703) - vehicle damage - \$717.40.
96. [12726](#) J. & S. Olle, 4026 Meyer Ave., Madison (53711) - property damage - \$675.00.
97. [12727](#) L. Murray, 1300 Wimbledon Way, Waunakee (53597) - personal injury - \$2,807.00.
98. [12728](#) C. Bischel, 530 W. Washington Ave., # 3A, Madison (53703) - property damage - \$57.00.

99. [12729](#) NOTICE OF CLAIM: D. Iglesias, 1241 Moorland Rd., Madison (53713) - vehicle damage - amount to be determined.
100. [12730](#) NOTICE OF INJURY: R. Kay, Robert A. Kay Attorney At Law, attorney for R. Collins, 119 Martin Luther King, Jr. Blvd., Ste. 202, Madison (53703) - personal injury - amount to be determined.
101. [12731](#) J. Conway, 802 E. 4th Ave., Brodhead (53520) - vehicle damage - \$8,000.00.

ANNOUNCEMENTS & INTRODUCTION OF ITEMS FROM THE FLOOR

102. [12715](#) Appropriating \$342,000 from the General Fund Balance and transferring within agency budgets to cover various unbudgeted departmental expenditures during 2008.

Sponsors: David J. Cieslewicz

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

103. [12787](#) Authorizing the execution of a Purchase and Sale Agreement with the Urban League of Greater Madison ("ULGM") for the purchase of a condominium unit for the expansion of the South Madison Branch Library within a proposed new building to be constructed by the ULGM at The Villager located at 2200 South Park Street.

Sponsors: David J. Cieslewicz and Tim Bruer

Additional Referral(s): Madison Public Library Board, Plan Commission

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

104. [12792](#) Amending Sections 12.132(559) and 12.132(607) of the Madison General Ordinances to modify parking on East Wilson Street.

Sponsors: Marsha A. Rummel

A motion was made by Ald. Rummel, seconded by Ald. Verveer, to Referred to the PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION. The motion passed by voice vote/other.

105. [12793](#) Creating Section 12.137(263) of the Madison General Ordinances to create two-hour parking on the north side of Wilson Street.

Sponsors: Marsha A. Rummel

A motion was made by Ald. Rummel, seconded by Ald. Bruer, to Referred to the PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION. The motion passed by voice vote/other.

ADJOURNMENT

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adjourn at 7:56 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 November 20, 2008.

Ordinances published December 5, 2008

MARIBETH WITZEL-BEHL, CITY CLERK