



# City of Madison

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

## Proceedings - Approved COMMON COUNCIL

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Tuesday, September 15, 2009

6:30 PM

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

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### ROLL CALL

#### 6:40 PM, MAYOR CIESLEWICZ IN THE CHAIR

**Present:** 18 -

David J. Cieslewicz; Jed Sanborn; Bridget R. Maniaci; Lauren Cnare; Michael E. Verveer; Shiva Bidar-Sielaff; Marsha A. Rummel; Steve King; Bryon A. Eagon; Paul E. Skidmore; Brian L. Solomon; Satya V. Rhodes-Conway; Julia S. Kerr; Tim Bruer; Joseph R. Clausius; Michael Schumacher; Mark Clear and Thuy Pham-Remmele

**Excused:** 3 -

Chris Schmidt; Larry Palm and Judy Compton

### OPENING REMARKS

### SUSPENSION OF RULES

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

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.

8. [15905](#) Report of the Mayor submitting Alder committee appointments.

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

Enactment No: RES-09-00791

### COMMUNICATIONS

1. [15978](#) Correspondence regarding Plan B, 924 Williamson St

**A motion was made by Ald. Bruer, seconded by Ald. Clear, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.**

**PETITIONS AND COMMUNICATIONS**

**PETITIONS**

- 2. [15900](#) Petition dated September 2, 2009 from Yong and Amanda Chen, re: direct attachment from the Town of Blooming Grove to the City of Madison.  
TO ADOPT  
  
**A motion was made by Ald. Bruer, seconded by Ald. Clear, to Refer to the COMMON COUNCIL and should be returned by 10/6/2009. The motion passed by voice vote/other.**

**PETITIONS REFERRED TO THIS MEETING**

- 3. [15559](#) Petition dated July 27, 2009 from Sugar Land, LLC and James C. Bourne re: direct attachment from the Town of Middleton to the City of Madison.  
  
**A motion was made by Ald. Bruer, seconded by Ald. Clear, to Accept . The motion passed by voice vote/other.**

**EARLY PUBLIC COMMENT**

**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:

1) items which have registrants wishing to speak. 2) items which require an extraordinary (roll call) vote and are not included on the consent agenda by unanimous consent. 3) items which alderperson(s) have separated out for discussion/debate purposes.

**REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE**

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

- 4. [15588](#) Suspension Revocation Hearing  
Kollege Klub, Inc., d/b/a Kollege Klub  
529 N. Lake Street Agent: Bruce Meier  
Class B Combination Liquor & Beer - 81% alcohol, 19% food  
Aldermanic District 8 (Alder Eagon) \* Police Sector 403  
  
**A motion was made by Ald. Bruer, seconded by Ald. Clear, to Accept the Stipulated Agreement. The motion passed by the following vote:**

**Excused:** 3 -  
Chris Schmidt; Larry Palm and Judy Compton

**Ayes:** 16 -  
Jed Sanborn; Bridget R. Maniaci; Lauren Cnare; Michael E. Verveer;  
Shiva Bidar-Sielaff; Marsha A. Rummel; Steve King; Bryon A. Eagon; Paul  
E. Skidmore; Brian L. Solomon; Satya V. Rhodes-Conway; Tim Bruer;  
Joseph R. Clausius; Michael Schumacher; Mark Clear and Thuy  
Pham-Remmele

**Noes:** 1 -  
Julia S. Kerr

**Non Voting:** 1 -  
David J. Cieslewicz

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

**REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE**

- 5. [15180](#) 18+ Center for Visual & Performing Arts License  
702 University Square LLC • dba To Be Determined • Capacity: 900  
702 W Johnson St • Agent: Scott Acker  
Class B Combination Liquor & Beer • 40% alcohol, 58% food, 2% Other  
Aldermanic District 08 (Alder Eagon) • Police Sector 402

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

**REPORT OF BOARD OF ESTIMATES**

- 7. [15829](#) 2010 Executive Capital Budget.

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

- 6. [15192](#) Public Hearing - New License  
702 University Square LLC • dba To Be Determined • 40% alcohol, 58%  
food, 2% Other  
702 W Johnson St • Agent: Scott Acker • Estimated Capacity: 900  
Class B Combination Liquor & Beer  
Aldermanic District 08 (Alder Eagon) • Police Sector 402 • Density Area

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

**END OF PUBLIC HEARINGS****BUSINESS PRESENTED BY THE MAYOR**

9. [15868](#) Report of the Mayor submitting citizen committee appointments (introduced 9-15-2009; action 10-6-2009).

**Sponsors:** David J. Cieslewicz

**A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Refer to a future Meeting to Confirm to the COMMON COUNCIL and should be returned by 10/6/2009. The motion passed by voice vote/other.**

**APPOINTMENTS**

10. [15724](#) Report of the Mayor submitting citizen committee appointments (introduced 9-1-2009; action 9-15-2009)

**Sponsors:** David J. Cieslewicz

**A motion was made by Ald. Bruer, seconded by Ald. Clear, to Confirm, and send the Monona Terrace Appointment back to the Mayor's Office. The motion passed by voice vote/other.**

**REPORTS OF OFFICERS****REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE**

11. [14651](#) Change of Licensed Premise  
Whiskey River LLC • dba Rev Jim's Roadhouse • capacity of 180  
6402 Millpond Rd • Agent: Kevin Weaver  
Class B Combination Liquor & Beer • 70% Alcohol, 30% food  
Aldermanic District 16 (Alder Compton) • Police Sector 621  
Request to expand licensed premise to include a portion of the parking lot (see attached) for specific outdoor-related events listed in Addendum A.

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

12. [15185](#) Change of Corporate Control -- 1 new officer(s)  
Applicant Cardinal Cafe & Bar Inc • dba Cardinal Bar • 100% alcohol  
418 E Wilson St • Agent: Corey Rogers  
Class B Combination Liquor & Beer  
Aldermanic District 06 (Alder Rummel) • Police Sector 406

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

13. [15240](#) Amending Section 38.10(1)(f) of the Madison General Ordinances to clarify that non issuance or lack of premise may be grounds for suspension and revocation, as well as non renewal of an alcohol beverage license.

**Sponsors:** Michael E. Verveer, Michael Schumacher and Julia S. Kerr

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

Enactment No: ORD-09-00134

14. [15318](#) 21+ Entertainment License  
Legends Unlimited Inc • dba Legends Unlimited • Capacity:180  
439 Grand Canyon Dr • Agent: Abdula Ajdini  
Class B Combination Liquor & Beer • 20% alcohol, 80% food  
Aldermanic District 19 (Alder Clear) • Police Sector 113

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

15. [15439](#) Amending Section 38.10(1)(a)7. of the Madison General Ordinances to amend a statutory reference; and creating Sections 38.10(1)(a)9. through 38.10(1)(a)13. of the Madison General Ordinances to establish additional criteria for alcohol license suspension or revocation.

**Sponsors:** Michael E. Verveer, Michael Schumacher and Thuy Pham-Remmele

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

Enactment No: ORD-09-00135

16. [15441](#) Creating Section 38.07(15) of the Madison General Ordinances to prevent the sale of liquor at establishments that sell motor fuels.

**Sponsors:** Michael E. Verveer, Michael Schumacher, Chris Schmidt and Julia S. Kerr

**A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.**

17. [15761](#) Change of Corporate Control -- Removing two officers  
M&B Inc • dba Oakcrest Tavern • 48% alcohol, 52% food  
5371 Old Middleton Rd • Agent: Matthew Grinvalsky  
Class B Combination Liquor & Beer  
Aldermanic District 19 (Alder Clear) • Police Sector 111
- A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Grant . The motion passed by voice vote/other.**
18. [15762](#) Change of Agent  
M&B Inc • dba Oak Crest Tavern • 5371 Old Middleton Rd  
New Agent: Matthew Grinvalsky  
Class B Combination Liquor & Beer • 48% alcohol, 52% food  
Aldermanic District 19 (Alder Clear) • Police Sector 111
- A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Grant . The motion passed by voice vote/other.**
19. [15763](#) Change of Agent  
Monona Catering LLC • dba Monona Catering • One John Nolen Dr  
New Agent: Mark Mueller  
Class B Combination Liquor & Beer • 13% alcohol, 87% food  
Aldermanic District 04 (Alder Verveer) • Police Sector 405
- A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Grant . The motion passed by voice vote/other.**
20. [15764](#) Change of Agent  
UltraMart Foods • dba Copps Food Center #8183 • 1312 S Park St  
New Agent: Clifford Kraege  
Class A Beer, Class A Liquor  
Aldermanic District 13 (Alder Kerr) • Police Sector 306
- A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Grant . The motion passed by voice vote/other.**
21. [15766](#) Change of Agent  
Mongo Management LLC • dba BD's Mongolian Grill • 4722 East Towne Blvd  
New Agent: Tasha Gosselin  
Class B Combination Liquor & Beer • 8% alcohol, 80% food, 12% Other  
Aldermanic District 17 (Alder Clausius) • Police Sector 517
- A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Grant . The motion passed by voice vote/other.**

22. [15767](#) Change of Licensed Premise  
WalMart Stores East LP • dba Wal Mart #1138  
7202 Watts Rd • Agent: Ed Kilgora  
Class A Beer, Class A Liquor  
Aldermanic District 01 (Alder Sanborn) • Police Sector 123  
Request to remove restriction of alcoholic beverages being sold only at registers 13 & 14 and to remove 1-year hold on liquor sales.
- A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Grant . The motion passed by voice vote/other.**
23. [15768](#) Change of Licensed Premise  
Fresco LLC • dba Catering a Fresco at Overture Center • capacity of 4000  
201 State St • Agent: Cynthia Stoker  
Class B Combination Liquor & Beer • 25% Alcohol, 75% food  
Aldermanic District 04 (Alder Verveer) • Police Sector 405  
Request to change premise to include theatre portions of building.
- A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Grant . The motion passed by voice vote/other.**
24. [15846](#) Change of Licensed Premise  
M&P Holdings LLC • Americinn of Madison West • capacity of 80  
516 Grand Canyon Dr • Agent: Michael Sias  
Class B Combination Liquor & Beer • 1% Alcohol, 0% food, 99% Other  
Aldermanic District 19 (Alder Clear) • Police Sector 113  
Request to expand licensed premise to include parking lot for promotional events. Please see attached memo from General Manager.
- A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Grant . The motion passed by voice vote/other.**
25. [15906](#) Alcohol License Review Committee Report of Operator License Applications 9-4-09. 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 PUBLIC WORKS

26. [15737](#) Awarding Public Works Contract No. 6035, Bike Paths - 2009 (Research Park Bike 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-09-00792

27. [15738](#) Awarding Public Works Contract No. 6338, Starkweather Creek Bank Improvement.

**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-09-00793

28. [15746](#) Improvements accepted for Midvale Blvd. Sanitary Sewer Replacement, Contract No. 5829.

**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-09-00794

29. [15747](#) Improvements accepted for Fire Station #5 Remodel - Phase II, Contract No. 6195.

**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-09-00795

30. [15751](#) Assessing Final Benefits - Northeast Industrial Area Assessment District - Phase 1. (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-09-00796

31. [15755](#) Assessing Benefits - N. Few Street Reconstruction Assessment District - 2009. (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-09-00797

32. [15775](#) Improvements Accepted for Water Service Laterals by Private Contract to Serve: The American Center Plat Hanson Addition - Contract #2047 (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-09-00798
33. [15777](#) Improvements Accepted for James Madison Park Basketball Court and Parking Lot ~ Contract #6267 (AD #2)  
**Sponsors:** Bridget R. Maniaci, Joseph R. Clausius 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-09-00799
34. [15779](#) Improvements Accepted for Door Creek Farmstead Demolition and Site Restoration ~ Contract #5943 (AD #3)  
**Sponsors:** Lauren Cnare, Joseph R. Clausius 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-09-00800
35. [15811](#) Assessing Benefits - 100 N. Randall Street Light Assessment District. (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-09-00801
36. [15814](#) Improvements accepted for Gettle Avenue Lift Station Rehabilitation, Contract No. 6153.  
**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-09-00802

37. [15815](#) Improvements accepted for Sayle Street Traffic Engineering Warehouse Building Phase I Creek Restoration, Contract No. 6188.
- 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-09-00803
38. [15816](#) Approving plans and specifications for the proposed improvements and authorizing the Mayor and City Clerk to execute a revised agreement with the State of Wisconsin Department of Transportation for the improvement of County Trunk Highway M & Pleasant View Road extended from Prairie Hill Road to Mineral Point Road with the use of stimulus funding for the project.
- 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-09-00804
39. [15817](#) Approving Plans and Specifications and authorizing the Board of Public Works to advertise and receive bids for Bike Paths - 2009, Vilas Park Path, Contract No. 6162. (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-09-00805
40. [15818](#) Approving final plans for the installation of two islands in the 500 and 700 blocks of Acewood Boulevard. (3rd 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-09-00806

**REPORT OF COMMON COUNCIL ORGANIZATIONAL COMMITTEE**

- 41. [14940](#) THIRD SUBSTITUTE - Amending Section 33.02 of the Madison General Ordinances to modify the composition of the Alcohol License Review Committee.  
**Sponsors:** Tim Bruer, Mark Clear, Judy Compton, Michael Schumacher and Julia S. Kerr

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

- 42. [14942](#) THIRD SUBSTITUTE - Amending Section 33.22 of the Madison General Ordinances to modify the composition of the Public Safety Review Committee.  
**Sponsors:** Tim Bruer, Mark Clear, Judy Compton, Michael Schumacher and Julia S. Kerr

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

Enactment No: ORD-09-00136

- 43. [15285](#) SUBSTITUTE - Amending Sections 3.30(2), 3.53(10)(a) and 3.54(16)(a) of the Madison General Ordinances to permit members of Compensation Groups 18 and 44 to reside in places of their choosing.  
**Sponsors:** Michael Schumacher, David J. Cieslewicz and Brian L. Solomon

**A motion was made by Ald. Cnare, seconded by Ald. Bruer, to Refer to a future Meeting to Adopt to the COMMON COUNCIL, requesting the Human Resources Director to be present and should be returned by 10/6/2009. The motion passed by voice vote/other.**

**REPORT OF COMMUNITY DEVELOPMENT AUTHORITY**

- 44. [15432](#) SUBSTITUTE Amending Section 3.17(18) of the Madison General Ordinances to increase the membership of the CDA Housing Operations Subcommittee.  
**Sponsors:** Tim Bruer and Julia S. Kerr

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

Enactment No: ORD-09-00137

**REPORT OF PERSONNEL BOARD**

45. [15279](#) Approving and adopting the City of Madison Personnel Rules, revised 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-09-00807

#### REPORT OF RISK MANAGER

46. [11445](#) C. Gray, 2215 Lamp Post Ln., Frederick, MD, 21701 - personal injury - \$4,195.22.

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

47. [15532](#) E. Krueger, Tenney Plaza, Ste. 816, 3 S. Pinckney St., Madison, 53703-2866 - property damage - \$250.00.

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

48. [15546](#) M & J Van Gemert, 3702 Council Crest, Madison, 53711 - property damage - \$2,106.00.

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

49. [15561](#) K. Kelnhofer, for Mead & Hunt, 6501 Watts Rd., Madison, 53719 - property damage - \$944.99.

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

50. [15681](#) Greg Born, N&M Transfer Co., Inc., 630 Muttart Rd., Neenah, 54956 for J. Allen - vehicle damage - \$2,891.96.

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

51. [15691](#) A. Archer, 3124 E. Minnehaha Pky., Minneapolis, MN, 55406 - vehicle damage - \$3,673.99.

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

52. [15723](#) R. Gonzales, 310 Owen Rd., Monona, 53716 - vehicle damage - \$200.00.

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

53. [15803](#) D. Heitsman, American Family Insurance, for T. and T. Thuemling, 5613 Joylynn Dr., Madison, 53716 - vehicle damage - \$4,292.72.

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

54. [15808](#) M. & N. Howell, 4805 South Hill Dr., Madison, 53705 - property damage - \$5,237.33.

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

**ITEMS REFERRED TO THIS MEETING**

**RESOLUTIONS**

55. [15793](#) Resolution authorizing the issuance of \$43,915,000 General Obligation Capital Improvement and Refunding Promissory Notes, Series 2009A, \$53,925,000 Taxable General Obligation Build America Bonds (Direct Pay) Promissory Notes, Series 2009B, and \$8,210,000 Taxable General Obligation Promissory Notes, Series 2009C, all of the City of Madison, Wisconsin, providing the details thereof, establishing interest rates thereon and levying taxes therefore.

**Sponsors:** David J. Cieslewicz

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

**Excused:** 3 -  
Chris Schmidt; Larry Palm and Judy Compton

**Ayes:** 17 -  
Bridget R. Maniaci; Lauren Cnare; Michael E. Verveer; Shiva Bidar-Sielaff; Marsha A. Rummel; Steve King; Bryon A. Eagon; Paul E. Skidmore; Brian L. Solomon; Satya V. Rhodes-Conway; Julia S. Kerr; Tim Bruer; Joseph R. Clausius; Michael Schumacher; Mark Clear; Thuy Pham-Remmele and Jed Sanborn

**Non Voting:** 1 -  
David J. Cieslewicz

Enactment No: RES-09-00808

- 56. [15799](#) Approving Settlement of Tax Refund Litigation with Walgreen Co. for Years 2005-2008, Authorizing Entry into Settlement Agreement, Approving payment of \$495,000 from City resources to effectuate the Settlement and amending the 2009 Operating Budget to reduce estimated general fund revenues by \$181,243 to recognize the City's share of Settlement Costs.

**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-09-00809

- 57. [15804](#) Regarding the creation of a Complete Count Committee.

**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-09-00810

## **INTRODUCTION OF NEW BUSINESS FOR REFERRAL WITHOUT DEBATE**

### **ORDINANCES**

- 58. [15912](#) Amending and repealing various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2009 City Attorney Reviser's Ordinance.

**Sponsors:** Common Council By Request

**This Ordinance was Referred to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE**

- 59. [15914](#) Amending Sec. 39.02(3)(c) of the Madison General Ordinances to revise the terms for members of the Affirmative Action Commission from two to three years.

**Sponsors:** David J. Cieslewicz and Joseph R. Clausius

**This Ordinance was Referred to the AFFIRMATIVE ACTION COMMISSION**

60. [15931](#) Creating Section 28.06(2)(a)3451. of the Madison General Ordinances rezoning property from C1 Limited Commercial District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3452. 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: Demolish Office Building for Construction of New 3-Story Office Building; 6225 University Avenue: 19th Aldermanic District.

**Sponsors:** Common Council By Request

**This Ordinance was Referred to the PLAN COMMISSION**

61. [15932](#) Adopting and confirming amendments to the Madison General Ordinances as set forth in attached Exhibit F pursuant to Sec. 66.0103, Wis. Stats. to revise the City's Zoning Ordinance.

**Sponsors:** David J. Cieslewicz

**This Ordinance was Referred to the PLAN COMMISSION**

62. [15933](#) Creating Section 15.01(572) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to the Sixteenth Aldermanic District the Chen Attachment and assigning a temporary zoning classification of A Agriculture District, and amending Section 15.02(2) of the Madison General Ordinances to add the attached property to Ward 4.

**Sponsors:** David J. Cieslewicz

**This Ordinance was Referred to the COMMON COUNCIL**

63. [15937](#) Amending Section 38.05(9)(o)4.c.i. of the Madison General Ordinances to modify the Alcohol Beverage License Density Plan.

**Sponsors:** Michael E. Verveer and Michael Schumacher

**This Ordinance was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE**

64. [15955](#) Creating Section 28.06(2)(a)3453. of the Madison General Ordinances rezoning property from HIST-MH Mansion Hill Historic District, OR Office Residence District, and R6H General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3454. 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: Redevelop and Expand Existing Edgewater Hotel to a 228-Room Hotel; 666 Wisconsin Avenue: 2nd Aldermanic District.

**Sponsors:** Common Council By Request

**This Ordinance was Referred to the PLAN COMMISSION**

**RESOLUTIONS**

65. [15772](#) Authorizing a loan of HOME funds to Future Madison Northpointe, Inc. in an amount not to exceed \$225,000, and authorizing the Mayor and Clerk to execute any required agreements with Future Madison Northpointe.

**Sponsors:** Shiva Bidar-Sielaff, Tim Bruer and Marsha A. Rummel

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

66. [15807](#) Authorizing the use of Federal HOME funds in an amount not to exceed \$250,000 to provide additional down payment assistance to qualified homebuyers as part of the City's American Dream Down payment (ADDI) program, and authorizing the Mayor and Clerk to execute any associated agreements as required.

**Sponsors:** Shiva Bidar-Sielaff, Tim Bruer and Marsha A. Rummel

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

67. [15882](#) Authorizing the Mayor and City Clerk to enter into an agreement with Dane County Human Services to provide Retired Senior Volunteer Driver Escort Services for the City of Madison for the calendar year 2009.

**Sponsors:** Chris Schmidt and Brian L. Solomon

**This Resolution was Referred to the TRANSIT AND PARKING COMMISSION**

68. [15883](#) 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:** Chris Schmidt and Brian L. Solomon

**This Resolution was Referred to the TRANSIT AND PARKING COMMISSION**

69. [15909](#) Approval to accept a Homeland Security Metropolitan Medical Response System 2008 grant for \$321,221.

**Sponsors:** David J. Cieslewicz, Paul E. Skidmore and Lauren Cnare

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

70. [15910](#) Application to the Dane County Board for exemption from Dane County Library tax levied under Section 43.64(2) Wisconsin Statutes.

**Sponsors:** Larry Palm

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

71. [15915](#) Accepting ownership of the artwork/sculpture "Community" located in the plaza of the Revival Ridge Apartments at the corner of Allied Drive and Jenewein Road.

**Sponsors:** Brian L. Solomon and Marsha A. Rummel

**This Resolution was Referred to the MADISON ARTS COMMISSION**

72. [15934](#) To approve the 2010 Operating Plan for Madison's Central Business Improvement District (#1).

**Sponsors:** Michael E. Verveer

**This Resolution was Referred to the DOWNTOWN COORDINATING COMMITTEE**

73. [15954](#) Adopting the 2010 Economic Development Division Work Plan.

**Sponsors:** Mark Clear

**This Resolution was Referred to the ECONOMIC DEVELOPMENT COMMITTEE**

- 74. [15956](#) Approving an Agreement with the City of Fitchburg for the Interconnection of Municipal Water Systems.

**Sponsors:** Lauren Cnare and Michael Schumacher

**This Resolution was Referred to the WATER UTILITY BOARD**

- 75. [15967](#) Approve the request from Independent Living, Inc. to provide up to \$56,578 in Home Match and CDBG funds to make needed repairs to their rental housing facility at 602 N. Segoe Rd., to improve the building's energy efficiency, safety and accessibility, and protection from water leakage and damage to the building.

**Sponsors:** Shiva Bidar-Sielaff, Tim Bruer and Marsha A. Rummel

**This Resolution was Referred to the COMMON COUNCIL**

**LICENSES**

- 76. [15858](#) Public Hearing - New License  
New Cardinal LLC • dba The Cardinal • 75% alcohol, 5% food, 20% Other  
418 E Wilson • Agent: Ricardo Gonzalez • Estimated Capacity: 196  
Class B Combination Liquor & Beer  
Aldermanic District 06 (Alder Rummel) • Police Sector 406 • Density Area

**This License was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE**

- 77. [15859](#) Public Hearing - New License  
Vintage II Inc • dba Vintage Brewing Company • 55% alcohol, 44% food, 1% Other  
674 S Whitney Way • Agent: Trent Kraemer • Estimated Capacity: 362  
Class B Combination Liquor & Beer  
Aldermanic District 19 (Alder Clear) • Police Sector 113

**This License was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE**

- 78. [15860](#) Public Hearing - New License  
HJ Liquors LLC • dba University Avenue Liquor  
525 University Ave • Agent: Herbert Taylor  
Class A Beer, Class A Liquor  
Aldermanic District 04 (Alder Verveer) • Police Sector 403

**This License was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE**

79. [15861](#) Public Hearing - New License  
McKenzie Investment Group Inc • dba Wingstop • 3% alcohol, 97% food  
707 S Gammon Rd • Agent: Kenneth Gelinias • Estimated Capacity: 35  
Class B Combination Liquor & Beer  
Aldermanic District 01 (Alder Sanborn) • Police Sector 114
- This License was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE**
80. [15862](#) Public Hearing - New License  
Pizza Oven West LLC, The • dba Pizza Oven West • 8% alcohol, 91% food,  
1% Other  
6654 Mineral Point Rd • Agent: Tyler Dahmen • Estimated Capacity: 300  
Class B Beer, Class C Wine  
Aldermanic District 19 (Alder Clear) • Police Sector 112
- This License was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE**
81. [15863](#) Public Hearing - New License  
The Garage LLP • dba The Garage • 90% alcohol, 10% food  
1970 Atwood Ave • Agent: Hawk Schenkel • Estimated Capacity: 100  
Class B Combination Liquor & Beer  
Aldermanic District 06 (Alder Rummel) • Police Sector 410
- This License was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE**
82. [15864](#) Public Hearing - New License  
Babe's East LLC • dba Babe's Grill & Bar East • 37% alcohol, 63% food  
4325 Lien Rd • Agent: Lynn Haker • Estimated Capacity: 320  
Class B Combination Liquor & Beer  
Aldermanic District 17 (Alder Clausius) • Police Sector 605
- This License was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE**
83. [15866](#) Public Hearing - New License  
Capitol Hospitality LLC • dba Sprecher's • 25% alcohol, 70% food, 5% Other  
1262 John Q Hammons Dr • Agent: Susan Getgem • Estimated Capacity:  
318  
Class B Combination Liquor & Beer  
Aldermanic District 09 (Alder Skidmore) • Police Sector 127
- This License was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE**

## PRESENTATION OF CLAIMS AGAINST THE CITY OF MADISON

**CLAIMS - REFER TO RISK MANAGER**

84. [15835](#) B. Swanson, 1011 Emerald St., #1, Madison, 53715 - vehicle damage - \$603.73.
85. [15851](#) P. Kaske, 1937 Paso Roble Way, 53716 - property damage - \$111.05.
86. [15913](#) D. Piona, 2810 Kingston Dr., Madison, 53713 - vehicle damage - \$1,108.98.
87. [15925](#) B. Kampmeier, 413 Riviera St., Oregon, 53575 - vehicle damage - \$705.91.
88. [15927](#) M.J. and G. Thieleke, 713 Woodward Dr., Madison, 53704 - property damage - \$765.00.
89. [15958](#) T. Fredlund, 1002 S. 103rd St., West Allis, 53214 - vehicle damage - \$4,078.22.

**THE FOLLOWING ITEM(S) WERE INTRODUCED FROM THE FLOOR ON 9/1/09, AND ARE ON THIS AGENDA PURSUANT TO SEC. 2.05(1)(B), MGO SOLELY FOR THE PURPOSE OF ADDING ADDITIONAL REFERRALS.**

90. [15847](#) Establishing a Glass-Free Zone for the State Street area from 9:30 p.m. on October 30, 2009 to 6:00 a.m. on October 31, 2009, and from 9:30 p.m. on October 31, 2009 to 6:00 a.m. on November 1, 2009.
- Sponsors:** David J. Cieslewicz, Michael E. Verveer, Bryon A. Eagon and Bridget R. Maniaci
91. [15845](#) Authorizing the Mayor and City Clerk to execute a contract with Frank Productions, Inc., subject to the conditions included in the Street Use Permit expected to be issued to Frank Productions, Inc. for events associated with Halloween, 2009.
- Sponsors:** David J. Cieslewicz, Michael E. Verveer, Bryon A. Eagon and Bridget R. Maniaci
92. [15843](#) Amending the 2009 Operating Budgets of the Police Department, Engineering Division, Streets Division and Parks Division by appropriating \$48,335 from the Contingent Reserve Fund, 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, Michael E. Verveer, Bryon A. Eagon and Bridget R. Maniaci

93. [15867](#) Creating Section 27.04(2)(l) of the Madison General Ordinances to require owners of multi-family dwellings to provide contact information of at least two people who can exercise control and care over the property; and amending Sec. 1.08(3)(a) to create a bail deposit for violations.

**Sponsors:** David J. Cieslewicz and Julia S. Kerr

#### **ANNOUNCEMENTS & INTRODUCTION OF ITEMS FROM THE FLOOR**

[16007](#) A resolution approving the creation of two subcommittees:

- 1) Sustainable City Ad-Hoc Subcommittee for the Public Sector (Government/Infrastructure)
- 2) Sustainable City Ad-Hoc Subcommittee for the Private Sector (Business/Residents)

**Sponsors:** Satya V. Rhodes-Conway

**A motion was made by Ald. Maniaci, seconded by Ald. Bruer, to Refer to a future Meeting to Adopt to the COMMON COUNCIL, due back on 10/6/2009. The motion passed by voice vote/other.**

#### **ADJOURNMENT**

**A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adjourn at 8:18 pm . The motion passed by voice vote/other.**