



City of Madison Proceedings - Final COMMON COUNCIL

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

Tuesday, October 11, 2005

6:30 PM

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

SPEAKING GUIDELINES

If you need an interpreter, materials in alternate formats or other accommodations, please contact the Office of the Common Council at 266-4071, TTY 267-8670. Please do so 48 hours prior to the meeting so that proper arrangements can be made.

Speaking Limits: Public Hearing - 5 Minutes, Information Hearing - 5 Minutes,
Other Items - 3 minutes

You must register before your item is considered by the Council.

The consent agenda will be considered following Public Hearings.

The use of audible cell phone ringers and active use and response to cellular phone technology by the governing body, staff and members of the public is discouraged in the Council Chambers while the Council is in session.

NOTIFIED ABSENCES: ALD. BRUER, ALD. ROSAS

Roll Call at 6:32 p.m., Mayor Cieslewicz in the chair.

Late: Ald. Verveer (6:34 p.m.); Ald. Webber (6:34 p.m.)

Present: Benford, Sanborn, Brandon, Cnare, Compton, Golden, King, Konkel, Gruber, Olson, Knox, Jr., Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski, Webber and Mayor Cieslewicz

Excused: Bruer and Rosas

SUSPEND THE RULES

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

A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Suspend the Rules. The motion passed by acclamation.

PETITIONS AND COMMUNICATIONS

None received by the agenda deadline.

BUSINESS BY THE MAYOR

APPOINTMENTS

1. [02117](#) Report of the Mayor submitting citizen committee appointments (introduced 10-11-05; action 10-18-05)
Confirm at the 10/18/05 Common Council Meeting.
A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Refer to a future Meeting to Confirm for October 18, 2005. The motion passed by acclamation.

RESOLUTIONS

2. [02009](#) Authorizing a representative of the Human Resources Department to sign a contract with Home Health United to provide flu immunization clinics for City employees on City property.
A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00819

RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM

REPORT OF BOARD OF ESTIMATES

3. [01945](#) 2006 Executive Capital Budget and amendments.
Adopt as amended at the 11/15/05 Common Council Meeting.
A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Rerefer for Recessed Public Hearing to the COMMON COUNCIL, due back on November 15, 2005. The motion passed by acclamation.

REPORT OF PLAN COMMISSION

4. [01359](#) Creating Section 28.10(6) of the Madison General Ordinances to establish a Research and Development Center District.
Public Hearing Recessed.
A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Rerefer for Recessed Public Hearing to the PLAN COMMISSION. The motion passed by acclamation.

5. [01626](#) SUBSTITUTE - Creating Section 28.06(2)(a)3114. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R4 General Residence District. Proposed Use: Unspecified Future Development; 5434 Commercial Avenue: 17th Aldermanic District.
- 1 Registrant(s) in support not wishing to speak.*
- A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** ORD-05-00155

6. [01627](#) Creating Section 28.06(2)(a)3115. of the Madison General Ordinances rezoning property from M1 Limited Manufacturing District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a) 3116. 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 Existing Structure and Build Convenience Store with Gas Sales; 401 North Third Street: 12th Aldermanic District.
- A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** ORD-05-00156

PUBLIC HEARINGS - BEGIN AT 6:45 PM

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

7. [01693](#) Public Hearing - New License
R P Adler's LLC • dba R P Adler's • estimated capacity of 150
8202 Watts Road • Agent: Randall P. Adler, Jr.
Class B Combination Liquor & Beer • 40% alcohol, 60% food
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant and Close the Public Hearing. The motion passed by acclamation.**
8. [01694](#) Public Hearing - New License
Thai Orchid, LLC • dba Thai Orchid • capacity of 44
6714 Raymond Road • Agent: Saengrawee Pratoomtong
Class B Beer, Class C Wine • 15% alcohol, 75% food
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant and Close the Public Hearing. The motion passed by acclamation.**

REPORT OF PLAN COMMISSION

9. [01702](#) Creating Section 28.06(2)(a)3117 of the Madison General Ordinances rezoning property from M1 Limited Manufacturing District to C3 Highway Commercial District. Proposed Use: New Credit Union with Drive-Up Tellers; 5th Aldermanic District: 1433 Monroe Street.
Public Hearing Recessed.
- A motion was made by Council President Van Rooy, seconded by Ald. Compton, to Rerefer for Recessed Public Hearing to the PLAN COMMISSION. The motion passed by acclamation.**
10. [01703](#) AMENDED - Creating Section 28.06(2)(a)3118 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)3119 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 Religious Student Center & Build 6-Story Student Center with 44 Dwelling Units; 8th Aldermanic District: 731 State Street.
10 Registrant(s) in support wishing to speak; 3 Registrant(s) in support not wishing to speak.
- A motion was made by Ald. King, seconded by Ald. Webber, to Adopt With Amendment(s) by adding the following: Pres House shall provide at least one (1) bike parking stall per bedroom on-site for the exclusive use of residents and guests and the other uses of the property to be managed by Pres House. No non-resident bicycle or moped may be parked on their property for more than 48 hours.**
- Amend Condition # 1 on Plan Commission report by adding the following language at the end: In consideration of the PUD, the Plan Commission may also consider a waiver or reduction as provided for in the Inclusionary Zoning Ordinance, Konkell/Golden: carry. The motion passed by acclamation.**
- Enactment No: ORD-05-00157**
11. [01706](#) Creating Section 28.06(2)(a)3120 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: 16 Townhouse Apartments; 3rd Aldermanic District: 528-558 Apollo Way.
2 Registrant(s) in support not wishing to speak.
- A motion was made by Council President Van Rooy, seconded by Ald. Compton, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No: ORD-05-00161**

12. [01707](#) Creating Section 28.06(2)(a)3121 of the Madison General Ordinances rezoning property from A Agriculture District to R4 General Residence District. Proposed Use: Neighborhood Center; 19th Aldermanic District: 55 South Gammon Road.
2 Registrant(s) in support not wishing to speak.
- A motion was made by Council President Van Rooy, seconded by Ald. Compton, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** ORD-05-00158
13. [01714](#) Creating Section 28.06(2)(a)3122 of the Madison General Ordinances rezoning property from R1 Single-Family Residence District to R3 Single-Family and Two-Family Residence District. Proposed Use: 16 Duplex Lots & 1 Single Family Lot; 16th Aldermanic District: 4601 & 4613 East Buckeye Road.
1 Registrant(s) in support not wishing to speak.
- A motion was made by Council President Van Rooy, seconded by Ald. Compton, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** ORD-05-00159
14. [01852](#) SUBSTITUTE - Creating Section 28.06(2)(a)3125 of the Madison General Ordinances rezoning property from PUD(SIP) Planned Unit Development (Specific Implementation Plan) District to Amended PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: 10 Townhouse Units; 7th Aldermanic District: 7449 East Pass.
2 Registrant(s) in support not wishing to speak.
- A motion was made by Council President Van Rooy, seconded by Ald. Compton, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** ORD-05-00160

END OF PUBLIC HEARINGS

At this time, the balance of the agenda which has not been acted upon will be moved with the recommended action listed for each items EXCEPT: Agenda #'s 52, 53, & 98, Van Rooy/Verveer: carry.

1) items which have registrants wishing to speak. 2) items which require an extraordinary (roll call) vote. 3) items which alderperson(s) have separated out for discussion/debate purposes.

REPORTS OF OFFICERS

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

15. 01424 Operator License Application
Aleah Kaldem, 2215 Woodview Court #17, Madison
A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Deny for the following reason: applicant failed to appear before the Alcohol License Review Committee. The motion passed by acclamation.
16. 01527 Operator License Application
Daniel J. Peterson, 1937 Spohn Avenue
A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Deny for the following reason: applicant failed to appear before the Alcohol License Review Committee. The motion passed by acclamation.
17. 01528 Operator License Application
Amber R. Ayres, 1217 E. Johnson Street #2
A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Deny for the following reason: applicant failed to appear before the Alcohol License Review Committee. The motion passed by acclamation.
18. 01730 Application for Change of Licensed Premise
Chug-A-Lug, Inc. • dba Club 5 • capacity of 388
5 Applegate Court • Agent: Edward Grunewald
Class B Combination Liquor & Beer • 50% alcohol, 50% food
Request to eliminate condition that establishment meet the definition of a restaurant.
A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Grant. The motion passed by acclamation.
19. 01802 Change of Agent
GMRI Inc • Smokey Bones BBQ Sports Bar • cap. 336 • 418 S. Gammon Rd.
Old Agent: Michael Cole • New Agent: Rodney Ladson
Class B Combination Liquor & Beer • 13% alcohol, 87% food
A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Grant. The motion passed by acclamation.
20. 01929 Change of Agent
Copps Corporation • Copps Food Center • 620 S. Whitney Way
Old Agent: Karl Wetzel • New Agent: Mark Elliott
Class A Liquor, Class A Beer
A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Grant. The motion passed by acclamation.
21. 01932 Operator License Application
Nicholas P. Schram, 613 Morningstar Lane
A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Grant With Condition(s). The motion passed by acclamation.

22. [02002](#) Application for Change of Licensed Premise
Mike Losse • dba Catering by Mike Losse • capacity 500
301 Wisconsin Avenue
Class B Combination Liquor & Beer • 25% alcohol, 75% food
Request to add fenced-off area at the end of driveway to licensed premise for outdoor seating.
A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Grant. The motion passed by acclamation.
23. [02003](#) Application for Change of Licensed Premise
Crystal Corners, Inc. • dba Crystal Corners Bar • capacity 99
1302 Williamson Street • Agent: David Day
Class B Combination Liquor & Beer • 70% alcohol, 30% food
Request to expand licensed premise to include sidewalk cafe.
A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Grant. The motion passed by acclamation.
24. [02075](#) Alcohol License Review Committee
October 3, 2005, Report of Operator License Applications (New & Renewal)
A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Grant. The motion passed by acclamation.

REPORT OF BOARD OF ESTIMATES

25. [00813](#) SUBSTITUTE - Approving the transfer of HOME funded mortgages on two buildings on Johnson and Gorham Streets from Madison Development Corporation to ARISE Family Services to continue their use as SRO housing for lower income individuals and authorizing the Mayor and the City Clerk to sign agreements to implement the transfers.
A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00820
26. [01665](#) Creating Section 4.25 of the Madison General Ordinances relating to city procurement of items of apparel (sweat-free procurement policies).
A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00162
27. [01676](#) SUBSTITUTE - Authorizing the Streets Division to provide bin collection service to condominium complexes with over 500 units from a public right of way.
Adopt at the 11/8/05 Common Council Meeting.
A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Refer to a future Meeting to Adopt for November 8, 2005. The motion passed by acclamation.

28. [01937](#) SECOND SUBSTITUTE - Amending the 2005 Storm Water Utility Capital Budget to increase funding for Project #1 - Accompanying Storm Sewer and Project #14 - Upper Badger Mill Creek by ~~\$2,785,000~~ \$785,000 (\$565,000 in 810391 and \$220,000 in 810381). (1st & 7th ADs)

A motion was made by Council President Van Rooy, seconded by Ald. Sanborn, to Adopt. The motion passed by the following vote:

Excused: 2 - Bruer and Rosas

Aye: 18 - Benford, Sanborn, Brandon, Cnare, Compton, Golden, King, Konkell, Gruber, Olson, Knox, Jr., Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber

No: 0 -

Non Voting: 1 - Cieslewicz

Enactment No: RES-05-00821

29. [02005](#) Approving the provision of Federal HOME funds to assist Movin' Out acquire housing and authorizing the Mayor and City Clerk to sign an agreement to implement the project.

A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt. The motion passed by acclamation.

Enactment No: RES-05-00822

30. [02041](#) SUBSTITUTE - Authorizing the execution of a lease and an option to purchase a warehouse building located at 2434 Vondron Road for the storage of evidentiary vehicles associated with Madison Police Department operations. 16th Ald. Dist.

A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt. The motion passed by acclamation.

Enactment No: RES-05-00823

31. [02074](#) Authorizing the Mayor and City Clerk to execute amendments to the Operation and Cooperation Agreement with Madison Cultural Arts District and to the Option Agreement with Overture Development Cooperation; to execute a credit agreement with a financial institution selected to restructure the Overture Center construction financing; and to execute such other documents that may be deemed necessary by the City Attorney to implement the transaction.

Adopt at the 10/18/05 Common Council Meeting.

A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Refer to a future Meeting to Adopt for October 18, 2005. The motion passed by acclamation.

REPORT OF BOARD OF PUBLIC WORKS

32. [01737](#) Approving a "Minor" Change to Amend the Environmental Corridor within the Central Urban Service Area of Dane County for the property of 5513 Femrite Drive (et al). 16th Ald. Dist.
1 Registrant(s) in support not wishing to speak.
A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00824
33. [02021](#) Improvements accepted Madison Water Utility Unit Well 29 Reservoir and Pumping Station, Contract W5766 (17th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00825
34. [02025](#) Improvements accepted for Hayes Road Culvert Crossing, Contract No. 5434. (17th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00826
35. [02042](#) Declaring the City of Madison's intention to exercise its police powers establishing the following three Traffic Signal Assessment Districts: Crossroads Drive-High Crossing Blvd; Northbound USH 90/94 Off-Ramp-High Crossing Blvd; and D'Onofrio Drive-High Point Road Traffic Signal Assessment Districts. (9th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00827
36. [02058](#) Improvements accepted for 2004 Resurfacing Various Streets; Utility Casting Adjusting & Curb Cuts & Curb & Gutter Repair with Resurfacing, Contract No. 5583 (Various ADs)
A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00828
37. [02065](#) Accepting street improvements constructed by private contract in Reston Heights - Phase I, Private Contract No. 1697. (3rd AD)
A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00829

38. [02067](#) Improvements accepted by private contract to serve: The American Center Plat Third Addition. (17th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00830
39. [02068](#) Improvements accept for water service lateral by private contract to serve: Reston Heights - Phase VIII. (3rd AD)
A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00831
40. [02069](#) Improvements accepted for water service laterals by private contract to serve: Mid Town Road Apartments - Phase II. (1st AD)
A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00832

REPORT OF BOARD OF WATER COMMISSIONERS

41. [02014](#) Authorizing the Water Utility General Manager to certify water and sewer bills, assessments and charges to the 2005 tax rolls of other governmental units for delinquent accounts in those jurisdictions.
A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00833
42. [02047](#) 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 the water quality within the City of Madison water system, protect the public health, and improve system operations.
A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00834

REPORT OF MADISON CITIARTS COMMISSION

43. [02125](#) Accepting ownership of the Wisconsin Avenue Planters located at Wisconsin Avenue and Mifflin Street.
A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00835

REPORT OF PLAN COMMISSION

44. [01869](#) Approving the preliminary/final plat known as Buckeye Meadows located at 4601-4613 East Buckeye Road. 16 Ald. Dist.
1 Registrant(s) in support not wishing to speak.
A motion was made by Council President Van Rooy, seconded by Radomski, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00836
45. [02112](#) Approving a Certified Survey Map of property owned by Park Towne Development Corporation at 425 South Yellowstone Drive. 19th Ald. Dist.
A motion was made by Council President Van Rooy, seconded by Radomski, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00837
46. [02113](#) Approving a Certified Survey Map of property owned by NEW WEI, LLC at 301 Hard Disk Drive. 9th Ald. Dist.
A motion was made by Council President Van Rooy, seconded by Radomski, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00838
47. [02115](#) Approving a Certified Survey Map of property owned by Grant H. Brohm & Kendra L. Douglas at 533 Orchard Drive. 20th Ald. Dist.
A motion was made by Council President Van Rooy, seconded by Radomski, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00839

REPORT OF RISK MANAGER

48. [02038](#) T. Stoughton, 903 High Point Road, Dodgeville - vehicle damage - \$1,503.58.
A motion was made by Council President Van Rooy, seconded by Ald. Brandon, to Deny. The motion passed by acclamation.

REFERRED TO THIS MEETING**APPOINTMENTS**

49. [02012](#) Report of the Mayor submitting citizen committee appointments (introduction 9-20-05; action 10-11-05)
- A motion was made by Ald. Skidmore to Confirm. The motion passed by the following vote:**
- Excused:** 2 - Bruer and Rosas
- Aye:** 18 - Benford, Sanborn, Brandon, Cnare, Compton, Golden, King, Konkel, Gruber, Olson, Knox, Jr., Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber
- No:** 0 -
- Non Voting:** 1 - Cieslewicz

ORDINANCES

50. [02048](#) Adopting and confirming Revision 252 of the Madison General Ordinances as of September 15, 2005 to incorporate the changes pursuant to Sec. 66.0103, Wis. Stats.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-05-00163

RESOLUTIONS

51. [02011](#) Approving the proposed new agreement on the composition of the Metropolitan Planning Organization for the Madison Urbanized Area.
- A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00840

RECONSIDERATION(S)

52. [01939](#) Authorizing the Mayor and City Clerk to execute a Lease Termination Agreement providing for the early termination of the lease with The Collins House, Inc. pertaining to 704 East Gorham Street.
- A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Reconsider. The motion failed by the following vote:**
- Excused:** 2 - Bruer and Rosas
- Aye:** 8 - Benford, Golden, King, Konkel, Gruber, Olson, Verveer and Webber
- No:** 10 - Sanborn, Brandon, Cnare, Compton, Knox, Jr., Palm, Skidmore, Thomas, Van Rooy and Radomski
- Non Voting:** 1 - Cieslewicz
-
- 53a. [02119](#) Authorizing the City of Madison to use \$100,000 of available TIF funds to hire a consulting firm to assist City staff and the community in the development of a redevelopment implementation plan for the Allied area, and amending the 2005 Planning and Development Capital Budget, project #15, "TID 29-Allied Terrace," to provide for the additional expenditure of \$100,000 from TIF funds, and authorizing staff to negotiate with Hauk Investments to receive a six-month option to purchase properties located at 2317, 2345, and 2409 Allied Drive. **(Companion resolution to ID# 01962. This resolution was created as a result of partially adopting 01962 & referring the unadopted language to the 10/11/05 Common Council Meeting for reconsideration.)**
- A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Reconsider. The motion passed by acclamation.**
- Enactment No:** RES-05-00841

- 53b. [02119](#) AMENDED - Authorizing the City of Madison to use \$100,000 of available TIF funds to hire a consulting firm to assist City staff and the community in the development of a redevelopment implementation plan for the Allied area, and amending the 2005 Planning and Development Capital Budget, project #15, "TID 29-Allied Terrace," to provide for the additional expenditure of \$100,000 from TIF funds, and authorizing staff to negotiate with Hawk Investments to receive a six-month option to purchase properties located at 2317, 2345, and 2409 Allied Drive. **(Companion resolution to ID# 01962. This resolution was created as a result of partially adopting 01962 & referring the unadopted language to the 10/11/05 Common Council Meeting for reconsideration.)**

2 Registrant(s) in support not wishing to speak; 4 Registrant(s) in support not wishing to speak.

A motion was made by Ald. Golden, seconded by Ald. Verveer, to Adopt With Amendment(s) as follows: strike "receive" and replace with "secure" in the second 'BE IT FURTHER RESOLVED' clause and strike "to negotiate with Hawk Investments" in the fifth 'BE IT FURTHER RESOLVED' clause, Golden/Olson: carry. Separate the resolution so two separate votes could be taken: a motion was made by Ald. Golden, seconded by Ald. Verveer to adopt the part of the resolution dealing with negotiations with Hawk Investments to secure the option to purchase: carry. NOTE: THE FOLLOWING ROLL CALL VOTE WAS FOR THE CONSULTANT PART OF THE RESOLUTION. The motion passed by the following vote:

Excused: 2 - Bruer and Rosas

Aye: 16 - Benford, Sanborn, Cnare, Compton, Golden, King, Konkell, Gruber, Olson, Knox, Jr., Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber

No: 2 - Brandon and Palm

Non Voting: 1 - Cieslewicz

Enactment No: RES-05-00841

NEW BUSINESS - Referred on motion of Council President VanRooy, seconded by Ald. Verveer

ORDINANCES

54. [02122](#) Amending Sec. 8.215(1) of the Madison General Ordinances to require users to obtain a permit prior to launching a boat or parking a vehicle or trailer in designated lake access parking lot areas.

Refer to the BOARD OF PARK COMMISSIONERS

55. [02123](#) Amending Section 3.38 (1)(c) of the Madison General Ordinances by deleting the classification of Parking Enforcement Officer in Compensation Group 16, Range 08, and recreating said classification in Compensation Group 16, Range 11; and deleting the classification of Parking Enforcement Leadworker in Compensation Group 16, Range 10, and recreating said classification in Compensation Group 16, Range 13, thereof.
Additional Referral(s): Personnel Board
Refer to the BOARD OF ESTIMATES
56. [02124](#) Amending Section 28.04(19)(b) of the Madison General Ordinances to add a ten year time period to calculating the size of an addition to waterfront property.
Due back at the 11/29/05 Common Council Meeting.
Refer For Public Hearing to the PLAN COMMISSION
57. [02128](#) Adopting and confirming the Labor Agreement between the City of Madison and Dane County, Wisconsin Municipal Employees Local 60, AFSCME, AFL-CIO from January 1, 2004 to December 31, 2005.
Due back at the 10/18/05 Common Council Meeting.
Refer to the BOARD OF ESTIMATES
58. [02135](#) Amending Section 28.04(24)(b) and creating new Section 28.12(11)(l) of the Madison General Ordinances to make the procedure for evaluating certain planned commercial sites consistent with practice.
Due back at the 11/29/05 Common Council Meeting.
Refer For Public Hearing to the PLAN COMMISSION
59. [02137](#) Creating Section 28.10(2)(c)15. of the Madison General Ordinances to make colleges and universities a permitted use in the RPSM District.
Due back at the 11/8/05 Common Council Meeting.
Refer For Public Hearing to the PLAN COMMISSION
60. [02139](#) Creating Section 28.06(2)(a)3138. of the Madison General Ordinances rezoning property from C2 General Commercial District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3139. 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 Shopping Center and Build 12-Story Mixed Use Building with 130,000 Square Feet Retail, 73,500 Square Feet Offices, 91,000 Square Feet Health Center, 60,500 Activity Center and 430 Dwelling Units; 8th Aldermanic District: 700 Block University Avenue.
Additional Referral(s): Ped Bike Motor Vehicle Commission. Due back at the 12/13/05 Common Council Meeting.
Refer For Public Hearing to the PLAN COMMISSION

61. [02140](#) Creating Section 28.06(2)(a)3140. of the Madison General Ordinances rezoning property from Temp C2 General Commercial District to C2 General Commercial District. Proposed Use: Accommodate Neighborhood Center in Existing Building; 14th Aldermanic District; 810-818 West Badger Road.
Due back at the 12/13/05 Common Council Meeting.
- Refer For Public Hearing to the PLAN COMMISSION**
62. [02141](#) Creating Section 28.06(2)(a)3146. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R2T Single-Family Residence District, creating Section 28.06(2)(a)3147. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R2Y Single-Family Residence District, creating Section 28.06(2)(a)3148. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R2Z Single-Family Residence District, creating Section 28.06(2)(a)3149. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R5 General Residence District, creating Section 28.06(2)(a)3150. of the Madison General Ordinances rezoning property from Temp A Agriculture District to C Conservancy District, and creating Section 28.06(2)(a)3151. of the Madison General Ordinances rezoning property from Temp A Agriculture to PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: 274 Single Family Lots, 9 Duplex Lots & 4 Multi-Family Lots; 9th Aldermanic District: 702 South Point Road.
Due back at the 12/13/05 Common Council Meeting.
- Refer For Public Hearing to the PLAN COMMISSION**
63. [02142](#) Creating Section 28.06(2)(a)3142. of the Madison General Ordinances rezoning property from Temp A Temporary Agriculture District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3143. 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: Two 42-Unit Condominium Units; 7th Aldermanic District: 3270-3276 Maple Grove Drive.
Due back at the 12/13/05 Common Council Meeting.
- Refer For Public Hearing to the PLAN COMMISSION**
64. [02143](#) Creating Section 28.06(2)(a)3144. 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: 31,270 Square Feet Office Building; 16th Aldermanic District: 5451 World Dairy Drive.
Due back at the 11/29/05 Common Council Meeting.
- Refer For Public Hearing to the PLAN COMMISSION**

65. [02144](#) Creating Section 28.06(2)(a)3145. of the Madison General Ordinances rezoning property from PUD(SIP) Planned Unit Development (Specific Implementation Plan) District to Amended PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Demolish Bank & Build Restaurant; 11th Aldermanic District: 702 North Midvale Boulevard.
Due back at the 12/13/05 Common Council Meeting.

Refer For Public Hearing to the PLAN COMMISSION

66. [02155](#) Amending Section 3.21 to establish powers and duties for the Emergency Management Coordinator of the City, and relocating and renumbering Section 23.47 entitled Emergency Proclamation as Section 3.025.
Additional Referral(s): Board of Estimates, Comptroller (for fiscal note)

Refer to the PUBLIC SAFETY REVIEW BOARD

RESOLUTIONS

67. [02010](#) Amending the employment agreement with Director of Revenue Ray Fisher by extending the expiration date.
Due back at the 10/18/05 Common Council Meeting. 2 Registrant(s) in opposition not wishing to speak.

Refer to the BOARD OF ESTIMATES

68. [02064](#) Requiring non-represented employees in Compensation Groups 18, 19, 21, and 44 to make a co-payment for health insurance coverage for 2006.

Refer to the BOARD OF ESTIMATES

69. [02093](#) Authorizing the Mayor and City Clerk to execute the Green Tier/Clear Waters Initiative Environmental Results Program Charter pursuant to Section 299.83, Wisconsin Statutes. (City-Wide AD)
Additional Referral(s): Commission on the Environment, Economic Development Commission.

Refer to the BOARD OF PUBLIC WORKS

70. [02095](#) The position (#695) of Real Estate Agent 2 in Compensation Group 18, Range 08 (occupied by H. Fischer) in the permanent salary detail of the Community and Economic Development budget is repealed and recreated as a position of Real Estate Agent 3 in Compensation Group 18, Range 10.
BOE to consider this item on 10/31/05. Additional Referral(s): Personnel Board.

Refer to the BOARD OF ESTIMATES

71. [02096](#) The twenty-seven (27) positions of Parking Enforcement Officer in Compensation Group 16, Range 08, and the position of Parking Enforcement Leadworker in Compensation Group 16, Range 10, in the permanent salary detail of the Police Department are repealed and recreated as twenty-seven (27) positions of Parking Enforcement Officer in Compensation Group 16, Range 11 and a position of Parking Enforcement Leadworker in Compensation Group 16, Range 13.

BOE to consider this item on 10/31/05. Additional Referral(s): Personnel Board, Comptroller (for fiscal note).

Refer to the BOARD OF ESTIMATES

72. [02097](#) Authorizing that the position of "Overture Center Director" in Compensation Group 21, Range 20, shall be double-filled during the period from October 3, 2005 through November 18, 2005 and that Michael Goldberg shall be provisionally appointed to said position effective October 3, 2005, at an annual rate of \$100,000.

BOE to consider this item on 10/17/05. Additional Referral(s): Personnel Board.

Refer to the BOARD OF ESTIMATES

73. [02098](#) Authorizing the Mayor and City Clerk to execute a Labor Agreement between the City of Madison and Dane County Municipal Employees, AFSCME, AFL-CIO, for the period of January 1, 2004 through December 31, 2005 and amending the 2005 Operating Budget to appropriate \$1,392,000 to fund associated wage and benefit costs.

BOE to consider this item on 10/17/05. Due back at the 10/18/05 Common Council Meeting. Additional Referral(s): Personnel Board.

Refer to the BOARD OF ESTIMATES

74. [02107](#) To approve the 2006 Operating Plan for Madison's Central Business Improvement District (#1).

Refer to the DOWNTOWN COORDINATING COMMITTEE

75. [02127](#) Authorizing the Mayor and City Clerk to sign a contract with Radio-IP Software, Inc., to purchase certain "middleware" software and enter into a 3-year maintenance agreement for maintenance and support services.

Due back at the 11/8/05 Common Council Meeting. Additional Referral(s): Comptroller (for fiscal note).

Refer to the BOARD OF ESTIMATES

76. [02129](#) Authorizing the Mayor and City Clerk to sign a Project Agreement with the State of Wisconsin Department of Transportation, for the City to perform work related to the state's TraCS software suite "e-citation" program.

Adopt at the 10/18/05 Common Council Meeting.

Refer to a future Meeting to Adopt

77. [02130](#) SUBSTITUTE - Authorizing the execution of an Underground Telecommunication Easement to ~~Charter Communications~~ Wisconsin Bell d/b/a SBC Wisconsin across a City-owned Park property located at 101 North Thornton Avenue. 2nd Ald. Dist.
Additional Referral(s): Plan Commission
- Refer to the BOARD OF PARK COMMISSIONERS**
78. [02131](#) Authorizing the execution of an Underground Telecommunication Easement to Charter Communications across a City-owned Park property located at 101 North Thornton Avenue. 2nd Ald. Dist.
Additional Referral(s): Plan Commission
- Refer to the BOARD OF PARK COMMISSIONERS**
79. [02132](#) Accepting an Offer to Purchase from Samuels Recycling Company for a portion of a City-owned property located 4452 Sycamore Avenue in order to resolve an existing retaining wall encroachment. 17th Ald. District.
Additional Referral(s): Plan Commission
- Refer to the BOARD OF PUBLIC WORKS**
80. [02133](#) Authorizing the transfer of a previously approved loan from Madison Community Health Center to a new non-profit subsidiary and authorizing the Mayor and the City Clerk to sign agreements to effect such a change.
Additional Referral(s): Community Development Block Grant Commission, Comptroller (for fiscal note)
- Refer to the BOARD OF ESTIMATES**
81. [02134](#) Authorizing the execution of an Underground Electric Easement to Madison Gas and Electric Company across a City of Madison Water Utility property located at 1133 Moorland Road. 14th Ald. District.
Additional Referral(s): Plan Commission
- Refer to the BOARD OF WATER COMMISSIONERS**
82. [02136](#) Approving a contract for legal research services from Thomson-West to the Office of the City Attorney.
- Refer to the BOARD OF ESTIMATES**
83. [02138](#) Authorizing the execution of an Underground Electric Easement to Madison Gas and Electric Company across a City of Madison Engineering Division property located at 1602 Emil Street. 14th Ald. District.
Additional Referral(s): Plan Commission
- Refer to the BOARD OF PUBLIC WORKS**

84. [02145](#) Adopting the National Incident Management System.
Additional Referral(s): Comptroller (for fiscal note)
Refer to the BOARD OF ESTIMATES
85. [02146](#) Authorizing the provision of a contingent grant to the Dane Fund to be used to leverage New Market Tax Credits to help refinance Genesis Development Corporation mortgages on its business incubator, revising two prior resolutions that altered the repayment terms from three existing CDBG Loans totaling \$970,000 to Genesis Development Corporation, and authorizing the Mayor and the City Clerk to sign agreements to effect such changes through the Dane Fund, Genesis, and entities qualifying under the NMTC laws.
Additional Referral(s): Community Development Block Grant Commission, Comptroller (for fiscal note)
Refer to the BOARD OF ESTIMATES
86. [02148](#) Appointing Edwin Ruckriegel to serve as Emergency Management Coordinator for the City of Madison.
Additional Referral(s): Comptroller (for fiscal note)
Refer to the BOARD OF ESTIMATES
87. [02151](#) Approving Plans and Specifications, and authorizing the Mayor and City Clerk to execute a State/Municipal Agreement for a Highway Improvement Project to serve the Todd Drive Beltline Highway Interchange including the addition of traffic signals, the resurfacing of the Beltline Highway Frontage Road, and the installation of bike and pedestrian facilities to serve the area. (14th AD)
Additional Referral(s): Board of Estimates, Ped Bike Motor Vehicle Commission
Refer to the BOARD OF PUBLIC WORKS
88. [02158](#) Authorizing to double fill two (2) positions of Public Works General Foreperson(s) from December 4, 2005 through December 31, 2005.
Additional Referral(s): Comptroller (for fiscal note)
Refer to the BOARD OF ESTIMATES

LICENSES

89. [02111](#) Public Hearing - Transfer of License
Cocoliquot, LLC • dba Cocoliquot• estimated capacity of 110
225 King Street • Transfer from 219 King Street • Agent: Brian Haltinner
Class B Combination Liquor & Beer • 25% alcohol, 75% food
Due back at the 10/18/05 Common Council Meeting.
Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE

OPERATING BUDGET

90. [02156](#) 2006 Executive Operating Budget and amendments.
 Due back at the 10/18/05 Common Council Meeting.
- Refer For Public Hearing to the BOARD OF ESTIMATES**

CLAIMS - REFER TO RISK MANAGER on motion of Council President VanRooy, seconded by Ald. Verveer

91. [02101](#) NOTICE OF CLAIM: L. Hill, 1009 Moorland Road - property damage - \$5,900.
92. [02102](#) NOTICE OF CLAIM: L. Hemlin, 7846 E. Oakbridge Way - personal injury - amount to be determined.
93. [02103](#) NOTICE OF CLAIM: P. Ernest, 901 Frederick Street - property damage - \$1,558.20.
94. [02104](#) NOTICE OF CLAIM: W. Ulfing, 141 S. Hancock Street #2 - personal injury and property damage - \$715.47.
95. [02105](#) NOTICE OF CLAIM: Attorney Lee Atterbury for S. Sheeler, 2920 Harvey Road - personal injury - amount to be determined.
96. [02110](#) NOTICE OF CLAIM - Cincinnati Insurance Companies (subrogation claim), Beaver Dam - property damage - \$10,079.93.
97. [02120](#) NOTICE OF CLAIM: American Family Insurance subrogation claim for J. Kramer, 5521 Caddis Bend, Fitchburg - property damage - \$1,291.43.

****ADDENDUM******LATE ITEMS**

98. [02167](#) Amending the 2005 Capital Budget to provide \$62,000 of additional expenditure authorization for the Parking Lot and Relocation of a Basketball Court at 4701 Jenewein Road. (10th AD)

A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by the following vote:

Excused: 2 - Bruer and Rosas

Aye: 18 - Benford, Sanborn, Brandon, Cnare, Compton, Golden, King, Konkell, Gruber, Olson, Knox, Jr., Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber

No: 0 -

Non Voting: 1 - Cieslewicz

Enactment No: RES-05-00842

ITEM(S) INTRODUCED FROM THE COUNCIL FLOOR

ORDINANCES

- [02209](#) Amending Section 2.01(1), Meetings, of the Madison General Ordinances, providing for an additional budget meeting on November 16, 2005 and November 17, 2005, if necessary, each starting at 7:00 p.m.

Adopt at the 10/18/05 Common Council Meeting.

A motion was made by Ald. Golden, seconded by Council President Van Rooy, to Refer to a future Meeting to Adopt for October 18, 2005. The motion passed by acclamation.

REPORTS**02193**

Report of Police Chief dated October 21, 2005 re: 2nd and 3rd Quarter 2005 Overtime.

A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Refer to the BOARD OF ESTIMATES. The motion passed by the following vote:

Excused: 2 - Bruer and Rosas

Aye: 18 - Benford, Sanborn, Brandon, Cnare, Compton, Golden, King, Konkel, Gruber, Olson, Knox, Jr., Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber

No: 0 -

Non Voting: 1 - Cieslewicz

ADJOURNMENT

A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adjourn at 8:10 p.m. The motion passed by acclamation.

I certify that the foregoing action of the Common Council was approved by the Mayor on the October 12th, 2005.

Ordinances published October 27th, 2005.

RAY FISHER, CITY CLERK