



# City of Madison Proceedings - Final COMMON COUNCIL

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

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Tuesday, October 2, 2007

6:30 PM

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

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

**Present:** Sanborn, Konkell, Verveer, Webber, Rummel, Brandon, Judge, Skidmore, Solomon, Gruber, Rhodes Conway, Kerr, Bruer, Palm, Compton, Clausius, Schumacher, Clear and David J. Cieslewicz

**Excused:** Cnare and Pham-Remmele

## SUSPEND THE RULES

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

**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Suspend the Rules. The motion passed by acclamation.**

## SPECIAL ORDER OF BUSINESS

1. [07512](#) Granting honorary City of Madison citizenship to the members of the Headquarters Company, S3 (Operations), 2nd Brigade Combat Team, 1st Infantry Division of the United States Army.

**Sponsors:** David J. Cieslewicz and COMMON COUNCIL

**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Adopt. The motion passed by acclamation.**

**Enactment No:** RES-07-01005

## BUSINESS BY THE MAYOR

2. [07627](#) Amending Sections 15.02(5), (8), (16), (17), (111), (115), (118), (133), (136), and (139) of the Madison General Ordinances to modify the polling location for purposes of the November 6, 2007 election.

**Sponsors:** David J. Cieslewicz

**A motion was made by Ald. Verveer, seconded by Ald. Palm, to Adopt. The motion passed by acclamation.**

**Enactment No:** ORD-07-00131

3. [07625](#) Report of the Mayor submitting citizen committee appointments (introduced 10-2-2007; action 10-16-2007).

*Confirm at the 10/16/07 Common Council Meeting.*

**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Refer to a future Meeting to Confirm for October 16, 2007. The motion passed by acclamation.**

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

### **REPORT OF BOARD OF ESTIMATES**

4. [07352](#) 2008 Executive Capital Budget.

*Due back at the 11/13/07 Common Council Meeting.*

**A motion was made by Ald. Verveer, seconded by Ald. Brandon, to Rerefer for Recessed Public Hearing to the BOARD OF ESTIMATES, due back on November 13, 2007. The motion passed by acclamation.**

### **REPORT OF PLAN COMMISSION**

5. [07227](#) Creating Section 28.06(2)(a)3283. 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: Construct 24-Unit Condominium Building; 3rd Aldermanic District: 810 Jupiter Drive.

**Sponsors:** Common Council By Petition

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

**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Adopt and Close the Public Hearing. The motion passed by acclamation.**

**Enactment No:** ORD-07-00132

6. [07345](#) Creating Section 28.06(2)(a)3286. of the Madison General Ordinances rezoning property from PUD(SIP) Planned Unit Development (Specific Implementation Plan) District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: Capitol West GDP Amendment for Hyatt Place Hotel; 4th Aldermanic District: 333 West Washington Avenue.

**Sponsors:** Common Council By Petition

*5 Registrant(s) in support wishing to speak; 2 Registrant(s) neither in support nor opposition wishing to speak; 2 Registrant(s) in support not wishing to speak.*

**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Adopt and Close the Public Hearing with amended conditions as follows: strike "That the W. Washington Avenue terrace between the hotel drop-off and street be a minimum of 11 feet, 3 inches in width (the "Sidewalk Shift" alternative) and "That the hotel drop-off area be 18 feet wide." Add the following condition: "The design details of the pickup and drop off area within the right-of-way shall be addressed as part of the Specific Implementation Plan (SIP) and through the Privilege in Streets process." The motion passed by the following vote:**

**Excused:** 2 - Cnare and Pham-Remmele

**Aye:** 16 - Sanborn, Konkell, Verveer, Brandon, Judge, Skidmore, Solomon, Gruber, Rhodes Conway, Kerr, Bruer, Palm, Compton, Clausius, Schumacher and Clear

**No:** 2 - Webber and Rummel

**Non Voting:** 1 - Cieslewicz

**Enactment No:** ORD-07-00133

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

### **REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE**

7. [07377](#) Public Hearing - New License  
La Mestiza Mexican Cuisine, Inc • dba La Mestiza Mexican Cuisine  
30% alcohol, 70% food  
6644 Odana Road • Agent: Antonio Estrada  
Class B Combination Liquor & Beer  
Aldermanic District 19 (Alder Clear) • Police Sector 113  
*1 Registrant(s) in support not wishing to speak.*

**A motion was made by Ald. Verveer, seconded by Ald. Webber, to Grant and Close the Public Hearing. The motion passed by acclamation.**

8. [07378](#) Public Hearing - Transfer of License from one location to another  
BAT, Inc • dba Madhatter • 70% alcohol, 30% food  
651 State Street (transferred from 3 University Square)  
Agent: Ted Gervasi  
Class B Combination Liquor & Beer  
Aldermanic District 8 (Alder Judge) • Police Sector 403  
**A motion was made by Ald. Verveer, seconded by Ald. Webber, to Place On File Without Prejudice and Close the Public Hearing. The motion passed by acclamation.**
9. [07465](#) Public Hearing - Transfer of License from one location to another  
Circolo LLC • dba Pasqual's • 17% alcohol, 80% food, 3% other  
670 N. Midvale Boulevard (transferred from 702 N. Midvale Boulevard)  
Agent: Benjamin Roberts  
Class B Combination Liquor & Beer  
Aldermanic District 11 (Alder Gruber) • Police Sector 108  
**A motion was made by Ald. Verveer, seconded by Ald. Webber, to Grant and Close the Public Hearing. The motion passed by acclamation.**

#### REPORT OF PLAN COMMISSION

10. [07105](#) Amending Section 28.07(2)(c)17. of the Madison General Ordinances to include county uses and facilities as a conditional use in the Conservancy District.  
**Sponsors:** Michael Schumacher  
*3 Registrant(s) in support not wishing to speak.*  
**A motion was made by Ald. Verveer, seconded by Ald. Schumacher, to Adopt and Close the Public Hearing. The motion passed by the following vote:**  
**Excused:** 2 - Cnare and Pham-Remmele  
**Aye:** 17 - Sanborn, Verveer, Webber, Rummel, Brandon, Judge, Skidmore, Solomon, Gruber, Rhodes Conway, Kerr, Bruer, Palm, Compton, Clausius, Schumacher and Clear  
**No:** 1 - Konkel  
**Non Voting:** 1 - Cieslewicz  
**A motion was made by Ald. Konkel, seconded by Ald. Rummel, to Adopt the following amendment : add "existing" before "City/County owned uses and facilities" and add "as of January 1, 2008". The motion failed by the following vote:**  
**Excused:** 2 - Cnare and Pham-Remmele  
**Aye:** 4 - Konkel, Webber, Rummel and Rhodes Conway  
**No:** 14 - Sanborn, Verveer, Brandon, Judge, Skidmore, Solomon, Gruber, Kerr, Bruer, Palm, Compton, Clausius, Schumacher and Clear  
**Non Voting:** 1 - Cieslewicz  
**Enactment No:** ORD-07-00141

11. [07315](#) Creating Section 28.06(2)(a)3291. of the Madison General Ordinances rezoning property from R1 Single-Family Residence District and C Conservancy District to C Conservancy District. Proposed Use: Rezone Lake View Hills Park; 18th Aldermanic District: 1202-1206 Northport Drive.
- Sponsors:** Common Council By Petition  
*3 Registrant(s) in support not wishing to speak.*
- A motion was made by Ald. Verveer, seconded by Ald. Schumacher, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** ORD-07-00142

## 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 # 40 on a motion made by Ald. Verveer, seconded by Ald. Konkell.**

## REPORTS OF OFFICERS

### REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

12. [07205](#) Operator License Application  
Robert Chapman - Establishment where employed: Famous Dave's
- A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Place On File Without Prejudice. The motion passed by acclamation.**
13. [07214](#) 21+ Entertainment License  
Whiskey River, LLC • dba Rev. Jim's Roadhouse  
6402 Millpond Road • Agent: Kevin Weaver  
Class B Combination Liquor & Beer • 75% alcohol, 20% food, 5% other  
Aldermanic District 16 (Ald. Compton) • Police Sector 621  
*1 Registrant(s) in support not wishing to speak.*
- A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Grant. The motion passed by acclamation.**
14. [07532](#) Change of Agent  
Trader Joe's East Inc. • Trader Joe's #712 • 1810 Monroe Street  
Old Agent: Melanie Lee • New Agent: Carlos Caamal  
Class A Beer, Class A Liquor  
Aldermanic District 10 (Ald. Solomon) • Police Sector 301
- A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Grant. The motion passed by acclamation.**

15. [07533](#) Change of Corporate Control -- One new officer  
Westside Businessman's Assoc. Inc. • Westside Club • 100% Alcohol  
437 County Road M • Agent: James Bresette  
Class B Combination Liquor & Beer  
Aldermanic District 9 (Ald. Skidmore) • Police Sector 129  
**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Grant. The motion passed by acclamation.**
16. [07534](#) Change of Corporate Control -- Replacement of one officer  
Amrit and Satnam Inc • dba Taj Indian Restaurant • 20% alcohol, 80% food  
1256 S Park St • Agent: Simranjit Singh  
Class B Combination Liquor & Beer  
Aldermanic District 13 (Ald. Kerr) • Police Sector 306  
**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Grant. The motion passed by acclamation.**
17. [07536](#) Change of Corporate Control -- Two new officers  
Dionysus Inc • dba Old Town Pub • 70% alcohol, 30% food  
724 S Gammon Rd • Agent: Jennifer Kane  
Class B Combination Liquor & Beer  
Aldermanic District 1 (Ald. Sanborn) • Police Sector 123  
**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Grant. The motion passed by acclamation.**
18. [07537](#) Common Council referral of LWS Investments Two LLC (Good Times Neighborhood Bar) for a non renewal hearing or revocation hearing.  
**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Place On File. The motion passed by acclamation.**
19. [07538](#) Operator License Application  
Rachel Edge - Establishment Where Employed: Good Times  
**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Grant. The motion passed by acclamation.**
20. [07541](#) Operator License Application  
Daniel Hoffman - Establishment where employed: Brother's  
**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Grant. The motion passed by acclamation.**
21. [07545](#) Application for Change of Licensed Premise  
Family Entertainment LLC • dba Westgate Cinemas • capacity of 800  
304 Westgate Mall • Agent: Timothy Ward  
Class B Combination Liquor & Beer • 19% alcohol, 26% food, 55% other  
Aldermanic District 20 (Ald. Pham-Remmele) • Police Sector 107  
Request to change proposed premise.  
**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Grant. The motion passed by acclamation.**

22. [07562](#) Disciplinary Matter - Suspension/Revocation Hearing  
ALRC consideration of stipulated agreement  
Orbut of State Street Inc • dba Mondays • capacity 151  
523 State Street • Agent: Gary Garten  
Class B Combination Liquor & Beer • 100% alcohol  
Aldermanic District 4 (Ald. Verveer) • Police Sector 403  
**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Accept the stipulated agreement. The motion passed by acclamation.**
23. [07622](#) Alcohol License Review Committee Report of Operator License Applications October 2, 2007. See attached report for list of operators.  
**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Grant. The motion passed by acclamation.**

### REPORT OF BOARD OF ESTIMATES

24. [07141](#) Amending the program boundary of the Madison Capital Revolving Fund (MCRF) loan program to include the corporate limit of the City of Madison.  
**Sponsors:** Tim Bruer and Zachariah Brandon  
**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Adopt. The motion passed by acclamation.**  
**Enactment No:** RES-07-01011
25. [07220](#) SUBSTITUTE - Amending the 2007 Operating Budget to appropriate \$100,000 from Contingent Reserve for Citywide Neighborhood Safety Initiatives.  
**Sponsors:** David J. Cieslewicz, Jed Sanborn, Thuy Pham-Remmele, Judy Compton and Michael E. Verveer  
*1 Registrant(s) in support not wishing to speak.*  
*Adopt at the 10/16/07 Common Council Meeting (15 votes required for adoption).*  
**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Refer to a future Meeting to Adopt for October 16, 2007. The motion passed by acclamation.**
26. [07380](#) Double-Fill Authorization of Program Assistant III - Neighborhood Preservation & Inspection Division.  
**Sponsors:** David J. Cieslewicz  
**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Adopt. The motion passed by acclamation.**  
**Enactment No:** RES-07-01006

27. [07458](#) SUBSTITUTE - Authorizing the Mayor and City Clerk to enter into a contract on behalf of the City with Cuningham Group Architecture who will lead a team of consultants to prepare a new Zoning Code and map for the City of Madison, and amending the Planning Division 2007 Operating Budget to move \$24,000 from Permanent Salaries to Consulting Services.
- Sponsors:** David J. Cieslewicz and Lauren Cnare  
*Adopt at the 11/20/07 Common Council Meeting.*
- A motion was made by Ald. Konkol, seconded by Ald. Verveer, to Refer to a future Meeting to Adopt for November 20, 2007 (The motion to refer was the substitute motion. The original motion to adopt was made by Ald. Verveer and seconded by Ald. Palm. No action was taken on the motion to Adopt.) The motion passed by acclamation.**
28. [07468](#) Authorizing the Madison Department of Public Health to accept a grant from the State Department of Health and Family Services-Division of Public Health for \$60,434.
- Sponsors:** Lauren Cnare
- A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-07-01007
29. [07477](#) Authorizing the Mayor and City Clerk to enter into Purchase of Service Agreements with the West Madison Senior Coalition, Madison Apprenticeship Program, Wisconsin Youth Company, and a Drivers License Recovery Program (provider to be determined) utilizing funds from the City's 2007 adopted operation budget.
- Sponsors:** David J. Cieslewicz, Tim Gruber, Lauren Cnare, Brian L. Solomon and Michael Schumacher
- A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Adopt. The motion passed by the following vote:**
- Excused:** 2 - Cnare and Pham-Remmele
- Aye:** 17 - Sanborn, Konkol, Verveer, Webber, Rummel, Judge, Skidmore, Solomon, Gruber, Rhodes Conway, Kerr, Bruer, Palm, Compton, Clausius, Schumacher and Clear
- No:** 1 - Brandon
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-07-01008
30. [07484](#) Authorizing the Mayor, City Clerk and Chief of Police to accept the FY 2007 Edward Byrne Memorial Justice Assistance Grant award in the amount of \$196,252 and to utilize these funds to support several law enforcement initiatives.
- Sponsors:** David J. Cieslewicz
- A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-07-01009



31. [07519](#) Authorizing Mayor Dave Cieslewicz and Chief Noble Wray to accept a highway safety grant up to \$21,000 from Safe Communities for Tween Safety Restraint Initiative activities, i.e., informational contacts and overtime enforcement scheduled for October through December 2007.

**Sponsors:** David J. Cieslewicz

**A motion was made by Ald. Verveer, seconded by Ald. Bruer, to Adopt. The motion passed by acclamation.**

**Enactment No:** RES-07-01010

## REPORT OF BOARD OF HEALTH FOR MADISON AND DANE COUNTY

32. [07336](#) Amending the Intergovernmental Agreement between the City of Madison and Dane County for creation of a City-County Health Department.

**Sponsors:** David J. Cieslewicz

**A motion was made by Ald. Verveer, seconded by Ald. Konkell, to Adopt. The motion passed by acclamation.**

**Enactment No:** RES-07-01012

33. [07337](#) Adopting and confirming the Amended Intergovernmental Agreement between the City of Madison and Dane County for creation of a City-County Health Department.

**Sponsors:** David J. Cieslewicz

**A motion was made by Ald. Verveer, seconded by Ald. Konkell, to Adopt. The motion passed by acclamation.**

**Enactment No:** ORD-07-00134

## REPORT OF BOARD OF PUBLIC WORKS

34. [07074](#) Improvements Accepted for Irwin & Robert Goodman Community Pool Construction - Contract #5850. (13th AD)

**Sponsors:** Common Council By Request

**A motion was made by Ald. Verveer, seconded by Ald. Konkell, to Adopt. The motion passed by acclamation.**

**Enactment No:** RES-07-01013

## REPORT OF COMMUNITY DEVELOPMENT BLOCK GRANT COMMISSION

35. [06976](#) Approving the provision of Emerging Neighborhood Funds to several agencies and authorizing the Mayor and the City Clerk to enter into agreements with those agencies to implement the project.

**Sponsors:** Lauren Cnare and David J. Cieslewicz

**A motion was made by Ald. Verveer, seconded by Ald. Konkell, to Adopt. The motion passed by acclamation.**

**Enactment No:** RES-07-01014

36. [07438](#) Authorizing the subordination of previously approved CDBG loans to the Urban League of Greater Madison to a first mortgage holder to reconfigure a financing package that included Low Income Housing Tax Credits and authorizing the Mayor and the City Clerk to sign agreements to effect such a change.
- Sponsors:** Thuy Pham-Remmele and Marsha A. Rummel
- A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-07-01015
37. [07439](#) Approving \$200,000 in Federal HOME funds to provide additional down payment assistance to qualified homebuyers as part of the American Dream Down payment program
- Sponsors:** Marsha A. Rummel and Thuy Pham-Remmele
- A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-07-01016

#### REPORT OF COMMUNITY SERVICES COMMISSION

38. [07100](#) Amending Section 33.16(2) of the Madison General Ordinances to add an alternate member to the Community Services Commission from the Senior Citizens Advisory Committee.
- Sponsors:** Michael Schumacher
- A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-07-00135

#### REPORT OF CITY ENGINEER

39. [07136](#) Amending Sections 21.07, 21.11 through 21.19, 21.24, 21.28, 21.30, 21.33 and 21.34 of the Madison General Ordinances modifying portions of the Nonmetallic Mining Reclamation Ordinance to conform with changes in the Wisconsin Administrative Code.
- Sponsors:** Common Council By Request
- A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-07-00136

**REPORT OF HOUSING COMMITTEE**

40. [06496](#) SUBSTITUTE - Amending Sections 32.12(4) and 32.15(2) and creating Sections 32.12(17), 32.15(4), and 32.15(5) of the Madison General Ordinances to provide expanded tenant protection against landlord retaliation to include specifically refusals to renew leases and threats to undertake retaliatory behavior, as well as providing for the recovery of double damages by tenants that arise due to violations of these sections, and creating severability clauses for these Sections.

**Sponsors:** Brenda K. Konkel, Michael E. Verveer and Eli Judge

*1 Registrant(s) in support wishing to speak; 3 Registrant(s) in opposition wishing to speak; 1 Registrant(s) in opposition wishing to speak.*

*A motion was made by Ald. Solomon, seconded by Ald. Verveer to allow 2 speakers 1 additional minute each to speak. The motion passed by acclamation.*

**A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Adopt With Amendment(s) as follows: strike "For the purpose of this section "damages" shall include but not be limited to financial losses, and also losses of health, peace, dignity and human rights of the tenant, including the rights to be free from the types of retaliation prohibited by section 32.15, or section 32.12(4)." The motion passed by the following vote:**

**Excused:** 2 - Cnare and Pham-Remmele

**Aye:** 11 - Konkel, Verveer, Webber, Rummel, Brandon, Judge, Solomon, Gruber, Rhodes Conway, Kerr and Clear

**No:** 7 - Sanborn, Skidmore, Bruer, Palm, Compton, Clausius and Schumacher

**Non Voting:** 1 - Cieslewicz

**Enactment No:** ORD-07-00143

**REPORT OF PLAN COMMISSION**

41. [04679](#) Approving a final plat known as "Hawk's Ridge" located at 9401 Mid-Town Road. 1st Ald. Dist.

**Sponsors:** Common Council By Request

**A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Adopt. The motion passed by acclamation.**

**Enactment No:** RES-07-01017

42. [07174](#) Authorizing the Mayor and City Clerk to sign an Attachment Agreement between Suter's Speed Shop, Inc., and the City of Madison ("City").

**Sponsors:** Judy Compton

**A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Adopt. The motion passed by acclamation.**

**Enactment No:** RES-07-01018

43. [07342](#) Approving the Redevelopment Plan and District Boundary for the WID/MIR Redevelopment District.
- Sponsors:** Eli Judge
- 1 Registrant(s) in support not wishing to speak.*
- A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-07-01019
44. [07513](#) Authorizing the acceptance of an offer to sell from the Madison Gas and Electric Company a 2.8-acre property located at 4014 Hanson Road in the Town of Burke, to facilitate the completion of construction improvements from Hanson Road and Portage Road from Manufacturer Drive to Interstate 39/90/94.
- Sponsors:** Joseph R. Clausius
- A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-07-01020

#### REPORT OF RISK MANAGER

45. [07307](#) E. Grell, 5910 Spartan Dr., # 4, McFarland - personal injury - \$1,000.00.
- A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Disallow. The motion passed by acclamation.**
46. [07309](#) D. Gordon, 2203 Regent St., # 2, Madison - vehicle damage - \$800.00.
- A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Disallow. The motion passed by acclamation.**
47. [07364](#) Nicholas J. McNamara, Habush Habush & Rottier S.C., attorney for A. Torres, 2423 Parker Pl., Madison - medical expenses, loss of society and companionship - \$250,000.00.
- A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Disallow. The motion passed by acclamation.**
48. [07365](#) Nicholas J. McNamara, Habush Habush & Rottier S.C., attorney for T. Torres, 2423 Parker Pl., Madison - medical expenses, loss of society and companionship - \$250,000.00.
- A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Disallow. The motion passed by acclamation.**
49. [07366](#) Nicholas J. McNamara, Habush Habush & Rottier S.C., attorney for N. Torres, 2423 Parker Pl., Madison - personal injury - \$250,000.00.
- A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Disallow. The motion passed by acclamation.**

50. [07398](#) K. Simmons of Geico for P. Warner - vehicle damage - \$8,293.97.  
**A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Disallow. The motion passed by acclamation.**
51. [07462](#) J. Ackerman, 4920 Goldfinch Dr., Madison - vehicle damage - \$2,006.76.  
**A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Disallow. The motion passed by acclamation.**

### REPORT OF VENDING OVERSIGHT COMMITTEE

52. [06569](#) Repealing Section 9.13(6)(h)3.d. of the Madison General Ordinances to delete the vending fee exemption for persons sixty years of age or older.  
**Sponsors:** Michael E. Verveer  
**A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Adopt. The motion passed by acclamation.**  
**Enactment No:** ORD-07-00137
53. [06629](#) SUBSTITUTE - Amending Section 9.12 of the Madison General Ordinances to modify the composition of the Vending Oversight Committee to include non-voting Technical Advisors.  
**Sponsors:** David J. Cieslewicz  
**A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Adopt. The motion passed by acclamation.**  
**Enactment No:** ORD-07-00138
54. [07372](#) Creating Section 9.13(6)(j)2.e.iii. of the Madison General Ordinances to allow the Vending Coordinator to approve alternative sidewalk café placement on a case-by-case basis on the State Street Mall/Capitol Concourse, on streets other than State Street.  
**Sponsors:** Michael E. Verveer  
**A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Adopt. The motion passed by acclamation.**  
**Enactment No:** ORD-07-00139

### REPORT OF WATER UTILITY BOARD

55. [07339](#) Authorizing an additional loan from the general fund to the Water Utility fund and the reimbursement of certain capital expenditures from the proceeds of future waterworks system revenue bonds.  
**Sponsors:** Lauren Cnare  
**A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Adopt. The motion passed by acclamation.**  
**Enactment No:** RES-07-01021

56. [07348](#) Amending Sections 13.18(1), (4)(a), and (5) of the Madison General Ordinances to clarify that the Lead Water Service Line Replacement ordinance applies to all properties served by the Madison Water Utility system.

**Sponsors:** Lauren Cnare

**A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Adopt. The motion passed by acclamation.**

**Enactment No:** ORD-07-00140

## REFERRED TO THIS MEETING

## APPOINTMENTS

57. [07467](#) Report of the Mayor submitting citizen committee appointments (introduced 9-18-2007; action 10-2-2007).

**A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Confirm. The motion passed by acclamation.**

## RECONSIDERATION(S)

58. [07233](#) Approving Plans, Specifications, And Schedule Of Assessments For St. Paul Avenue and Dixon Street Reconstruction Assessment District - 2007. (6th AD)

**Sponsors:** Common Council By Request

**A motion was made by Ald. Verveer, seconded by Ald. Gruber, to Reconsider and Open the Public Hearing. The motion passed by acclamation.**

**A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Adopt and Close the Public Hearing. The motion passed by acclamation.**

**Enactment No:** RES-07-00939

59. [07234](#) Approving Plans, Specifications, And Schedule Of Assessments For Curb and Gutter in Conjunction with Resurfacing - 2007 Assessment District: Additions. (Various ADs)

**Sponsors:** Common Council By Request

**A motion was made by Ald. Verveer, seconded by Ald. Gruber, to Reconsider and Open the Public Hearing. The motion passed by acclamation.**

**A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Adopt and Close the Public Hearing. The motion passed by acclamation.**

**Enactment No:** RES-07-00940

**NEW BUSINESS - Referred on a motion made by Ald. Verveer,  
seconded by Ald. Konkell.**

**ORDINANCES**

60. [07590](#) Creating new Section 34.04(8) to set licensing fees for burn permits; renumbering current Sections 34.04(8) through (11) to Sections 34.04(9) through (12), respectively; amending Sections 34.28(2)(c) and 34.32(2) of the Madison General Ordinances to increase license fees.
- Sponsors:** Paul E. Skidmore
- Additional Referral(s): Building Code, Fire Code and Licensing Appeals Board*
- Refer to the PUBLIC SAFETY REVIEW BOARD**
61. [07609](#) Adopting and confirming Revision 260 of the Madison General Ordinances as of September 15, 2007 to incorporate the changes pursuant to Sec. 66.0103, Wis. Stats.
- Sponsors:** Common Council By Request
- Adopt at the 10/16/07 Common Council Meeting.*
- Refer to a future Meeting to Adopt**
62. [07614](#) Amending Section 16.23(2), creating new Section 16.24, and renumbering current Sections 16.24 and 16.25 to 16.25 and 16.26, respectively, of the Madison General Ordinances to create review of condominium instruments.
- Sponsors:** Lauren Cnare
- Due back at the 11/6/07 Common Council Meeting.*
- Refer For Public Hearing to the PLAN COMMISSION**
63. [07615](#) Amending Sections 32.07(5), (7), (9) and (14) of the Madison General Ordinances to require landlords to obtain, maintain, and provide or make available, upon request, photographic evidence of damage, waste or neglect being charged against a tenant's security deposit.
- Sponsors:** Eli Judge and Michael E. Verveer
- Refer to the HOUSING COMMITTEE**
64. [07630](#) Amending and repealing various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2007 City Attorney Reviser's Ordinance.
- Sponsors:** Common Council By Request
- Refer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE**

**RESOLUTIONS**

65. [07544](#) That the position (#3892) of Zoning Code Enforcement Officer 1 in Compensation Group 16, Range 13, (occupied by J. Kirchgatter) in the permanent salary detail of the Inspection Unit budget is repealed and recreated as a position of Zoning Code Enforcement Officer 2 in Compensation Group 16, Range 16, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
- Sponsors:** David J. Cieslewicz
- Additional Referral(s): Personnel Board*
- Refer to the BOARD OF ESTIMATES**
66. [07546](#) That the 0.65 FTE position (#3919) of Clerk Typist 2 in Compensation Group 20, Range 06, (occupied by J. McClain) in the permanent salary detail of the Overture Center budget is repealed and recreated as a 0.65 FTE position of Administrative Clerk 1 in Compensation Group 16, Range 09, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
- Sponsors:** David J. Cieslewicz
- Additional Referral(s): Personnel Board*
- Refer to the BOARD OF ESTIMATES**
67. [07547](#) That the 0.80 FTE position (#438) of Librarian 2 in Compensation Group 33, Range 02, (occupied by T. Elias) in the permanent salary detail of the Madison Public Library budget is repealed and recreated as a 0.80 FTE position of Librarian 3 in Compensation Group 33, Range 03, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
- Sponsors:** David J. Cieslewicz
- Additional Referral(s): Personnel Board*
- Refer to the BOARD OF ESTIMATES**
68. [07564](#) Approving Facade Improvement Grant to: 12 South Carroll Street (Fromagination).
- Sponsors:** Michael E. Verveer
- Refer to the BOARD OF ESTIMATES**
69. [07587](#) That the vacant position (#2582) of Automotive Service worker in Compensation Group 16, Range 08, in the permanent salary detail of the Police Department budget is repealed and recreated as a position of Police Property Clerk in Compensation Group 16, Range 07, thereof.
- Sponsors:** David J. Cieslewicz
- Additional Referral(s): Personnel Board*
- Refer to the BOARD OF ESTIMATES**



70. [07591](#) Vacation/Discontinuance of a portion of Shaw Street between Grim Street and Swanson Street and a portion of Swanson Street near the intersection of Shaw Street, being located in part of the Southeast 1/4 of the Southeast 1/4 of Section 30, Town 08 North, Range 10 East, City of Madison, Dane County, Wisconsin, and authorizing the Mayor and City Clerk to accept dedication of lands from Dane County as needed for the proposed improvements to Grim and Swanson Streets. (17th AD)
- Sponsors:** Joseph R. Clausius
- Additional Referral(s): Plan Commission, Pedestrian/Bicycle/Motor Vehicle Commission. Due back at the 11/20/07 Common Council Meeting.*
- Refer For Public Hearing to the BOARD OF PUBLIC WORKS**
71. [07607](#) Submitting the name of William R. Clingan for confirmation of a five-year term as Economic and Community Development Unit Director.
- Sponsors:** David J. Cieslewicz
- Additional Referral(s): Economic Development Commission, Community Development Block Grant Commission, Community Services Commission, Senior Citizens Advisory Committee, Senior Center Board of Directors, TIF Subcommittee*
- Refer for Confirmation Hearing to the BOARD OF ESTIMATES**
72. [07613](#) Adopting the Pumpkin Hollow Neighborhood Development Plan as a supplement to the City of Madison Comprehensive Plan, and authorizing the City's applications to amend the Central Urban Service Area as required to implement the development staging recommendations in the neighborhood plan.
- Sponsors:** Joseph R. Clausius
- Additional Referral(s): Long Range Transportation Planning Commission, Board of Park Commissioners*
- Refer to the PLAN COMMISSION**
73. [07623](#) Authorizing the subordination of a previously approved loan to Wexford Ridge Neighborhood Center to a first mortgage holder during the period of construction and authorizing the Mayor and City Clerk to sign agreements to effect such a change.
- Sponsors:** Mark Clear, Marsha A. Rummel, Paul E. Skidmore, Thuy Pham-Remmele and Tim Bruer
- Additional Referral(s): Board of Estimates*
- Refer to the COMMUNITY DEVELOPMENT BLOCK GRANT COMMISSION**
74. [07624](#) Approving a new lease agreement with the United States Postal Service for the Capital Station Post Office in the Madison Municipal Building and authorizing the Mayor and City Clerk to execute the agreement.
- Sponsors:** Marsha A. Rummel
- Additional Referral(s): Plan Commission*
- Refer to the BOARD OF ESTIMATES**

75. [07633](#) Authorizing the City of Madison, through the Office of Community Services, to accept a Year 5 Weed and Seed grant from the United States Dept. of Justice Community Capacity Development Office and authorizing expenditures as outlined in the grant budget.

**Sponsors:** David J. Cieslewicz, Brian L. Solomon and Lauren Cnare

*Additional Referral(s): Community Services Commission*

**Refer to the BOARD OF ESTIMATES**

## LICENSES

76. [07631](#) Public Hearing - New License  
NDZ Enterprises LLC • dba Dexters Pub • 50% alcohol, 50% food  
301 North St. • Agent: Nicholas Zabel  
Class B Combination Liquor & Beer  
Aldermanic District 12 (Alder Rhodes-Conway) • Police Sector 502  
*Due back at the 11/6/07 Common Council Meeting.*

**Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE**

77. [07632](#) Public Hearing - New License  
City View Market Inc. • dba Capitol Centre Foods  
111 N. Broom St. • Agent: Mitchell Eveland  
Class A Liquor & Class A Beer  
Aldermanic District 4 (Alder Verveer) • Police Sector 406  
*Due back at the 11/6/07 Common Council Meeting.*

**Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE**

78. [07634](#) Public Hearing - New License  
J. Maverick LLC • dba Opus Lounge • 90% alcohol, 10% food  
116 King St. • Agent: Mandy M. Arnold  
Class B Combination Liquor & Beer  
Aldermanic District 4 (Alder Verveer) • Police Sector 406 • Density Area  
*Due back at the 11/6/07 Common Council Meeting.*

**Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE**

79. [07635](#) Public Hearing - New License  
Chipotle Mexican Grill Inc. • dba Chipotle Mexican Grill • 2% alcohol, 98% food  
4622 E. Washington Ave. • Agent: Sahul Flores Jr.  
Class B Combination Liquor & Beer  
Aldermanic District 17 (Alder Clausius) • Police Sector 518  
*Due back at the 11/6/07 Common Council Meeting.*

**Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE**

**OPERATING BUDGET**

80. [07639](#) 2008 Executive Operating Budget.  
*Due back at the 10/16/07 Common Council Meeting.*
- Refer For Public Hearing to the BOARD OF ESTIMATES**

**CLAIMS - REFER TO RISK MANAGER**

81. [07531](#) B. Nelson, 933 Waban Hill, Madison - vehicle damage - \$1,000.00.
82. [07571](#) NOTICE OF CLAIM - K. Tanyeri, 714 Ondossagon Way, Madison - vehicle damage - amount to be determined.
83. [07572](#) NOTICE OF CLAIM - Lester A. Pines, attorney for D. Morris, 2426 Myrtle St., Madison - physical injury, pain and suffering, permanent injury, medical bills, lost wages and property damage - amount to be determined.
84. [07573](#) NOTICE OF CLAIM - American Family Insurance for P. Howarth-Burns, 603 Wingra St., Madison - property damage - \$750.00.
85. [07636](#) J. Hayward, 5423 Lost Woods Ct., Oregon - vehicle damage - \$1,113.81.
86. [07638](#) L. Rusch, 1216 Jenifer St., Madison - property damage - \$132.18.

**\*\*ADDENDUM\*\*****LATE ITEMS****REPORT OF CITY CLERK**

87. [07650](#) New Theater License (500-1200 seats)  
Majestic Theatre, LLC • dba Majestic Theatre  
115 King Street • License # 78441
- A motion was made by Ald. Verveer, seconded by Ald. Konkel, to Grant. The motion passed by acclamation.**

**NEW BUSINESS**

88. [07592](#) Approving the settlement of all issues arising out of an arbitration between the City of Madison and the Building and Construction Trades Council of South Central Wisconsin.

**Sponsors:** David J. Cieslewicz

*Due back at the 10/16/07 Common Council Meeting.*

**A motion was made by Ald. Verveer, seconded by Ald. Konkol, to Refer to the BOARD OF ESTIMATES, due back on October 16, 2007. The motion passed by acclamation.**

## ITEM(S) INTRODUCED FROM THE COUNCIL FLOOR

89. [07665](#) Urging passage of the Wisconsin State Senate version of the State Biennial Budget.

**Sponsors:** Satya V. Rhodes Conway, Brian L. Solomon, Brenda K. Konkol, Robbie Webber and Marsha A. Rummel

*Adopt at the 10/16/07 Common Council Meeting.*

**A motion was made by Ald. Rhodes Conway, seconded by Ald. Bruer, to Refer to a future Meeting to Adopt for October 16, 2007. The motion passed by acclamation.**

90. [07715](#) Repealing Section 2.38(2) of the Madison General Ordinances to remove the deadline requirements by which the Common Council must take action on a recommendation to confirm the appointment of a City employee.

**Sponsors:** Michael E. Verveer and Marsha A. Rummel

*Adopt at the 10/16/07 Common Council Meeting.*

**A motion was made by Ald. Konkol, seconded by Ald. Rummel, to Refer to a future Meeting to Adopt for October 16, 2007. The motion passed by acclamation.**

## ADJOURNMENT

**A motion was made by Ald. Konkol, seconded by Ald. Webber, to Adjourn at 9:30 p.m. The motion passed by acclamation.**

I certify that the foregoing action of the Common Council was approved by the Mayor on October 3, 2007.

Ordinances published October 18, 2007.

MARIBETH WITZEL-BEHL, CITY CLERK