



City of Madison Proceedings - Final COMMON COUNCIL

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

Tuesday, January 3, 2006

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. Brandon, Ald. Bruer

Roll Call at 6:31 p.m., Mayor Cieslewicz in the chair.

Present: Benford, Sanborn, Cnare, Compton, Golden, King, Konkell, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski, Webber and David J. Cieslewicz

Excused: Brandon and Bruer

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 President Pro Tem Rosas, to Suspend the Rules. The motion passed by acclamation.

SPECIAL ORDER OF BUSINESS

1. [02591](#) Commending Nancy Ragland for her service to the City of Madison as Director of Olbrich Botanical Gardens.
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00001

2. [02649](#) Commending, honoring and expressing appreciation to Thomas C. Aldrich upon his retirement from the City of Madison after more than 40 years of exemplary service to the City of Madison and its citizens.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-00002
3. [02654](#) Recognition of Marilyn J. Bakken, Administrative Secretary II upon her retirement after more than 34 years serving the City of Madison
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-00003

PETITIONS AND COMMUNICATIONS

None received by the agenda deadline.

BUSINESS BY THE MAYOR

4. [02641](#) Report of the Mayor submitting citizen committee appointments (introduced 1-3-06; action 1-17-06)
- Confirm at the 1/17/06 Common Council Meeting.*
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Refer to a future Meeting to Confirm for January 17, 2006. The motion passed by acclamation.**

PUBLIC HEARINGS - BEGIN AT 6:45 PM

5. [02190](#) AMENDED SUBSTITUTE - Providing for a change on the Official Map of the City of Madison, which will add a proposed public street reservation for the widening of North and South Broom Street right-of-way to increase the width of the terrace, sidewalks, and street for bike and parking purposes on platted lands, located in part of the Northeast 1/4 of Section 23, Town 07 North, Range 09 East, City of Madison, Dane County, Wisconsin. 4th Ald. Dist.
- 1 Registrant(s) in support wishing to speak; 1 Registrant(s) in opposition wishing to speak; 1 Registrant(s) neither in support or opposition wishing to speak; 2 Registrant(s) in support not wishing to speak. Public Hearing Closed.*
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt With Amendment(s) as follows: strike Lots 1 and 14, Block 55, Madison Original Plat and Lot 1, Block 56, Madison Original Plat in the Legal Description of Land Area containing reservation paragraph, Verveer/Olson: carry. The motion passed by acclamation.**
- Enactment No:** RES-06-00033

6. [02248](#) Determining a Public Purpose and necessity and adopting Transportation Project Plat No: 5992-06-29-4.01 for the City of Madison to acquire necessary land interests, including the purchase of a portion of the property at 2609 East Washington Avenue required for the planned public street improvements included in the East Washington Avenue Segment 3 Reconstruction Project, and authorizing the Mayor and City Clerk to sign all necessary documents necessary to accomplish the land interest acquisitions. (15th AD)
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt and Close the Public Hearing. The motion passed by the following vote:**
- Excused:** 2 - Brandon and Bruer
- Aye:** 17 - Benford, Sanborn, Cnare, Compton, Golden, King, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber
- No:** 1 - Konkel
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-06-00034

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

7. [02347](#) Public Hearing - New License
La Rocca's Pizzeria, LLC • dba La Rocca's Pizzeria • est. capacity of 40
940 Williamson Street • Agent: Vito La Rocca
Class B Beer, Class C Wine • 20% alcohol, 70% food, 10% other
1 Registrant(s) in support not wishing to speak.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Grant and Close the Public Hearing. The motion passed by acclamation.**
8. [02354](#) Public Hearing - New License
Palace Latin Club, LLC • dba Palace Latin Club • est. capacity of 450
1401 University Avenue • Agent: Javier Palacios
Class B Combination Liquor & Beer • 60% alcohol, 10% food, 30% other
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Grant and Close the Public Hearing. The motion passed by acclamation.**
9. [02355](#) Public Hearing - New License
Capitol Petroleum, LLC • dba EW Mobil
3505 E. Washington Avenue • Agent: Farooq Shahzad • Class A Beer
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Grant and Close the Public Hearing with conditions. The motion passed by acclamation.**

10. [02357](#) Public Hearing - New License
Capitol Petroleum, LLC • dba CG Marathon
605 Cottage Grove Road • Agent: Farooq Shahzad • Class A Beer
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Grant and Close the Public Hearing with conditions. The motion passed by acclamation.
11. [02358](#) Public Hearing - New License
M&M Madison Concessions, LLC • dba Howard Johnson Madison
3841 E. Washington Avenue • Agent: Ron Trachtenberg
Class B Combination Liquor & Beer • 3.3% alcohol, 16.5% food, 80.2% other
1 Registrant(s) in support not wishing to speak.
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Grant and Close the Public Hearing with conditions. The motion passed by acclamation.
12. [02360](#) Public Hearing - New License
Resham & Manjit, LLC • dba to be determined
6717 Odana Road • Agent: Resham Singh • Class A Beer
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Grant and Close the Public Hearing. The motion passed by acclamation.

REPORT OF BOARD OF PUBLIC WORKS

13. [02590](#) Approving Plans, Specifications, And Schedule Of Assessments For State Street and Adjacent Streets Reconstruction Assessment District - Phase 3. (4th & 8th ADs)
1 Registrant(s) in support wishing to speak.
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt and Close the Public Hearing. The motion passed by acclamation.
Enactment No: RES-06-00035

REPORT OF PLAN COMMISSION

14. [02319](#) Creating Section 28.06(2)(a)3152. 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) and creating Section 28.06(2)(a)3153. of the Madison General Ordinances rezoning property from Amended PUD(GDP) Planned Unit Development (General Development Plan) District to Amended PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Demolish Office Building and Build 50,000 Square Feet of Grocery Store & 7-Story, 84-Unit Condominium; 11th Aldermanic District: 702 North Midvale Boulevard.

Public Hearing Recessed.

A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Rerefer to the PLAN COMMISSION. The motion passed by acclamation.

15. [02337](#) Amending Sections 28.08(4)(c)4., 28.08(9)(c)6., and 28.08(11)(c)4. to allow tax-exempt lodging houses as conditional uses in the R3, R4, R4L and R4A Districts.

Public Hearing Recessed.

A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Rerefer to the PLAN COMMISSION. The motion passed by acclamation.

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: #60, 61, 68, 96 & 97, on motion of Council President Van Rooy, seconded by Ald. Rosas.

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

16. [01744](#) Application for Change of Licensed Premise
LWS Investments Two, LLC • Good Times Neighborhood Bar • capacity 99
47 S. Stoughton Road • Agent: Lawrence Schmock
Class B Combination Liquor & Beer • 85% alcohol, 15% food
Request to add patio/deck to licensed premise.

A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant With Condition(s). The motion passed by acclamation.

17. [02350](#) Center for Visual & Performing Arts License Application
Neek, Inc. • dba Kimia Lounge • Capacity of 100-225
14 W. Mifflin Street • Agent: Kami Eshraghi
Class B Combination Liquor & Beer • 89% alcohol, 11% food
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
18. [02352](#) Capacity Review
Neek, Inc. • dba Kimia Lounge • Capacity increase from 100 to 225
14 W. Mifflin Street • Agent: Kami Eshraghi
Class B Combination Liquor & Beer • 89% alcohol, 11% food
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Place On File Without Prejudice. The motion passed by acclamation.
19. [02494](#) Nightclub License Application
Palace Latin Club, LLC • dba Palace Latin Club • est. capacity of 450
1401 University Avenue • Agent: Javier Palacios
Class B Combination Liquor & Beer • 60% alcohol, 10% food, 30% other
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
20. [02522](#) Nightclub License Application
Szechuan Palace, Inc. • dba China Palace • capacity of 250
1291 N. Sherman Avenue • Agent: Dan Qi
Class B Combination Liquor & Beer • 20% alcohol, 80% food
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
21. [02523](#) Nightclub License Application
M&M Madison Concessions, LLC • dba Howard Johnson Madison
3841 E. Washington Avenue • Agent: Ron Trachtenberg
Class B Combination Liquor & Beer • 3.3% alcohol, 16.5% food, 80.2% other
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
22. [02652](#) Alcohol License Review Committee
December 27, 2005, Report of Operator License Applications (New & Renewal)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.

REPORT OF BOARD OF HEALTH FOR MADISON AND DANE COUNTY

23. [02463](#) Amending Section 3.73(2) of the Madison General Ordinances to remove the requirement of a Board of Health member to serve on the Solid Waste Advisory Committee.
A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Adopt. The motion passed by acclamation.
Enactment No: ORD-06-00001

REPORT OF BOARD OF PUBLIC WORKS

24. [02154](#) Petition: Notice of Appeal - Prohibited Use of Public Greenway.
2 Registrant(s) in support wishing to speak.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Withdraw. The motion passed by acclamation.**
25. [02326](#) Authorizing the execution of a Utility Easement to Wisconsin Bell d/b/a SBC Wisconsin across a City-owned property located at 1903 E. Washington Avenue. 6th Ald. Dist.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-00004
26. [02329](#) Amending the Master List of Street Names and Designations and amending the City Engineer's Street Numbering Map, referred to in Sections 10.34(1) and 10.35, Madison General Ordinances (Hard Disk Drive to Yard Drive). (9th AD)
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-00005
27. [02469](#) Authorizing additional funds for the acquisition of the properties located at 3052 and 3054 East Washington Avenue required for the planned public bike path improvements and Starkweather Creek Corridor Project. (15th AD)
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-00006
28. [02495](#) Authorizing the Mayor and City Clerk to execute an agreement between the City of Madison and MB Investments of Wisconsin, LLC for indemnification for snow plow damage for lots 126-153 of the plat known as Linden Park. (6th AD)
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-00007
29. [02501](#) Authorizing the Mayor and City Clerk to execute Addendum No. 1 to the Contract for Subdivision Improvements for Pine Hill Farm, Contract No. 2043. (9th AD)
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-00008

30. [02502](#) Authorizing the Mayor and City Clerk to execute Addendum No. 1 to the Contract For Subdivision Improvements for Nelsons Addition to Rustic Acres, Contract No. 2041. (3rd AD)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00009
31. [02504](#) Approving plans and specifications for public improvements necessary for the project known as 401 North Third Street PUD and authorizing construction to be undertaken by the Developer, Private Contract No. 2067 (12th AD)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00010
32. [02505](#) Improvements accepted for 2004 Resurfacing Various Streets; Grinding, Contract No. 5581 (Various ADs)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00011
33. [02506](#) Improvements accepted for Local Road Traffic Calming & Arterial Pedestrian Enhancements - 2003, Contract No. 5533. (Various ADs)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00012
34. [02507](#) Improvements accepted for Sanitary Sewer Relining - 2004, Contract No. 5642. (Various ADs)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00013
35. [02517](#) Awarding Public Works Contract for Bids Opened December 2, 2005 and December 16, 2005.
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00014
36. [02519](#) Accepting bituminous pavement constructed by private contract in Rhodia Plat, Private Contract No. 1898. (16th AD)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00015

37. [02546](#) Approving a "Major" 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 AD)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00016
38. [02547](#) Authorizing the Mayor and City Clerk to enter into an agreement with Madison Gas & Electric Company for the undergrounding of overhead utilities in conjunction with the Todd Drive Beltline Highway Interchange project. (14th AD)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00017
39. [02570](#) Improvements Accepted for Tornado Tree Replacements, Contract #5838. (Various AD's)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00018
40. [02571](#) Declaring the City of Madison's intention to exercise its police powers establishing the Harley Drive Street Assessment District-2005 (20th AD)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00019
41. [02572](#) Approving plans and specifications for public improvements necessary for the project known as 202 North Charter Street PUD and authorizing construction to be undertaken by the Developer, Private Contract No. 2069. (8th AD)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00020
42. [02575](#) Authorizing the Mayor and City Clerk to execute Addendum No. 1 to the Contract For Subdivision Improvements for Buckeye Meadows, Contract No. 1872. (16th AD)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00021
43. [02577](#) Improvements Accepted for Olbrich Rose Garden, Contract #5543. (6th AD)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00022

44. [02589](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for W. Beltline Frontage Road/Todd Drive Reconstruction, Contract No. 5900. (14th AD)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00023
45. [02603](#) Authorizing the Mayor and City Clerk to execute Addendum No. 1 to the Contract For Subdivision Improvements for Owls Creek Subdivision - Phase I, Contract No. 2054. (16th AD)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00024
46. [02604](#) Authorizing the Mayor and City Clerk to execute Addendum No. 1 to the Contract For Subdivision Improvements for First Addition to Nelsons Addition to Rustic Acres, Contract No. 2042. (3rd AD)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00025
47. [02613](#) Accepting bituminous pavement constructed by private contract in Hawks Woods - Phase I, Private Contract No. 1865. (1st AD)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00026
48. [02614](#) Accepting sidewalk improvements constructed by private contract for 705 Ziegler Road (Harmony Living Center), Private Contract No. 1978. (17th AD)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00027
49. [02628](#) Declaring the City of Madison's intention to exercise its police powers establishing the Randall Avenue Reconstruction Assessment District - 2006. (13th AD)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt with the following editorial correction: change the Aldermanic district from 10 to 13. The motion passed by acclamation.
Enactment No: RES-06-00028

REPORT OF BOARD OF WATER COMMISSIONERS

50. [02510](#) Authorizing the Mayor and the City Clerk to execute a Professional Services Agreement with Clark Dietz Inc for the preparation of drawings and specifications and construction administration for the 6.0 million gallon Felland Road Reservoir located in east Madison. AD No. 3
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-00029

REPORT OF BROADBAND TELECOMMUNICATIONS REGULATORY BOARD

51. [02239](#) Urging the Wisconsin Congressional delegation to oppose legislation that would lead to the elimination of local cable franchising.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-00030

REPORT OF COMMON COUNCIL ORGANIZATIONAL COMMITTEE

52. [02324](#) Creating Subdivision 3.27(4)(h) of the Madison General Ordinances to establish a policy that boards, committees and commissions shall not schedule meetings on the same nights that the Board of Estimates is considering the annual City budgets.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by the following vote:**
- Excused:** 2 - Brandon and Bruer
- Aye:** 12 - Benford, Sanborn, Cnare, King, Konkel, Gruber, Olson, Palm, Skidmore, Thomas, Verveer and Webber
- No:** 6 - Compton, Golden, Knox, Jr., Rosas, Van Rooy and Radomski
- Non Voting:** 1 - Cieslewicz
- Enactment No:** ORD-06-00002
53. [02452](#) Amending Section 2.01(1) of the Madison General Ordinances to adjust the Common Council meeting dates for November 2006.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-06-00003

54. [02530](#) SUBSTITUTE - Amending Section 2.01(1) of the Madison General Ordinances to require that all Common Council meetings adjourn no later than midnight and to establish scheduled supplementary meetings to be held as needed.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion failed by the following vote:**
- Excused:** 2 - Brandon and Bruer
- Aye:** 9 - Cnare, Compton, Golden, Gruber, Olson, Knox, Jr., Skidmore, Thomas and Verveer
- No:** 9 - Benford, Sanborn, King, Konkkel, Rosas, Palm, Van Rooy, Radomski and Webber
- Non Voting:** 1 - Cieslewicz

- [02530](#) Amending Section 2.01(1) of the Madison General Ordinances to require that all Common Council meetings adjourn no later than midnight and to establish scheduled supplementary meetings to be held as needed.
- A motion was made by Ald. Palm, seconded by Ald. Webber, to Adopt With Amendment(s) as follows: strike the text in (1) which adds the extra council meeting on the 4th Tuesday of the specified months. The motion failed by the following vote:**
- Excused:** 2 - Brandon and Bruer
- Aye:** 5 - King, Konkkel, Palm, Van Rooy and Webber
- No:** 13 - Benford, Sanborn, Cnare, Compton, Golden, Gruber, Olson, Knox, Jr., Rosas, Skidmore, Thomas, Verveer and Radomski
- Non Voting:** 1 - Cieslewicz

REPORT OF HOUSING COMMITTEE

55. [02257](#) Authorizing the Mayor and the City Clerk to sign an agreement with Thomas M. LaFleur, his contract for professional services as Alternate Rent Abatement Hearing Examiner for the Building Inspection Unit of the Department of Planning and Development.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-00031

REPORT OF PLAN COMMISSION

56. [02663](#) Approving a Certified Survey Map of property owned by David J. Lipinski at 506 East Dean Avenue. 15th Ald. Dist.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-00032

REPORT OF RISK MANAGER

57. [02383](#) NOTICE OF CLAIM: Attorney Kent Carnell for A. Stribling, 101 E. Mifflin Street - personal injury - \$50,000.00.
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Deny. The motion passed by acclamation.
58. [02385](#) NOTICE OF CLAIM: Attorney Randall Anderson for M. Parent, 315 S. Henry Street - personal injury and loss of enjoyment of life - \$250,000.00.
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Deny. The motion passed by acclamation.

REFERRED TO THIS MEETING**APPOINTMENTS**

59. [02520](#) Report of the Mayor submitting citizen committee appointments (introduced 12-13-05; action 1-3-06)
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Confirm. The motion passed by acclamation.

RECONSIDERATION(S)

60. [02043](#) SUBSTITUTE - Amending Sections 28.12(3)(a), (7)(d) and (8)(h) of the Madison General Ordinances to conform to recently enacted state legislation.
Reconsider original ordinance, Van Rooy/Rosas: carry.
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00194
61. [02485](#) SECOND SUBSTITUTE - Amending Section 8.18(2) of the Madison General Ordinances extending the length of time parking is allowed at the Brittingham Boathouse, Bathhouse and Shelter.
Reconsider substitute ordinance, Van Rooy/Compton: carry.
A motion was made by Council President Van Rooy, seconded by Ald. Compton, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00212

NEW BUSINESS - Referred on a motion made by Council President Van Rooy, seconded by President Pro Tem Rosas.**ORDINANCES**

62. [02634](#) Repealing Section 16.23(4), amending Sections 16.23(8)(a)1. and 16.23(8)(a)8.a., creating Sections 16.23(9)(d)6.h. and 16.23(9)(e)6. of the Madison General Ordinances to provide for local streets of variable size.
Additional Referral(s): Long Range Transportation Planning Commission, Fire Department, Engineering, Transit and Parking Commission, Comptroller (for fiscal note)
Refer to the PLAN COMMISSION

63. [02635](#) Amending Section 3.38 (1)(e) of the Madison General Ordinances by deleting the classification of Parking Operations Assistant in Compensation Group 20, Range 14 and recreating said position as a Parking Operations Assistant in Compensation Group 20, Range 16, thereof.

Additional Referral(s): Personnel Board

Refer to the BOARD OF ESTIMATES

64. [02636](#) Amending Section 3.38(1)(i)2. of the Madison General Ordinances by creating the classification of City Clerk/Treasurer in Compensation Group 21, Range 16, thereof.

Additional Referral(s): Personnel Board

Refer to the BOARD OF ESTIMATES

65. [02653](#) Adopting and confirming Revision 253 of the Madison General Ordinances as of December 15, 2005 to incorporate the changes pursuant to Sec. 66.0103, Wis. Stats.

Adopt at the 1/17/06 Common Council Meeting.

Refer to a future Meeting to Adopt

RESOLUTIONS

66. [00938](#) To move the "anonymous donation" balance to the Madison Community Foundation for the purpose of funding new community garden projects.

Additional Referral(s): Community Gardens Committee

Refer to the BOARD OF ESTIMATES

67. [02562](#) Authorizing the Mayor and City Clerk to execute appropriate documents to release a use restriction on the Brentwood Terrace Apartments located at 2018 North Sherman Avenue. 12th Ald. District.

Refer to the PLAN COMMISSION

68. [02593](#) Be it hereby resolved that the vacant position (#790) of Purchasing Supervisor in Compensation Group 18, Range 10, in the permanent salary detail of the Comptroller's Office budget is repealed and recreated as a position of Accountant 2 in Compensation Group 18, Range 08, thereof.

A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Withdraw. The motion passed by acclamation.

69. [02607](#) A resolution that the vacant position #3843 of Traffic Engineer 1 in Compensation Group 18, Range 10, of the permanent salary detail of the Traffic Engineering Division budget is hereby repealed and recreated as an Engineering Program Specialist 2 in Compensation Group 16, Range 19, thereof.

Additional Referral(s): Personnel Board

Refer to the BOARD OF ESTIMATES

70. [02608](#) A resolution that the position #1301 of Parking Operations Assistant in Compensation Group 20, Range 14, occupied by S. Sweet, in the permanent salary detail of the Parking Utility budget is repealed and recreated as a Parking Operations Assistant in Compensation Group 20, Range 16, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
- Additional Referral(s): Personnel Board*

Refer to the BOARD OF ESTIMATES

71. [02610](#) That the new position tentatively identified as City Clerk/Treasurer no Compensation Group or Range specified in the permanent salary detail of the new Clerk/Treasurer Department budget is repealed and recreated as a position of City Clerk/Treasurer in Compensation Group 21, Range 16, thereof.
- Additional Referral(s): Personnel Board*

Refer to the BOARD OF ESTIMATES

72. [02627](#) Determining a Public Purpose and necessity and adopting Transportation Project Plat No: 5992-05-74-4.01 to 4.03 for the City of Madison to acquire necessary land interests required for the planned public street improvements included in the East Washington Avenue Segment 3 Reconstruction Project, from Second Street to Marquette Street and authorizing the Mayor and City Clerk to sign all necessary documents necessary to accomplish the land interest acquisitions. (15th AD)
- Additional Referral(s): Plan Commission (1/9/06), Common Council Mtg. 2/7/06*

Refer For Public Hearing to the BOARD OF PUBLIC WORKS

73. [02630](#) Authorizing a contract between the City and the Madison Metropolitan School District for the provision of programming by Madison School and Community Recreation at Warner Park Community and Recreation Center for 2006.
- Additional Referral(s): Board of Park Commissioners*

Refer to the BOARD OF ESTIMATES

74. [02631](#) Determining a Public Purpose and necessity and adopting a Relocation Order for the City of Madison to purchase a portion of the property at 5102 Meinders Road, adjacent to the recently recorded Owl's Creek Subdivision, which is required for the planned public street improvements for Owl Creek Drive, and authorizing the Mayor and City Clerk to sign all necessary documents necessary to accomplish the acquisition of said properties. (16th AD)
- Additional Referral(s): Plan Commission (1/9/06), Common Council Mtg. 2/7/06*

Refer For Public Hearing to the BOARD OF PUBLIC WORKS

75. [02642](#) Amending the 2006 City Channel Operating Budget to allow for the hiring of a half-time limited term employee.
- Due back at the 1/17/06 Common Council Meeting.*

Refer to the BOARD OF ESTIMATES

76. [02651](#) Authorizing Purchasing to award and negotiate a 2-year contract with Waste Management of Wisconsin, Inc. for waste and recycling collection at certain City sites and authorizing the Mayor and City Clerk to sign a 2-year contract on behalf of the City.

Refer to the BOARD OF ESTIMATES

LICENSES

77. [02418](#) Public Hearing - New License
Manuel Cortez • dba Tienda Los Gemelos
6713 Odana Road • Class A Beer
Due back at the 2/7/06 Common Council Meeting.
Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE
78. [02616](#) Public Hearing - New License
Pierce's Supermarket, Inc. • dba Pierce's Northside Market
2817 N. Sherman Avenue • Agent: Ron K. James
Class A Liquor, Class A Beer
Due back at the 2/7/06 Common Council Meeting.
Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE
79. [02633](#) Public Hearing - New License
Singh, Resham • dba India Darbar Restaurant • 6119 Odana Rd • capacity 80
Class B Beer, Class C Wine • 10% alcohol, 90% food
Due back at the 2/7/06 Common Council Meeting.
Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE
80. [02647](#) Public Hearing - New License
KDRD Madison State, LLC • dba Fuddruckers • estimated capacity of 78
651 State Street • Agent: Elliott Stubbendick
Class B Beer, Class C Wine • 2% alcohol, 98% food
Due back at the 2/7/06 Common Council Meeting.
Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE

**CLAIMS - REFER TO RISK MANAGER on a motion made by Council
President Van Rooy, seconded by President Pro Tem Rosas.**

81. [02579](#) NOTICE OF CLAIM: C. Waddell, 3505 Ridgeway Avenue - property damage - \$370.97.
82. [02580](#) NOTICE OF CLAIM: J. Jordan, 1505 Winslow Lane - property damage - \$813.73.
83. [02581](#) NOTICE OF CLAIM: H. Green, 2441 Upham Street - property damage - \$111.00.
84. [02582](#) NOTICE OF CLAIM: A. Drake, 7213 Longmeadow Road - property damage - amount to be determined.
85. [02598](#) NOTICE OF CLAIM: M. Hughes, 612 S. Thornton Avenue - property damage - \$162.15.

86. [02599](#) NOTICE OF CLAIM: H. Stanton, 22 Arial Circle - property damage - \$200.00.
87. [02600](#) NOTICE OF CLAIM: State Farm Insurance for L. Jerdee - property damage - \$780.28.
88. [02609](#) NOTICE OF CLAIM: K. Felker, 19 Roxbury Road - property damage - amount to be determined.
89. [02612](#) NOTICE OF CLAIM: Progressive Insurance for R. Scott, S1990 Park Lane, Reedsburg - property damage - \$1,815.21.
90. [02637](#) NOTICE OF CLAIM: G. Wright, 5309 Fairway Drive - personal injury - amount to be determined.
91. [02638](#) NOTICE OF CLAIM: R. Brown, 1710 Camelot Drive - property damage - \$100.00.
92. [02646](#) NOTICE OF CLAIM: D. Carpenter, 1117 Colby Street - property damage - \$916.38.
93. [02656](#) NOTICE OF CLAIM: L. Spencer, 65D Golf Course Rd. - property damage - \$677.53.

CLAIMS - REFER TO CITY ATTORNEY on a motion made by Council President Van Rooy, seconded by President Pro Tem Rosas.

94. [02583](#) UNLAWFUL TAXATION: M. Davis, 1521 Golf View Road #B - unlawful taxation - \$39.59.
95. [02597](#) UNLAWFUL TAXATION: G. Roche, 3205 Grandview Blvd - unlawful taxation - \$4,270.87.

ADDENDUM

LATE ITEMS

96. [02667](#) AMENDED - Opposing the ~~distribution of a~~ racist and anti-Semitic newspaper in the Glen Oak Hills Neighborhood.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt With Amendment(s) as follows: strike "distribution of a" in the title. The motion passed by acclamation.**
- Enactment No: RES-06-00036**

97. [02668](#) Commending, honoring and expressing appreciation to Sandra J. Turner upon her retirement from the City of Madison after more than 36 years of exemplary service to the City of Madison and its citizens.
Adopt at the 1/17/06 Common Council Meeting.

Refer to a future Meeting to Adopt

ADJOURNMENT

A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adjourn at 7:29 p.m. The motion passed by acclamation.

I certify that the foregoing action of the Common Council was approved by the Mayor on the 4th of January, 2006.

Ordinances published January 19th, 2006.

RAY FISHER, CITY CLERK