



City of Madison

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

Proceedings - Approved COMMON COUNCIL

This meeting can be viewed LIVE on Madison City Channel, cable channel 98, digital channel 994, or at www.madisoncitychannel.tv.

Tuesday, October 20, 2009

6:30 PM

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

CALL TO ORDER AND ROLL CALL

Present: 20 -

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

Excused: 1 -

Michael E. Verveer

OPENING REMARKS

SUSPENSION OF RULES

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

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

5. [16117](#) Approving the schedule of Special Charges for the State Street Mall/Capitol Concourse for 2008/2009 Maintenance Charges.

Sponsors: Michael E. Verveer, Bryon A. Eagon and Joseph R. Clausius

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

Enactment No: RES-09-00864

1. [16279](#) Amending Section 9.13(1)(b) of the Madison General Ordinances to prohibit street vending adjacent to or across the street from school property.

Sponsors: Paul E. Skidmore

A motion was made by Ald. Rhodes-Conway, seconded by Ald. Rummel, to Refer to the VENDING OVERSIGHT COMMITTEE and SCHOOL COUNCIL LIASON COMMITTEE. The motion FAILED by the following vote:

- Excused:** 1 -
Michael E. Verveer
- Ayes:** 7 -
Jed Sanborn; Bridget R. Maniaci; Marsha A. Rummel; Brian L. Solomon;
Satya V. Rhodes-Conway; Julia S. Kerr and Joseph R. Clausius
- Noes:** 12 -
Lauren Cnare; Shiva Bidar-Sielaff; Steve King; Bryon A. Eagon; Paul E. Skidmore; Chris Schmidt; Tim Bruer; Larry Palm; Judy Compton; Michael Schumacher; Mark Clear and Thuy Pham-Remmele
- Abstentions:** 1 -
David J. Cieslewicz

16279

AMENDED Amending Section 9.13(1)(b) of the Madison General Ordinances to prohibit street vending adjacent to or across the street from school property.

Sponsors: Paul E. Skidmore and Thuy Pham-Remmele

A motion was made by Ald. Bidar-Sielaff, seconded by Ald. Clear, to Adopt With Amendment(s) to sunset on December 10, 2009. The motion passed by the following vote:

- Excused:** 1 -
Michael E. Verveer
- Ayes:** 12 -
Lauren Cnare; Shiva Bidar-Sielaff; Steve King; Paul E. Skidmore; Chris Schmidt; Satya V. Rhodes-Conway; Tim Bruer; Larry Palm; Judy Compton; Michael Schumacher; Mark Clear and Thuy Pham-Remmele
- Noes:** 7 -
Bridget R. Maniaci; Marsha A. Rummel; Bryon A. Eagon; Brian L. Solomon; Julia S. Kerr; Joseph R. Clausius and Jed Sanborn
- Abstentions:** 1 -
David J. Cieslewicz

Enactment No: ORD-09-00150

2. **16312**

Approving the schedule of Common Council meeting dates and times for 2010.

Sponsors: Tim Bruer, Mark Clear, Shiva Bidar-Sielaff, Marsha A. Rummel, Bryon A. Eagon, Judy Compton, Michael Schumacher and Chris Schmidt

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

Enactment No: RES-09-00863

PETITIONS AND COMMUNICATIONS

EARLY PUBLIC COMMENT

SPECIAL ORDER OF BUSINESS AT 6:45 PM

BUSINESS BY THE PRESIDENT OF THE COMMON COUNCIL

PRESENTATION OF CONSENT AGENDA

At this time, a consent agenda will be moved with the recommended action listed for each item EXCEPT:

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

RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM

REPORT OF BOARD OF ESTIMATES

- 3. [15829](#) 2010 Executive Capital Budget.

Adopt

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Refer to the COMMON COUNCIL and should be returned by 11/3/2009. The motion passed by voice vote/other.

REPORT OF PLAN COMMISSION

- 4. [07732](#) Amending Sections 28.11(3)(k) of the Madison General Ordinances to cap the number of parking spaces at one space for each two hundred fifty (250) square feet of gross floor area for certain uses and amending Section 28.08(2)(c)5., creating Sections 28.08(5)(c)16., (6)(c)14., (7)(c)14., (8)(c)3., and (11)(c)15., 28.085(2)(c)5. and (5)(c)6., amending Section 28.09(2)(c)8., creating Section 28.09(5)(c)22., amending Section 28.10(4)(d)11., and creating Sections 28.10(4)(d)33. and (6)(d)8. of the Madison General Ordinances to create a conditional use for exceeding the maximum number of parking spaces.

Sponsors: Tim Gruber, Marsha A. Rummel and Satya V. Rhodes-Conway

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Rerefer to the PLAN COMMISSION. The motion passed by voice vote/other.

PUBLIC HEARINGS - BEGIN AT 6:45 PM

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

6. [15717](#) Public Hearing - New License
AVRA LLC • dba Opa Cafe/Lounge • 20% alcohol, 80% food
558 State St • Agent: Vasilis Kallias • Estimated Capacity: 60
Class B Combination Liquor & Beer
Aldermanic District 08 (Alder Eagon) • Police Sector 403 • Density Area

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

7. [15719](#) Public Hearing - New License
Extreme Franchise Corporation • dba Pizza Extreme • 3% alcohol, 97% food
1614 Monroe St • Agent: Phillip Booras
Estimated Capacity: 12 inside, 150-200 beer garden
Class B Beer
Aldermanic District 10 (Alder Solomon) • Police Sector 301

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

8. [15720](#) Public Hearing - New License
Oysy LLC • dba Oysy LLC • 15% alcohol, 85% food
4126 E Washington Ave • Agent: Rong Bin Zheng • Estimated Capacity: 150
Class B Beer
Aldermanic District 17 (Alder Clausius) • Police Sector 518

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

9. [15725](#) Public Hearing - New License
Chetan LLC • dba Swagat Groceries
6717 Odana Rd • Agent: Resham Singh
Class A Beer
Aldermanic District 19 (Alder Clear) • Police Sector 113

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

REPORT OF BOARD OF ESTIMATES

10. [16115](#) 2010 Executive Operating Budget.

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

REPORT OF PLAN COMMISSION

- 12. [15795](#) SUBSTITUTE - Creating Section 28.06(2)(a)3449. of the Madison General Ordinances rezoning property from Temp A Agriculture District to RDC Research and Development Center District; creating Section 28.06(2)(a)3450. of the Madison General Ordinances rezoning property from Temp A Agriculture District to PUD(GDP) Planned Unit Development (General Development Plan) District; and creating Section 28.06(2)(a)3457. of the Madison General Ordinances rezoning property from Temp A Agriculture District to A Agriculture District.
Proposed Use: Demolish House and Plat 31 Lots for Business Park And Mixed-Use Neighborhood Center And 7 Outlots For Public Parkland, Private Stormwater Management And Open Space, And Future Development; 9th Aldermanic District: 8501 Mineral Point Road.

Sponsors: Common Council By Request

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

Enactment No: ORD-09-00151

END OF PUBLIC HEARINGS

BUSINESS PRESENTED BY THE MAYOR

- 13. [16198](#) Report of the Mayor submitting citizen committee appointments (introduced 10-20-2009; action 11-3-2009).

Sponsors: David J. Cieslewicz

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Refer to the COMMON COUNCIL, due back on 11/3/2009, with adoption under suspension of the rules tonight for the Sustainable City Ad Hoc Subcommittee for the Private Sector & Sustainable Ad Hoc Subcommittee for the Public Sector. The motion passed by the following vote:

Excused: 1 -
Michael E. Verveer

Ayes: 19 -
Bridget R. Maniaci; Lauren Cnare; Shiva Bidar-Sielaff; Marsha A. Rummel; Steve King; Bryon A. Eagon; Paul E. Skidmore; Brian L. Solomon; Chris Schmidt; Satya V. Rhodes-Conway; Julia S. Kerr; Tim Bruer; Larry Palm; Judy Compton; Joseph R. Clausius; Michael Schumacher; Mark Clear; Thuy Pham-Remmele and Jed Sanborn

Non Voting: 1 -
David J. Cieslewicz

14. [16300](#) Report of the Mayor submitting alder committee appointments.

Sponsors: David J. Cieslewicz

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

15. [16305](#) Report of the Mayor recommending adoption of the citizen appointment to the Monona Terrace Community and Convention Center Board.

Sponsors: David J. Cieslewicz

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Refer to the Mayor's Office. The motion passed by voice vote/other.

APPOINTMENTS

16. [16135](#) Report of the Mayor submitting citizen committee appointments (introduced 10-6-2009; action 10-20-2009).

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

Excused: 1 -

Michael E. Verveer

Ayes: 19 -

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

Non Voting: 1 -

David J. Cieslewicz

REPORTS OF OFFICERS

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

17. [16293](#) Alcohol License Review Committee Report of Operator License Applications 10-13-09. See attached report for list of operators.

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

18. [16303](#) Secondhand Article Dealer/Secondhand Jewelry Dealer/Pawnbroker License
Pawn America Wisconsin LLC dba Pawn America
2301 East Springs Drive

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

REPORT OF BOARD OF ESTIMATES

46. [15910](#) Application to the Dane County Board for exemption from Dane County Library tax levied under Section 43.64(2) Wisconsin Statutes.

Sponsors: Larry Palm

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

Enactment No: RES-09-00879

19. [16012](#) Approve Goodwill Industries of South Central Wisconsin, Inc's request for up to \$200,000 in HOME funds for a vacant parcel at 4829 Anniversary Lane for the purpose of constructing seven 1-bedroom units for persons with mental illness and one 2-bedroom unit for a resident manager; HOME funds shall be provided in the form of a 15 year forgivable loan secured by a mortgage, promissory note and Land Use Restriction Agreement.

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

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

Enactment No: RES-09-00866

20. [16015](#) Authorizing the Mayor and City Clerk to sign a license agreement with BMI for performance and playing of musical compositions at various departments in the City of Madison.

Sponsors: David J. Cieslewicz

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

Enactment No: RES-09-00867

21. [16030](#) Amending Sec. 3.54(11)(a)6. to allow the Human Resources Director to extend the deadline for usage of compensatory hours if special circumstances due to workload are shown.

Sponsors: David J. Cieslewicz

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

Enactment No: ORD-09-00149

22. [16060](#) Terminating Fire Fighters Local 311 Post-Retirement Benefits Trust, authorizing the transfer of assets to a new Trust to be operated by the Precision Retirement Group, Inc., and authorizing the Mayor and City Clerk to enter into agreements as may be necessary for such termination and transfer, including any necessary changes to the collective bargaining agreement between the City and Local 311.

Sponsors: David J. Cieslewicz

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

Enactment No: RES-09-00868

23. [16066](#) Approving the Community Development Division's HUD 2010 - 2014 Consolidated Plan and 2010 Action Plan.

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

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

Enactment No: RES-09-00869

11. [16116](#) Authorizing the Mayor, City Clerk and Chief of Police to accept the FY 2009 Edward Byrne Memorial Justice Assistance Grant award in the amount of \$204,905 and to utilize these funds to support several law enforcement initiatives.

Sponsors: David J. Cieslewicz and Paul E. Skidmore

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

Enactment No: RES-09-00865

REPORT OF BOARD OF PARK COMMISSIONERS

25. [15784](#) SUBSTITUTE Authorizing the execution of an Utility Easement to Madison Gas and Electric Company for underground electrical service to serve a new Traffic Engineering Parks Division storage facility at 15 Van Deusen Street.

Sponsors: Julia S. Kerr

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

Enactment No: RES-09-00871

24. [16194](#) A Resolution authorizing Public Health-Madison and Dane County to accept a grant up to \$765,000 and sign a grant agreement with the State of Wis. Department of Health Services, for Phase 3 of a Public Health Emergency Response grant related to H1N1 vaccinations, and amending the budget accordingly.

Sponsors: David J. Cieslewicz

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

Enactment No: RES-09-00870

REPORT OF BOARD OF PUBLIC WORKS

26. [15718](#) Accepting a Sanitary Sewer Easement fom the Donald G. and Juanita M. Hoepker Trust across property located at 4303 Hoepker Road.

Sponsors: Joseph R. Clausius

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

Enactment No: RES-09-00872

27. [15744](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Contract No. 6316, Bowman / Lakeview Culvert Replacement.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00873

28. [15979](#) Determining a Public Purpose and Necessity and approving a Relocation Order for the acquisition of utility company interests required for the relocation and construction of Pleasant View Road from Valley View Road to 1000 feet North of Mineral Point Road, located in that part of the Northeast ¼ of the Northwest ¼, of Section 34, Town 7 North, Range 8 East, Town of Middleton, and part of the Northwest ¼ of the Northeast ¼ of Section 34, and part of the Northwest ¼ and the Southwest ¼ of Section 27, all in Town 7 North, Range 8 East, City of Madison, Dane County, Wisconsin. Including necessary utility company release of rights of interests contained within proposed right of way dedications by the conditionally approved University Research Park - Pioneer proposed Subdivision Plat by the UW Regents (9th AD) and;

Sponsors: Paul E. Skidmore

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

Enactment No: RES-09-00874

29. [16000](#) Improvements Accepted for Water Main by Private Contract to Serve: Linden Park - Phase 8 (1st AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00875

30. [16019](#) Declaring the City of Madison's intention to exercise its police powers establishing the Bartillon Drive Sidewalk Assessment District-2010. (17th AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00876

31. [16021](#) Awarding Public Works Contract No. 6262, Demolition of Buildings located at 2345/2347 Allied Drive. (10th AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00877

32. [16022](#) Improvements accepted for Old Sauk Road Street Assessment District - 2008, Contract No. 6136.
Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.
Enactment No: RES-09-00878
33. [16023](#) Improvements accepted for Eastmorland Park Drainage Way Assessment District & Eastmorland Bike Path, Contract No. 6170.
Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.
Enactment No: RES-09-00880
34. [16024](#) Improvements accepted for New Roof @ Streets Badger Road Facility, Contract No. 6187.
Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.
Enactment No: RES-09-00881
35. [16036](#) Revising the 100 N. Randall Street Streetlight Improvement District (RES-09-00801), to reflect revisions to the Final Assessment Schedule, and to allow for installment payments. (5th and 8th ADs)
Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.
Enactment No: RES-09-00882
36. [16041](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Painting the Prairie Road Elevated Tank (2829 Prairie Road). (7th AD).
Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.
Enactment No: RES-09-00883

37. [16049](#) Declaring the City of Madison's intention to exercise its police powers establishing the Lien Road Assessment District - 2009. (17th AD)
Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.
Enactment No: RES-09-00884
38. [16068](#) Authorizing the Mayor and the City Clerk to execute an agreement with MSA Professional Services, Inc., for Design Engineering Services on STH 113.
Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.
Enactment No: RES-09-00885
39. [16072](#) Improvements Accepted for Water Service Laterals by Private Contract to Serve: Metrotech. (3rd AD)
Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.
Enactment No: RES-09-00886
40. [16079](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Parks Office Expansion - Remodel - 2009, Contract No. 6407. (6th AD)
Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.
Enactment No: RES-09-00887
41. [16136](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Fire Station #1 Chiller Replacement - 2010, Contract No. 6402. (4th AD)
Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.
Enactment No: RES-09-00888
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42. [16137](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Monona Terrace Exhibition Hall Floor, Electrical Distribution Upgrade, Contract No. 6403. (4th AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00889

43. [16150](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Monona Terrace Exhibition Hall, Epoxy Floor Resurfacing, Contract No. 6404. (4th AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00890

44. [16152](#) Authorizing the Mayor and City Clerk to enter into an Amendment #3 to the Contract between the City of Madison and Vierbicher Associates, Inc., for additional engineering design services for the Lower Badger Mill Creek Lift Station and Forcemain. (1st AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00891

45. [16163](#) Authorizing the Mayor and City Clerk to enter into an agreement with the Town of Verona for the resurfacing of Marty Road.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00892

REPORT OF CITY CLERK'S OFFICE

REPORT OF CITY-COUNTY LIASON COMMITTEE

47. [15787](#) Authorizing the Mayor and City Clerk to execute the Third Addendum to Agreement between the City of Madison and Dane County for the Sale of Space in the City-County Building.

Sponsors: Marsha A. Rummel

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

Enactment No: RES-09-00893

48. [16100](#) Resolution Res. 120, 09-10 - Authorizing An Addendum to Agreement To Provide For The Sale Of Space in The City-County Building To City of Madison And To Reallocate The Proportionate Operational Costs.

A motion was made by Bruer seconded by Clear to place on file without prejudice. Motion passed by voice vote/other.

REPORT OF COMMON COUNCIL ORGANIZATIONAL COMMITTEE

49. [15912](#) Amending and repealing various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2009 City Attorney Reviser's Ordinance.

Sponsors: Common Council By Request

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

Enactment No: ORD-09-00147

REPORT OF PLAN COMMISSION

50. [15062](#) Adopting the Northeast Neighborhoods 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 Northeast Neighborhoods Development Plan.

Sponsors: David J. Cieslewicz, Lauren Cnare and Joseph R. Clausius

A motion was made by Ald. Rhodes-Conway, seconded by Ald. Bruer, to Adopt the following amendment: Add language to the plan indicating that staff will collect data on an annual basis from the MPO on traffic, the Water Utility, on water use, and if possible, from the Electric Utilities on energies. This reporting period will be limited to 30 years. The motion passed by voice vote/other.

A motion was made by Ald. Kerr, seconded by Ald. Rummel, to Adopt the following amendment: Remove language regarding marketing and promotion of neighborhood (page 22 of staff report). The motion passed by voice vote/other.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt With Amendment(s) . The motion passed by voice vote/other.

Enactment No: RES-09-00904

- 51. [15498](#) Adopting the Royster-Clark Special Area Plan as a supplement to the City of Madison Comprehensive Plan.

Sponsors: Larry Palm

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

Enactment No: RES-09-00894

- 52. [16102](#) Approving the preliminary and final plats of University Research Park II - Pioneer generally located at 8501 Mineral Point Road. 9th Ald. Dist.

Sponsors: Common Council By Request

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

Enactment No: RES-09-00896

REPORT OF DEPARTMENT OF PLANNING AND COMMUNITY AND ECONOMIC DEVELOPMENT

- 53. [16200](#) Approving a Certified Survey Map of property owned by the University of Wisconsin Board of Regents located at 1308 West Dayton Street. 8th Ald. Dist.

Sponsors: Common Council By Request

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

Enactment No: RES-09-00897

- 54. [16201](#) Approving a Certified Survey Map of property owned by Danisco USA, Inc. located at 3314-3326 Agriculture Drive. 16th Ald. Dist.

Sponsors: Common Council By Request

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

Enactment No: RES-09-00898

REPORT OF SAFETY REVIEW COMMITTEE

- 55. [15806](#) SUBSTITUTE Repealing and recreating Section 25.09(12) of the Madison General Ordinances to eliminate the sunset provision and make this law permanent and retain an annual reporting requirement on the ordinance.

Sponsors: David J. Cieslewicz, Tim Bruer, Mark Clear, Judy Compton, Paul E. Skidmore, Thuy Pham-Remmele, Michael Schumacher, Jed Sanborn, Joseph R. Clausius, Bridget R. Maniaci and Steve King

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

Enactment No: ORD-09-00148

REPORT OF RISK MANAGER

- 56. [16014](#) K. Konicek, 1013 Ocean Rd., Madison, 53713 - property damage - \$299.00.

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

- 57. [16087](#) D. Collman, 4809 South Hill Dr., Madison, 53705 - property damage - \$7,851.20.

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

REPORT OF TRANSIT/ PARKING COMMISSION

58. [15882](#) Authorizing the Mayor and City Clerk to enter into an agreement with Dane County Human Services to provide Retired Senior Volunteer Driver Escort Services for the City of Madison for the calendar year 2009.
- Sponsors:** Chris Schmidt and Brian L. Solomon
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.**
- Enactment No: RES-09-00899
59. [15883](#) Authorizing the Mayor and the City Clerk to accept sponsorship by MillerCoors, LLC in the amount of \$10,000 to help offset the cost of providing free expanded transit service on New Year's Eve. The agreement includes an indemnification clause.
- Sponsors:** Chris Schmidt and Brian L. Solomon
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.**
- Enactment No: RES-09-00900
60. [16078](#) Authorizing the Mayor and the City Clerk to enter into an agreement with Dane County for the purpose of providing the Transit Utility with State 85.21 funding given to Dane County for the provision of accessible transportation for persons within Metro Transit's service area in the calendar year 2009.
- Sponsors:** Brian L. Solomon and Chris Schmidt
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.**
- Enactment No: RES-09-00901
61. [16089](#) Authorizing the Mayor and City Clerk to enter into an agreement with Madison Area Technical College (MATC) for provision of access by MATC students to Metro Transit fixed route and ADA paratransit services, with reimbursement for student trips during the contract period.
- Sponsors:** Chris Schmidt
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.**
- Enactment No: RES-09-00902

REPORT OF WATER UTILITY BOARD

- 62. [16133](#) Authorizing the Water Utility General Manager to certify water and sewer bills, assessments and charges to the 2009 tax rolls of other governmental units for delinquent accounts in those jurisdictions.

Sponsors: Lauren Cnare

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

Enactment No: RES-09-00903

ITEMS REFERRED TO THIS MEETING

ORDINANCES

- 63. [16008](#) Amending Sections 15.02(16), (17) and (118) of the Madison General Ordinances to change the polling location for Wards 16, 17 and 118.

Sponsors: Joseph R. Clausius

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

INTRODUCTION OF NEW BUSINESS FOR REFERRAL WITHOUT DEBATE

ORDINANCES

- 64. [15867](#) Creating Section 27.04(2)(l) of the Madison General Ordinances to require owners of multi-family dwellings to provide contact information of at least two people who can exercise control and care over the property; and amending Sec. 1.08(3)(a) to create a bail deposit for violations.

Sponsors: David J. Cieslewicz and Julia S. Kerr

This Ordinance was Referred to the HOUSING COMMITTEE

- 65. [16202](#) Amending Section 38.08(4)(e) of the Madison General Ordinances to change the license period of an operator's license from one year to two years and increase the fee from \$35 a year to \$75 for two years.

Sponsors: Michael E. Verveer

This Ordinance was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

66. [16203](#) Amending Section 38.08(4)(a) of the Madison General Ordinances to establish a uniform license fee of \$500 for Class A Beer licenses.

Sponsors: Michael E. Verveer

This Ordinance was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

67. [16204](#) Amending Sections 38.05(3)(g), 38.08(4) and 38.09(5) of the Madison General Ordinances to increase late fees related to filing a retail alcohol license application and paying the annual retail license fees.

Sponsors: Michael E. Verveer

This Ordinance was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

68. [16205](#) Amending Sections 38.06(11)(a), 38.06(11)(c), 38.06(11)(i) and 38.06(12)(c) of the Madison General Ordinances to lower the minimum patron capacity for a 21+ Entertainment license and an 18+ Center for the Visual and Performing Arts license, and to clarify the definition of live entertainment.

Sponsors: Michael E. Verveer and Marsha A. Rummel

This Ordinance was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

69. [16263](#) Amending Section 28.10(4)(d)7. of the Madison General Ordinances to retroactively remove the 500 foot distance requirement between Residential Districts and auto storage yards.

Sponsors: Julia S. Kerr

This Ordinance was Referred to the PLAN COMMISSION

70. [16297](#) Amending Sections 9.13(2) and 9.13(3) to increase fees for special event umbrella vending licenses and allow applications to be filed with the Parks Division; amending Sec. 10.056(3)(a) to clarify the membership of the Street Use Staff Commission; amending Sec. 10.056(4)(a) to allow Street Use applications to be filed at the Parks Division; amending Sec. 10.056(5) to create an administrative approval for small block parties; and amending Sec. 10.056(8)(b) of the Madison General Ordinances regarding insurance requirements.

Sponsors: Michael E. Verveer

This Ordinance was Referred to the Parks Division

- 71. [16302](#) Creating new Section 38.12 and renumbering current Section 38.12 to Section 38.13 to prohibit the sale of alcohol to habitually intoxicated persons; amending Section 24.02 relating to disorderly conduct in a public place while under the influence of alcohol; and amending Sec. 1.08(3) of the Madison General Ordinances to establish a bail deposit for a violation.

Sponsors: Michael Schumacher, David J. Cieslewicz and Michael E. Verveer

This Ordinance was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

RESOLUTIONS

- 72. [16160](#) Reclassifying the existing position of Facilities Services Manager (Position #649) in Engineering as an Engineer 3, and reallocating the incumbent to the new classification and pay range.

Sponsors: David J. Cieslewicz

This Resolution was Referred to the BOARD OF ESTIMATES

- 73. [16189](#) Accepting a Sanitary Sewer Easement from Amanda and Yong Chen across a portion of their property located at 3497 County Trunk Highway BB (Cottage Grove Road).

Sponsors: Judy Compton

This Resolution was Referred to the BOARD OF PUBLIC WORKS

- 74. [16249](#) Authorizing the execution of a Permanent Limited Easement for Private Driveway Purposes to Read Properties LLC, across a portion of Outlot 25, First Addition to Linden Park, aka City Stormwater Utility Parcel 533, located at 818 Moonlight Trail.

Sponsors: Jed Sanborn

This Resolution was Referred to the BOARD OF PUBLIC WORKS

- 75. [16250](#) Reaffirming the City's commitment to Complete Streets and directing staff of various agencies including but not limited to Planning & Development, City Engineering, Traffic Engineering and Metro to follow to the extent possible Complete Streets concepts for all new developments, redevelopments, and street reconstruction projects.

Sponsors: Judy Compton, Bryon A. Eagon and Paul E. Skidmore

This Resolution was Referred to the PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION

76. [16251](#) Authorizing the Mayor and the City Clerk to execute an agreement with Badger Coaches, Inc. to help defray maintenance costs for the Dutch Mill Park & Ride lot for a term of three years, with an option for one three-year renewal to be exercised administratively by the Metro Transit General Manager .

Sponsors: Jed Sanborn and Brian L. Solomon

This Resolution was Referred to the TRANSIT AND PARKING COMMISSION

77. [16283](#) Authorizing the execution of an Underground Utility Easement to Wisconsin Bell d/b/a AT&T across a portion of a City-owned Stormwater Utility parcel located at 5307 Lien Road.

Sponsors: Joseph R. Clausius

This Resolution was Referred to the BOARD OF PUBLIC WORKS

78. [16306](#) Resolution Approving Redevelopment Project of the Community Development Authority of the City of Madison and the Issuance of Revenue Bonds by the Authority (Wisconsin Alumni Research Foundation Project)

Sponsors: David J. Cieslewicz and Bryon A. Eagon

This Resolution was Referred to the BOARD OF ESTIMATES

79. [16317](#) Establishment of an ad hoc TIF Policy Committee to consider alternate models for TIF loan criteria.

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

Adopt

This Resolution was Referred to the COMMON COUNCIL, due back on 11/3/2009

PRESENTATION OF CLAIMS AGAINST THE CITY OF MADISON

CLAIMS - REFER TO RISK MANAGER

80. [16190](#) E. Edmundson, 7206 Timberwood Dr., Madison, 53719 - personal injury - \$1,016.40.

This Claim was Referred to the Risk Manager

81. [16191](#) M. Blumenfeld, 14 Sauk Creek Cir., Madison, 53717 - vehicle damage - \$1,395.97.

This Claim was Referred to the Risk Manager

82. [16192](#) A. Lepeska for Cove Unit Owners Association, 3100 Lake Mendota Dr., #903, Madison, 53705 - property damage - \$4,864.05.

This Claim was Referred to the Risk Manager

83. [16207](#) D. Martin, 1026 Seminole Hwy, Madison, 53711 - property damage - \$975.00.

This Claim was Referred to the Risk Manager

84. [16221](#) J. Sommers, 1043 Rutledge St., Madison, 53703 - vehicle damage - \$1,623.25.

This Claim was Referred to the Risk Manager

85. [16229](#) C. Campbell, 5503 Maywood Rd., Monona, 53716 - vehicle damage - \$100.00.

This Claim was Referred to the Risk Manager

86. [16230](#) P. Moreno, 2411 Joss Court, Madison, 53726 - property loss - \$18.98.

This Claim was Referred to the Risk Manager

87. [16255](#) J. Canfield, 661 Mendota Ct., #504, Madison, 53703 - vehicle damage - \$238.00.

This Claim was Referred to the Risk Manager

88. [16262](#) W. Rounds, for First Lutheran Cemetary, 7785 Low Rd., Middleton, 53562 - property damage - \$1,655.00.

This Claim was Referred to the Risk Manager

- 89. [16296](#) J. Anderson, 1146 Elizabeth St., Madison, 53703 - vehicle damage - \$609.56.

This Claim was Referred to the Risk Manager

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

- 90. [16197](#) Accepting a Proposed Settlement with the Stonewall Insurance Company for Landfill Remediation Claims, Authorizing the Mayor and City Clerk to Sign Settlement Agreements and any Other Documents Necessary to Complete the Settlement, including Releases and Indemnifications, and Directing that Settlement Funds Be Used to Reduce Future Remediation Fees.

Sponsors: David J. Cieslewicz, Joseph R. Clausius and Larry Palm

ANNOUNCEMENTS & INTRODUCTION OF ITEMS FROM THE FLOOR

ADDENDUM

LATE ITEMS

- 91. [15932](#) Adopting and confirming amendments to the Madison General Ordinances as set forth in attached Exhibit F pursuant to Sec. 66.0103, Wis. Stats. to revise the City's Zoning Ordinance.

Sponsors: David J. Cieslewicz

- 92. [16159](#) Honoring Harry Whitehorse for deepening our understanding of Madison's rich cultural heritage and for his contributions to the City's public art collection.

Sponsors: Marsha A. Rummel

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

Enactment No: RES-09-00905

ADJOURNMENT

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adjourn at 9:20 pm. The motion passed by voice vote/other.