



City of Madison

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

Meeting Minutes - Approved COMMON COUNCIL ORGANIZATIONAL COMMITTEE

Tuesday, September 1, 2009

4:30 PM

210 Martin Luther King, Jr. Blvd.
Room 108 (City-County Building)

Present: 7 -

Tim Bruer; Mark Clear; Shiva Bidar-Sielaff; Bryon A. Eagon; Judy Compton; Michael Schumacher and Chris Schmidt

Excused: 1 -

Marsha A. Rummel

Others Present: Ald. Bridget Maniaci, Ald. Satya Rhodes-Conway, Joel Plant (Mayoral Assistant), Michael May (City Attorney), Tim Cooley (Economic Development Director), Matthew Mikoljewski (Office of Business Resources Manager), Joe Gromacki (TIF Coordinator), Dean Basser (City Comptroller), Rosemary Lee, Kristin Czubkowski (TCT), Lorri Wendorf (MPSEA) and Eric Kestin (MPSEA)

Ald. Tim Bruer, Chair, called the meeting to order at 4:31 p.m.

APPROVAL OF MINUTES

A motion was made by Ald. Mark Clear, seconded by Ald. Shiva Bidar-Sielaff, to approve the meeting minutes from July 7, 2009. The motion passed by voice vote/other.

PUBLIC COMMENT

There was no public comment.

Ald. Marsha Rummel arrived at 4:33 p.m.

Present: 8 -

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

15285

SUBSTITUTE - Amending Sections 3.30(2), 3.53(10)(a) and 3.54(16)(a) of the Madison General Ordinances to permit members of Compensation Groups 18 and 44 to reside in places of their choosing.

Sponsors: Michael Schumacher, David J. Cieslewicz and Brian L. Solomon

Attachments: [8/28/09 Cieslewicz Letter to MPSEA](#)
[MPSEA Residency Cover Letter re: Ordinance Change \(dated 7/2/09\)](#)
[MPSEA residency Fact Sheet 7/2/09](#)
[Version 1](#)
[15285RegistrationForms.pdf](#)
[L Wendorf Registration Statement 9/1/09 CCOC Mtg.](#)
[E Kestin Registration Statement 9/1/09 CCOC Mtg.](#)
[J Ibeling Letter of Support.pdf](#)
[Registration Statements.pdf](#)

The motion passed on the following vote: 6:1 (AYE: Bruer, Clear, Bidar-Sielaff, Eagon, Compton, Schumacher; NO: Rummel; NON VOTING: Schmidt)

Ald. Mark Clear moved, seconded by Ald. Michael Schumacher to move agenda item number 6 up on the agenda. Approved unanimously.

Lorri Wendorf and Eric Kestin representing MPSEA were registered in support and available to answer questions. Ald. Michael Schumacher noted that he had the pleasure of working with Ms. Wendorf and MPSEA representatives on this ordinance. He reiterated that he believed residency was an equity issue and that MPSEA (Compensation Groups 18 & 44) had worked out a good compromise with the Mayor.

A motion was made by Ald. Mark Clear, seconded by Ald. Michael Schumacher, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by the following vote:

Ayes: 6 -

Tim Bruer; Mark Clear; Shiva Bidar-Sielaff; Bryon A. Eagon; Judy Compton and Michael Schumacher

Noes: 1 -

Marsha A. Rummel

Non Voting: 1 -

Chris Schmidt

DISCUSSION ITEM

15824

2010 Common Council Office Operating Budget - Ald. Tim Bruer, Council President & Ald. Mark Clear, Council President Pro Tem

Attachments: [2010budgetmemo.pdf](#)

Lisa Veldran, Administrative Assistant, reviewed the memo presented to the CCOC members (see attachment to legislative file). Ald. Tim Bruer noted that the Council has always gone above and beyond in being fiscally responsible. Ald. Mark Clear noted that the Council had met the directives of the Mayor by considering the reduction of our department base budget by 6%. The two

options that totaled \$21,702 involved staff reductions or reductions in supplies/alder expense accounts.

Ald. Michael Schumacher noted that the Council is a legislative body, was not under the direction of the Mayor's office and the Council should come up with their own directives. He also noted that the office budget is so small that any cut reduces an alder's ability to communicate with their constituents. He recommended not submitting any cuts to the Mayor. Ald. Marsha Rummel, Ald. Shiva Bidar-Sielaff and Ald. Chris Schmidt agreed with Ald. Schumacher's assessment.

Ald. Michael Schumacher recommended that the Council forward the 2009 base budget amount with a supplemental request to restore the \$13,238 cuts and no 6% cut plan (cost to continue budget). This suggestion was unanimously approved.

REFERRALS FROM COMMON COUNCIL

14940

THIRD SUBSTITUTE - Amending Section 33.02 of the Madison General Ordinances to modify the composition of the Alcohol License Review Committee.

Sponsors: Tim Bruer, Mark Clear, Judy Compton, Michael Schumacher and Julia S. Kerr

Attachments: [Version 1](#)
[070709 CCOC R Lee Registration Statement](#)
[Registration Form.pdf](#)
[Version 2](#)
[Version 3](#)
[Ald. Eagon's Draft 4th Substitute 14940](#)
[Version 4](#)

The motion passed by the following vote: 5:2 (AYE: Bruer, Clear, Bidar-Sielaff, Compton, Schumacher; NO: Rummel, Eagon; NON VOTING: Schmidt)

A motion was made by Clear, seconded by Bidar-Sielaff, as amended, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER.

Ald. Satya Rhodes-Conway was concerned about ALRC and PSRC having an even number of members. The subcommittee that reviewed committee structure strongly recommended committees should be made up of an ODD number of members.

Michael May, City Attorney, had a couple of concerns:

1. The ALRC appointments did not change from 2 years to 3 years and they should (friendly amendment)
2. ALRC & PSRC - effective date is a problem and suggested language be added stating that the effective date be 60 days from adoption of the ordinance and the Mayor would make appointments within that time period.

Ald. Mark Clear amended his main motion to make the ALRC citizen appointments three years and that the ALRC and PSRC appointments be effective November 1st, seconded by Ald. Shiva Bidar-Sielaff.

Ald. Bryon Eagon made a substitute motion to make the ASM non-voting

appointment to the ALRC a voting member of the ALRC, seconded by Ald. Marsha Rummel. He stated that a large number of students frequent licensed establishments and felt they were under-represented on the ALRC.

Ald. Michael Schumacher noted that the student appointment was negotiated with a 3 year sunset. He thought that if the Council added the student as a voting member then the Tavern League and the University representative would also want to be added as voting members. He thought that adding the student representative as a full voting member now would be premature. Ald. Mark Clear added that the ASM student representative was appointed by the ASM chair not by the Mayor, which is the usual citizen process. He noted that would tip the balance of power in the appointment process. Ald. Schumacher thought that other student organizations could be involved if the student representative was a full voting member (e.g. MATC student vs. a UW student). Ald. Shiva Bidar-Sielaff noted that the students are the largest constituency for downtown businesses and that it is important to have a voice of a student citizen member.

Ald. Judy Compton questioned whether there would be an age restriction on the student appointment (do they need to be 21 in order to serve on the ALRC) and how the student member would be chosen. Ald. Bryon Eagon noted it would be a friendly amendment to his motion that the person needed to be 21 years of age or the Mayor can use his discretion. Ald. Michael Schumacher stated that he wanted to refer the ordinance so that the industry could review the proposed change in adding the student representative as a voting member of the ALRC.

Ald. Shiva Bidar-Sielaff asked the City Attorney if the Council could make a requirement that the student representative be 21 years old. She noted that students under 21 can visit entertainment establishments now. She also noted that students are not a "special interest group" but constituents and she would encourage the Mayor to look at appointing a student as a citizen appointment. Ald. Judy Compton questioned the need to demand specific representation on a committee and that it created a slippery slope. Ald. Schumacher noted that he would encourage other students who had more expertise in liquor license issues and not just be a consumer. (e.g. graduate students, etc.).

Ald. Bryon Eagon's motion failed on a vote of 3 to 4: AYES: Ald. Bidar-Sielaff, Ald. Marsha Rummel and Ald. Bryon Eagon NOES: Ald. Tim Bruer, Ald. Judy Compton, Ald. Michael Schumacher and Ald. Mark Clear, NON-VOTING: Ald. Chris Schmidt

On the main motion as amended, motion was approved on a vote of 5 to 2: AYES: Ald. Mark Clera, Ald. Shiva Bidar-Sielaff, Ald. Judy Compton, Ald. Michael Schumacher, Ald. Tim Bruer, NOES: Ald. Marsha Rummel and Ald. Bryon Eagon, NON-VOTING: Ald. Chris Schmidt

Ald. Mark Clear moved to reconsider the vote, seconded by Ald. Michael Schumacher to include Ald. Judy Compton's requested that the Mayor also consider appointing a student to any vacant citizen appointment to the ALRC.

Ald. Marsha Rummel thought that this ordinance should be referred to the ALRC so they could review it. Ald. Schumacher noted that former Ald. Eli Judge and he had worked on the compromise to allow the ASM student as a

non-voting representative with the sunset that was voted on by the ALRC.

Ald. Bryon Eagon moved, seconded by Ald. Marsha Rummel to refer to the next CCOC meeting (October 6, 2009). Motion failed on a voice vote.

On the main motion as amended (with Ald. Compton's request). The motion passed by the following vote:

Ayes: 5 -

Mark Clear; Shiva Bidar-Sielaff; Judy Compton; Michael Schumacher and Tim Bruer

Noes: 2 -

Marsha A. Rummel and Bryon A. Eagon

Non Voting: 1 -

Chris Schmidt

14942

THIRD SUBSTITUTE - Amending Section 33.22 of the Madison General Ordinances to modify the composition of the Public Safety Review Committee.

Sponsors: Tim Bruer, Mark Clear, Judy Compton, Michael Schumacher and Julia S. Kerr

Attachments: [Version 1 Registration Form.pdf](#)
[Version 2](#)
[Version 3](#)

The ordinance was amended to include the effective date of November 1, 2009.

A motion was made by Ald. Mark Clear, seconded by Ald. Michael Schumacher, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

15526

Amending Secs. 32.05(3), 32.07(5)(d), 32.14(1) and 1.08(3)(a) of the Madison General Ordinances to require that tenants be notified of their right to inspect photographic evidence and increasing various penalties.

Sponsors: Bryon A. Eagon, Tim Bruer, Shiva Bidar-Sielaff, Marsha A. Rummel and Judy Compton

Attachments: [Bail deposit table](#)
[Version 1](#)

Ald. Bryon Eagon noted that the ordinance would require that all check out forms provide notification to tenants of their right to inspect photographic evidence document tenant damage, waste or neglect and that the forms be in a minimum of 12-point font.

Alds. Bruer, Bidar-Sielaff, Rummel, Schumacher and Compton requested to be added as co-sponsors (Ald. Schumacher later contact Council staff to remove his name).

A motion was made by Ald. Mark Clear, seconded by Ald. Brian Eagon, to Return to Lead with the Recommendation for Approval to the HOUSING COMMITTEE. The motion passed by voice vote/other.

DISCUSSION ITEMS

[15826](#) Creating a special committee on alcohol licensing and enforcement - Ald. Marsha Rummel, District 6

This discussion item was rereferred to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE meeting of October 6, 2009

[15825](#) Use of a 'but for' financial gap analysis in determining TIF assistance/Creation of subcommittee on TIF (Mayor) - Ald. Tim Bruer, Common Council President

Attachments: [City Attorney TIF Memo on Legal Limitations](#)

Ald. Tim Bruer had invited the City Attorney to attend the CCOC meeting to review his memo (dated 8/5/09 entitled, "Legal Limitations on TIF") and noted that the Mayor is considering creating a subcommittee to look at TIF policy changes. The Committee would be comprised of 2 members from Board of Estimates, 2 members from Economic Development Committee, 2 members from the CCOC and the Mayor (or designee). Ald. Judy Compton noted that she would like be considered to serve on the subcommittee.

Ald. Judy Compton noted that her concern with TIF policy was relative to industrial TIF versus residential TIF. Ald. Mark Clear wanted to find out if members wanted to discuss the bigger issue of TIF policy or discuss the creation of the subcommittee and have that information come back to the CCOC. Ald. Compton was concerned with the direction of the subcommittee and whether it was going to deal too broadly with TIF policy.

Ald. Bruer asked City Attorney May to briefly review his memo on certain limitations under the state's Tax Increment Law (specifically the gap analysis/"but for" analysis). Ald. Mark Clear questioned whether the Department of Revenue guidelines were law or guidelines. City Attorney May stated that they were more guidelines (not written into statutes) and noted that the DOR considered the gap/"but for" analysis to be more financial in nature than competitive.

Ald. Marsha Rummel noted that the TIF Policy Committee had met for 2 years to develop policy guidelines. Ald. Shiva Bidar-Sielaff stated that it was her understanding the the CCOC supported the subcommittee but with a narrow charge as defined by City Attorney May's memo so that the Council didn't reopen a wider discussion on TIF.

Ald. Rummel had also asked Matt Mikolajewski to forward information on financial tools besides TIF (attached to this legislative file). She noted that this information may be helpful for the subcommittee and that she also would like to serve on the subcommittee. Ald. Bruer asked Joe Gromacki if he was supportive of funding tools outside of TIF. He stated that he was and felt that there were numerous tools for industrial funding but not many sources for residential funding.

FUTURE AGENDA ITEMS

There were no future agenda items discussed.

ADJOURNMENT

A motion was made by Ald. Mark Clear, seconded by Ald. Shiva Bidar-Sielaff, to adjourn. The motion passed by voice vote/other. Meeting adjourned at 6:05 p.m.