



# City of Madison

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

## Agenda - Approved COMMON COUNCIL

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Tuesday, March 27, 2007

6:30 PM

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

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### **SPEAKING GUIDELINES**

If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnuv ua hauj lwm ua ntej yuav tuaj sib tham.

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Please contact the Office of the Common Council at 266-4071, TTY/Textnet 866-704-2340.

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.

**Roll Call at 6:37 p.m., Ald. King in the Chair.**

### **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.

**SPECIAL ORDER OF BUSINESS**

1. [05981](#) Commending Alderperson Paul J. Van Rooy for his service as Common Council President Pro Tem from September 2006 to April 2007.
2. [05982](#) Commending Alderperson Paul J. Van Rooy for his dedicated service to his constituents and the City of Madison from April 17, 2001 to April 17, 2007.

**PETITIONS AND COMMUNICATIONS**

None received by the agenda deadline.

**BUSINESS BY THE MAYOR**

3. [06036](#) Report of the Mayor submitting citizen committee appointment (introduced 3-27-2007; action 4-17-2007).

**BUSINESS BY THE PRESIDENT OF THE COMMON COUNCIL**

4. [06049](#) Recognizing Ald. Ken Golden's contributions over the years in creating lighter side legislation for the Common Council to consider and appointing him Ambassador to Pluto.

**PUBLIC HEARINGS - BEGIN AT 6:45 PM****REPORT OF PLAN COMMISSION**

5. [05643](#) Creating Section 28.06(2)(a)3244. of the Madison General Ordinances rezoning property from R2 Single-Family Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: Expansion of Existing School Building; 10th Aldermanic District: 3200 Monroe Street.
6. [05644](#) Creating Section 28.06(2)(a)3246. 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: 4-Building Apartment Development--34 Total Units; 3rd Aldermanic District: 6809 & 6827 Milwaukee Street, 6826 Reston Heights Drive & 102 Windstone Drive.
7. [05645](#) SUBSTITUTE - Creating Section 28.06(2)(a)3247. of the Madison General Ordinances rezoning property from C2 General Commercial and R2 Single-Family Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3248. of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Demolish 3 Houses & Build 39,865 Square Foot Addition to Office Building; 13th Aldermanic District: 1355 & 1359 Fish Hatchery Road and 910, 968, 972 & 976 West Wingra Drive.
8. [05736](#) SUBSTITUTE - Creating Section 28.108 of the Madison General Ordinances to establish a "Neighborhood Conservation District" and creating Section 28.12(9)(d)21. of the Madison General Ordinances to add variance of a requirement in a Neighborhood Conservation District to the list of variances that may be requested.

NOTE: File ID# 05736 was considered by the Plan Commission and they recommended changes that resulted in an Alternate version. The sponsor(s) did not approve the Plan Commission changes and a substitute has been drafted at the request of the sponsor. The substitute is included as an attachment for file ID# 05736.

**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 #'s: 12, 13, 14, 19, 20, and 27 on a motion made by Ald. King and seconded by Ald. Verveer.

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.

#### REPORTS OF OFFICERS

#### REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

9. [06002](#) Alcohol License Review Committee Report of Operator License Applications (New & Renewal) March 21, 2007.

**REPORT OF CITY ATTORNEY**

10. [05743](#) SUBSTITUTE - Amending Chapter 3 of the Madison General Ordinances by repealing those sections that regulate boards, committees and commissions and recreating them in Chapter 33, repealing other miscellaneous sections to relocate them in the appropriate chapters, and amending necessary sections throughout the ordinances to update references to the renumbered sections.
11. [05744](#) SUBSTITUTE - Amending Chapter 3 of the Madison General Ordinances by renumbering and organizing relevant sections into five (5) sub-chapters and amending necessary sections throughout the ordinances to update references to the renumbered sections.

**REPORT OF BOARD OF BUILDING CODE, FIRE CODE, AND LICENSING APPEALS**

Begins at the top of the next page.

12. [05869](#) SUBSTITUTE - Creating Sections 27.05(2)(aa), (bb), and (cc) and Section 29.20(21) of the Madison General Ordinances to require the use of compact fluorescent or light emitting diode bulbs in certain buildings.

**REPORT OF BOARD OF ESTIMATES**

Begins at the top of the next page.

13. [05709](#) SUBSTITUTE - Declaring the former Dudgeon School building and a parcel of land under and immediately adjacent to the building located at 3200 Monroe Street surplus to the needs of the City and authorizing its sale to Wingra School, Inc. ("Wingra") for the renovation, expansion and continued use of the building as a school and dedicating the lands north and south of the parcel of land being sold to Wingra as parkland. 10th Ald. Dist.

NOTE: The Board of Estimates will consider ID# 05709 at a special meeting on 3/27/07. A recommendation will be made from the Council floor.

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

14. [05717](#) Approving an Intergovernmental Agreement between Dane County and the City of Madison to complete the merger of the public health agencies of the County and City.
15. [05836](#) Adopting and confirming the Intergovernmental Agreement between the City of Madison and Dane County for creation of a City-County Health Department.

**REPORT OF BOARD OF PUBLIC WORKS**

16. [05845](#) Awarding Public Works Contract No. 6017, Boulevard/ROW Landscaping. (City Wide)

**REPORT OF COMMISSION ON THE ENVIRONMENT**

17. [05700](#) Approving the formation of an Air Quality Subcommittee to the Commission on the Environment.

**REPORT OF PED BIKE MOTOR VEHICLE COMMISSION**

18. [05735](#) Amending Section 12.1334(65) entitled "Parking Prohibited Except Temporarily While Attended by Operator" of the Madison General Ordinances (portion of Park Street).

**REPORT OF PLAN COMMISSION**

Begins at the top of the next page.

19. [05720](#) SUBSTITUTE - Adopting the Monroe Street Commercial District Plan and the recommendations contained therein as a supplement to the City's Comprehensive Plan.

**REPORT OF PUBLIC SAFETY REVIEW BOARD**

20. [05512](#) AMENDED - Creating Section 25.26 of the Madison General Ordinances to restrict the possession and use of paintball marker/"gun"s in the City of Madison, and amending Section 1.08(3)(a) of the Madison General Ordinances to establish bail amounts for this section.

**REPORT OF RISK MANAGER**

21. [05909](#) P. McCarron, 8417 Dolomite Ln., Madison - vehicle damage - \$500.00.
22. [05936](#) T. Wadlington, 2134 Kendall Ave., Madison - vehicle damage - \$400.19.
23. [05966](#) J. Czakowski, 1602 Adams St., # 7, Madison - personal injury - \$964.08.
24. [05967](#) B. Anderson, 7319 Arctic Fox Dr., Madison - vehicle damage - \$566.81.

**REFERRED TO THIS MEETING****APPOINTMENTS**

25. [05886](#) Report of the Mayor submitting citizen committee appointments (introduced 3-20-2007; action 3-27-2007)

**REPORTS**

26. [05483](#) Report of City Attorney - 2006 Annual Lobbying Report.

**RESOLUTIONS**

27. [05689](#) Authorizing the Mayor and City Clerk to execute a Professional Service Agreement with Montgomery Associates for the completion of a site selection, public participation program, and a DNR approved well siting study for a replacement well for the Utility's existing Well 3 (AD 2, 6, 15).

NOTE: THE NAME OF THE CONSULTANT WILL BE PROVIDED AT THE 3/27/07 COMMON COUNCIL MEETING.

28. [05721](#) Adopting a minor amendment to the City of Madison, City of Fitchburg and Town of Madison Cooperative Plan.
29. [05940](#) Declaring April 23 - 29, 2007, "Cover the Uninsured Week" in Madison, Wisconsin.
30. [06019](#) Creating an Ad Hoc Committee to Explore the Creation of an Office of Neighborhood Support.

**NEW BUSINESS - Referred on a motion made by Ald. King and seconded by Ald. Verveer.**

**CHARTER ORDINANCES**

31. [06008](#) Amending Section 3.03 and creating Section 3.015 of the Madison General Ordinances to establish term limits for the Mayor and Alderpersons.

**ORDINANCES**

32. [06003](#) Amending Section 3.38(1)(g) of the Madison General Ordinance by deleting the class of Community and Economic Development Unit Director in Compensation Group 21, Range 18, and creating the class of Economic and Community Development Unit Director in Compensation Group 21, Range 19, thereof.
33. [06004](#) Amending Section 3.38(1)(b) of the Madison General Ordinance by deleting the classes of Overture Center Events Manager in Compensation Group 18, Range 10; Overture Center Patron Services Supervisor in Compensation Group 18, Range 07; Overture Center Ticket Office Manager in Compensation Group 18, Range 06; and Public Facilities Maintenance Supervisor in Compensation Group 18, Range 08; and by creating the classes of Overture Center Events Manager in Compensation Group 18, Range 12; Overture Center Patron Services Manager in Compensation Group 18, Range 09; Overture Center Ticket Office Manager in Compensation Group 18, Range 08; and Overture Center Maintenance Manager in Compensation Group 18, Range 10, thereof.
34. [06018](#) Amending Section 3.38(1)(b) of the Madison General Ordinances by deleting the class of Parks Community Relations Coordinator in Compensation Group 18, Range 04, and

recreating said class in Compensation Group 18, Range 07, thereof.

35. [06032](#) Adopting and confirming Revision 258 of the Madison General Ordinances as of March 15, 2007 to incorporate the changes pursuant to Sec. 66.0103, Wis. Stats.

## RESOLUTIONS

36. [05872](#) To SUSPEND the handcrafted goods and personally prepared food vending restrictions on June 2, 2007 during the 27th Anniversary COWS ON THE CONCOURSE and authorizing the Dane County Dairy Promotion Committee, as sponsor of the special event, to select vendors, vending sites and performers for the duration of the event on the 10 blocks of E. & W. Main St. and the 100 & 200 blocks of Martin Luther King, Jr. Blvd.
37. [05873](#) To SUSPEND the handcrafted goods and personally prepared food vending restrictions on June 9, 2007 during Safety Saturday and authorizing the Madison Fire Department, as sponsor of the special event, to select vendors, vending sites and performers for the duration of the event on the 10 blocks of N. & S. Pinckney and the 100 block of E. Washington Ave.
38. [05874](#) To SUSPEND the handcrafted goods, personally prepared food vending restrictions on June 27, July 4, 11, 18, 25 and August 1, 2007 (rain dates June 28, July 5, 12, 19, 26 and August 2, 2007) from 3:00 p.m. to 11:59 p.m. during the CONCERTS ON THE SQUARE and authorizing the Wisconsin Chamber Orchestra, as sponsor of the special event, to select vendors and vending sites for the duration of this special event on the 10 blocks of E. & W Main St. and N. & S. Pinckney and the 100 blocks of E. Washington and MLK Jr. Blvd.
39. [05875](#) To SUSPEND the handcrafted goods, personally prepared food vending restrictions and INVALIDATE Mall/Concourse vending licenses from 6:00 p.m. July 13 to 9:00 p.m. July 15, 2007 in the areas specified below for the benefit of the Madison Museum of Contemporary Art, so that the 49th Annual ART FAIR ON THE SQUARE may occur.
40. [05876](#) Authorizing the Madison Museum of Contemporary Art, as sponsor of the 49th Annual ART FAIR ON THE SQUARE, EXCLUSIVE RIGHTS to select vendors, salespersons, vending sites and performers for the duration of this special event, 6:00 p.m. July 13 to 9:00 p.m. July 15, 2007, within the perimeter of the area, defined in the companion resolution, involved in the event.
41. [05877](#) To SUSPEND the handcrafted goods, personally prepared food vending restrictions and INVALIDATE certain Mall/Concourse vending licenses from 6:00 p.m. July 13, to 9:00 p.m. July 15, 2007 on the 200 block of Martin Luther King, Jr. Blvd. for the benefit of WI Alliance of Artists & Craftspeople, so that ART FAIR OFF THE SQUARE may occur.
42. [05878](#) Authorizing the WI Alliance of Artists and Craftspeople, as sponsor of the ART FAIR OFF THE SQUARE, EXCLUSIVE rights to select vendors, salespersons, vending sites and performers for the duration of the ART FAIR OFF THE SQUARE, from 6:00 p.m. July 13 to 9:00 p.m. July 15, 2007 on the 200 block of Martin Luther King Jr. Blvd.
43. [05879](#) To SUSPEND the handcrafted goods, personally prepared food vending restrictions and INVALIDATE Mall/Concourse vending licenses on July 20, 21 and 22, 2007 in the areas specified below for the benefit of the Greater State St. Business Association (GSSBA), so that MAXWELL ST. DAYS may occur.



44. [05880](#) Authorizing the Greater State Street Business Association (GSSBA), as sponsor of MAXWELL ST. DAYS, EXCLUSIVE rights to select vendors, salespersons, vending sites and performers for the duration of MAXWELL ST. DAYS, July 20, 21 and 22, 2007 within the perimeter of the area involved in the event.
45. [05881](#) To SUSPEND the handcrafted goods and personally prepared food vending restrictions on August 8, 15, 22, 29 and September 5, 2007 during the Jazz @ 5 concert series and authorizing Jazz @ 5 Inc., as sponsor of the special event, to select vendors, vending sites and performers within the 100 block of State St. for the duration of the special event.
46. [05882](#) To SUSPEND the handcrafted goods, personally prepared food vending restrictions and INVALIDATE certain Mall/Concourse vending licenses from 1:00 p.m. September 1, 2007 to 11:59 p.m. on September 2, 2007 in the areas specified below for the benefit of Madison Festivals Inc., so that TASTE OF MADISON may occur.
47. [05883](#) Authorizing Madison Festivals Inc., as sponsor of the TASTE OF MADISON, EXCLUSIVE rights to select vendors, salespersons, vending sites and performers for the duration of the TASTE OF MADISON, from 1:00 p.m. September 1, 2007 to 11:59 p.m. on September 2, 2007, within the perimeter of the area involved in the event.
48. [05884](#) To SUSPEND the handcrafted goods and personally prepared food vending restrictions Saturday, September 15, 2007 during the Food for Thought Festival and authorizing the Dane County REAP Food Group, as sponsor of the event, to select vendors, vending sites and performers for the duration of the event on the 100 block of Martin Luther King, Jr. Blvd.
49. [05947](#) That the positions of Overture Center Events Manager (#84) in Compensation Group 18, Range 10 (occupied by R. Lienau); Overture Center Ticket Office Manager (#92) in Compensation Group 18, Range 06 (occupied by R. Palmer); Overture Center Patron Services Supervisor (#81) in Compensation Group 18, Range 07 (occupied by J. Goetz); and Public Facilities Maintenance Supervisor (#96) in Compensation Group 18, Range 08 (occupied by G. Weihert) are repealed and recreated as Overture Center Events Manager in Compensation Group 18, Range 12; Overture Center Ticket Office Manager in Compensation Group 18, Range 08; Overture Center Patron Services Manager in Compensation Group 18, Range 09; and Overture Center Maintenance Manager in Compensation Group 18, Range 10, respectively. Be it further resolved that the incumbents shall be reallocated to said positions.
50. [05948](#) That the position #755 of Information Clerk in Compensation Group 20, Range 07, (occupied by S. Aiello) in the permanent salary detail of the Comptroller's Office budget is repealed and recreated as a position of Administrative Clerk 1 in Compensation Group 20, Range 09, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
51. [05970](#) Approving the geometric design for converting Winnebago Street to two-way traffic at Williamson Street to allow direct access into the Schenk Atwood business district, and a final determination of the geometric design for First Street between Winnebago Street and Eastwood Drive. (6th AD)
52. [05974](#) That the new vacant position tentatively identified as the New Unit Director no Compensation Group or Range specified in the permanent salary detail of the Community and Economic Development Unit budget is repealed and recreated as a position of Economic and Community Development Unit Director in Compensation Group 21, Range 19, thereof.

53. [06010](#) That the position #1515 of Parks Community Relations Coordinator in Compensation Group 18, Range 04, (occupied by L. Whitmore) in the permanent salary detail of the Parks Division budget is repealed and recreated as a position of Parks Community Relations Coordinator in Compensation Group 18, Range 07, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
54. [06012](#) Authorizing execution of a Municipal Revenue Sharing Agreement Between the City of Fitchburg and the City of Madison.
55. [06021](#) Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of Plat of land interests required for the construction improvements related to Milwaukee Street over the West Branch of Starkweather Creek- Engineering Project No. 53B0979 / WDOT Project No. 5992-07-49 (Right-of-Way), 5992-07-50 (Construction), 5992-07-71 (Construction).
56. [06029](#) Authorizing the Mayor and City Clerk to enter into a contract with Intergraph Corporation to provide software maintenance and support.
57. [06030](#) Authorizing the Mayor and City Clerk to enter into a contract with Bentley Systems, Incorporated to provide software maintenance and support; and authorizing the Designee of Comptroller to enter into future contracts.
58. [06031](#) Amending the operating budget to reflect technical corrections and Federal funding level changes to the CDBG Office 'projects' budget for 2007.
59. [06033](#) Recommending the selection of census tracts 23.01 and 24.02 as the focus for a concentration neighborhood planning process and encouraging the appointment of a steering committee of residents and business representatives to help develop a neighborhood plan for the area.

#### LICENSES

60. [05984](#) Public Hearing - New License  
Dashmesh LLC • dba Maharaja Grocery • 1701 Thierer Road  
Class A Liquor, Class A Beer • Agent: Balbir Singh  
Aldermanic District 17 (Ald. Rosas / Clausius) • Police Sector 515
61. [05985](#) Public Hearing - New License  
Saleem and Sabena, LLC • dba Madison Pantry Food Mart  
2201 S. Park Street • Agent: Neek Bano Khan  
Class A Liquor, Class A Beer  
Aldermanic District 14 (Ald. Bruer) • Police Sector 310
62. [05986](#) Public Hearing - New License  
Vale, Joseph W • dba Mad City Crab House  
122 State Street • estimated capacity 70  
Class B Combination Liquor & Beer • 35% alcohol, 65% food  
Aldermanic District 4 (Ald. Verveer) • Police Sector 406
63. [05987](#) Public Hearing - New License  
Anthony Dallmann-Jones, LLC • dba State Street Gallery  
109 State Street • Agent: Anthony Dallmann-Jones • estimated capacity 120  
Class B Combination Liquor & Beer • 20% alcohol, 0% food, 80% other

Aldermanic District 4 (Ald. Verveer) • Police Sector 405

64. [05997](#) Public Hearing - New License  
8410 Venden LLC • dba Barriques  
8410 Old Sauk Rd • Agent: Matt Weygandt • estimated capacity 50  
Class B Combination Liquor & Beer • 10% alcohol, 90% food  
Aldermanic District 9 (Ald. Skidmore) • Police Sector 127
65. [05998](#) Public Hearing - New License  
Majestic Theatre, LLC • dba Majestic Theatre  
115 King Street • Agent: Bryan A. Ellefson • estimated capacity 600  
Class B Combination Liquor & Beer • 40% alcohol, 1% food, 59% other  
Aldermanic District 4 (Ald. Verveer) • Police Sector 405
66. [06000](#) Public Hearing - New License  
Road Ranger, LLC • dba Road Ranger #129  
4102 Commercial Avenue • Agent: Vickie D. Mason  
Class A Beer  
Aldermanic District 3 (Ald. Cnare) • Police Sector 607
67. [06007](#) Public Hearing - New License  
TT & T Management, Inc. • dba Chins Asia Fresh  
8414 Old Sauk Road • Agent: Jamie Curtin • estimated capacity 115  
Class B Beer, Class C Wine • 8% alcohol, 91% food, 1% other  
Aldermanic District 9 (Ald. Skidmore) • Police Sector 127
68. [06009](#) Public Hearing - New License  
TT & T Management, Inc. • dba Chins Asia Fresh  
422 State Street • Agent: Jamie Curtin • estimated capacity 141  
Class B Beer, Class C Wine • 9% alcohol, 90% food, 1% other  
Aldermanic District 4 (Ald. Verveer) • Police Sector 403

#### CLAIMS - REFER TO RISK MANAGER

69. [05977](#) NOTICE OF CLAIM - Progressive Insurance Company for A. Noel, 4801 S. Biltmore Ln., Madison - vehicle damage - amount to be determined.
70. [05978](#) A. Dorschel, 1200 Tomkins Dr., Madison - vehicle damage - \$1,021.03.
71. [05979](#) A. Soofi, 9925 Talons Way, Verona - property damage - \$375.74.
72. [05980](#) D. Neuber, 5105 Sarah Ln., Middleton - personal injury - \$51.88.
73. [05989](#) J. Kadow, 740 N. Griffith Rd., Oconomowoc - vehicle damage - \$526.64.
74. [05990](#) B. Hamachek, S12923 Cedarberry Dr., Spring Green - vehicle damage - \$50.00.
75. [06039](#) A. Schiller, 546 W. Doty St., # 2, Madison - vehicle damage - \$558.94.

76. [06040](#) D. Keyes, 3110 Old Gate Rd., # C, Madison - vehicle damage - \$364.26.
77. [06041](#) D. Torgeson for M&I Bank, 4726 East Towne Blvd., Madison - property damage - \$3,035.18.

**CLAIMS - REFER TO CITY ATTORNEY**

78. [05988](#) Ragsdale, Spitz, & Reuschlein, S.C., 6515 Grand Teton Plaza, Suite 120, Madison - excessive assessment - \$569.39.