



City of Madison Proceedings - Final COMMON COUNCIL

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

Tuesday, February 7, 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. Thomas

Roll Call at 6:30 p.m., Mayor Cieslewicz in the chair. Late: Ald. Cnare (6:33 p.m.)

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

Excused: Thomas

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. [02666](#) To commend and express appreciation to Evelyn Fahrbach for her years of service with the City's Transportation Department.

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-06-00081

2. [02879](#) Presentation of parchments.

PETITIONS AND COMMUNICATIONS

None received by the agenda deadline.

BUSINESS BY THE MAYOR

3. [02795](#) Report of the Mayor submitting a listing of boards, committees and commissions that did not meet in 2005.

A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Refer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE. The motion passed by acclamation.

4. [02807](#) Report of the Mayor submitting citizen committee appointments (introduction 2-7-06; action 2-21-06)

Confirm at the 2/21/06 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 February 21, 2006. The motion passed by acclamation.

PUBLIC HEARINGS - BEGIN AT 6:45 PM

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

5. [02418](#) Public Hearing - New License
Manuel Cortez • dba Tienda Los Gemelos
6713 Odana Road • Class A Beer

Public Hearing Closed.

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

6. [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

Public Hearing Closed. Section 38.05(3)(d), MGO, (which limits bars within 300 feet of schools, churches, hospitals and libraries) was waived by a majority vote.

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

7. [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

A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Grant and Close the Public Hearing. The motion passed by acclamation.

8. [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
- A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Grant and Close the Public Hearing. The motion passed by acclamation.**

REPORT OF BOARD OF PUBLIC WORKS

9. [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 documents necessary to accomplish the land interest acquisitions. (15th AD)
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** RES-06-00082
10. [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 documents necessary to accomplish the acquisition of said properties. (16th AD)
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** RES-06-00083
11. [02745](#) Approving Plans, Specifications, and Schedule Of Assessments for the Harley Drive Street Assessment District-2006. (20th AD)
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** RES-06-00084

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:

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

12. [02618](#) Operator License Application
Daniel P. Cushing, 306 S. Park Street
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
13. [02619](#) Operator License Application
Robert P. Granger, 168 Veterans Road, Stoughton
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
14. [02621](#) Operator License Application
David L. Younk, 1402 Regent Street
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant With Condition(s). The motion passed by acclamation.
15. [02626](#) Change of Liquor Agent
Hooters of Madison, Inc. • dba Hooters of Madison • 6654 Mineral Point Road
Old Agent: Shane Beecraft • New Agent: William Gedris
Class B Combination Liquor & Beer • capacity 388 • 35% alcohol, 65% food
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
16. [02665](#) Change of Liquor Agent
M&M Madison Concessions, LLC • dba Howard Johnson Madison
3841 E. Washington • Old Agent: Ron Trachtenberg • New Agent: Larry Sloan
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.
17. [02685](#) Nightclub License Application
PMR Management, Inc. • dba Pedro's Mexican Restaurante • capacity 360
499 D'onofrio Drive • Agent: James Martine
Class B Combination Liquor & Beer • 42% alcohol, 58% food
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
18. [02686](#) Center for Visual & Performing Arts Application
PMR Management, Inc. • dba Pedro's Mexican Restaurante • capacity 360
499 D'onofrio Drive • Agent: James Martine
Class B Combination Liquor & Beer • 42% alcohol, 58% food
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Place On File. The motion passed by acclamation.

19. [02687](#) Nightclub License Application
Pedro's of Madison, Inc. • dba Pedro's Mexican Restaurante • capacity 398
3555 E. Washington Avenue • Agent: James Martine
Class B Combination Liquor & Beer • 43% alcohol, 57% food
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
20. [02688](#) Center for Visual & Performing Arts Application
Pedro's of Madison, Inc. • dba Pedro's Mexican Restaurante • capacity 398
3555 E. Washington Avenue • Agent: James Martine
Class B Combination Liquor & Beer • 43% alcohol, 57% food
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Place On File. The motion passed by acclamation.
21. [02690](#) Nightclub License Application
D and Gs, LLC • dba Capital Hill Grill • capacity 270
380 W. Washington Avenue • Agent: Brad Stroud
Class B Combination Liquor & Beer • 40% alcohol, 60% food
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
22. [02691](#) Change of Corporate Control - 1 new member
Grand China Buffet, Inc • dba China 1 Buffet Chinese Restaurant • capacity 360
518 Grand Canyon Drive • Agent: Josephine Duffy
Class B Combination Liquor & Beer • 5% alcohol, 95% food
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
23. [02882](#) Alcohol License Review Committee
February 1, 2006, 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 ESTIMATES

24. [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.
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-06-00085

25. [02683](#) Authorizing the Mayor, City Clerk and Chief of Police to accept the Buffer Zone Protection Program grant award in the amount of \$99,251 and to utilize these funds to purchase approved law enforcement equipment.
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-06-00086
26. [02702](#) Repealing Section 3.13 entitled "City Clerk" and Section 3.77 entitled "Department of Revenue" of the Madison General Ordinances.
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-06-00012
27. [02703](#) SUBSTITUTE - Repealing and recreating Section 3.12 entitled "City Treasurer" to establish an office of City Clerk/Treasurer and authorizing withdrawals and disbursements.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by the following vote:
Excused: 1 - Thomas
Aye: 19 - Benford, Sanborn, Brandon, Bruer, Cnare, Compton, Golden, King, Konkel, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Van Rooy, Verveer, Radomski and Webber
No: 0 -
Non Voting: 1 - Cieslewicz
Enactment No: CHA-06-00001
28. [02704](#) CHARTER - Amending Section 3.14(1) of the Madison General Ordinances relating to the supervision of the Assessor by the Director of the City Department of Revenue.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by the following vote:
Excused: 1 - Thomas
Aye: 19 - Benford, Sanborn, Brandon, Bruer, Cnare, Compton, Golden, King, Konkel, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Van Rooy, Verveer, Radomski and Webber
No: 0 -
Non Voting: 1 - Cieslewicz
Enactment No: CHA-06-00002

29. [02705](#) CHARTER - Creating Section 3.77(1)(jj) of the Madison General Ordinances to clarify that the office of City Clerk/Treasurer is exempt from the Civil Service System.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by the following vote:**
- Excused:** 1 - Thomas
- Aye:** 19 - Benford, Sanborn, Brandon, Bruer, Cnare, Compton, Golden, King, Konkell, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Van Rooy, Verveer, Radomski and Webber
- No:** 0 -
- Non Voting:** 1 - Cieslewicz
- Enactment No:** CHA-06-00003
30. [02707](#) Authorizing the Mayor and City Clerk to execute an agreement with Madison Gas and Electric Company ("MGE") to invest \$1.8 million on "green energy" projects over 8 years called the "Energy Partnership for a Green Capital City."
- 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. The motion passed by acclamation.**
- Enactment No:** RES-06-00087
31. [02708](#) SUBSTITUTE - Approving a contract with the Department of Veterans Affairs for the Madison Fire Department to provide services beginning March 1, 2006.
- 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-06-00088
32. [02722](#) Authorizing the Mayor and the City Clerk to enter into an agreement with the consultant team of HDR, et al., for conducting the Madison Streetcar Preliminary Feasibility Study.
- 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-06-00089

33. [02725](#) Authorizing an increase in the loan to Lake Point Madison, LLC for the Lake Point Condominium Project.
- 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:** 1 - Thomas
- Aye:** 18 - Benford, Sanborn, Bruer, Cnare, Compton, Golden, King, Konkell, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Van Rooy, Verveer, Radomski and Webber
- No:** 1 - Brandon
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-06-00090

34. [02512](#) SECOND SUBSTITUTE -- Providing for the issuance and award of ~~\$8,815,000~~ \$8,725,000 principal amount of Sewer System Revenue Bonds, Series 2006-A, of the City of Madison, Wisconsin; prescribing the form and other details and providing for the collection and disposition of the revenues to be derived from the municipal sewer system of said City; making other provisions with respect to the operation of the system and the issuance of the bonds; providing for the security and payment of the bonds; and prescribing other matters pertaining thereto.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by the following vote:**
- Excused:** 1 - Thomas
- Aye:** 19 - Benford, Sanborn, Brandon, Bruer, Cnare, Compton, Golden, King, Konkell, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Van Rooy, Verveer, Radomski and Webber
- No:** 0 -
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-06-00091

REPORT OF BOARD OF PUBLIC WORKS

35. [02723](#) Approving a Minimum Rate of Wage Scale to be paid by Contractors to the Employees on any Project of Public Works for the City of Madison. (City Wide)
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-00092
36. [02724](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Capital Square Joint Repair - 2006. (4th AD)
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-00093

37. [02728](#) Declaring the City of Madison's intention to exercise its police powers establishing the Sanitary Sewer Replacement with Resurfacing - 2006 Assessment District (City Wide)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00094
38. [02730](#) Declaring the City of Madison's intention to exercise its police powers establishing the Rolfsmeyer Drive Sanitary Sewer Assessment District (14th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00095
39. [02734](#) Accepting bituminous pavement constructed by private contract in Grandview Commons - Phase II, Private Contract No. 1875. (16th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00096
40. [02736](#) AMENDED - Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Goodman Park Maintenance Facility Reconstruction - 2006, Contract No. 5922. (13th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Skidmore, to Adopt with the following amendment: add 'BE IT FURTHER RESOLVED that the Common Council authorizes the expenditure of funds to cover expenses involved to negotiate and acquire approximately 15 linear feet of permanent easement rights and 100 feet of railroad license or easement for the water main required to serve the Goodman Park facilities. BE IT FURTHER RESOLVED that the Common Council authorizes the acceptance of the grants of easement and authorizes the Mayor and City Clerk to execute any documents required to facilitate the acquisition of said easement interests and/or railroad licenses.' The motion passed by acclamation.
Enactment No: RES-06-00097
41. [02737](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Park Paving - 2006. (Various ADs)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00098
42. [02738](#) Awarding Public Works Contract No. 5792, Interstate Commerce Park - Phase I Assessment District - 2005. (17th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00099

43. [02739](#) Awarding Public Works Contract No. 5900, West Beltline Frontage Road / Todd Drive Reconstruction. (14th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00100
44. [02740](#) Approving plans, specifications, and schedule of assessments for Interstate Commerce Park - Phase 1 Assessment District - 2005, and amending the 2005 Capital Budget by \$1,770,360.00 and that Resolution No. RES-05-00914, ID No. 00338, adopted by the Common Council on December 5, 2005 be hereby rescinded. (17th AD)
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: 1 - Thomas
Aye: 19 - Benford, Sanborn, Brandon, Bruer, Cnare, Compton, Golden, King, Konkell, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Van Rooy, Verveer, Radomski and Webber
No: 0 -
Non Voting: 1 - Cieslewicz
Enactment No: RES-06-00101
45. [02747](#) Authorizing the Mayor and City Clerk to execute an amendment to the contract between the City of Madison and Bray Associates Architects, Inc. to increase the contract payment by \$31,590 to allow the City to seek LEED (Leadership in Energy and Environmental Design) certification for the Goodman Park Maintenance Facility (formerly known as Franklin Field Maintenance Facility) renovation project.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00102
46. [02753](#) Approving plans and specifications for public improvements necessary for the project known as 3270-3276 Maple Grove Drive PUD and authorizing construction to be undertaken by the Developer, Private Contract No. 2074. (7th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00103
47. [02759](#) Accepting street improvements, excluding the bituminous pavement, constructed by private contract in Sauk Heights - Phase III, Private Contract No. 2026. (9th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00104

48. [02760](#) Accepting storm sewer constructed by private contract in Sauk Heights - Phase III, Private Contract No. 2026. (9th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00105
49. [02761](#) Accepting sanitary sewer constructed by Private Contract In Sauk Heights - Phase III, Private Contract No. 2026. (9th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00106
50. [02767](#) Declaring the City of Madison's intention to exercise its police powers establishing the Harrison Street, West Lawn Avenue and Monroe Street Reconstruction Assessment District - 2006. (10th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00107
51. [02771](#) Accepting sanitary sewer constructed by Private Contract In Lake Edge Lutheran Church Sewer Relocation, Private Contract No. 1989. (15th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00108

REPORT OF HOUSING COMMITTEE

52. [02055](#) Creating Section 27.05(2)(h)13. of the Madison General Ordinances permitting a condominium association, under certain circumstances, to be exempt from the requirement to install positive locking devices on certain doors.
A motion was made by Ald. Golden, seconded by Ald. King, to Place On File. Adopt with Recommendation(s), Van Rooy/Verveer: carry; Reconsider, Golden/Verveer: carry; Place on File, Golden/King: carry. The motion passed by acclamation.

REPORT OF MADISON ARTS COMMISSION

53. [02481](#) Accepting ownership of the Capitol Square Fountains located at Pinckney Street and East Washington Avenue.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-00109

REPORT OF MADISON METRO TRANSIT SYSTEM

54. [02831](#) Report to Common Council Regarding City Unlimited Ride Pass Program
- A motion was made by Council President Van Rooy, seconded by Ald. Compton, to Receive. The motion passed by acclamation.**

REPORT OF PLAN COMMISSION

55. [02226](#) Re-approving the final plat of "Starkweather Square" located at 513 Jacobson 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-06-00110
56. [02353](#) Adopting the Villager Site Development and Master Plan as a supplement to the adopted South Madison Neighborhood Plan and as the controlling document for the redevelopment of the Villager by the CDA. 14th Ald. Dist.
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. The motion passed by acclamation.
Enactment No: RES-06-00111
57. [02716](#) Authorizing participation in the preparation of a cooperative boundary plan under Sec. 66.0307, Wis. Stats., between the City of Madison, the Town of Burke, the Village of DeForest, and the City of Sun Prairie.
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-06-00112
58. [02799](#) Approving a Certified Survey Map of property owned by The Board of Regents of the University of Wisconsin at 1425-1433 Monroe Street. 5th 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-06-00113
59. [02800](#) Approving a Certified Survey Map of property owned by American Family Mutual Insurance Company at 5109 West Terrace Drive (The American Center). 17th 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-06-00114
60. [02801](#) Approving a Certified Survey Map of property owned by Union Corners, LLC at 2313-2525 E. Washington Avenue, 2306-2422 Winnebago Street, 2317-2415 Winnebago Street and 11 S. Fifth Street. 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-06-00115

61. [02802](#) Approving a Certified Survey Map of property owned by Premium Real Estate, LLC at 625 & 629 Hercules Trail. 3rd 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-06-00116

REPORT OF RISK MANAGER

62. [02443](#) NOTICE OF CLAIM: E. Richman, 1313 Droster Road - personal injury - \$1,534.20.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Deny. The motion passed by acclamation.**
63. [02524](#) NOTICE OF CLAIM: Attorney David Geier for A. Anderson, 1456 Highway 78 South, Mt. Horeb - personal injury, lost wages, and loss of society and companionship - \$120,500.00.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Deny. The motion passed by acclamation.**
64. [02579](#) NOTICE OF CLAIM: C. Waddell, 3505 Ridgeway Avenue - property damage - \$370.97.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Deny. The motion passed by acclamation.**
65. [02710](#) NOTICE OF CLAIM: P. Protrowski, 3620 W. Marseilles Drive, Mequon - wrongful towing and lost wages - \$350.95.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Deny. The motion passed by acclamation.**
66. [02711](#) NOTICE OF CLAIM: Latitude Subrogation Services/Frankenmuth Mutual Insurance Co. for R. Breidenbach, 2710 Willard Street - property damage - \$1,367.34.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Deny. The motion passed by acclamation.**
67. [02713](#) NOTICE OF CLAIM: SBC, 2140 Davidson Road, Waukesha - sink hole investigation costs - \$17,040.66.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Deny. The motion passed by acclamation.**

REPORT OF VENDING OVERSIGHT COMMITTEE

68. [00571](#) Amending Section 9.13(6)(e)2., deleting Section 9.13(6)(h)4., renumbering Section 9.13(6)(h)5., amending Sections 9.13(6)(j)1.b. and c., and creating Section 9.13(6)(j)4. of the Madison General Ordinances to create procedures for non-street level restaurants to have a sidewalk cafe on the State Street Mall/Capitol Concourse, creating a priority system for assigning merchant vending and sidewalk cafe sites between businesses on different levels of the same building, and amending related licensing requirements.

A motion was made by Ald. Verveer, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.

Enactment No: ORD-06-00013

REFERRED TO THIS MEETING**APPOINTMENTS**

- 69a. [02717](#) AMENDED - Report of the Mayor submitting citizen committee appointment (introduced 1-17-06; action 2-7-06).

A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Confirm except Warner Park appointment (refer to Mayor). See ID# 02944. The motion passed by acclamation.

- 69b. [02944](#) **WARNER PARK COMMUNITY RECREATION CENTER ADVISORY COMMITTEE**

Northeast Senior Coalition Recommendation:

MARGARET A. DOHM, 1618B S. Golf Glen, 53704-8450 (18th A.D.) - appointed to the remainder of a three-year term to the position of Northeast Senior Coalition Representative. Ms. Dohm has lived on the northeast side for 7 years and is active in several organizations. She succeeds Mary Jo Rimkus who resigned.
TERM EXPIRES: 4-1-2007.

This appointment was separated from ID# 02717 & referred back to the Mayor.

Refer to the Mayor's Office

NEW BUSINESS - Referred on a motion made by President Van Rooy, seconded by Ald. Verveer.**ORDINANCES**

70. [02871](#) Creating Section 28.06(2)(a)3163. of the Madison General Ordinances rezoning property from PUD(SIP) Planned Unit Development (Specific Implementation Plan) District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3164. 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 Shopping Center and Build 12-Story Mixed Use Building with 134,000 Square Feet Retail, 71,000 Square Feet Offices, 97,000 Square Feet Health Center, 62,000 Square Feet Activity Center and 350 Dwelling Units; 8th Aldermanic District: 700 Block University Avenue.

Due back at the 3/21/06 Common Council Meeting.

Refer For Public Hearing to the PLAN COMMISSION

71. [02872](#) Creating Section 15.01(554) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" annexing to the 3rd Aldermanic District the Water Utility Annexation and assigning a temporary zoning classification of A Agriculture District, creating Section 15.02(136) of the Madison General Ordinances to assign the attached property to Ward 136, and amending Section 15.03(3) to add Ward 136 to the 3rd Aldermanic District.

Due back at the 2/21/06 Common Council Meeting.

Refer to the PLAN COMMISSION

72. [02873](#) Amending Sections 2.29 and 2.40(6)(d) of the Madison General Ordinances to clarify that appearance forms may only be submitted by persons physically present at a meeting.

Refer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE

73. [02874](#) Amending Section 9.13(6)(j)1.a. of the Madison General Ordinances to allow Merchant Vendors to display merchandise on the sidewalks on certain federal holidays.

Refer to the VENDING OVERSIGHT COMMITTEE

74. [02875](#) Creating Sections 9.13(4)(t) and (u) to establish city-wide dimensions for food vending sites and to require that all food vendors provide a trash receptacle of at least 10 (ten) gallons or larger within their vending site.

Refer to the VENDING OVERSIGHT COMMITTEE

75. [02876](#) Amending Section 3.38 (1)(i)2, of the Madison General Ordinances by deleting the class of City Assessor in Compensation Group 21, Range 20, and recreating said class in Compensation Class 21, Range 17; and amending Section 3.38 (1)(b) of said Ordinances by creating the classes of Treasury Operations Manager in Compensation Group 18, Range 12, and Clerks Office Supervisor in Compensation Group 18, Range 08, thereof.

Additional Referral(s): Personnel Board

Refer to the BOARD OF ESTIMATES

76. [02877](#) 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.

Refer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE

RESOLUTIONS

77. [02806](#) Authorizing the adoption of amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to declare that CD's are not handcrafted goods for purposes of arts and crafts vending, to change the vehicle loading times for food carts on the Mall/Concourse and to require a 10-gallon minimum trash can for Mall/Concourse food vendors.

Refer to the VENDING OVERSIGHT COMMITTEE

78. [02809](#) Approving settlement of Use Value Penalty cases which are pending in the Dane County Circuit Court.
Refer to the BOARD OF ESTIMATES
79. [02810](#) Amending the 2006 Public Health Operating Budget to allow for the carry forward and expenditure of 2005 Bioterrorism Grant funds.
Additional Referral(s): Board of Health and Dane County
Refer to the BOARD OF ESTIMATES
80. [02815](#) That the vacant position #1783 of Administrative Assistant, in Compensation Group 20, Range 14, in the permanent salary detail of the Water Utility budget is repealed and recreated as an Administrative Clerk 2 in Compensation Group 20, Range 11, thereof.
Additional Referral(s): Personnel Board
Refer to the BOARD OF ESTIMATES
81. [02818](#) That position (#1192) of "Program Assistant 1", in Compensation Group 20, Range 11, (occupied by T. Woodward) in the permanent salary detail of the Traffic Engineering budget is repealed and recreated as an "Program Assistant 2 " in Compensation Group 20, Range 12, 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
82. [02819](#) That the new position tentatively identified as Stage Laborer in Compensation Group 16, Range 07, in the permanent salary detail of the Overture Center budget is repealed and recreated as a position of Facilities Maintenance Worker in Compensation Group 16, Range 09, thereof.
Additional Referral(s): Personnel Board
Refer to the BOARD OF ESTIMATES
83. [02820](#) That the position #485 of Librarian Supervisor in Compensation Group 18, Range 10, occupied by A. Michalski in the permanent salary detail of the Library budget is repealed and recreated as a position of Librarian 3 in Compensation Group 18, Range 08, thereof.
Additional Referral(s): Personnel Board
Refer to the BOARD OF ESTIMATES
84. [02824](#) Amending the Permanent Salary Detail in the Fire Department's 2006 Operating Budget to add three positions of Firefighter Paramedic 2 and delete 3 positions of Firefighter Paramedic.
Refer to the BOARD OF ESTIMATES

85. [02825](#) That the new position tentatively identified as a Treasury Operations Manager in Compensation Group 18, no Range specified, in the permanent salary detail of the Clerk /Treasurer budget is repealed and recreated as a position of Treasury Operations Manager in Compensation Group 18, Range 12, thereof. Further, that the new position tentatively identified as a Clerks Office Supervisor in Compensation Group 18, no range specified, in said agency budget is repealed and recreated as a Clerks Office Supervisor in Compensation Group 18, Range 08, thereof.

Additional Referral(s): Personnel Board

Refer to the BOARD OF ESTIMATES

86. [02826](#) That the position tentatively identified as City Assessor in Compensation Group 21, no Range specified, in the permanent salary detail of the new City Assessor's Office budget is repealed and recreated as a position of City Assessor in Compensation Group 21, Range17, thereof.

Additional Referral(s): Personnel Board

Refer to the BOARD OF ESTIMATES

87. [02828](#) Authorizing the Mayor and City Clerk to enter into Purchase of Service agreements with organizations approved for funding under the Emerging Neighborhoods Fund.

Refer to the BOARD OF ESTIMATES

88. [02837](#) Approval to accept a grant of \$227,592 from the Wisconsin Office of Justice Assistance for the Metropolitan Medical Response System.

Refer to the BOARD OF ESTIMATES

89. [02859](#) Approving the intent of the Park Division to sell lands within Doncaster Park located at 4335 Doncaster Drive to Will Investments-Southside, LLC. 10th Ald. Dist.

Additional Referral(s): Plan Commission

Refer to the BOARD OF PARK COMMISSIONERS

90. [02869](#) Approving the provision of \$350,000 of HOME and Match funds and \$50,000 of City Housing Trust fund dollars to Madison Area CLT for use as a construction loan, and authorizing the Mayor and the City Clerk to sign documents needed to implement the Troy Gardens Housing project in a manner that will continue to address City, Community, and Neighborhood Development Objectives.

Refer to the BOARD OF ESTIMATES

91. [02870](#) Amending the 2006 Adopted City of Madison Operating Budget to appropriate funds from the Contingent Reserve to join the Dane County Cities and Villages Association.

Refer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE

92. [02883](#) Honoring Ray Fisher for 28 years of service to the City of Madison.
Adopt at the 2/21/06 Common Council Meeting.
- Refer to a future Meeting to Adopt**
93. [02885](#) To authorize the Mayor and City Clerk to execute an Agreement with Coca-Cola Bottling Company of Wisconsin to provide soft drink and vending services at the Irwin and Robert Goodman Community Pool and all of the City of Madison Parks operations under the management of the Parks Division except Olbrich Botanical Gardens, Warner Park Community Recreation Center, and the Monona, Glenway, Odana Hills and Yahara Hills Golf Courses, further excepting any non-city entity reserving any city park through December 31, 2008.
Additional Referral(s): Board of Park Commissioners
- Refer to the BOARD OF ESTIMATES**
94. [02886](#) Authorizing the Mayor and City Clerk to enter into a Purchase of Service agreement with Porchlight, Inc. to manage a Transit For Jobs program utilizing Emerging Neighborhoods Funds as identified in the 2006 adopted Operating Budget.
Additional Referral(s): Community Services Commission
- Refer to the BOARD OF ESTIMATES**
95. [02895](#) Accepting an Offer to Sell Real Property from Midvale Plaza Joint Venture or its assignee for the purchase of space within the Midvale Plaza located at 525 South Midvale Boulevard and authorizing funds to complete the space for use as a City of Madison Public Library. ~~BY TITLE ONLY.~~ 11th Ald. Dist.
Additional Referral(s): Plan Commission, Board of Estimates
- Refer to the MADISON PUBLIC LIBRARY BOARD**

CLAIMS - REFER TO RISK MANAGER

96. [02791](#) NOTICE OF CLAIM: Attorney Russell Bynum for J. Childers, 610 Vernon Avenue - personal injury - amount to be determined.
97. [02792](#) NOTICE OF CLAIM: S. Anderson, 2133 Lakeland Avenue - personal injury - amount to be determined.
98. [02793](#) NOTICE OF CLAIM: Koppes Drywall, Inc., 4906 Femrite - property damage - \$780.28.
99. [02812](#) NOTICE OF CLAIM: J. Gann, Jr., 135 S. Hancock Street - personal injury - amount to be determined.
100. [02848](#) NOTICE OF CLAIM: T. Sweeney, 3802 Lien Road - property damage - \$3,075.75.

101. [02849](#) NOTICE OF CLAIM: Allied Insurance for K. Warner - property damage and personal injury - amount to be determined.
102. [02850](#) NOTICE OF CLAIM: USAA Casualty Insurance Company for K. Damon - property damage - \$6,108.37.
103. [02880](#) NOTICE OF CLAIM: K. Loppnow, N1137 Wendt Rd., Columbus - property damage - \$654.39.

CLAIMS - REFER TO CITY ATTORNEY

104. [02813](#) UNLAWFUL TAXATION: United Rentals, 1018 Ann Street - unlawful taxation - \$53,108.55.
105. [02851](#) UNLAWFUL TAXATION: Michael Best & Friedrich for Walgreen Co., 2909 E. Washington Avenue - unlawful taxation - \$51,494.00.
106. [02852](#) UNLAWFUL TAXATION: Michael Best & Friedrich for Walgreen Co., 3710 E. Washington Avenue - unlawful taxation - \$35,737.00.
107. [02881](#) UNLAWFUL TAXATION: Attorney William L. Fahey for All Saints Cottages and Condos, Inc., 8201 Highview Drive - unlawful taxation - \$13,509.93.

ITEMS INTRODUCED FROM THE COUNCIL FLOOR

108. [02935](#) Authorizing the Mayor and other City officials to execute a contract with the Wisconsin Department of Transportation for the construction of traffic signals, street lighting and signing on South Park Street
- A motion was made by Ald. Knox, Jr., seconded by Ald. Bruer, to Refer to the BOARD OF ESTIMATES. The motion passed by acclamation.**

Council President Van Rooy introduced a resolution by title only, however, this resolution was already introduced with New Business for referral (see #95, ID#:02895).

ADJOURNMENT

A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adjourn at 6:55 p.m. The motion passed by acclamation.

I certify that the foregoing action of the Common Council was approved by the Mayor on the 9th day of February, 2006.

Ordinances published February 24th, 2006.

SHARON CHRISTENSEN, DEPUTY CITY CLERK