

From: [David Ahrens](#)
To: [All Alders](#)
Subject: Fwd: What Your Alder Isn't Telling You About Tuesday's \$320M Vote
Date: Tuesday, July 15, 2025 4:26:14 PM

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From: Alex Saloutos <asaloutos@tds.net>
Date: Mon, Jul 14, 2025 at 7:34 PM
Subject: What Your Alder Isn't Telling You About Tuesday's \$320M Vote
To: David Ahrens <dmahrens@gmail.com>

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NEW BLOG POST

Madison Officials Gut Voter-Approved Lakefront Protections for \$320M Project

Posted by Alex Saloutos, 11



Key Points City officials knew about the referendum requirement “from the beginning” but kept it hidden through 8 years of planning
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From: [Nino Amato](#)
To: [All Alders](#)
Cc: [Mayor](#); [Carter, Sheri](#)
Subject: Madison voters approved Charter Ordinance 65, which created Section 8.35 of the Madison General Ordinances.
Date: Tuesday, July 15, 2025 4:29:35 PM

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Dear City Council Members,

In 1992, 61% of Madison voters approved Charter Ordinance 65, which created Section 8.35 of the Madison General Ordinances. This ordinance clearly states that any lakefront development and navigable waters requires explicit voter approval by referendum.

As the former Chair of the Goodman Community Pool Site Selection Committee and as a City Alder who supported the Monona Terrace Convention Center & Hotel Complex, I can affirm that both of these community-enhancing projects were subject to—and received—voter approval through referendums, in full compliance with the ordinance and our democratic principles.

Please understand: this Charter Ordinance is not advisory. Under Wisconsin state statutes and established case law, Charter Ordinances enacted by citizen referendum can only be amended or repealed by another direct vote of the people.

What are the negative consequences if Item 11 is approved?

Approving Item 11 would not only violate Charter Ordinance 65, but it would also set a dangerous precedent—undermining the rule of law and erode public trust in our elected officials. Based on Madison’s long-standing commitment to civic engagement, there is a strong likelihood that a Writ of Mandamus will be filed against the city and the Lakeway Project. This legal action would compel City officials to fulfill their clear legal obligations under state law and Section 8.35 of the Madison General Ordinances.

Worse yet, proceeding with Item 11 would represent a serious breach of the public’s trust—particularly in a matter involving lakefront development and the use of public resources. Such a move would undermine confidence in the integrity of future decisions made without required voter input.

Why are Charter Ordinances important?

Charter Ordinances are enshrined in state law to empower voters—particularly when public trust in government decision-making is at risk. For over three

decades, Section 8.35 has served as a legal and effective safeguard protecting Madison's waterfronts and navigable waterways from unchecked development.

For these reasons, I urge you to vote NO on Item 11, which seeks to exempt the Lakeway Project from the required referendum process. This would be a direct violation of Charter Ordinance 65 and Section 8.35.

Please Note: Never in Madison's history has a city agency—or an acting director—attempted to circumvent a Charter Ordinance, particularly on a project of such financial and environmental magnitude. I strongly encourage you to VOTE NO or to place Item 11 on file at tonight's City Council meeting.

Thank you for your time and thoughtful consideration and please don't hesitate to contact me if you have any questions or would like to discuss this matter further.
Respectfully yours,

A.J. Nino Amato (608-514-3317)

7006 Sawmill Road, Madison, WI. 53717

Former City of Madison Alder & Chair of the Goodman Community Pool
Site Selection Committee

From: [Allen Arntsen](#)
To: [All Alders](#)
Cc: [Knepp, Eric](#); [Jayme Powers](#)
Subject: Council agenda item 11: Madison LakeWay
Date: Tuesday, July 15, 2025 5:19:25 PM

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Good evening. This concerns Agenda item 11, which seeks to except the Madison LakeWay from the Shoreline Ordinance referendum requirement. I preceded Alder Evers as the 13th district alder, and served as the chair of the Lake Monona Waterfront Ad Hoc Committee, which developed the Lake Monona Waterfront Master plan that this Council approved in April 2024, and which provides the framework for the LakeWay development. I also serve on the board of Madison LakeWay Partners, a 501(c)(3) organization which serves as the City's nonprofit private partner for the planning, building, and maintaining the LakeWay.

Here's more detailed information on the shoreline ordinance amendment and why it is so important to SUPPORT the amendment (the LakeWay portion specifically) and whether the city is "skipping" a referendum. Let's talk about what's actually going on here:

The City is following the law. The Shoreline Parks and Preservation Ordinance usually requires a referendum if parkland within 50 feet of a lake is sold or permanently changed in use. It's designed to stop things like private condos popping up on the shoreline—not to block public park improvements. At the same time, the ordinance lets the Common Council approve exceptions. This is exactly what the Council is considering for the LakeWay project. It's not illegal. It's not shady. It's the process the city has used before, like when they redeveloped the Garver Feed Mill site and expanded Olbrich Gardens. The Vilas Zoo is likewise excepted.

So, what's actually happening with LakeWay? This section of lakefront is long overdue for an upgrade. Right now the paths are too narrow, there's poor bike/ped access, and the shoreline itself needs restoration. The Lake Monona Waterfront Master Plan developed by the committee I chaired worked for over two years, with over 40 public meetings, over 8,000 public comments, several public design sessions, and neighborhood feedback, which culminated in the master plan being unanimously approved by six city committees and this Council.

The proposed LakeWay improvements include:

- Wider, safer paths for bikes and walkers
- Ecological shoreline restoration to reduce erosion and improve lake health
- Better lake access for everyone, not just people driving cars
- More green space and park connections, from Olin Park to Willy Street
- This is not about privatizing the lakefront. It's about rebuilding public access and restoring the shoreline.

Why skip a referendum? This isn't about cutting corners. It's about avoiding years of delay and skyrocketing costs. The Council is legally allowed to approve exceptions for shoreline work like this, and they've done it before. Frankly, a referendum at this point would mostly be symbolic—the community has already spent years shaping this plan.

Bottom line: *Is the city following the law?*

Yes.

Is this unusual?

No—referendum exemptions for shoreline improvements happen when the Council votes for them.

Is this a public space improvement?

Yes.

Does it still include public input?

Absolutely—just through Council action and years of community feedback, not another ballot measure.

I'm happy to take any questions that any of you have at tonight's meeting. Please approve the amendment so that we can move forward designing and building a world class park at this world class location in our world class city.

Allen Arntsen

608-692-4293

From: [Barbara Bailly](#)
To: [All Alders](#)
Subject: Madison's Lake Shore Project
Date: Tuesday, July 15, 2025 6:40:43 PM

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Madison Officials Gut Voter-Approved Lakefront Protections for \$320M Project

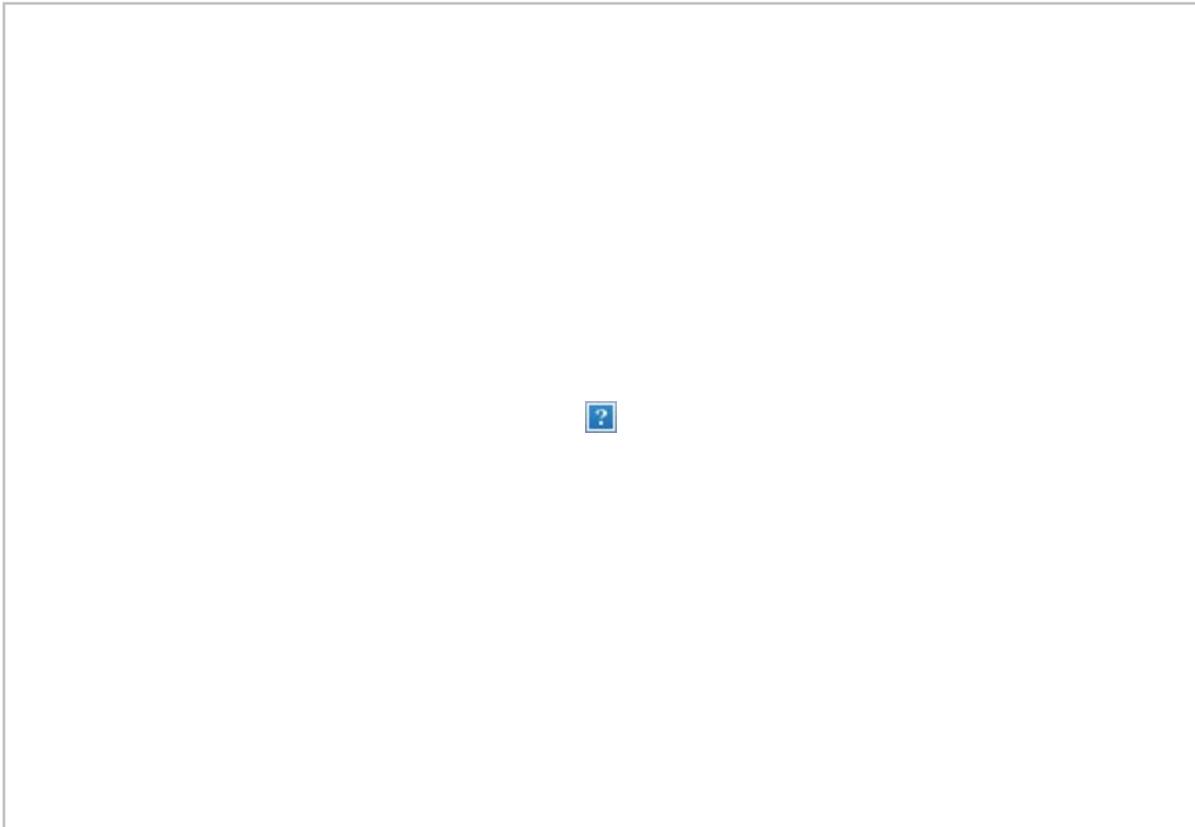


- Alex Saloutos
- 14 hours ago
- 11 min read

Key Points

- City officials knew about the referendum requirement “from the beginning” but kept it hidden through 8 years of planning
- Less than 1% of registered voters participated in the “extensive public engagement” officials cite to justify bypassing democracy
- The exemption language is so broad it covers “any construction” associated with the project—giving the Council a blank check to approve decades of development without ever asking voters
- Costs have already ballooned from \$150M to \$320M with no real funding plan beyond “blended streams” and possible privatization of parkland
- Four alders sponsoring the legislation won’t answer basic questions

about who initiated it or where they draw the line on democratic oversight



The \$320 million vision for Madison’s waterfront that city officials don’t want voters to decide on—after forgetting to mention the referendum requirement through eight years of planning. Image: LakeWay Partners.

The board room at the Parks Division offices commands a sweeping view of Lake Monona, with a wall of windows framing the very waterfront at stake—Olin, Law, and Brittingham Parks stretching along 1.7 miles of shoreline. It was here, in this room overlooking the \$320 million question, that Lisa Laschinger, Interim Parks Superintendent, stood before the Board of Park Commissioners on July 9 to make her case.

After eight years of planning Madison’s most transformational lakefront development, city officials had somehow never mentioned one crucial detail in any public document: voters had specifically required their approval for exactly this type of project.

Now, with construction looming and costs ballooning, they needed to fix their “oversight”—by asking the Common Council to strip away the very protection Madison voters had created to prevent such circumvention.

"We are not looking to circumvent any ordinance processes," Laschinger told the commissioners, apparently without irony. "This is an exemption from this particular ordinance 8.35."

In that conference room, with only two members of the public present to witness it, the machinery of municipal government was grinding away at one of the last remaining checks on its power. The Madison LakeWay Project—described in planning documents as “a once-in-a-generation opportunity to shape the future of Madison’s urban waterfront”—was about to slip through a loophole so vast it would swallow the democratic process whole.

The Ghost in the Machine

To understand the full scope of this betrayal, you need to travel back to 1988, when Madison city officials tried to bulldoze acres of wooded lakefront at Turville Park for a large swimming pool complex and parking lot. No public vote. No referendum. Just officials who knew better than the people they served.

The citizen uprising that followed didn’t just stop that project—it fundamentally rewrote the rules of power in Madison. In 1992, 61% of voters approved Charter Ordinance 65, creating Section 8.35 of the Madison General Ordinances. The message was unambiguous: major lakefront development requires explicit voter approval. Period.

Charter ordinances aren’t suggestions or guidelines. They’re the nuclear

option of local democracy—laws that citizens enact through referendum that can only be changed by another vote of the people. They exist precisely because voters don't trust their elected officials to make certain decisions without direct democratic oversight.

For three decades, Section 8.35 stood as a guardian of Madison's waterfront. Sometimes it was honored—the convention center, the Goodman Pool, and the Garver Feed Mill all went to referendum as required. Sometimes it was circumvented through narrow exemptions. But never before had officials attempted to gut it so thoroughly for a project of this magnitude.

The Disappeared Ordinance

The roots of the LakeWay Project reach back at least to 2012, when the City of Madison's Downtown Plan, approved by the Common Council, identified "a downtown park along the Lake Monona shoreline as the top planning priority." Since then, the city has produced thousands of pages of documents, held dozens of meetings, and spent untold hours and dollars developing the proposal.

Yet nowhere—not in a single planning document, not in the approved master plan, not in any public presentation—did anyone mention that Section 8.35 would require a referendum.

This wasn't an oversight. It was a strategy.

When I asked Laschinger when the Parks Division first realized they'd need either a referendum or an exemption, her response was revealing in its candor: "The Parks Division has known since the beginning of the project that MGO 8.35 would need to be addressed. Based on experience

with other improvement projects, this is an appropriate time to be moving the request for exemption forward."

Translation: We always knew about this requirement. We just didn't tell anyone until it was too late to stop us.

The resolution exempting the LakeWay Project from referendum wasn't made public until July 1, 2025, when it was introduced at a Common Council meeting and immediately referred to the Board of Park Commissioners. After eight years of planning, the public got two weeks' notice that their voting rights were about to be eliminated.

The Money Nobody Wants to Talk About

The financial sleight of hand surrounding this project deserves its own investigation. In 2022, city estimates ranged from \$150 to \$250 million. By 2025, the draft Parks & Open Space Plan acknowledges costs of \$250 to \$320 million—"presumably if built today." No bids have been received. No construction has started. The only trajectory for these numbers is up.

Madison LakeWay Partners, trying to make the project seem more palatable, emphasizes on their website that "the preliminary cost estimate for the first phase of the project is between \$12 and \$16 million." But this is exactly the piecemeal budgeting trick that created Madison's current fiscal crisis—approve projects in phases without revealing the true total cost, then claim you're too invested to stop when the bills come due.

Throughout years of public engagement—somewhere between 1,000 to 2,000 participants based on the city's descriptions—there was virtually no discussion of costs or funding. The plan speaks vaguely of "blended streams of public and private funds" and floats the possibility of "private

developments such as hotels or restaurants on parkland” to generate revenue.

When asked about the referendum exemption, Jayme Powers, CEO of Madison LakeWay Partners, responded: “We believe there is enthusiastic support for the Madison LakeWay, and the community is eager to see this project move forward. We respect the Common Council's careful consideration and will abide by their decision.”

This careful neutrality from LakeWay Partners leaves all the political maneuvering to city officials, who have shown no such restraint in their push to bypass voter approval.

The Democratic Deficit

The city’s defense of bypassing referendum rests on a fundamental misconception about democracy. They point to their “lengthy and robust public process” spanning nearly eight years. They cite the people who participated in various planning activities. They reference the multiple boards and commissions that blessed the project.

But here’s the math they don’t want you to see: Madison has 203,371 registered voters. Even using the most generous estimate of 2,000 participants, that represents less than 1% of the electorate. And unlike a referendum where every vote counts equally, these participants were self-selected enthusiasts who already supported the project and wanted to influence its design.

Calling this democratic participation is like claiming a focus group of iPhone users represents public opinion on smartphones. The people who show up for waterfront planning sessions aren’t a random sample—they’re

the choir being preached to.

True democracy means every registered voter gets an equal voice on a clear question: Do you approve spending up to \$320 million to transform our lakefront? That's what Section 8.35 guarantees. That's what city officials appear desperate to avoid.

The Backpedal Heard 'Round Madison

The July 9 Park Commissioners meeting revealed just how flimsy the city's justifications really are. When I pressed Laschinger via email after the meeting about her claim that the city had exempted "multiple other projects of similar size," she was forced to backtrack.

"I didn't mean to cause confusion by this statement," she admitted in a follow-up email, before listing the actual exemptions: botanical gardens improvements, zoo construction, three historic houses, the Garver Feed Mill, and a 776-square-foot boundary dispute. None remotely approach the LakeWay Project's \$320 million price tag or 1.7-mile scope.

Even more revealing was her attempt to explain how seeking an exemption from the referendum requirement wasn't actually "circumventing" anything. The mental gymnastics required to make this argument would qualify for the Olympics. She's literally asking the Council to exempt the project from a referendum requirement while claiming this doesn't circumvent the referendum requirement.

This isn't mere bureaucratic double-speak. It's an admission that even city staff can't reconcile what they're doing with basic democratic principles.

The Pattern of Erosion

What's happening with the LakeWay Project isn't an isolated incident. It's the culmination of a decades-long effort to neuter Section 8.35 through death by a thousand cuts.

Look at the pattern:

- 1996: Olbrich Botanical Gardens exempted
- 1997: Henry Vilas Zoo exempted
- 2011: Three East Gorham Street properties exempted
- 2014: Garver Feed Mill exempted (after voters had already approved it via referendum)
- 2025: Spring Harbor Beach boundary dispute exempted

The 2014 exemption deserves special scrutiny. In the same resolution that exempted Garver, the Council also deleted paragraph 8.35(7), which explicitly stated this was a charter ordinance. They based this deletion entirely on a 2004 City Attorney opinion claiming Section 8.35 didn't meet charter ordinance requirements—a fatally flawed legal analysis bolstered by a deceptive Wisconsin Supreme Court ruling, as we'll explore in an upcoming post.

Each exemption weakened the ordinance and made the next exemption easier to justify. Now officials want their biggest carve-out yet: blanket permission for the Council to approve anything “associated with” the LakeWay Project across four major parks and 1.7 miles of shoreline—without ever asking voters.

At the July 9 meeting, Laschinger repeatedly emphasized that the Council

would still need to approve any future development, as if that somehow satisfied the democratic oversight requirement. The commissioners, apparently unfamiliar with why voters created Section 8.35 in the first place, found this reassurance sufficient. They seemed not to grasp the fundamental point: Section 8.35 exists precisely because voters don't trust the Council alone to make these decisions. The whole purpose was to require voter approval in addition to Council approval for major lakefront projects.

This bait-and-switch—substituting Council approval for voter approval while pretending nothing has changed—reveals either a profound misunderstanding of democratic oversight or a deliberate attempt to obscure what's really happening: the complete elimination of the public's direct voice in transforming their waterfront.

The breadth of this exemption language cannot be overstated. “Any construction in or change in the legal status” that is “associated with the Madison LakeWay Project” could justify virtually anything for decades to come. Future hotels on parkland? Covered. Private restaurant leases? Included. Complete transformation of public space into revenue-generating developments? All perfectly legal without ever asking voters.

The Silence of the Alders

Four members of the Common Council sponsor this legislation: Michael Verveer, Derek Field, Carmella Glenn, and Tag Evers. When I reached out with specific questions about who initiated this proposal, what constituent outreach they conducted, and where they draw the line on democratic oversight, their response was unanimous: silence.

Glenn's behavior at the July 9 meeting was particularly telling. As both a Park Commissioner and a sponsor of the exemption, she had the perfect

opportunity to explain her reasoning. Instead, she said nothing. Not a word about why she believes voters should be cut out of this decision. Not a syllable defending the circumvention of a charter ordinance.

This silence speaks volumes about how this legislation came to be. It bears all the hallmarks of an administration-driven proposal with alders serving as mere rubber stamps. The mayor's office wants it. Staff supports it. The alders' job is to provide the votes, not ask questions—or apparently, not even to represent their constituents who overwhelmingly voted to make this a charter ordinance.

The Information Black Hole

Perhaps even more troubling than the alders' silence is what they're being told—or rather, what they're not being told—by city staff.

The entire analysis provided to guide this momentous decision consists of three sentences. That's it. Three sentences to justify overturning a voter-enacted protection that has stood for 33 years.

The “Drafter's Analysis” never mentions that Section 8.35 was created by 61% of voters through referendum. It fails to explain what a charter ordinance is or why it matters. It provides no discussion of alternatives, no analysis of precedent, no acknowledgment of the democratic principles at stake. There is no staff report. No pros and cons. No fiscal analysis beyond “No City appropriation required”—itself a deception given the project's \$320 million price tag.

Instead, this is the entirety of what elected officials are given to guide their vote:

This ordinance would create an exception to the preservation of shoreline parks ordinance to allow the City to proceed with the Madison LakeWay Project in Olin Park (northwest of Wingra Creek), along the John Nolen causeway, and in Brittingham and Law Parks. Under the ordinance, any change in the legal status of, or major construction in, a shoreline park must be approved by City-wide referendum. The Madison LakeWay Project is a major project that, by the time of its construction, will have been the subject of years of planning and public discussions. Exempting this project from the ordinance will allow implementation of the Master Plan to proceed without the need of a referendum.

That's not analysis—it's a tautology. We should exempt it from referendum because that will allow us to proceed without a referendum.

When Laschinger presented to the Board of Park Commissioners on July 9, she added no substantive information beyond defending this circular logic. She never explained the history of Section 8.35, never mentioned it was a charter ordinance, never acknowledged that voters specifically created this requirement to constrain exactly this type of project.

This isn't neutral staff work—it's advocacy by omission. The commissioners and alders voting on this exemption are doing so essentially blind, without being informed of the most basic facts about what they're being asked to overturn.

When staff deliberately provides the absolute minimum information possible, when they transform what should be thorough policy analysis into three sentences of bureaucratic justification, when they hide the very existence of a voter-enacted charter ordinance from the officials asked to gut it—they're not just failing in their professional duty. They're actively sabotaging the democratic process they're supposed to serve.

This is how democracy dies in Madison: not through vigorous debate over competing values, but through three sentences that pretend thirty-three years of voter protection never happened.

The Reckoning

Madison stands at a crossroads that will define its democratic future. On Tuesday, July 15, the Common Council will vote on whether to exempt the LakeWay Project from the referendum requirement voters put in place specifically to prevent this kind of end-run.

The stakes extend far beyond one project, however transformational. If officials can gut voter protections whenever convenient, if they can hide referendum requirements through eight years of planning only to claim it's too late for democracy, if they can redefine "public engagement" to mean whatever serves their purposes—then charter ordinances mean nothing. Voter-approved protections become mere suggestions. And government by the people devolves into government despite the people.

The city's planning documents weren't wrong when they called this a once-in-a-generation opportunity. But the real opportunity isn't about landscaping or lake access. It's about whether Madison remains a city where transformational decisions require actual democratic consent, or whether we've already surrendered to a system where "public engagement" means being allowed to comment on decisions already made.

On Tuesday, every alder will face a simple choice: Honor the democratic protections voters created, or join the 33-year effort to dismantle them. Their vote will reveal whether they serve the people who elected them or the administration that wants this project approved by any means necessary.

The last time Madison officials tried to transform our lakefront without asking voters, citizens rose up and created Section 8.35. That protection has been weakened, undermined, and ignored—but it still stands. The question now is whether anyone in power remembers why it exists.

Or whether, after 33 years of erosion, there's anything left to defend.

Call to Action

The exemption ordinance comes before the Common Council as Item 11 on Tuesday, July 15. Time is running short, but your voice still matters:

- Register your opposition on the city's website [here](#) for agenda item 11.
- Sign up to speak at the Council meeting, either in person or via Zoom [here](#) for agenda item 11.
- Contact your [alder](#) immediately—every message counts
- Forward this story to friends
- Share this article on social media—most Madisonians have no idea this is happening
- Show up Tuesday if possible—nothing beats a packed council chamber

[77SquareMiles.com](#) covers what mainstream media won't—because democracy dies in darkness, especially at City Hall. © Alex Saloutos 2025.

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From: [John Jacobs](#)
To: [All Alders](#)
Subject: Vote NO to exempt LakeWay from Shoreline Parks & Preservation charter ordinance.
Date: Tuesday, July 15, 2025 7:01:59 PM

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Dear alders,

Please vote NO on item #11 - which would exempt the still nascent, still developing LakeWay project from adhering to our Shoreline Parks and Preservation ordinance.

Madison voters directly approved the charter ordinance with 61% approval.

While our democracy and the rule of law are under attack at the federal level, our Madison Common Council should follow the law, do what is prescribed by ordinance, and not take illegal short cuts because it seems easy.

Follow the ordinance. Vote NO.

Thank you.

John Jacobs
Kendall Avenue

From: [Dianne Jenkins](#)
To: [All Alders](#)
Subject: Agenda Item 11 - Why I Oppose
Date: Tuesday, July 15, 2025 7:01:58 PM

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Alders,

I am writing to express my opposition to Agenda Item 11, Creating Subdivision 8.35(3)(f) of the Madison General Ordinances to allow for construction and change in the legal status of certain lands associated with the Madison LakeWay Project without a referendum as required by the current ordinance. Unfortunately, I only learned of this issue yesterday, via a neighborhood listserv.

It appears that the city's rationale for revising the ordinance to exempt the Madison LakeWay project area from the requirement of a referendum is based on staff's belief that "a significant amount of public engagement" during project development meant further engagement with the public was unnecessary.

Giving an opinion or otherwise weighing in on the project is not equivalent to giving consent/approval. Further, individuals who engaged in the project during the developmental phase (including me) were not made aware that by so engaging they were potentially forfeiting their right to vote to approve or not approve the project.

In today's political climate, one would hope that the City Council would lean in towards engaging more, rather than less, with the public.

Lakeshore land is a precious resource and its potential uses need to be held to a high standard.

The LakeWay Project is a terrific project, and a referendum is the way to ensure that the majority of city residents agree.

Please oppose the proposed revision.

From: [Gregg and Chris Knoche](#)
To: [All Alders](#)
Subject: Vote No to Agenda Item 88846
Date: Tuesday, July 15, 2025 4:35:46 PM

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Please vote 'No' to exempt the Lakefront Redesign project from being exempt from Ordinance 8.35. There are several reasons for my position on this agenda item:

- This type of project is exactly what that ordinance is for. There is a significant cost involved and an almost reversible impact that can be felt for years to come.
- The economic and political landscape has changed a great deal since this effort started and over the last year.
- Federal funding reductions are putting extra costs on local taxpayers for education, infrastructure and healthcare. These are all items the voters need to be able to balance as part of a decision on where to spend money and how their taxes are affected.
- This referendum was known about by the planners. Waiting until the 11th hour to now request an exemption because of all the time put in is disingenuous and erodes trust in city leadership, our checks and balances and the processes to ensure there are checks and balances.

Thanks

Gregg Knoche

From: jeffreycprice@gmail.com
To: [All Alders](#)
Subject: 7/15 Meeting Discussion Item # 11
Date: Tuesday, July 15, 2025 10:36:48 PM

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Thank you to each of you for your very intelligent and productive discussions tonight regarding Agenda Item #11. I appreciate the considerations you each gave to the proposal and to Ald. Verveer's amendment making it work all the way around.

A stylized, handwritten signature in black ink that reads "JCP". The letters are bold and cursive, with the "J" and "P" being particularly prominent.

Jeffrey C Price
jeffreycprice@gmail.com

From: [Alex Saloutos](#)
To: [All Alders](#)
Subject: Opposition to Legistar File ID No. 88846—Exempting Madison LakeWay Project from Voter-Approved Referendum Requirement
Date: Tuesday, July 15, 2025 6:26:23 PM
Attachments: [250717 MEMO LAKEWAYREFERENDUM COMMONCOUNCIL.pdf](#)

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Council members:

I am unable to attend your meeting this evening and submit the attached public comments regarding Exempting Madison LakeWay Project from Voter-Approved Referendum Requirement, Legistar File ID No. 88846. Thank you for your time and consideration.

Alex Saloutos

Email: asaloutos@tds.net

Cell phone: (608) 345-9009

M E M O R A N D U M

Date: July 15, 2025

To: Common Council, City of Madison

From: Alex Saloutos

Re: **Opposition to Legistar File ID No. [88846](#)—Exempting Madison LakeWay Project from Voter-Approved Referendum Requirement**

I am a home owner and resident of District 5 and am unable to speak at the Common Council meeting this evening. This memorandum respectfully urges you to reject the proposed ordinance exempting the Madison LakeWay Project from the referendum requirement established by Section 8.35 of the Madison General Ordinances. I submit this information and analysis to ensure the Council has a complete understanding of what you are being asked to approve and its implications for democratic governance in Madison.

Summary

The proposed ordinance seeks to exempt a \$250-320 million lakefront transformation from the voter approval that Madison residents specifically required through referendum in 1992. City officials have known “from the beginning” that Section 8.35 would require a referendum, yet they deliberately excluded this information from eight years of planning documents, only revealing it two weeks before asking you to eliminate this democratic protection. The exemption language is so broad—covering “any construction in or change in the legal status” associated with the project—that it grants blanket permission for decades of development without voter oversight.

This represents the culmination of a 33-year erosion of voter protections, made worse by the complete failure of staff to provide adequate analysis. The entire “Drafter's Analysis” consists of three sentences that omit the ordinance's history as a voter-enacted charter ordinance, provide no alternatives, and offer circular reasoning: we should exempt it from referendum because that will allow us to proceed without referendum. Less than 1% of registered voters participated in the “extensive public engagement” cited to justify this circumvention. The Council should honor the clear intent of 61% of Madison voters who created this protection and require that the LakeWay Project proceed to referendum—potentially in phases given its scope—with any changes in legal status such as sales or leases of parkland requiring separate voter approval.

Factual Background

- 1. The Origin of Section 8.35.** In 1988, city officials attempted to bulldoze acres of wooded lakefront at Turville Park for a large swimming pool complex and parking lot without voter approval. The resulting citizen uprising led to the creation of Charter Ordinance 65 in 1992, approved by 61% of voters, which became Section 8.35 requiring referendum approval for major lakefront construction or changes in legal status.
- 2. The Hidden Requirement.** The Madison LakeWay Project has been in planning since at least 2012, when the Downtown Plan identified a downtown park along the Lake Monona shoreline as the top planning priority. Through eight years and thousands of pages of documents, the referendum requirement was never mentioned in any public planning document.

3. **Staff Admission.** When questioned, Interim Parks Superintendent Lisa Laschinger admitted: “The Parks Division has known since the beginning of the project that MGO 8.35 would need to be addressed. Based on experience with other improvement projects, this is an appropriate time to be moving the request for exemption forward.”
4. **Project Scope and Costs.** The LakeWay Project encompasses 1.7 miles of shoreline and 17 acres including Olin Park (northwest of Wingra Creek), the John Nolen Drive causeway, Brittingham Park, and Law Park. Costs have escalated from \$150-250 million (2022) to \$250-320 million (2025) with no bids received and no construction started.
5. **Inadequate Public Process.** Despite claims of “extensive public engagement,” only 1,000-2,000 people participated across all phases—less than 1% of Madison's 203,371 registered voters. There was virtually no discussion of costs or funding during this engagement.
6. **Pattern of Erosion.** Section 8.35 has been systematically weakened through exemptions:
 - 1996: Olbrich Botanical Gardens
 - 1997: Henry Vilas Zoo
 - 2011: Three East Gorham Street properties
 - 2014: Garver Feed Mill (plus deletion of charter ordinance designation per File #35491)
 - 2025: Spring Harbor Beach (776 square feet)
7. **Inadequate Staff Analysis.** The entire analysis provided to guide your decision consists of three sentences. It fails to mention the ordinance was voter-enacted, provides no discussion of alternatives or implications, and offers only circular logic as justification.
8. **Broad Exemption Language.** The proposed ordinance exempts “any construction in or change in the legal status” of the specified parks “that is associated with the Madison LakeWay Project”—language so expansive it could justify anything for decades.

Analysis and Conclusion

This ordinance asks you to overturn 33 years of voter-mandated protection based on three sentences of circular reasoning. The fact that staff knew “from the beginning” about the referendum requirement but deliberately excluded it from public documents until the last possible moment reveals a calculated strategy to circumvent democratic oversight.

The inadequacy of the staff analysis alone should give you pause. For a decision of this magnitude—overturning a voter-enacted protection to enable a \$320 million project—you deserve comprehensive analysis of implications, alternatives, and precedent. Instead, you received less information than a typical rezoning request.

The Parks Superintendent’s claim that seeking an exemption from the referendum requirement doesn’t “circumvent” that requirement defies logic and insults the intelligence of both the Council and the public. This is precisely the kind of semantic gymnastics that erodes public trust in government.

Given the project's unprecedented scope and evolving nature, a single blanket referendum would be inappropriate. The project should proceed to referendum in phases, allowing voters to approve each major component as plans solidify and actual costs emerge. Any proposed changes in legal status—sales, leases, or transfers of parkland—should require separate referendum approval to prevent the privatization of public assets without voter consent.

The pattern is clear: each exemption makes the next easier to justify until the voter protection becomes meaningless. The LakeWay exemption, with its breathtakingly broad language, would effectively nullify Section 8.35 for the largest and most transformational lakefront development in Madison's history.

You face a defining choice: honor the democratic protection that 61% of voters created specifically to constrain this type of project, or continue the 33-year erosion of citizen oversight. Your constituents deserve the right to vote on mortgaging their future for a project whose costs have already ballooned before breaking ground.

Call to Action

For the foregoing reasons, the Common Council should reject File #88846 and direct that the Madison LakeWay Project proceed to referendum as Section 8.35 requires. Given the project's scope and evolving nature, this should occur in phases with separate votes for major components and any changes in legal status of public parkland. Honor the voters who created this protection. Respect the democratic process. Vote NO on this exemption.

For questions or additional information, please contact me at asaloutos@tds.net or (608) 345-9009.

From: [Bert Zipperer](#)
To: [All Alders](#)
Subject: I Never, Ever Thought the City Would Refuse to Honor the 1992 Charter Ord. Requirement
Date: Tuesday, July 15, 2025 7:46:17 PM

Some people who received this message don't often get email from bgzipperer@gmail.com. [Learn why this is important](#)

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Dear Alders --

There was just a comment in the meeting about how people became aware of the lack of referendum only in the past day or two -- and that is true for me.

I never, ever, ever thought the City would refuse to honor the requirement to hold a referendum on a shoreline park project.

And only in the past day or so did it become clear that the City was not honoring this requirement.

The question is whether we are following the charter ordinance requirement.

And only in the past day has it become clear the City had no problem exempting itself from the referendum. And that is wrong.

Bert

--

Bert G. Zipperer
c/o Linden Cohousing
107 Sutherland Court, Unit #101
Madison, WI 53704

From: [Bert Zipperer](#)
To: [All Alders](#)
Subject: It's about protecting our limited precious parkland shorelines
Date: Tuesday, July 15, 2025 9:42:03 PM

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That is why we are urging the Charter Ordinance requirement must be honored.
It's about democracy being used to protect the shorelines. And if the project is a good one --
great!
Let the people decide in a referendum.
Bert

--

Bert G. Zipperer
c/o Linden Cohousing
107 Sutherland Court, Unit #101
Madison, WI 53704

From: [Bert Zipperer](#)
To: [All Alders](#)
Subject: Monona Terrace did have to go to referendum due to Shoreline Parks Charter Ordinance
Date: Tuesday, July 15, 2025 9:25:12 PM

Some people who received this message don't often get email from bgzipperer@gmail.com. [Learn why this is important](#)

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YES.... in fall, 1992 the Monona Terrace needed to get referendum approval in order to proceed -- due to this Charter Ordinance.

It passed the same night Bill Clinton won the presidency.

The process worked and the convention center was approved.

Bert Zipperer

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Bert G. Zipperer
c/o Linden Cohousing
107 Sutherland Court, Unit #101
Madison, WI 53704

From: [Bert Zipperer](#)
To: [All Alders](#)
Subject: Re: OPPOSE Exemption for Shoreline Parks Referendum Requirement (Agenda #11)
Date: Tuesday, July 15, 2025 9:12:43 PM

Some people who received this message don't often get email from bgzipperer@gmail.com. [Learn why this is important](#)

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In 1992's referendum vote -- everyone knew what they were voting for..... to protect the shoreline parks from being developed or built upon without a full city referendum. It was clear to all voters to not see it takes a lot of effort, in my opinion. It does look like people are trying to deny the obvious language of this charter ordinance in order to pass their favored project and save the "bother" of democratic involvement by Madison's residents.
Bert Zipperer

On Tue, Jul 15, 2025 at 6:53 PM Bert Zipperer <bgzipperer@gmail.com> wrote:

Dear Alders --

As District 6 Alder, I worked on the efforts in 1991-92 to collect the signatures needed to place this Charter Ordinance on the ballot -- to protect the Shoreline Parks' Open Spaces. As we all realize, typical development plans tragically trump any and all environmental considerations in many cities.

This Charter Ordinance (passed by referendum in 1992) was a grassroots attempt to assure Madison's environment, and our limited and precious shoreline open spaces, had very specific protections.

The need to protect parkland from destruction of the shoreline -- with the permanent nature of the building proposed -- is a prime example. If it makes sense - of course it will pass a referendum.

But the question NEEDS TO GO TO REFERENDUM.

The referendum requirement assures a full, community-wide engagement. To "EXEMPT" this requirement is a cynical abandonment of both environmental stewardship and local democracy.

Please do NOT support this effort -- take back your sponsorship, and speak out against it. This "exception" -- if passed -- will now become the "rule" of how we deal with parklands on the shoreline. Please don't be the ones who sold out environmental protections for future generations.

Bert Zipperer

--

Bert G. Zipperer
c/o Linden Cohousing
107 Sutherland Court, Unit #101
Madison, WI 53704

--

Bert G. Zipperer
c/o Linden Cohousing
107 Sutherland Court, Unit #101

Madison, WI 53704

From: [Bert Zipperer](#)
To: [All Alders](#)
Subject: Re: OPPOSE Exemption for Shoreline Parks Referendum Requirement (Agenda #11)
Date: Tuesday, July 15, 2025 8:54:01 PM

Some people who received this message don't often get email from bgzipperer@gmail.com. [Learn why this is important](#)

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Interestingly enough -- I was intensely involved in the passing of the Charter Ordinance in 1992 and there was NEVER any discussion about it not being a charter ordinance.....

Until tonight.

I find this to be deeply disturbing and a bit cynical too.

Do we, as a City, intend to protect our shoreline parks -- or are we opening up the floodgates for attractive buildings and structures in shoreline areas around our lakes? Do we respect existing charter ordinances or not?

Bert Zipperer

On Tue, Jul 15, 2025 at 6:53 PM Bert Zipperer <bgzipperer@gmail.com> wrote:

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Bert Zipperer

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c/o Linden Cohousing
107 Sutherland Court, Unit #101
Madison, WI 53704

--

Bert G. Zipperer
c/o Linden Cohousing

107 Sutherland Court, Unit #101
Madison, WI 53704

From: [Bert Zipperer](#)
To: [All Alders](#)
Subject: Re: OPPOSE Exemption for Shoreline Parks Referendum Requirement (Agenda #11)
Date: Tuesday, July 15, 2025 8:43:48 PM

Some people who received this message don't often get email from bgzipperer@gmail.com. [Learn why this is important](#)

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If you vote YES, you are writing a Blank Check for "public-private" development.... according to the presentation I am seeing.

This blank check is dangerous I urge a NO vote.

Bert

On Tue, Jul 15, 2025 at 6:53 PM Bert Zipperer <bgzipperer@gmail.com> wrote:

Dear Alders --

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c/o Linden Cohousing
107 Sutherland Court, Unit #101
Madison, WI 53704

--

Bert G. Zipperer
c/o Linden Cohousing
107 Sutherland Court, Unit #101
Madison, WI 53704

From: Bert Zipperer
To: All Alders
Subject: Re: The Question is about a Referendum: OPPOSE Exemption for Shoreline Parks Referendum Requirement (Agenda #11)
Date: Tuesday, July 15, 2025 7:38:41 PM

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How did we have all this process over the past many years -- and the Charter Ordinance was never referenced?

Community engagement is not a referendum -- it doesn't substitute for the requirements of the Charter Ordinance.

Bert

On Tue, Jul 15, 2025 at 7:30 PM Bert Zipperer <bgzipperer@gmail.com> wrote:

Dear Alders --

I am listening to a long description of the public process by a City committee..... but the question here is whether we need to follow the charter ordinance of 1992 -- passed by a citizen initiative referendum -- to hold a referendum to approve this project.

I'm glad there was an extensive process -- but using the "Question and Answer" time to provide unlimited time to talk for one person is wrong.

The question is do we need to go to a referendum?

And that answer is "Yes!"

Bert

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Bert Zipperer

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107 Sutherland Court, Unit #101
Madison, WI 53704

From: Bert Zipperer
To: All Alders
Subject: The Question is about a Referendum: OPPOSE Exemption for Shoreline Parks Referendum Requirement (Agenda #11)
Date: Tuesday, July 15, 2025 7:30:18 PM

Some people who received this message don't often get email from bgzipperer@gmail.com. [Learn why this is important](#)

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Bert

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c/o Linden Cohousing
107 Sutherland Court, Unit #101
Madison, WI 53704

From: [Bert Zipperer](#)
To: [All Alders](#)
Subject: OPPOSE Exemption for Shoreline Parks Referendum Requirement (Agenda #11)
Date: Tuesday, July 15, 2025 6:53:29 PM

Some people who received this message don't often get email from bgzipperer@gmail.com. [Learn why this is important](#)

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Dear Alders --

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