



# City of Madison

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

## Master

**File Number: 51475**

**File ID:** 51475      **File Type:** Resolution      **Status:** Passed  
**Version:** 1      **Reference:**      **Controlling Body:** FINANCE COMMITTEE  
**File Created Date :** 04/30/2018  
**File Name:** 11458 Amendment Lease to City 3325 Thurber Ave Artist Studio      **Final Action:** 05/15/2018

**Title:** Amending Resolution Enactment No. RES-18-00069 FILE ID 49683, which authorizes a lease with the Town of Blooming Grove for space within the building located at 3325 Thurber Avenue for use as an artist studio; authorizing the Planning Division on behalf of the City of Madison to accept a grant of up to \$12,000 from the Madison Community Foundation to cover needed bathroom remodeling costs, among other things; and amending the Planning Division's 2018 Adopted Operating Budget to appropriate these funds in revenue and corresponding expenditures.

**Notes:** TO BE INTRODUCED FROM THE FLOOR

**Sponsors:** Sheri Carter and Marsha A. Rummel      **Effective Date:** 05/21/2018

**Attachments:** 11458 Exhibit A.pdf      **Enactment Number:** RES-18-00399

**Author:** Heidi J. Fischer, Real Estate Agent and Karin Wolf, Arts Prc      **Hearing Date:**

**Entered by:** afreedman@cityofmadison.com      **Published Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Economic Development Division	04/30/2018	Referred for Introduction				
	<b>Action Text:</b> This Resolution was Referred for Introduction						
	<b>Notes:</b> Finance Committee, Plan Commission and Madison Arts Commission.						
1	COMMON COUNCIL	05/01/2018	Refer	FINANCE COMMITTEE		05/07/2018	Pass
	<b>Action Text:</b> A motion was made by Rummel, seconded by Clear, to Refer to the FINANCE COMMITTEE. The motion passed by voice vote/other.						
	<b>Notes:</b> Additional referral to Plan Commission, Madison Arts Commission.						
1	FINANCE COMMITTEE	05/01/2018	Refer	PLAN COMMISSION		05/07/2018	
	<b>Action Text:</b> This Resolution was Refer to the PLAN COMMISSION						
	<b>Notes:</b>						
1	FINANCE COMMITTEE	05/01/2018	Refer	MADISON ARTS COMMISSION			

Action Text: This Resolution was Refer to the MADISON ARTS COMMISSION

Notes:

1 FINANCE COMMITTEE 05/07/2018 RECOMMEND TO COUNCIL TO ADOPT (15 VOTES REQUIRED) - REPORT OF OFFICER Pass

Action Text: A motion was made by Baldeh, seconded by Verveer, to RECOMMEND TO COUNCIL TO ADOPT (15 VOTES REQUIRED) - REPORT OF OFFICER. The motion passed by voice vote/other.

Notes:

1 PLAN COMMISSION 05/07/2018 Return to Lead with the Recommendation for Approval FINANCE COMMITTEE 05/07/2018 Pass

Action Text: A motion was made by Cantrell, seconded by Rewey, to Return to Lead with the Recommendation for Approval to the FINANCE COMMITTEE. The motion passed by voice vote/other.

Notes:

1 COMMON COUNCIL 05/15/2018 Adopt - 15 Votes Required Pass

Action Text: A motion was made by Baldeh, seconded by Carter, to Adopt - 15 Votes Required. The motion passed by the following vote:

Notes:

- Ayes: 17 Ledell Zellers; Amanda Hall; Michael E. Verveer; Marsha A. Rummel; Steve King; Zach Wood; Paul E. Skidmore; Maurice S. Cheeks; Arvina Martin; Sara Eskrich; Sheri Carter; Denise DeMarb; Samba Baldeh; Rebecca Kemble; Mark Clear; Matthew J. Phair and Barbara Harrington-McKinney
- Recused: 1 Shiva Bidar-Sielaff
- Excused: 2 Larry Palm and David Ahrens
- Non Voting: 1 Paul R. Soglin

**Text of Legislative File 51475**

**Fiscal Note**

The proposed resolution amends adopted RES-18-00069 (File ID 49683) and accepts \$12,000 from the Madison Community Foundation. Adopted RES-18-00069 authorized the City of Madison to lease building space from the Town of Blooming Grove to provide studio space for a commissioned artist to create a piece of permanent public art for the City. The proposed resolution amends RES-18-00069 by extending the "Initial Term" from three to five years and specifies that the Town of Blooming Grove remodels the existing bathroom within the leased premises to make it ADA compliant. Ten thousand dollars of the \$12,000 granted to the City of Madison from the Madison Community Foundation will go towards the remodeling costs and \$2,000 will be directed to citywide community garden efforts. Planning's 2018 Adopted Operating Budget will be amended to accept and expend these funds. No additional General Fund appropriation is required.

**Title**

Amending Resolution Enactment No. RES-18-00069 FILE ID 49683, which authorizes a lease with the Town of Blooming Grove for space within the building located at 3325 Thurber Avenue for use as an artist studio; authorizing the Planning Division on behalf of the City of Madison to accept a grant of up to \$12,000 from the Madison Community Foundation to cover needed bathroom remodeling costs, among other things; and amending the Planning Division's 2018 Adopted Operating Budget to appropriate these funds in revenue and corresponding

expenditures.

**Body**

WHEREAS, on January 16, 2018, a lease with the Town of Blooming Grove was approved by Resolution Enactment No. RES-18-00069, File No. 49683 (copy attached as Exhibit A), which lease will allow for the City's use of space within the Town's vacant building located at 3325 Thurber Avenue as an artist studio; and

WHEREAS, as part of the conditional use approval process with the County of Dane, it has been determined that the existing restroom within the leased space needs to be made ADA compliant; and

WHEREAS, the City Arts Program Administrator has determined that the cost of such ADA restroom remodeling work will be in the range of \$5,000 - \$10,000; and

WHEREAS, the Town of Blooming Grove has agreed to perform the needed bathroom remodeling work, provided that the City reimburse the Town an amount not to exceed \$10,000 for any remodeling work in excess of \$5,000 and provided that the initial term of the lease be changed from 3 years to 5 years; and

WHEREAS, the City has been approved for grant funding from the Madison Community Foundation for up to \$12,000, \$10,000 of which can be used for the bathroom remodeling costs and \$2,000 of which shall be directed to City-wide community garden efforts.

NOW, THEREFORE, BE IT RESOLVED that numbered paragraph 2 of Resolution Enactment No. RES-18-00069 is hereby amended to read as follows:

2. Term and Renewal Options. The "Initial Term" of the Lease shall be five (5) years. The Lease may be renewed for subsequent one (1) year terms upon agreement of the parties, with rent and all other terms and conditions of the Lease remaining the same as during the original term.

BE IT FURTHER RESOLVED that numbered paragraph 10 of Resolution Enactment No. RES-18-00069 is hereby amended to read as follows:

10. Contingency. The lease shall be contingent upon the County of Dane granting the necessary zoning and occupancy approvals. If such approvals are not granted by September 1, 2018, the Lease shall be deemed null and void, unless both parties agree in writing to waive or extend this contingency.

BE IT STILL FURTHER RESOLVED that Resolution Enactment No. RES-18-00069 is hereby amended to include the following additional numbered paragraph:

11. Construction by Town. The **Town** agrees to remodel the existing bathroom within the Leased Premises to make it ADA compliant. The City shall reimburse the Town for any such remodeling costs in excess of \$5,000, but in no event shall the City's reimbursement be greater than \$10,000.

BE IT STILL FURTHER RESOLVED that all other terms and conditions of Resolution Enactment No. RES-18-00069 shall remain the same.

BE IT STILL FURTHER RESOLVED that the Planning Division, on behalf of the City of Madison,

is authorized to accept funding not to exceed \$12,000 from the Madison Community Foundation. Up to \$10,000 of such funds shall be used to cover the City's obligations under the lease for 3325 Thurber Avenue with regard to the bathroom remodeling work and \$2,000 of such funds shall be directed to City-wide community garden efforts.

BE IT STILL FURTHER RESOLVED, that the Madison Arts Program Administrator will administer the grant.

BE IT FINALLY RESOLVED, that the 2018 Adopted Operating Budget of the Planning Division is amended to appropriate the funds from the Madison Community Foundation.

# EXHIBIT A

## City of Madison

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



### Master

**File Number: 49683**

**File ID:** 49683

**File Type:** Resolution

**Status:** Passed

**Version:** 1

**Reference:**

**Controlling Body:** MADISON ARTS  
COMMISSION

**File Created Date :** 11/28/2017

**File Name:** 11458 - Lease to City 3325 Thurber Ave. Artist Studio

**Final Action:** 01/16/2018

**Title:** Authorizing the execution of a lease with the Town of Blooming Grove of space within the building located at 3325 Thurber Avenue for use as an artist studio.

#### Notes:

**Sponsors:** Sheri Carter and Marsha A. Rummel

**Effective Date:** 01/22/2018

**Attachments:** 11458 Locator Map and Image.pdf

**Enactment Number:** RES-18-00069

**Author:** Heidi J. Fischer, Real Estate Agent

**Hearing Date:**

**Entered by:** afreedman@cityofmadison.com

**Published Date:**

#### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Economic Development Division	11/28/2017	Referred for Introduction				
	<b>Action Text:</b>	This Resolution was Referred for Introduction					
	<b>Notes:</b>	Finance Committee, Plan Commission and Madison Arts Commission.					
1	COMMON COUNCIL	12/05/2017	Refer	FINANCE COMMITTEE		01/08/2018	Pass
	<b>Action Text:</b>	A motion was made by Baldeh, seconded by Verveer, to Refer to the FINANCE COMMITTEE. The motion passed by voice vote/other.					
	<b>Notes:</b>	Additional Referrals: Plan Commission, Madison Arts Commission					
1	FINANCE COMMITTEE	12/05/2017	Referred	MADISON ARTS COMMISSION		01/09/2018	
	<b>Action Text:</b>	This Resolution was Referred to the MADISON ARTS COMMISSION					
	<b>Notes:</b>						
1	FINANCE COMMITTEE	12/05/2017	Referred	PLAN COMMISSION		01/08/2018	
	<b>Action Text:</b>	This Resolution was Referred to the PLAN COMMISSION					
	<b>Notes:</b>						
1	FINANCE COMMITTEE	01/08/2018	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER				Pass
	<b>Action Text:</b>	A motion was made by Rummel, seconded by Verveer, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.					

Notes:

1 PLAN COMMISSION 01/08/2018 Return to Lead with the Recommendation for Approval FINANCE COMMITTEE Pass

Action Text: A motion was made by Berger, seconded by Hagenow, to Return to Lead with the Recommendation for Approval to the FINANCE COMMITTEE. The motion passed by voice vote/other.

Notes:

1 MADISON ARTS COMMISSION 01/09/2018 Return to Lead with the Recommendation for Approval FINANCE COMMITTEE Pass

Action Text: A motion was made by Schrank, seconded by Pino, to Return to Lead with the Recommendation for Approval to the FINANCE COMMITTEE. The motion passed by voice vote/other.

1 COMMON COUNCIL 01/16/2018 Adopt Pass

Action Text: A motion was made by Rummel, seconded by Baldeh, to Adopt. The motion passed by voice vote/other.

1 registration in support.

---

**Text of Legislative File 49683**

**Fiscal Note**

The proposed resolution authorizes leasing building space with the Town of Blooming Grove to provide studio space for a commissioned artist to create a piece of permanent public art for the City of Madison. The "Initial Term" of the lease shall be three (3) years and the City will pay annual rent of \$2,400 along with estimated monthly utility costs of \$200. These expenses will be covered by the Municipal Art Fund, which has approximately \$364,000 in available funds.

**Title**

Authorizing the execution of a lease with the Town of Blooming Grove of space within the building located at 3325 Thurber Avenue for use as an artist studio.

**Body**

WHEREAS, the Town of Blooming Grove is the owner of the vacant Quonset hut building located at 3325 Thurber Avenue in the Town of Blooming Grove (the "Building"); and

WHEREAS, the Madison Arts Commission has identified funding from the Municipal Art Fund to lease space within the Quonset hut in order to provide studio space for an artist who is being commissioned to create a piece of permanent public art for the City of Madison; and

WHEREAS the Madison Arts Commission will partner with the Madison Public Library Bubbler program to select the artist-in-residence and manage the residency; and

WHEREAS the artist-in-residence may receive additional compensation from the Municipal Art Fund for their work as their project is conceptualized, designed, and approved; and

WHEREAS, the terms of a lease have been negotiated between Planning Division staff, the Office of Real Estate Services and the Town of Blooming Grove.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk are authorized to execute a lease ("Lease") with the Town of Blooming Grove ("Town"), on the following general terms and conditions:

1. Leased Premises. The "Leased Premises" shall consist of approximately 551 square feet of

floor space within the building located at 3325 Thurber Avenue, Town of Blooming Grove ("Building"); together with the use of common areas. The Leased Premises is depicted on attached Exhibit A.

2. Term and Renewal Options. The "Initial Term" of the Lease shall be three (3) years. The Lease may be renewed for subsequent one (1) year terms upon agreement of the parties, with rent and all other terms and conditions of the Lease remaining the same as during the original term.
3. Rent. The City shall pay to the Town annual rent in the amount of \$2,400.00. Rent shall be prorated for any partial year the Lease may be in effect.
4. Use. The City will occupy and use the Leased Premises for the purpose of an artist studio.
5. Common Areas. The Town grants to the City and the City's employees, agents, customers, invitees, vendors, licensees, and contractors the right to use, in common with all others to whom the Town has or may hereafter grant rights to use the same, the "Common Areas" located on the Property. The term "Common Areas" is defined as the bathrooms located at the rear of the Building, parking area, sidewalks, driveway, and all other areas or improvements which may be provided by the Town for the common use or benefit of the users and occupants of the Property. The Town reserves the right to control and manage the Common Areas in its sole discretion and to establish rules and regulations for the use thereof. The Town shall be responsible for cleaning, maintaining and repairing the Common Areas, with the exception that the City shall be responsible for cleaning of the restrooms located at the rear of the Building as provided in Paragraph 7.c. Notwithstanding the foregoing, the restrooms shall be available for use by others only in association with reserved events at Thurber Park.
6. Town Responsibilities and Expenses. The Town shall be responsible for the following items associated with the Leased Premises and Common Areas and all costs related thereto:
  - a. Real estate taxes and assessments.
  - b. Fire and extended insurance coverage.
  - c. Refuse and recycle material removal.
  - d. Maintenance and repair of the foundations, roofs, windows, doors, sewer systems, floors and structural portions of the walls and other structural members (both interior and exterior).
  - e. Repair and maintenance of improvements located within the Leased Premises including those related to the building systems (e.g., HVAC, electrical and plumbing systems).
  - f. Snow removal.
  - g. Lawn and grounds maintenance.
  - h. Management and administration.

7. City Responsibilities and Expenses. The City shall be responsible for the following items associated with the Leased Premises and all costs related thereto:
  - a. Utilities (gas, electric, water, sewer, storm water charges, telephone and data installation and services).
  - b. Cleaning of the Leased Premises.
  - c. Weekly cleaning of the Common Area restrooms, except the Town shall be responsible for cleaning prior to any reserved events at Thurber Park.
8. Insurance. As evidence of the below coverages, either party may request a certificate of insurance from the other party.
  - a. Beginning on the Lease Commencement Date and continuing throughout the term of the Lease, the Town shall maintain the following insurance coverages:
    - (1) A policy of comprehensive fire, extended coverage, vandalism, malicious mischief and other endorsements deemed advisable by the Town insuring the Leased Premises and all appurtenances thereto (excluding the City's inventory, trade fixtures, furniture, furnishings, equipment and personal property) for the full insurable replacement value thereof, with such a deductible not to exceed \$10,000. The Town's policy shall also provide for a waiver of subrogation in favor of the City.
    - (2) Commercial general liability insurance, including contractual liability, with no less than the following limits of liability as may be amended from time to time by the City's Risk Manager: bodily injury, death, personal injury, and property damage of \$1,000,000 per occurrence.
  - b. The City shall maintain, at its sole cost, throughout the Lease Term personal property insurance in an amount to cover any and all loss or damage to the City's personal property located within the Leased Premises.
9. Liability. Each party shall be responsible for the consequences of its own acts, errors or omissions and for the acts, errors or omissions of its employees, officers, officials, agents, boards, committees and commissions, and shall be responsible for any losses, claims, and liabilities that are attributable to such acts, errors, or omissions including providing its own defense, arising out of this Lease. In situations involving joint liability, each party shall only be responsible for such losses, claims, and liabilities that are attributable to its own acts, errors, or omissions and the acts, errors or omissions of its employees, officers, officials, agents, boards, committees and commissions. It is not the intent of either party to waive, limit or otherwise modify the protections and limitations of liability found in Wis. Stat. 893.80 or any other protections available to the parties by law.
10. Contingency. The Lease shall be contingent upon the County of Dane granting the necessary zoning and occupancy approvals. If such approvals are not granted by February 28, 2018, the Lease shall be deemed null and void, unless both parties agree in writing to waive this contingency.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute

the Lease and all additional documents that may be required to complete this transaction on forms approved by the City Attorney.

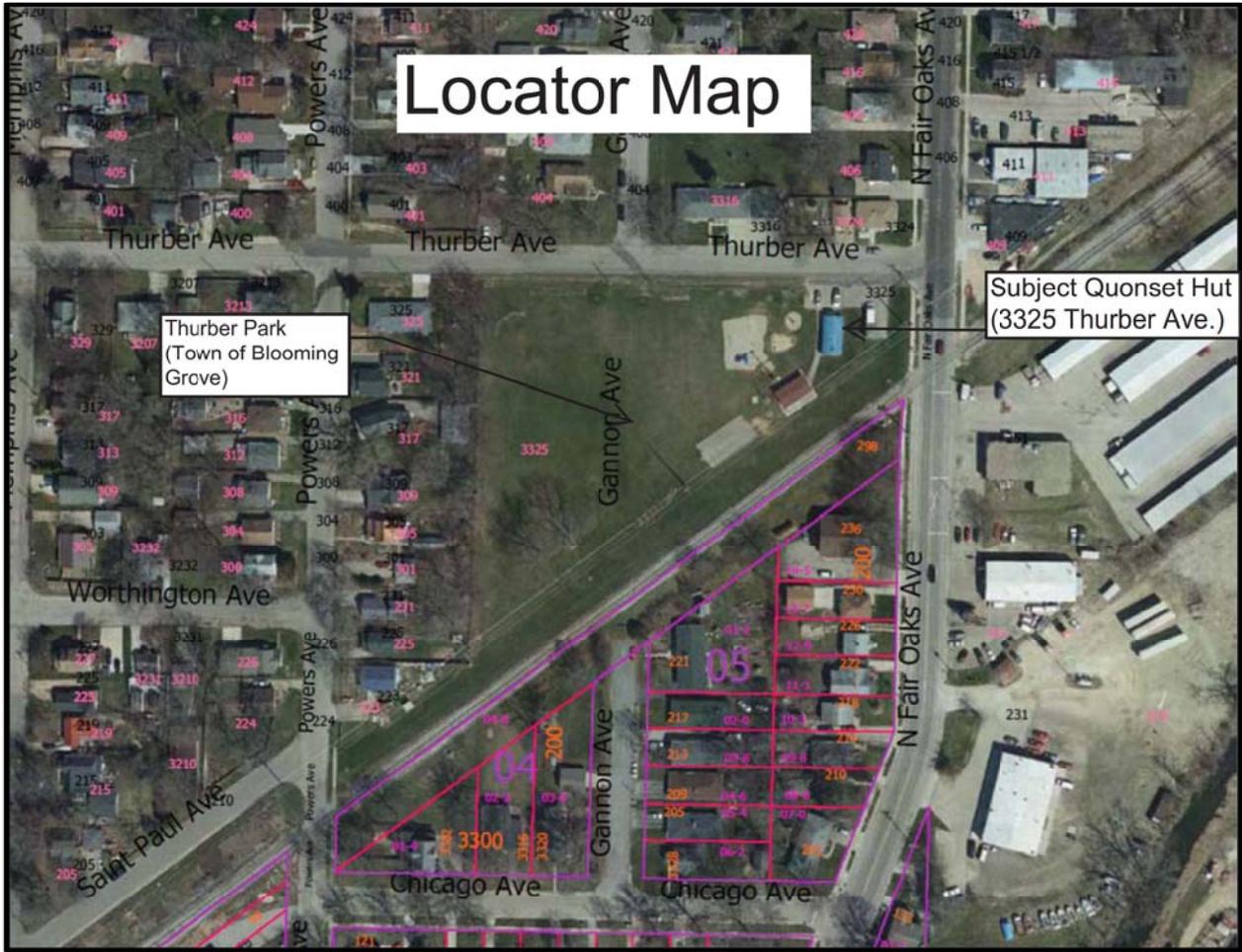


Image of Quonset Hut

# EXHIBIT A