

MEMORANDUM

TO: Garver Feed Mill Criteria and Selection Committee

FROM: Dan Rolfs

DATE: June 25, 2014

SUBJECT: Garver Feed Mill Referendum Scenarios

EXECUTIVE SUMMARY

Madison General Ordinance 8.35 requires voter approval “for any change in the legal status” of “public parks bordering on lakes or navigable waterways”. The Garver Feed Mill is located in Olbrich Park (bordering on Lake Monona and Starkweather Creek). The City Attorney’s Office has opined that the sale of the building and / or long-term lease of the parkland underneath constitute a “change in legal status”. As such, any proposal to sell the Building and enter into a ground lease with an outside party would require voter approval, unless an exception is added into the ordinance to accommodate the sale or lease of the Building or land. There are currently exceptions for Olbrich Botanical Gardens, Vilas Zoo, and three houses in James Madison Park (640, 646, and 704 East Gorham St)

By State Statute, any referendum must be submitted to the County Clerk 70 days prior to an election. This referendum must first be approved by the Common Council. Staff anticipates that a referendum under MGO 8.35 for Garver would also be referred to four other bodies, including Plan Commission, the Board of Park Commissioners, Board of Estimates, and Landmarks, prior to being acted on by the Common Council.

Staff has outlined several scenarios to provide the Committee with possible timelines. Scenarios A and B contemplate a referendum question being finalized before the selection of a development team for Garver. In these cases a referendum would be worded broadly to ensure any proposal selected would meet the terms of the referendum.

Scenario A – Nov 4, 2014 referendum

1. June – Aug 2014 – Committee drafts RFP
2. July 1, 2014 - Common Council referendum introduction
 - a. Referrals to Landmarks, Plan Commission, Board of Park Commissioners, Board of Estimates
3. Aug 5, 2014 – Council approval of referendum language
4. Referendum language filed with the County Clerk no later than Aug 26, 2014
5. Sept – Oct 2014 – Council review and approval of issuance of RFP
6. Nov 4, 2014 referendum
7. Nov 2014 – Jan 2015 – Response period for RFP
8. Jan – March 2015 – Committee review and recommendation of development team

9. April – May 2015 – Common Council action on Committee recommendation

Scenario B – April 7, 2015 referendum

1. June – Aug 2014 – Committee drafts RFP
2. Aug – Oct 2014 – Council review and approval of issuance of RFP
3. Nov 2014 – Jan 2015 – Response period for RFP
4. Dec 2, 2014 – Referendum language introduced to Common Council
 - a. Referrals to Landmarks, Plan Commission, Board of Park Commissioners, Board of Estimates
5. Jan 20, 2015 – Common Council approval of referendum language
6. Referendum language filed with the County Clerk no later than Jan 26, 2015
7. Jan – March 2015 – Committee review and recommendation of development team
8. April 7, 2015 referendum
9. April – May 2015 – Common Council action on Committee recommendation

Scenario C – Feb 16, 2016 referendum

1. June – Aug 2014 – Committee drafts RFP
2. Aug – Oct 2014 – Council review and approval of issuance of RFP
3. Nov 2014 – Jan 2015 – Response period for RFP
4. Jan – March 2015 – Committee review and recommendation of development team
5. April – May 2015 – Common Council action on Committee recommendation
6. Oct 20, 2015 – Referendum language introduced to Common Council
 - a. Referrals to Landmarks, Plan Commission, Board of Park Commissioners, Board of Estimates
7. Dec 1, 2015 – Common Council approval of referendum language
8. Referendum language filed with the County Clerk no later than Dec 8, 2015
9. Feb 16, 2016 referendum

Scenario D - Referendum exception

An alder may request that the City Attorney's Office draft the appropriate language to provide for an exception to MGO 8.35 at any time. An exception would then be sent to the Common Council and any appropriate committees or commissions for review and action.