



City of Madison

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

Proceedings - Approved COMMON COUNCIL

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Tuesday, February 24, 2009

6:30 PM

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

Roll Call at 6:36 p.m., Mayor Cieslewicz in the Chair.

Present: 20 - Libby Monson
David J. Cieslewicz
Jed Sanborn
Brenda K. Konkel
Lauren Cnare
Robbie Webber
Marsha A. Rummel
Eli Judge
Paul E. Skidmore
Brian L. Solomon
Tim Gruber
Satya V. Rhodes-Conway
Julia S. Kerr
Tim Bruer
Larry Palm
Judy Compton
Joseph R. Clausius
Michael Schumacher
Mark Clear
Thuy Pham-Remmele

Excused: 1 - Michael E. Verveer

OPENING REMARKS

SUSPENSION OF 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 Ald. Bruer, seconded by Ald. Clear, to Suspend the Rules. The motion passed by voice vote/other.

Suspend the Rules to take item # 10 out of order.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Suspend the Rules. The motion passed by the following vote:

Ayes: 14 - Jed Sanborn
 Lauren Cnare
 Eli Judge
 Paul E. Skidmore
 Tim Gruber
 Julia S. Kerr
 Tim Bruer
 Larry Palm
 Judy Compton
 Joseph R. Clausius
 Michael Schumacher
 Mark Clear
 Thuy Pham-Remmele
 Libby Monson

Noes: 5 - Brenda K. Konkel
 Robbie Webber
 Marsha A. Rummel
 Brian L. Solomon
 Satya V. Rhodes-Conway

Excused: 1 - Michael E. Verveer

Non Voting: 1 - David J. Cieslewicz

HONORING RESOLUTIONS

- 1. [13437](#) To commend the Apartment Association of South Central Wisconsin and Executive Director, Nancy Jensen.

Sponsors: Julia S. Kerr, Tim Bruer, David J. Cieslewicz, Joseph R. Clausius, Mark Clear, Lauren Cnare, Judy Compton, Tim Gruber, Eli Judge, Brenda K. Konkel, Libby Monson, Larry Palm, Thuy Pham-Remmele, Satya V. Rhodes-Conway, Marsha A. Rummel, Jed Sanborn, Michael Schumacher, Paul E. Skidmore, Brian L. Solomon, Michael E. Verveer and Robbie Webber

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-09-00172

PETITIONS AND COMMUNICATIONS

PETITIONS

- 2. [13607](#) Petition dated January 10, 2009 from R. Armstrong, 5313 Milward Dr., Madison and residents in the area located just west of Odana Golf Course re: proposed construction of the transmission line along the Beltline by ATC.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Refer to the Attorney's Office. The motion passed by voice vote/other.

EARLY PUBLIC COMMENT

SPECIAL ORDER OF BUSINESS AT 6:45 PM

PRESENTATION OF CONSENT AGENDA

At this time, a consent agenda will be moved with the recommended action listed for each item EXCEPT #: 7,10, 21, 44, 54 and 62 on a motion made by Ald. Bruer, seconded by Ald. Clear.

PUBLIC HEARINGS - BEGIN AT 6:45 PM

- 3. [13187](#) Metro: Discussion, and possible reconsideration of and action on Fares and 2009 Adopted Budget - TPC 01/13/09.

Sponsors: Jed Sanborn, Michael Schumacher, Paul E. Skidmore, Judy Compton, Mark Clear, Lauren Cnare, Libby Monson, Joseph R. Clausius and Tim Bruer

6 Registrant(s) in support wishing to speak; 46 Registrant(s) in opposition wishing to speak; 1 Registrant(s) neither in support nor opposition wishing to speak; 2 Registrant(s) in support not wishing to speak; 29 Registrant(s) in opposition not wishing to speak.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt a modified action of the Transit and Parking Commission by substituting the \$2 adult cash fare and other elements of the fare structure presented to the Transit and Parking Commission on 1/13/09 titled "Fare and Revenue Option 4/1/09" which includes the Low Income Fare Initiative and reaffirm the original 2009 Metro budget commitment to provide service enhancements at the original \$150,000. The motion passed by the following vote:

- Ayes:** 11 - Libby Monson
 Jed Sanborn
 Lauren Cnare
 Paul E. Skidmore
 Tim Bruer
 Larry Palm
 Judy Compton
 Joseph R. Clausius
 Michael Schumacher
 Mark Clear
 Thuy Pham-Remmele

- Noes:** 8 - Brenda K. Konkel
 Robbie Webber
 Marsha A. Rummel
 Eli Judge
 Brian L. Solomon
 Tim Gruber
 Satya V. Rhodes-Conway
 Julia S. Kerr

- Excused:** 1 - Michael E. Verveer

Non Voting: 1 - David J. Cieslewicz

REPORT OF PLAN COMMISSION

- 4. [13107](#) Creating Section 28.06(2)(a)3399 of the Madison General Ordinances rezoning property from R6 General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3400 of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Demolish medical office and construct mixed-use building with 42 apartments, office/retail space and a health club; 4th Aldermanic District: 425 West Washington Avenue.

Sponsors: Common Council By Request

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Rerefer for Recessed Public Hearing to the PLAN COMMISSION. The motion passed by voice vote/other.

- 5. [13110](#) Creating Section 28.06(2)(a)3405. of the Madison General Ordinances rezoning property from C3 Highway Commercial District and R5 General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3406. of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Construct mixed-use building with 65 apartments and 4,200 square feet of retail space; 8th Aldermanic District: 904 & 906 Regent Street; 909-913 College Court.

Sponsors: Common Council By Request

4 Registrant(s) in support not wishing to speak.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt and Close the Public Hearing. The motion passed by voice vote/other.

Enactment No: ORD-09-00032

- 6. [13222](#) Amending Secs. 28.06(3)(a), 28.105(1)(c)4.b., and 28.105(2)(d)4.c., of the Madison General Ordinances to update the Floodplain Insurance Rate Map and the Flood Insurance Study for the City of Madison.

Sponsors: Lauren Cnare

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt and Close the Public Hearing. The motion passed by voice vote/other.

Enactment No: ORD-09-00033

END OF PUBLIC HEARINGS

BUSINESS PRESENTED BY THE MAYOR

- 7. [13463](#) Report of the Mayor submitting citizen committee appointments (introduced 2-3-2009; action 2-24-2009).

Sponsors: David J. Cieslewicz

A motion was made by Ald. Konkel, seconded by Ald. Bruer, to Confirm, except the Housing Committee appointment (ID# 13833 created and referred to the 3/3/09 Common Council Meeting). The motion passed by voice vote/other.

- 8. [13531](#) Report from the Mayor submitting the affirmative action status of boards, commissions and committees.

Sponsors: David J. Cieslewicz

Due back at the 3/17/09 Common Council Meeting (Report is for information only. No action is required.)

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Refer to the COMMON COUNCIL, due back on 3/17/2009. The motion passed by voice vote/other.

- 9. [13532](#) Report of the Mayor submitting citizen committee appointments (introduced 2-24-2009; action 3-3-2009).

Sponsors: David J. Cieslewicz

Confirm at the 3/3/09 Common Council Meeting.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Refer to a future Meeting to Confirm to the COMMON COUNCIL, due back on 3/3/2009. The motion passed by voice vote/other.

- 10. [13728](#) Authorizing City staff to submit an application to the U.S. Economic Development Administration for up to a \$4 million grant to construct the Midwest BioLink Commercialization and Business Center (BioLink) within the BioAg Gateway, and accepting the willingness of the Madison Development Corporation (MDC) to serve as co-applicant on said application.

Sponsors: Judy Compton and David J. Cieslewicz

1 Registrant(s) in support not wishing to speak.

A motion was made by Ald. Clear, seconded by Ald. Compton, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-09-00203

REPORTS OF OFFICERS

REPORT OF AFFIRMATIVE ACTION COMMISSION

- 11. [13356](#) Amending Sections 39.02(3)(d)8. and 39.02(9)(g)6. of the Madison General Ordinances to make the ordinances consistent with recently adopted rules of appeal for Affirmative Action matters.

Sponsors: Joseph R. Clausius

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: ORD-09-00034

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

- 12. [13743](#) Alcohol License Review Committee Report of Operator License Applications 2/18/09. See attached report for list of operators.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant. The motion passed by voice vote/other.

REPORT OF BOARD OF ESTIMATES

- 13. [13294](#) SUBSTITUTE - Authorizing the Mayor and City Clerk to execute an agreement with Martin Schreiber & Associates, Inc. for direct state government lobbying services for 2009.

Sponsors: David J. Cieslewicz and Tim Bruer

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-09-00173

- 14. [13337](#) Amending the 2009 budget of the Affordable Housing Trust Funds (AHTF) to provide for additional expenditures of \$82,250 to support projects that have been previously authorized but for which no disbursements have yet been made.

Sponsors: Tim Bruer and Thuy Pham-Remmele

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-09-00174

15. [13361](#) Authorizing the Mayor and City Clerk to sign an agreement with Porchlight, Inc. for outreach services.
- Sponsors:** Tim Bruer, Thuy Pham-Remmele and Marsha A. Rummel
- 1 Registrant(s) in support not wishing to speak.
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-09-00175
16. [13383](#) Amending the Monona Terrace Operating Budget to add a Monona Terrace Audio/Visual Technician position and transfer \$52,000 from Hourly Employee Pay to Permanent Salaries and Fringe Benefits.
- Sponsors:** David J. Cieslewicz
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-09-00176
17. [13388](#) Reclassification of a Program Assistant 1 position at Water Utility to a Secretary 1 upon retirement of the incumbent.
- Sponsors:** David J. Cieslewicz
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-09-00177
18. [13389](#) Reclassifying the position of Secretary 1 in the Planning Unit Budget (#634) as a Program Assistant 1 and reallocating the incumbent to the new class.
- Sponsors:** David J. Cieslewicz
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-09-00178
19. [13390](#) Reclassifying two positions in Planning Unit Budget (#4032, Planner 1, and #635, Planner 2), to Planner 2 and Planner 3 positions and reallocating incumbents to the new classes.
- Sponsors:** David J. Cieslewicz
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-09-00179

20. [13662](#) To amend Resolution #RES-09-00015 to allow the architect services to be increased by \$47,100 and authorize the Mayor and City Clerk to enter into a \$157,100 contract with Plunkett Raysich Architects for architectural services to complete the construction of the Tenney Park Shelter. (AD#2)
- Sponsors:** David J. Cieslewicz, Joseph R. Clausius and Michael Schumacher

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Place On File. The motion passed by voice vote/other.

REPORT OF BOARD OF PARK COMMISSIONERS

21. [13258](#) Authorizing a declaration of change in use from City park land to public street right-of-way as part of the Hoepker Road reconstruction.
- Sponsors:** Joseph R. Clausius
- Adopt at the 3/3/09 Common Council Meeting.
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Refer to a future Meeting to Adopt to the COMMON COUNCIL, due back on 3/3/2009. The motion passed by voice vote/other.**

REPORT OF BOARD OF PUBLIC WORKS

22. [12509](#) Directing the City Engineer and Traffic Engineer to prepare a preliminary design for the extension of an inter-municipal bikepath on the corporate limits of the Village of Shorewood Hills through Madison to the corporate limits of the City of Middleton. (11th & 19th ADs)
- Sponsors:** Mark Clear and Tim Gruber
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-09-00180
23. [13081](#) Creating Section 20.08(9) of the Madison General Ordinances to establish the Northeast Neighborhood Sanitary Sewer Improvement Impact Fee and District.
- Sponsors:** Joseph R. Clausius
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.**
- Enactment No: ORD-09-00035

- 24. [13365](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Capitol Square Streetscape Updates - 2009, Contract No. 6274. (4th AD)

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-09-00181

- 25. [13368](#) Improvements accepted for Carpenter Street Assessment District - 2001, Contract No. 5110. (15th AD)

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-09-00182

- 26. [13384](#) Improvements accepted for Water Main by Private Contract to serve: Heather Glen Replat. (1st AD)

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-09-00183

- 27. [13385](#) Improvements accepted for Water Main by Private Contract to serve: Silicon Prairie Business Park - Phase 2. (9th AD)

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-09-00184

- 28. [13387](#) Improvements accepted for Water Main and Water Service Laterals to serve: Covance Labs Building Addition. (17th AD)

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-09-00185

29. [13438](#) Improvements Accepted for Street Tree Replacement - 2008 Contract #6201 (Various ADs)

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-09-00186

30. [13442](#) Declaring the City of Madison's intention to exercise its police powers establishing the Edgewood Avenue Reconstruction Assessment District - 2009. (10th & 13th ADs)

Sponsors: BOARD OF PUBLIC WORKS

Adopt at the 3/17/09 Common Council Meeting.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Refer to a future Meeting to Adopt to the COMMON COUNCIL, due back on 3/17/2009. The motion passed by voice vote/other.

31. [13444](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Chip Sealing 2009 and authorizing the Mayor and City Clerk to execute agreements with Dane County for the Chip Sealing of Unimproved Streets. (7th, 9th, 14th, 15th, 16th, 17th, 18th & 19th ADs)

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-09-00187

32. [13446](#) Declaring the City of Madison's intention to exercise its police powers establishing the Maple Avenue, Center Avenue and Ludington Avenue Reconstruction Assessment District - 2009. (6th AD)

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-09-00188

33. [13447](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Northland Manor Park Storm, Contract No. 6319. (18th AD)
- Sponsors:** BOARD OF PUBLIC WORKS
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-09-00189
34. [13458](#) Awarding Public Works Contract No. 6174, Starkweather Creek BMPs - 2008.
- Sponsors:** BOARD OF PUBLIC WORKS
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-09-00190
35. [13459](#) Awarding Public Works Contract No. 6261, Senior Center HVAC & Lighting Upgrade, Remodeling Project.
- Sponsors:** BOARD OF PUBLIC WORKS
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-09-00191
36. [13460](#) Awarding Public Works Contract No. 6304, Boulevard/ROW Landscaping - 2009.
- Sponsors:** BOARD OF PUBLIC WORKS
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-09-00192
37. [13461](#) Awarding Public Works Contract No. 6313, Locker Room Remodel at Streets East - Sycamore.
- Sponsors:** BOARD OF PUBLIC WORKS
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-09-00193

38. [13477](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Northeast Neighborhood Sewer Interceptor Extension - 2008, Contract No. 6164. (3rd AD)
- Sponsors:** BOARD OF PUBLIC WORKS
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-09-00194
39. [13489](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Woodward Drive Culvert Pipe Rehabilitation, Contract No. 6244. (18th AD)
- Sponsors:** BOARD OF PUBLIC WORKS
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-09-00195
40. [13490](#) Authorizing the Mayor and City Clerk to enter into a consulting agreement for sanitary sewer force main rehabilitation design services for the North Carroll Street Lift Station. (2nd AD)
- Sponsors:** BOARD OF PUBLIC WORKS
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-09-00196
41. [13492](#) Authorizing the Mayor and City Clerk to enter into an agreement with the Town of Madison for the resurfacing of Nottingham Way. (14th AD & the Town of Madison)
- Sponsors:** BOARD OF PUBLIC WORKS
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-09-00197

42. [13502](#) Authorizing the Mayor and City Clerk to enter into a consulting agreement for sanitary sewer force main rehabilitation design services for the Waunona Way Lift Station. (14th AD)

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-09-00198

43. [13503](#) Authorizing the Mayor and City Clerk to enter into a consulting agreement for sanitary sewer force main rehabilitation design services for the Woodley Lane Lift Station. (14th AD)

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-09-00199

REPORT OF PLAN COMMISSION

44. [13465](#) CHARTER ORDINANCE - Creating Section 16.01(4)(c) of the Madison General Ordinances to add a non-voting member to the Plan Commission.

Sponsors: David J. Cieslewicz, Tim Bruer, Mark Clear, Lauren Cnare, Tim Gruber, Julia S. Kerr and Satya V. Rhodes-Conway

Adopt at the 3/3/09 Common Council Meeting (14 Votes Required).

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Refer to a future Meeting to Adopt to the COMMON COUNCIL, due back on 3/3/2009. The motion passed by voice vote/other.

REPORT OF RISK MANAGER

45. [12727](#) L. Murray, 1300 Wimbledon Way, Waunakee (53597) - personal injury - \$2,807.00.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Disallow. The motion passed by voice vote/other.

46. [13350](#) M. Jawson, 6014 Fairfax Ln., Madison, 53718 - vehicle damage - \$1,513.88.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Disallow. The motion passed by voice vote/other.

47. [13352](#) L. Auter, 20 N. Third St., Madison, 53704 - vehicle damage - \$1,321.07.
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Disallow. The motion passed by voice vote/other.**
48. [13353](#) A. Hollinsed, 545 2nd Ave., Baraboo, 53913 - vehicle damage - \$179.63.
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Disallow. The motion passed by voice vote/other.**
49. [13360](#) S. Misra, 6705 Explorer Dr., Racine - property damage - \$1124.58
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Disallow. The motion passed by voice vote/other.**
50. [13381](#) C. Bundy, 408 W. Lakeview Ave., Madison - vehicle damage - \$315.00.
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Disallow. The motion passed by voice vote/other.**
51. [13427](#) J. Zeier, 2209 N. Stoughton Rd., Madison, 53704 - vehicle damage - \$498.56.
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Disallow. The motion passed by voice vote/other.**
52. [13430](#) L. Stricker, 1659 Capital Ave., #3, Madison, 53705 - vehicle damage - \$1231.63.
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Disallow. The motion passed by voice vote/other.**
53. [13497](#) R. Plumer, 1706 Savannah Way, Waunakee, 53597 - vehicle damage - \$321.78.
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Disallow. The motion passed by voice vote/other.**

REPORT OF TAX INCREMENTAL FINANCING POLICY AD HOC COMMITTEE

54. [11531](#) City of Madison TIF Objective & Policies Report.

2 Registrant(s) in opposition not wishing to speak.

Due back at the 3/31/09 Common Council Meeting.

A motion was made by Ald. Clear, seconded by Ald. Schumacher, to Refer to the BOARD OF ESTIMATES, due back on 3/31/2009. The motion passed by voice vote/other.

REPORT OF TRAFFIC ENGINEER

55. [13199](#) Petition dated October 28, 2008 from residents of Wexford Village re: pedestrian crosswalk markings, crossing signs and other devices to make the intersection of Sawmill Road and North Westfield Road safe for pedestrians.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Accept. The motion passed by voice vote/other.

REPORT OF TRANSIT/ PARKING COMMISSION

56. [13113](#) SUBSTITUTE - Creating Section 12.127 of the Madison General Ordinances to create 20 minute parking zones from 8:00 a.m. to 6:00 p.m. on any day except Sundays and holidays; amending Sec. 12.141 to include Sec. 12.127 in the penalty section and amending Sec. 1.08(3)(a) to create a bail deposit for violations of 20 minute parking restrictions.

Sponsors: Robbie Webber

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: ORD-09-00036

57. [13488](#) Authorizing the conversion of the current CTR revenue equipment software (PARCS) to ZEAG (ZMS) software and associated hardware changes. This would also authorize a sole source purchase from ZEAG (USA), Inc. to make these changes. ZEAG will also maintain the software/hardware through assuming the CTR maintenance contract, which is currently \$52,452 per year.

Sponsors: Brian L. Solomon and Robbie Webber

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-09-00200

REPORT OF VENDING OVERSIGHT COMMITTEE

58. [12384](#) SUBSTITUTE - Authorizing amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" and the "Regulations Governing Vending in High Density Vending Areas" to prohibit unreasonable noise levels at vending carts and vending sites ~~on the Mall/Concourse and in late night vending areas.~~

Sponsors: Michael E. Verveer and Thuy Pham-Remmele

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-09-00201

59. [13112](#) Amending Sections 9.13(4)(s) and 9.13(6)(n) and creating Sec. 9.13(4)(v) to make noise restrictions applicable to all vendors city-wide.

Sponsors: Michael E. Verveer and Thuy Pham-Remmele

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: ORD-09-00037

ITEMS REFERRED TO THIS MEETING

ORDINANCES

60. [12578](#) SECOND SUBSTITUTE - Adopting and confirming amendments to the Madison General Ordinances as set forth in attached Exhibit D pursuant to Sec. 66.0103, Wis. Stats. to create Chapter 40 - Elevator Code and to amend Sec. 29.18 renaming the Board of Building Code, Fire Code, and Licensing Appeals.

Sponsors: Michael Schumacher, Paul E. Skidmore and Michael E. Verveer

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: ORD-09-00019 & A

61. [13475](#) Amending Secs. 10.056(3)(a) and 10.056(7) of the Madison General Ordinances to remove the City Clerk from the Street Use Staff Team roster and raise the fee for a street use permit for a multiple-day event.
- Sponsors:** Michael E. Verveer, Michael Schumacher and Joseph R. Clausius

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt. The motion passed by voice vote/other.

Enactment No: ORD-09-00038

REPORTS

62. [13326](#) Report dated January 15, 2009 re: Board, Committee, Commission, Ad Hoc Committee & Subcommittee Members who have not filed the Statement of Interests Form.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Accept the report and revoke appointments to committees/commissions for non-filers of the Statement of Interest forms (except for Bev Willer). The motion passed by voice vote/other.

RECONSIDERATION(S)

63. [13173](#) Amending the 2009 Police Capital Budget and Awarding Public Works Contract No. 6161, North Police HVAC Retrofit - 2009 to H & H Industries, Inc.
- Sponsors:** BOARD OF PUBLIC WORKS and Satya V. Rhodes-Conway

A motion was made by Ald. Bruer, seconded by Ald. Rhodes Conway, to Reconsider. The motion passed by voice vote/other.

A motion was made by Ald. Bruer, seconded by Ald. Rhodes Conway, to Adopt. The motion passed by the following vote:

Ayes: 17 - Libby Monson
 Brenda K. Konkel
 Lauren Cnare
 Robbie Webber
 Marsha A. Rummel
 Eli Judge
 Brian L. Solomon
 Tim Gruber
 Satya V. Rhodes-Conway
 Julia S. Kerr
 Tim Bruer
 Larry Palm
 Judy Compton
 Joseph R. Clausius
 Michael Schumacher
 Mark Clear
 Thuy Pham-Remmele

Noes: 2 - Jed Sanborn
 Paul E. Skidmore

Excused: 1 - Michael E. Verveer

Non Voting: 1 - David J. Cieslewicz

Enactment No: RES-09-00202

**INTRODUCTION OF NEW BUSINESS FOR REFERRAL WITHOUT DEBATE
 - Referred on a motion made by Ald. Bruer, seconded by Ald. Clear.**

ORDINANCES

64. [13571](#) Creating Section 28.06(2)(a)3419. of the Madison General Ordinances rezoning property from R2 Single-Family Residence District to R2S Single-Family Residence District. Proposed Use: Rezone to Allow Future Creation of 2 Lots from Existing Single-Family Parcel; 15th Aldermanic District: 3502 Sargent Street.

Sponsors: Common Council By Request

Due back at the 3/31/09 Common Council Meeting.

This Ordinance was Referred for Public Hearing to the PLAN COMMISSION, due back on 3/31/2009

65. [13703](#) Amending Sections 15.02(79) and (80) of the Madison General Ordinances to change the polling location for Wards 79 and 80.

Sponsors: Paul E. Skidmore

Adopt at the 3/3/09 Common Council Meeting.

This Ordinance was Refer to a future Meeting to Adopt to the COMMON COUNCIL, due back on 3/3/2009

66. [13707](#) Amending Section 33.13(2) of the Madison General Ordinances to provide that the City's Human Resources Director shall advise and support the Common Council President in the management and direction of the Office of the Common Council.

Sponsors: Tim Bruer

This Ordinance was Referred to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE

67. [13729](#) Amending Sections 9.13(3), 9.13(4)(s), 9.13(4)(t), 9.13(6)(h)3.a., 9.13(6)(i)1.b. 9.13(6)(l)1., and 9.13(6)(n) of the Madison General Ordinances to increase basic street vendor license fees, create a 3-tiered fee structure for sidewalk cafes, and create license fees and site assignment procedures for Late Night food vending.

Sponsors: Michael E. Verveer and Thuy Pham-Remmele

Additional Referral(s): Board of Estimates. Due back at the 3/17/09 Common Council Meeting.

This Ordinance was Referred to the VENDING OVERSIGHT COMMITTEE, due back on 3/17/2009

68. [13735](#) Amending Sec. 38.02 of the Madison General Ordinances to revise the definition of restaurant for the purposes of Chapter 38.

Sponsors: Michael Schumacher

This Ordinance was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

RESOLUTIONS

69. [13482](#) Adopting Phase 1 of the Shady Wood Neighborhood Development Plan as a supplement to the City of Madison Comprehensive Plan, and authorizing the City's application to amend the Central Urban Service Area to include the Phase 1 development staging area identified in the plan.

Sponsors: Jed Sanborn

This Resolution was Withdraw

70. [13559](#) Amending the 2009 Operating Budget and accepting a SAFER Grant (Staffing for Adequate Fire and Emergency Response) if awarded from the Federal Emergency Management Agency (FEMA) for 18 firefighter positions.

Sponsors: David J. Cieslewicz, Paul E. Skidmore and Tim Bruer

This Resolution was Referred to the BOARD OF ESTIMATES

71. [13561](#) Accepting the recommendations contained in the Downtown Madison Hotel Feasibility Study prepared by Hunden Strategic Partners and dissolving the Downtown Hotel Feasibility Study Committee.
- Sponsors:** David J. Cieslewicz and Marsha A. Rummel
- 1 Registrant(s) in support not wishing to speak.
- Additional Referral(s): Economic Development Commission
- This Resolution was Referred to the BOARD OF ESTIMATES**
72. [13666](#) Authorizing the Mayor and the City Clerk to enter into a contract with Trapeze Software Group, Inc., to provide software maintenance and support, and authorizing the Designee of the Comptroller to enter into future contracts through 2011.
- Sponsors:** Jed Sanborn and Robbie Webber
- Additional Referral(s): Board of Estimates
- This Resolution was Referred to the TRANSIT AND PARKING COMMISSION**
73. [13673](#) Authorizing the Mayor and City Clerk to enter into an agreement with Common Wealth Development, Inc., to provide \$60,000 in funds for detailed market, site analysis, outreach, and other pre-development services associated with the study of up to three (3) additional potential sites for a Madison Public Market.
- Sponsors:** David J. Cieslewicz, Marsha A. Rummel and Brenda K. Konkel
- This Resolution was Referred to the BOARD OF ESTIMATES**
74. [13674](#) Establishing a Glass-Free Zone for the West Mifflin Street area 10:00 a.m. on May 2, 2009 through 6:00 a.m. on May 3, 2009.
- Sponsors:** Michael E. Verveer
- Adopt at the 3/31/09 Common Council Meeting.
- This Resolution was Refer to a future Meeting to Adopt to the COMMON COUNCIL, due back on 3/31/2009**
75. [13697](#) To amend the 2009 Capital Budget to allow for the Parks Division's Development Fee project (810437) to fund an 8-acre Prairie Restoration project in 5th Addition adjacent to Sherman Avenue. Funding for the additional expenditures can be funded by a transfer in from the Citywide Parkland Impact Fee fund (SI32). (18 A.D.)
- Sponsors:** Michael Schumacher and Joseph R. Clausius
- Additional Referral(s): Board of Estimates
- This Resolution was Referred to the BOARD OF PARK COMMISSIONERS**

76. [13709](#) Approving the Guidelines for Monona Terrace Event Booking Assistance Fund.

Sponsors: David J. Cieslewicz, Lauren Cnare and Thuy Pham-Remmele

Additional Referral(s): Monona Terrace Community and Convention Center Board

This Resolution was Referred to the BOARD OF ESTIMATES

77. [13710](#) Authorizing the Mayor and City Clerk to execute an amendment to the lease with the University of Wisconsin, Board of Regents allowing for the UW's continued placement and use of a floating dock system along the Lake Mendota shoreline within Marshall Park.

Sponsors: Mark Clear

Additional Referral(s): Plan Commission

This Resolution was Referred to the BOARD OF PARK COMMISSIONERS

78. [13712](#) Accepting a Permanent Limited Easement for Pedestrian and Bicycle purposes from University Research Park, Inc., across Lot 4, University Research Park-University of Wisconsin, Madison.

Sponsors: Thuy Pham-Remmele

This Resolution was Withdraw

79. [13726](#) Authorizing the City of Madison to issue Requests for Proposals (RFPs), and providing that the Mayor, Director of Planning & Community & Economic Development, and City Clerk may enter into contracts with the selected consultants, for East Washington Avenue Capitol Gateway Corridor Plan Implementation and Redevelopment Management Services and for East Washington Avenue Capitol Gateway Corridor Marketing Services.

Sponsors: David J. Cieslewicz, Marsha A. Rummel, Satya V. Rhodes-Conway and Brenda K. Konkel

This Resolution was Referred to the BOARD OF ESTIMATES

80. [13734](#) Approving the Environmental Assessment for the Pleasant View Road Extension and approving the roadway geometry contained in the Environmental Assessment. (9th & 1st ADs)

Sponsors: Paul E. Skidmore and Jed Sanborn

Additional Referral(s): Pedestrian Bicycle Motor Vehicle Commission

This Resolution was Referred to the BOARD OF PUBLIC WORKS

81. [13736](#) Request for Proposals (RFP) for a Property Assessment System.

Sponsors: David J. Cieslewicz

This Resolution was Referred to the BOARD OF ESTIMATES

REPORTS

82. [13647](#) Final Report from James Madison Park Property Planning Committee.

Sponsors: Michael Schumacher, Joseph R. Clausius and Brenda K. Konkel

This Report was Referred to the BOARD OF PARK COMMISSIONERS

83. [13690](#) 2009-2013 Affirmative Action Plan.

Sponsors: Joseph R. Clausius

Accept at the 3/3/09 Common Council Meeting.

This Report was Refer to a future Meeting to Accept to the COMMON COUNCIL, due back on 3/3/2009

PRESENTATION OF CLAIMS AGAINST THE CITY OF MADISON

CLAIMS - REFER TO RISK MANAGER

84. [13535](#) Darla Saxby of American Family Insurance Group for L. and C. Belz, 6202 Winnequah Rd., Monona (53716) - vehicle damage - \$841.09.
85. [13536](#) M. Airriess, 4110 Cherokee Dr., Madison, 53711 - vehicle damage - \$853.85.
86. [13537](#) Robert A. Kay, Attorney for R. Collins, 1819 Aberg Ave., #D, Madison, 53704 - personal injury - \$18,000.00.
87. [13539](#) L. Baker, Gallagher Bassett Services, Inc. for WM of WI-Madison (Waste Management), 2418 W. Badger Rd., Madison, 53713 - vehicle damage - \$4705.16.
88. [13550](#) NOTICE OF CIRCUMSTANCES - Paul A. Kinne, Gingras, Cates & Luebke, S.C., attorney for M. and R. Hiebing, 405 Woodward Dr., Madison, 53704 - physical and emotional injuries - amount to be determined.

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89. 13558 M. O'Malley, N3290 State Hwy. 22, Montello, 53949 - vehicle damage - \$1,116.24.
90. 13560 D. Griffiths, AT&T, 435 S. 95th St., Milwaukee, 53214-1226 - property damage - \$32,035.66.
91. [13583](#) W. Klimczyk, 2534 W. Memorial Dr., Janesville, 53548 - vehicle damage - \$89.95.
92. [13585](#) L. Bender, SRS, Specialty Risk Services, PO Box 202200, Bloomington, MN, 55420 for G. Metz - personal injury - \$17,232.71.
93. 13586 Madison Gas and Electric Company, P.O. Box 1231, Madison, 53701-1231 - property damage - \$500.75.
94. 13608 R. Laclair, 908 Birch Haven Cir., Monona, 53716 - vehicle damage - \$175.36.
95. 13640 J. Ziegler, American Family Insurance Group for R. and C. Walsh, 114 Vega Dr., Arlington, 53911 - vehicle damage - \$3,520.84.
96. 13642 R. Swanson, 3147 View Rd., Madison, 53711 - vehicle damage - \$2,063.95.
97. [13643](#) S. Crockett, 1217 Juniper Ave., Madison, 53714 - personal injury - \$3,000.
98. 13644 C. Silverman, 5512 Barton Rd., Madison, 53711 - vehicle damage - \$2,411.29.
99. 13645 M. Gorman, 118 Cumberland Ln., Madison, 53714 - vehicle damage - \$765.18.
100. 13698 S. Jackson, 6314 Seven Pines Ave., Madison, 53718 - vehicle damage - \$168.35.
101. [13723](#) J. Reiss, 2539 Van Hise Ave., Madison, 53705 - vehicle damage - \$2,782.98.
102. [13724](#) D. Gillitzer, American Family Insurance Group for K. Scott, 8076 Lone Oak Ct., Cross Plains, 53528 - vehicle damage - \$524.10.
103. [13730](#) C. Mullins for Yahara Square Associates, 401 N. Carroll St., Madison, 53703 - property damage - \$300,000.
104. [13733](#) A. Attoun, 1512 Jenifer St., # 2, Madison, 53703 - vehicle damage - \$62.95.

CLAIMS - REFER TO CITY ATTORNEY

105. [13573](#) Whyte Hirschboeck Dudek S.C. for Presbyterian Student Center Foundation (Pres House), 439 East Campus Mall, Madison - unlawful taxation - \$238,565 plus interest.
106. [13575](#) Reinhart, Boerner, Van Deuren, S.C., for Oak Park MHC, LLC, 3901 Packers Ave., Madison - excessive assessment - \$121,269.76 plus interest.
107. [13577](#) Reinhart, Boerner, Van Deuren, S.C., for Madison Turners, Inc., 3001 S. Stoughton Rd., Madison - unlawful taxation - \$24,686.50 plus interest.
108. [13578](#) Wisconsin Housing Preservation Corp. (WHPC-MMM, LLC), 1910 Post Rd., Madison - unlawful taxation - \$88,170.04.
109. [13579](#) Von Friesen and Roper, S.C. for Lamar Outdoor Advertising of Madison/Rockford, P.O. Box 66338, Baton Rouge, LA - excessive assessment - amount of claim: \$18,346.36 (plus interest).
110. [13581](#) Von Briesen and Roper, S.C. for Adams Outdoor Advertising, 102 E. Badger Rd., Madison - excessive assessment - amount of claim: \$122,016.44.
111. [13582](#) Reinhart, Boerner, Van Deuren, S.C., for Walgreen Co., 2909 E. Washington Ave. and 3710 E. Washington Ave., Madison - excessive assessment - \$156,224.10 plus interest.
112. [13641](#) Adams Outdoor Advertising, 102 E. Badger Rd., Madison - excessive assessment- amount of claim: \$122,016.44.

ANNOUNCEMENTS & INTRODUCTION OF ITEMS FROM THE FLOOR

ADJOURNMENT @ 1:38 AM

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adjourn at 1:38 a.m. The motion passed by voice vote/other.

I certify that the foregoing action of the Common Council was approved by the Mayor on February 27, 2009.

Ordinances published March 14, 2009.

MARIBETH WITZEL-BEHL, CITY CLERK