



City of Madison Proceedings - Final COMMON COUNCIL

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

Tuesday, June 7, 2005

6:30 PM

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

SPEAKING GUIDELINES

If you need an interpreter, materials in alternate formats or other accommodations, please contact the Office of the Common Council at 266-4071, TTY 267-8670. Please do so 48 hours prior to the meeting so that proper arrangements can be made.

Speaking Limits: Public Hearing - 5 Minutes, Information Hearing - 5 Minutes,
Other Items - 3 minutes

You must register before your item is considered by the Council.

The consent agenda will be considered following Public Hearings.

The use of audible cell phone ringers and active use and response to cellular phone technology by the governing body, staff and members of the public is discouraged in the Council Chambers while the Council is in session.

NOTIFIED ABSENCES: NONE

ROLL CALL AT 6:35 P.M., MAYOR CIESLEWICZ IN THE CHAIR

Late: Ald. Compton (6:40 p.m.); Ald. Olson (6:39 p.m.)

Present: Benford, Sanborn, Brandon, Cnare, Compton, Golden, King, Konkel, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski, Webber and Mayor Cieslewicz

Absent: Bruer

SUSPEND THE RULES

Suspend Rules 2.04 (order of business), 2.05 (introduction of business), 2.24 (ordinances), and 2.25 (resolutions) for items so designated on the agenda.

A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Suspend the Rules. The motion passed by acclamation.

SPECIAL ORDER OF BUSINESS

1. [01370](#) Recognizing the 100th Anniversary of State of Wisconsin's First Civil Service Enactment.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00509

2. [01383](#) AMENDED - Opposing additional State preemption legislation related to CDBG funds.
Adopt with the following amendments: strike the "Be It Finally Resolved" clause, Thomas/King: carry; Amend the "Be It Further Resolved" clause as follows: strike "and every other" and the "s" in "outcomes", Radomski/Thomas: carry.
A motion was made by Council President Van Rooy, seconded by Ald. King, to Adopt With Amendment(s). The motion passed by the following vote:
Absent: 1 - Bruer
Aye: 13 - Benford, Cnare, Golden, King, Konkell, Gruber, Olson, Knox, Jr., Palm, Van Rooy, Verveer, Radomski and Webber
No: 4 - Sanborn, Compton, Skidmore and Thomas
Abstain: 2 - Brandon and Rosas
Non Voting: 1 - Cieslewicz
Enactment No: RES-05-00510

PETITIONS AND COMMUNICATIONS

None received by the agenda deadline.

BUSINESS BY THE MAYOR

3. [01314](#) Report of the Mayor submitting citizen committee appointments.
(Note amendment to TPC appointment.)
Confirm at the 6/21/05 Common Council Meeting (2/3 vote required)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Refer to a future Meeting to Confirm for June 21, 2005. The motion passed by acclamation.

4. [01331](#) Report of the mayor submitting alder committee appointments.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Confirm. The motion passed by acclamation.

5. [01360](#) AMENDED - Amending Section 3.27(4)(f) of the Madison General Ordinances to establish a committee, board or commission member holdover provision.
Table ID# 01360, Konkel/Webber: carry; Take ID# 01360 off the table, Golden/Verveer: carry; Substitute motion to refer to CCOC, Brandon/Konkel: no action taken; Adopt with the following amendment: strike "and thereafter" and replace with "until September 1, 2005", Brandon/Konkel: carry.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt With Amendment(s). The motion passed by acclamation.**
- Enactment No:** ORD-05-00111

RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM

6. [00912](#) Approving Plans, Specifications, And Schedule Of Assessments For Lien Road Assessment District - 2005
Due back at the 9/20/05 Common Council Meeting.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Rerefer for Recessed Public Hearing to the COMMON COUNCIL, due back on September 20, 2005. The motion passed by acclamation.**

REPORT OF ALCOHOL REVIEW COMMITTEE

7. [00223](#) Public Hearing - New License
Ho-Chunk Nation
Agent: Karen Martin
DBA: Ho-Chunk Nation DeJope Bingo (Capacity is 2,508)
4002 Evan Acres Road
Reserve Class B Combination Liquor & Beer (1% alcohol, 3% food)
Public Hearing Closed; 3 Registrants in support not wishing to speak.
- A motion was made by Council President Van Rooy, seconded by Ald. Compton, to Grant With Condition(s). The motion passed by acclamation.**

PUBLIC HEARINGS - BEGIN AT 6:45 PM

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

8. [01000](#) Public Hearing - New License
Curt Vaughn Brink, LLC (dba Curt Vaughn Brink Experience; estimated capacity of 282)
701 E. Washington Avenue
Agent: Curt Vaughn Brink
Class B Combination Liquor & Beer (90% alcohol, 5% food)
Non-Smoking Establishment
Public Hearing Closed.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Grant With Condition(s). The motion passed by acclamation.**

9. [01003](#) Public Hearing - New License
GHL II, LLC (dba Monona Market)
4624 Monona Drive
Agent: Jagdish Agrawal
Class A Beer
Public Hearing Closed; 1 Registrant(s) in support not wishing to speak.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Grant With Condition(s). The motion passed by acclamation.**
10. [01004](#) Public Hearing - New License
Mark Rechlicz Enterprises, Inc (dba Yahara Hills Golf Course)
6701 E. Broadway
Agent: Mark Rechlicz
Class B Combination Liquor & Beer (48% alcohol, 52% food)
Non-Smoking Establishment
Public Hearing Closed.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Grant. The motion passed by acclamation.**
11. [01007](#) Public Hearing - New License
RJM Pro Golf, Inc (dba Monona Golf Course)
111 E. Dean Avenue
Agent: Rob Muranyi
Class B Combination Liquor & Beer (30% alcohol, 60% food)
Non-Smoking Establishment
Public Hearing Closed.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Grant. The motion passed by acclamation.**
12. [01009](#) Public Hearing - New License
Reel Big Fish, LLC • dba Joey's Seafood & Grill • estimated capacity of 92
6602 Mineral Point Road • Agent: Keith Stoesz
Class B Combination Liquor & Beer • 7% alcohol, 93% food
Public Hearing Recessed.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Rerefer for Recessed Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by acclamation.**
13. [01010](#) Public Hearing - New License
Verona Road BP Mart, LLC (dba Verona Road BP)
4501 Verona Road
Agent: Suchinder Singh
Class A Beer
Public Hearing Closed.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Grant With Condition(s). The motion passed by acclamation.**

REPORT OF BOARD OF PUBLIC WORKS

14. [01123](#) Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of Plat of land interests required to facilitate construction of the American Family Extension of the East Rail Path, located in the Northeast ¼ of Section 9, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin and approving plans and specifications for said project.
- A motion was made by Council President Van Rooy, seconded by Ald. Cnare, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** RES-05-00511
15. [01223](#) Approving Plans, Specifications, And Schedule Of Assessments For Regent Street Assessment District - 2005. (11th AD)
- A motion was made by Council President Van Rooy, seconded by Ald. Cnare, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** RES-05-00512

REPORT OF PLAN COMMISSION

16. [00992](#) Creating Section 28.06(2)(a)3095 of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District and PUD(SIP) Planned Unit Development (Specific Implementation Plan) District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)3096 of the Madison General Ordinances rezoning property from Amended PUD(GDP) Planned Unit Development (General Development Plan) District PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Mixed Use, Predominantly Residential Development of Approximately 400 Dwelling Units, including Retail, Commercial, Office Space & Parking. The Proposal also Includes the Demolition of Buildings on this Site, Retaining the Parking Ramp-328 West Main Street and the Former Clinic/Office Building Located at 345 West Washington Avenue; 4th Aldermanic District: 309-333 West Washington Avenue & 306 West Main Street.
- A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Rerefer for Recessed Public Hearing to the PLAN COMMISSION. The motion passed by acclamation.**
17. [01005](#) Creating Section 28.06(2)(a)3097 of the Madison General Ordinances rezoning property from R1 Single-Family Residence District to R4 General Residence District. Proposed Use: Adjustment to Correct Legal Description & Zoning Line; 1st Aldermanic District: 1802 Maplecrest Drive.
- 1 Registrant(s) in opposition wishing to speak.*
- A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** ORD-05-00112

END OF PUBLIC HEARINGS

At this time, the balance of the agenda which has not been acted upon will be moved with the recommended action listed for each items EXCEPT: ID#: 01141, 01296, 01295, 00049, 00586, 00985, 00572, 01300, & 01057, Van Rooy/Verveer: carry.

1) items which have registrants wishing to speak. 2) items which require an extraordinary (roll call) vote. 3) items which alderperson(s) have separated out for discussion/debate purposes.

REPORTS OF OFFICERS

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

18. [00970](#) Application for Change of Licensed Premise
Raymond Jacobson (dba Ray's Bar & Grill)
2526 E. Washington Avenue
Class B Combination Liquor & Beer (95% alcohol, 5% food)
Request to expand premise into space next door.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
19. [01015](#) Application for Change of Licensed Premise
Alfredo's Enoteca, LLC (dba Eno Vino)
601 Junction Road
Agent: Patrick Quinlan
Class B Combination Liquor & Beer (30% alcohol, 60% food)
Request to add 400 square feet of outdoor dining.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
20. [01017](#) Operator License Application
Robert P. McGinnis, 528 Evergreen Avenue, Madison
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant With Condition(s). The motion passed by acclamation.
21. [01019](#) Change of Agent
Ranger Enterprises, Inc. (dba Road Ranger #129)
4102 Commercial Avenue
Old Agent: David Lay
New Agent: Vickie Mason
Class A Beer
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant With Condition(s). The motion passed by acclamation.

22. 01020 Change of Agent
Carlos O'Kelly's, Inc. (dba Carlos O'Kelly's Mexican Cafe)
4718 East Towne Boulevard
Old Agent: Alston Beatty
New Agent: William J. Wickert
Class B Combination Liquor & Beer (21% alcohol, 79% food)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
23. 01117 Application for Change of Licensed Premise
American Table Family Restaurant, Inc.
1201 N. Sherman Avenue
Agent: Abdula Ajdini
Class B Combination Liquor & Beer (10% alcohol, 90% food)
Request to add 9 barstools to current service bar.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
24. 01169 Operator License Application
Melody M. Robbins, 2 Woodridge Ct., Madison
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant With Condition(s). The motion passed by acclamation.
25. 01170 Change of Corporate Control - loss of one member
GB'z of Madison, LLC (dba Luther's Blues)
1401 University Avenue
Agent: William Curtis
Class B Combination Liquor & Beer (30% alcohol, 65% food)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
26. 01171 Change of Agent
Whole Foods Market Group, Inc. (dba Whole Foods Market)
3313 University Avenue
Old Agent: David Beardsley
New Agent: Paul Sigmund
Class B Combination Liquor & Beer (4% alcohol, 84% food)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
27. 01172 Change of Corporate Control - 1 new member
Zor Shriners Aaonms
575 Zor Shrine Place
Agent: Kent Englund
Class B Combination Liquor & Beer (35% alcohol, 65% food)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.

28. 01173 Change of Agent
Yirgalem, Inc. (dba Yirgalem Ethiopian Cuisine)
2623 Monroe Street, Suite 150
Old Agent: Yeshareg Demisse
New Agent: Daniel Teferra
Class B Beer, Class C Wine (20% alcohol, 80% food)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
29. 01174 Change of Agent
Madison Mallards, LLC
2920 N. Sherman Avenue
Old Agent: Richard Kalafut, Jr.
New Agent: Joel Stenman
Class B Beer (40% alcohol, 60% food)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
30. 01175 Change of Agent
The Grieg Club, Inc.
610 North Street
Old Agent: William Ryan
New Agent: Richard W. Jowett
Class B Combination Liquor & Beer (83% alcohol, 17% food)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
31. 01176 Change of Agent
WHG Real Estate South, LLC (dba Applebee's Neighborhood Grill & Bar)
660 S. Whitney Way
Old Agent: Andrew Brooks
New Agent: Mark Barber
Class B Combination Liquor & Beer (11% alcohol, 89% food)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
32. 01177 Change of Agent
Mifflin Street Community Co-op
32 N. Bassett Street
Old Agent: John Lyons
New Agent: Jaimie Hoobler
Class A Beer
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.

33. 01178 Change of Agent
 Pizza Hut of Madison, Inc.
 7440 Mineral Point Road
 Old Agent: Terry Turner
 New Agent: Patrick Evans
 Class B Beer, Class C Wine (2% alcohol, 98% food)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
34. 01179 Change of Corporate Control - loss of 1 member
 Martin O'Grady's, LLC
 7436 Mineral Point Road
 Agent: Steven Alt
 Class B Combination Liquor & Beer (50% alcohol, 50% food)
 1 Registrant(s) in support not wishing to speak.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
35. 01181 Change of Corporate Control - 2 new members
 Sam's East, Inc. (dba Sam's Club)
 7050 Watts Road
 Agent: David Heaton
 Class A Liquor, Class A Beer
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
36. 01182 Change of Corporate Control - 1 new member
 Gerald A. Bartell Community Theatre Foundation
 113 E. Mifflin Street
 Agent: Lee Ann Cooper
 Class B Beer, Class C Wine
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
37. 01183 Application for Change of Licensed Premise
 Cathay Pacific, Inc. (dba Hong Kong Cafe, capacity of 80)
 2 S. Mills Street
 Agent: Yee Man Leung
 Class B Combination Liquor & Beer (10% alcohol, 90% food)
 Request to add a beer garden for Badger Football Saturdays.
 1 Registrant(s) in support not wishing to speak.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant With Condition(s). The motion passed by acclamation.

38. 01188 Change of Agent
Dane County Robins, Inc. (dba Red Robin of Madison - East)
2440 East Springs Drive
Old Agent: Tim Gotzcion
New Agent: Gary Kraus
Class B Combination Liquor & Beer (8% alcohol, 92% food)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
39. 01192 Change of Agent
Maple Grove Pick 'n Save
6665 McKee Road
Old Agent: Mitch Eveland
New Agent: Eddie G. Roberson
Class A Beer, Class A Liquor
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
40. 01193 Change of Corporate Control - loss of 2 members of LLC
Lulu's Restaurant, LLC
2524 University Avenue
Agent: Sari Atteyih
Class B Beer, Class C Wine (20% alcohol, 80% food)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
41. 01205 Application for Change of Licensed Premise
The Norton Co., Inc (dba Cranberry Creek Cafe)
1501 Lake Point Drive
Agent: James Norton
Class B Beer, Class C Wine (5% alcohol, 95% food)
Request to add patio seating.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
42. 01206 Application for Change of Licensed Premise
Tango Bravo, Inc. (dba The Roman Candle)
1054 Williamson Street
Agent: Thomas Cranley
Class B Beer, Class C Wine (25% alcohol, 75% food)
Request to add sidewalk cafe containing 4 tables and 16 seats.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.

43. [01210](#) Change of Corporate Control - 2 new officers
Madison Elks Lodge #410
711 Jenifer Street
Agent: Wayne Pickarts
Class B Combination Liquor & Beer (40% alcohol, 60% food)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
44. [01276](#) Application for Change of Licensed Premise
Tony Frank's, LLC (dba Tony Frank's Tavern)
1612 Seminole Highway
Agent: James Frank
Class B Combination Liquor & Beer (60% alcohol, 40% food)
Request to add seating in front of tavern on grass North of sidewalk.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant With Condition(s). The motion passed by acclamation.
45. [01211](#) To grant Class A Liquor, Class A Beer, Class B Beer, Class B Combination Liquor & Beer, Class C Wine, Wholesale Beer 2005-2006 License Renewals with restrictions as previously approved and to include any change of corporate structure and amended conditions as set forth in the report.
Ald. Brandon noted as abstaining on liquor license for Laundry 101.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.

REPORT OF BOARD OF ESTIMATES

46. [01141](#) Authorizing the creation of a \$1,600,000 American Communities Capital Revolving Fund program, objectives and criteria to be administered by the Madison Community Development Authority (CDA) and capitalized by the Fannie Mae American Communities Fund line of credit.
Adopt at the 6/21/05 Common Council Meeting.
A motion was made by Ald. Konkel, seconded by Council President Van Rooy, to Refer to a future Meeting to Adopt. Table ID# 01141, Konkel/Van Rooy: carry; Take ID# 01141 off the table, Van Rooy/Konkel: carry The motion passed by acclamation.
47. [01219](#) Authorizing a three-year electric service agreement between the City and Madison Gas and Electric Company for the purchase of electricity at Monona Terrace, and establishing the ability for the electric service to be interrupted in exchange for a discounted rate.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00513

48. [01220](#) Accepting a grant if awarded to the City of Madison from the Federal Emergency Management Agency for the Fire Department.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00514
49. [01239](#) Permitting the terms and conditions previously approved for the Madison Area CLT Troy Gardens project to be transferred to two LLC's established to manage the residential and conservancy functions of the major components of the area, in a manner that will continue to address City Community and Neighborhood Development Objectives.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00515
50. [01240](#) SUBSTITUTE - Approving the provision of Federal HOME funds to assist the Wisconsin Initiative for Sustainable Housing acquire housing and authorizing the Mayor and City Clerk to sign an agreement to implement the project.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00516
51. [01247](#) Authorizing the Mayor and other City officials to sign an agreement with the South Central Library System (SCLS) for the use of City fiber optic communication cable.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00517
52. [01286](#) Authorizing to double fill the position of Streets Operations Analyst from July 3, 2005 through August 12, 2005.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00518

53. 01296 THIRD SUBSTITUTE - Amending the 2005 Capital Budget to increase the authorization for the Goodman Pool to \$4,850,000 and awarding Public Works Contract for Contract No. 5850, Goodman Community Pool Construction.

3 Registrant(s) in support wishing to speak.

A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by the following vote:

Absent: 1 - Bruer

Aye: 16 - Benford, Sanborn, Cnare, Compton, Golden, King, Konkel, Gruber, Olson, Knox, Jr., Rosas, Skidmore, Van Rooy, Verveer, Radomski and Webber

No: 3 - Brandon, Palm and Thomas

Non Voting: 1 - Cieslewicz

Enactment No: RES-05-00508

REPORT OF BOARD OF PUBLIC WORKS

54. [01101](#) Authorizing the execution of an Underground Electric Easement to Madison Gas and Electric Company across a City-owned greenway located at 4654 Crescent Road, to serve the new Boys and Girls Club building. 10th Ald. District.

A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by the following vote:

Absent: 1 - Bruer

Aye: 18 - Benford, Sanborn, Brandon, Cnare, Compton, Golden, King, Konkel, Gruber, Olson, Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber

No: 0 -

Abstain: 1 - Knox, Jr.

Non Voting: 1 - Cieslewicz

Enactment No: RES-05-00519

55. [01207](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Contract No. 5864, State Street Campus-Frances Parking Ramp 2005 Repair Project. (8th AD)

A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.

Enactment No: RES-05-00520

56. [01208](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Contract No. 5863, Government East Parking Ramp 2005 Restoration Project. (6th AD)

A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.

Enactment No: RES-05-00521

57. [01209](#) Accepting detention basin improvements constructed by private contract in The Center For Industry and Commerce, Private Contract No. 1888. (17th AD)

A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.

Enactment No: RES-05-00522

58. [01213](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Fire Administration Building Remodeling, Contract No. 5868. (4th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00523
59. [01214](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Trench Drain Replacement at Streets Division East on 4602 Sycamore Avenue, Contract No. 5856.(17th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00524
60. [01215](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Fire Station No. 1 Remodeling, Contract No. 5867. (4th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00525
61. [01216](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Heating Hot Water System Modifications at Sayle Street, Contract No. 5855. (13th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00526
62. [01221](#) Approving plans and specifications for the installation of street lighting in the 600 block of Railroad Street. (6th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00527
63. [01222](#) Improvements accepted for Femrite Drive (5700-5800 Block) Sewer Assessment District, Contract No. 5476. (16th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00528

64. [01233](#) Authorizing the City Engineer to execute a Right of Entry Agreement with Denny's Realty Inc. to perform storm sewer work adjacent to and upon the property at 433 S. Gammon Road in conjunction with the Addition to the West Towne Regional Pond and Improvements to Stricker's Pond. (19th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00529
65. [01234](#) Improvements Accepted for Metro Boiler Management Control System, Contract No. 5780. (6th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00530
66. [01284](#) Approving plans and specifications for public improvements necessary for the Subdivision known as Nelsons Addition to Rustic Acres and authorizing construction to be undertaken by the Developer, Private Contract No. 2041. (3rd AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00531
67. [01285](#) Approving plans and specifications for public improvements necessary for the Subdivision known as First Addition to Nelsons Addition to Rustic Acres and authorizing construction to be undertaken by the Developer, Private Contract No. 2042. (3rd AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00532
68. [01292](#) Declaring the City of Madison's intention to exercise its police powers establishing the Midvale Boulevard - Hilldale Area Assessment District 2005. (11th AD)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00533

REPORT OF BOARD OF PUBLIC WORKS - BIDS

69. [01243](#) Awarding Public Works Contracts for Bids Opened April 29, 2005 and May 13, 2005.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00539

REPORT OF CITY CLERK

70. [01355](#) 2005-2006 Secondhand/Pawnbroker and Auto/Junk/Salvage license renewals.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
71. [01357](#) 2005-2006 Theater License Renewals
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.
72. [01361](#) 2005-2006 Adult Entertainment/Adult Entertainment Tavern license renewals.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by the following vote:
- Absent:** 1 - Bruer
- Aye:** 18 - Benford, Sanborn, Brandon, Cnare, Golden, King, Konkell, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber
- No:** 1 - Compton
- Non Voting:** 1 - Cieslewicz

REPORT OF COMMISSION ON THE ENVIRONMENT

73. [01295](#) Final Report Clean Lakes & Beaches: A Water Quality Plan - 2005. This is the report required per Substitute Resolution No. 61952, ID Number 36509 adopted by the Common Council on October 5, 2004.
- 1 Registrant(s) in support wishing to speak. Refer to various committees & commission with Commission on the Environment as the lead referral, Palm/
Brandon: failed; Refer to various committees & commission with Board of Public Works as the lead referral, Olson/Brandon: carry.*
- A motion was made by Ald. Webber, seconded by Ald. Compton, to Refer to the BOARD OF PUBLIC WORKS. The motion passed by acclamation.**
- Refer to the BOARD OF ESTIMATES**
- Refer to the COMMISSION ON THE ENVIRONMENT**
- Refer to the BOARD OF PARK COMMISSIONERS**
- Refer to the CITY-COUNTY LIAISON COMMITTEE**
- Refer to the Engineering Division**
- Send to Engineering after approving the fiscal note.*
- Fiscal Note Required / Approval to the Comptroller's Office/Approval Group**

REPORT OF COMMON COUNCIL ORGANIZATIONAL COMMITTEE

74. [00049](#) Requesting a review by the Plan Commission, Urban Design Commission and the Common Council Organizational Committee of the Economic Development Commission's recommendations from their report entitled " Opportunities to Make Madison City Government More Friendly to Business" dated December 2004.
A motion was made by Council President Van Rooy, seconded by Ald. Brandon, to Place On File. The motion passed by acclamation.
75. [00586](#) Amending Section 2.205 of the Madison General Ordinances to establish that the election for President and President Pro Tem shall be conducted by instant runoff procedures.
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Place On File. The motion passed by the following vote:
Present: 1 - Golden
Absent: 1 - Bruer
Aye: 11 - Sanborn, Brandon, Cnare, Compton, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy and Radomski
No: 7 - Benford, King, Konkell, Gruber, Olson, Verveer and Webber
Non Voting: 1 - Cieslewicz
76. [00985](#) Amending Section 3.54(2) of the Madison General Ordinances to modify the composition of the Economic Development Commission.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00113
77. [00988](#) Amending Section 2.01(1) of the Madison General Ordinances to adjust the Common Council meeting dates for November and December, 2005.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00114

REPORT OF PLAN COMMISSION

78. [01194](#) Approving the preliminary plat of University Research Park - Pioneer, located in the 8500 Block of Mineral Point Road. 9th Ald. Dist.
2 Registrant(s) in support not wishing to speak.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00534

79. [01297](#) Reapproving the preliminary/final plat known as The Village of Autumn Lake located on Felland Road and Lien Road. 17th Ald. Dist.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00535
80. [01313](#) Reapproving the preliminary/final plat known as All Saints Plat located at 501 Commerce Drive. 9th Ald. Dist.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00536

REPORT OF PUBLIC SAFETY REVIEW BOARD

81. [00572](#) Requesting that the Madison Police Department cease the use and rescind the authorization to purchase Tasers until such time as their safety can be confirmed or alternative devices of proven safety and effectiveness can be utilized.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Place On File. The motion passed by acclamation.

REFERRED TO THIS MEETING

APPOINTMENTS

82. [01251](#) Report of the Mayor submitting citizen committee appointments.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Confirm. The motion passed by acclamation.

RESOLUTIONS

83. [00935](#) Authorizing the Mayor and City Clerk to enter into a Second Amendment to the Agreement between the City and Madison Fireworks Fund, Inc. (MFF) to allow MFF to operate a full event on any rescheduled rain date.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00537

84. [01300](#) Calling on the Congress of the United States to reject plans to privatize Social Security by cutting Social Security's guaranteed benefits and diverting money out of Social Security into private investment accounts.
- A motion was made by Council President Van Rooy, seconded by Ald. King, to Adopt. The motion passed by the following vote:**
- Absent:** 1 - Bruer
- Aye:** 11 - Benford, Cnare, Golden, King, Konkell, Gruber, Olson, Rosas, Van Rooy, Verveer and Webber
- No:** 3 - Sanborn, Thomas and Radomski
- Abstain:** 5 - Brandon, Compton, Knox, Jr., Palm and Skidmore
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-05-00538

RECONSIDERATIONS

85. [01057](#) Authorizing the Parking Utility to sign an agreement with Adams Outdoor Advertising Limited Partnership to sell and manage advertising services for the City's Parking Utility. *1 Registrant(s) in support not wishing to speak.*
- A motion was made by Council President Van Rooy, seconded by Ald. Konkell, to Reconsider. The motion failed by the following vote:**
- Absent:** 1 - Bruer
- Aye:** 1 - Konkell
- No:** 18 - Benford, Sanborn, Brandon, Cnare, Compton, Golden, King, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber
- Non Voting:** 1 - Cieslewicz

NEW BUSINESS - Referred on motion of President Van Rooy, seconded by Ald. Verveer.

ORDINANCES

86. [01315](#) Creating Section 28.06(2)(a)3109 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: 10 Condominium Units; 1st Aldermanic District: 1702 Waldorf Boulevard. *Due back at the 8/2/05 Common Council Meeting.*
- Refer For Public Hearing to the PLAN COMMISSION**

87. [01316](#) Creating Section 28.06(2)(a)3111 of the Madison General Ordinances rezoning property from Temp A Agriculture to R1 Single-Family Residence District, and creating Section 28.06(2)(a)3112 of the Madison General Ordinances rezoning property from Temp A Agriculture to R4 General Residence District. Proposed Use: 32 Single Family Lots & 2 Multi-Family Lots; 1st Aldermanic District: 9201 Mid Town Road.
Due back at the 8/2/05 Common Council Meeting.

Refer For Public Hearing to the PLAN COMMISSION

88. [01317](#) Creating Section 28.06(2)(a)3113 of the Madison General Ordinances rezoning property from Temp A Agriculture to PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: Church, Offices, Mixed Use & Open Space; 9th Aldermanic District: 9602 Mineral Point Road.
Due back at the 8/2/05 Common Council Meeting.

Refer For Public Hearing to the PLAN COMMISSION

89. [01324](#) Creating Section 28.06(2)(a)3110 of the Madison General Ordinances rezoning property from Temp A Agriculture to C Conservancy District. Proposed Use: Conservancy for Plat Requirements; 16th Aldermanic District: 4949 Meinders Road.
Due back at the 8/2/05 Common Council Meeting.

Refer For Public Hearing to the PLAN COMMISSION

90. [01342](#) Amending Sections 28.08(13)(f), 28.08(15)(f), and 28.08(16)(f), and 28.08(17)(f) of the Madison General Ordinances to clarify allowed projections into front yards and size of front yards.
Due back at the 8/2/05 Common Council Meeting.

Refer For Public Hearing to the PLAN COMMISSION

91. [01358](#) Creating Section 16.23(7)(a)21 and amending Sections 16.23(7)(b) and 28.03(2) of the Madison General Ordinances to require identification of secondary dwelling units on subdivision plats.
Due back at the 8/2/05 Common Council Meeting.

Refer For Public Hearing to the PLAN COMMISSION

92. [01359](#) Creating Section 28.10(6) of the Madison General Ordinances to establish a Research and Development Center District.
Due back at the 8/2/05 Common Council Meeting. 2 Registrant(s) in support not wishing to speak.

Refer For Public Hearing to the PLAN COMMISSION

Fiscal Note Required / Approval to the Comptroller's Office/Approval Group

93. [01371](#) Amending Section 10.08(6)(a)6. of the Madison General Ordinances to remove the Board of Public Works as approval body for using public right-of-way other than as ingress and egress from parking facility.
- Refer to the Traffic Engineering Division**
- Refer to the BOARD OF PUBLIC WORKS**
94. [01372](#) Creating Section 22.01(10) of the Madison General Ordinances to permit enforcement of price verification scanners.
- Refer to the Inspection Unit**
95. [01375](#) Amending 10.056(4)(c), regarding the method of counting 75% of signatures of residents for purposes of a petition for certain street use permits, and clarifying which types of street closures require a petition.
- Refer to the STREET USE STAFF TEAM**

RESOLUTIONS

96. [01305](#) Authorizing the Mayor and City Clerk to execute a Reimbursement Plan Document for the Post-Employment Health Plan for collectively bargained public employees, specifically the Madison Professional Police Officers Association.
- Refer to the BOARD OF ESTIMATES**
97. [01333](#) Authorizing the closure of the Warner Park lagoon and its connecting waterway to Lake Mendota during the 2005 Rhythm and Booms celebration.
- Refer to the BOARD OF PARK COMMISSIONERS**
98. [01339](#) That the vacant position (#786) of Clerk Typist 2 in Compensation Group 20, Range 06, in the permanent salary detail of the Comptroller's Office budget is repealed and recreated as a position of Accountant 3 in Compensation Group 18, Range 10, thereof.
- Refer to the BOARD OF ESTIMATES**
- Refer to the PERSONNEL BOARD**
99. [01340](#) That the position (#3418) of Planner 3 in Compensation Group 18, Range 10, (occupied by D. Trowbridge) in the permanent salary detail of the Planning Unit budget is repealed and recreated as a position of Planner 4 in Compensation Group 18, Range 12, thereof, and be it further resolved that the incumbent shall be reallocated to said position.
- Refer to the BOARD OF ESTIMATES**
- Refer to the PERSONNEL BOARD**
100. [01341](#) That the position (#669) of Zoning Code Officer 1, in Compensation Group 16, Range 13, (occupied by R. Towle) in the permanent salary detail of the Inspection Unit budget is repealed and recreated as a Zoning Code Officer 2 in Compensation Group 16, Range 16, thereof, and be it further resolved that the incumbent shall be reallocated to the said position.
- Refer to the BOARD OF ESTIMATES**
101. [01349](#) Approving a settlement of property tax litigation with American Family, authorizing the Mayor and City Clerk to sign settlement documents authorizing a payment of \$2,775,000 from City resources to effectuate the approved settlement, and amending the 2005 Operating Budget to reduce estimated General Fund revenues by \$933,000 to recognize the City's share of settlement costs.
- Refer to the BOARD OF ESTIMATES**

102. [01363](#) Adoption of the Wingra Creek Market Study and Redevelopment Plan as a supplement of the South Madison Neighborhood Plan.
- Refer to the PLAN COMMISSION**
- Refer to the URBAN DESIGN COMMISSION**
- Refer to the ECONOMIC DEVELOPMENT COMMISSION**
- Refer to the PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION**
- Refer to the BOARD OF PUBLIC WORKS**
- Refer to the LONG RANGE TRANSPORTATION PLANNING COMMISSION**
103. [01366](#) Allocating funds appropriated in the 2005 Operating Budget for prior-year estimated encumbrances to match actual carryforward encumbrances in various departmental accounts, and decreasing the Contingent Reserve by \$101,100 to fund these appropriations.
- Refer to the BOARD OF ESTIMATES**
104. [01373](#) Authorizing the City to enter into an agreement to accept funds from Dane County to continue the Pedestrian-Bicycle Coordinator Program in the Traffic Engineering Division.
- Refer to the BOARD OF ESTIMATES**
- Refer to the PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION**
105. [01378](#) Authorizing an amendment to the sublease with Madison Community Health Center, Inc. for space within the South Madison Health and Family Center.
- Refer to the BOARD OF ESTIMATES**
106. [01381](#) Accepting a 12-foot wide Public Storm Sewer Easement from The Urban Open Space Foundation across property located at 201 South Ingersoll Street. 6th Ald. District.
- Refer to the BOARD OF PUBLIC WORKS**
- Refer to the PLAN COMMISSION**

CLAIMS - REFER TO RISK MANAGER - Referred on motion of President Van Rooy, seconded by Ald. Verveer.

107. [01386](#) NOTICE OF CLAIM: Gregoary Wright Law Offices, S.C., attorney for M. Wegner, W 3283 Grouse Rd., Pardeeville - personal injury - amount to be determined.
- Refer to the Risk Manager**
108. [01387](#) J. Fox-Anderson, 105 Buckingham Ln., Madison - property loss - \$235.00.
- Refer to the Risk Manager**

109. [01388](#) H. Pierce, 3018 Dorchester Way, Madison - vehicle damage - amount to be determined.
Refer to the Risk Manager
110. [01390](#) NOTICE OF CLAIM - Gingras, Cates, & Luebke, S.C., attorney for E. Nance, 3344 E. Washington Ave., Madison - personal injury - amount to be determined.
Refer to the Risk Manager
111. [01391](#) NOTICE OF CLAIM - Michael, Best & Friedrich, LLP, attorney for Center for Industry and Commerce - breach of contract and negligent tortuous acts - amount to be determined.
Refer to the Risk Manager
112. [01392](#) NOTICE OF CLAIM - Laurence J. Dupuis, attorney for L. & D. Goodwin, 646 Moorland Rd., Madison - pain & suffering, medical bills & lost wages - amount to be determined.
Refer to the Risk Manager
113. [01393](#) Canadian Pacific Railway, 501 Marquette Ave., Suite 410, Minneapolis, MN - property damage - \$48,803.85.
Refer to the Risk Manager
114. [01394](#) J. Hale, 2 Snowflake Ct., Madison - property damage - amount to be determined.
Refer to the Risk Manager
115. [01395](#) T. Johnston, 276 Shake Rag St., Mineral Point - vehicle damage - \$1,490.13.
Refer to the Risk Manager
116. [01396](#) R. Niemisto, 4522 Camden Rd., Madison - property damage/loss - \$765.00.
Refer to the Risk Manager

ADDENDUM**REPORT OF OFFICERS****DOWNTOWN COORDINATING COMMITTEE**

117. [00989](#) SUBSTITUTE - Creating Section 12.762 of the Madison General Ordinances to establish procedures by which the City of Madison may be authorized to remove bicycle racks and impound bicycles parked in the bicycle racks.
2 Registrant(s) in support not wishing to speak.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-05-00115
118. [01036](#) SUBSTITUTE - Amending Sections 24.12(2), (5), and (6) of the Madison General Ordinances to add intersection to Definitions and to establish the distances from intersections, sidewalk cafes and buildings where panhandling can occur.
2 Registrant(s) in support not wishing to speak.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-05-00116

ITEMS INTRODUCED FROM THE COUNCIL FLOOR

119. [01420](#) Authorizing the Mayor and City Clerk to execute a Use Agreement between the City and Capstar Radio Operating Company for the July 4th Celebration at Elver Park
Due back at the 6/21/05 Common Council Meeting.
- Refer to the BOARD OF PARK COMMISSIONERS on a motion made by Ald. Sanborn, seconded by Ald. Olson**
Due back at the 6/21/05 Common Council Meeting.
- Refer to the BOARD OF ESTIMATES**
Due back at the 6/21/05 Common Council Meeting. Send to Board of Estimates after approving the fiscal note.
- Fiscal Note Required / Approval to the Comptroller's Office/Approval Group**

120. [01418](#) Amending the Capital Budget to use \$300,000 of new Federal EDI funds for the Wexford Neighborhood Center Project (project 45 in the Planning and Development 2005 Capital Budget) and to create a new project 46, "Streetcar Study" in the P&D 2005 Adopted Capital Budget and transferring \$300,000 of budgeted General Obligation from the Wexford project to the Streetcar Study project.
Due back at the 6/21/05 Common Council Meeting.

Refer to the BOARD OF ESTIMATES on a motion made by Ald. Brandon, seconded by Ald. Verveer

Due back at the 6/21/05 Common Council Meeting.

Refer to the COMMUNITY DEVELOPMENT BLOCK GRANT COMMISSION

121. [01465](#) Amending Section 3.27(4)(f) of the Madison General Ordinances to establish a committee, board or commission member holdover provision.
A motion was made by Ald. Brandon, seconded by Council President Van Rooy, to Refer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE. The motion passed by acclamation.

A motion was made by Council President Van Rooy, seconded by Ald. Verveer to recess the meeting at 9:00 p.m.

**DAVID J. CIESLEWICZ, MAYOR
RAY FISHER, CITY CLERK**

I certify that the foregoing action of the Common Council was approved by the Mayor on the 13th of June, 2005.

Ordinances published July 12th, 2005

RAY FISHER, CITY CLERK