



City of Madison

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

Agenda - Approved COMMON COUNCIL

Tuesday, December 5, 2006

6:30 PM

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

SPEAKING GUIDELINES

If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnuv ua hauj lwm ua ntej yuav tuaj sib tham.

Если Вам необходима помощь устного или письменного переводчика, а также если Вам требуются материалы в иных форматах либо у Вас имеются особые пожелания в связи с доступом к данной услуге, мероприятию или программе, пожалуйста, позвоните по указанному ниже телефону и сообщите об этом не менее чем за три рабочих дня до соответствующей встречи.

Please contact the Office of the Common Council at 266-4071, TTY/Textnet 866-704-2340.

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

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.

SPECIAL ORDER OF BUSINESS

1. [04934](#) In recognition of the hard work and dedication of Parks Division staff as well as the Ad Hoc Swimming Pool Committee and the Pool Finance Committee culminating in the 2006 Outstanding Aquatic Facility Design Award presented by the Wisconsin Park & Recreation Association.

2. [05062](#) Thanking Miller Brewing Company for its generosity in sponsoring the free, expanded Metro service on New Year's Eve and expressing appreciation for making its Miller Free Rides Program an excellent example of successful and responsible community partnership.

PETITIONS AND COMMUNICATIONS**PETITIONS**

3. [05052](#) Petition dated November 4, 2006 from K. Peters direct attachment from the Town of Middleton to the City of Madison (Kenton Peters Attachment).

BUSINESS BY THE MAYOR

4. [05038](#) Report of the Mayor submitting citizen committee appointments (introduced 12-5-2006; action 1-2-2007).
5. [05048](#) Authorizing the approval of a contract for a Fire Department Medical Director with the Board of Regents of the University of Wisconsin System, on behalf of the faculty physicians in the School of Medicine and Public Health of the University of Wisconsin.

RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM

Begin at the top of the next page

6. [02720](#) Creating Section 28.06(2)(a)3161. of the Madison General Ordinances rezoning property from Temp A Agriculture District, C2 General Commercial District and C3 Highway Commercial District to PUD(GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)3162. 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 4 Commercial Buildings, 1 Apartment Building, 1 Private Clubhouse, & Build 4-Story, 91,665 Square Foot Retail & Office Building; 14th Aldermanic District: 2810-2818 Todd Drive & 2703-2805 West Beltline.

PUBLIC HEARINGS - BEGIN AT 6:45 PM**REPORT OF BOARD OF ESTIMATES**

7. [04858](#) Amending Sections 8.08(4) of the Madison General Ordinances to reflect the reorganization of the Department of Planning and Development by moving the City Architect and other city facilities personnel from the Inspection Unit to the Engineering Department.

****NOTE: THE BOARD OF ESTIMATES WILL CONSIDER THIS ITEM AT A SPECIAL MEETING ON 12/5/06. A RECOMMENDATION WILL BE MADE FROM THE COUNCIL FLOOR.****

REPORT OF PLAN COMMISSION

8. [04669](#) Creating Section 28.06(2)(a)3231. of the Madison General Ordinances rezoning property from M1 Limited Manufacturing District to C3L Commercial Service and Distribution District. Proposed Use: Convert Warehouse Into Church; 17th Aldermanic District: 1502 Parkside Drive.

9. [04674](#) Creating Section 28.06(2)(a)3229. of the Madison General Ordinances rezoning property from M1 Limited Manufacturing District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3230. 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 Existing Structure and Build 76 Unit Apartment Building; 6th Aldermanic District: 301 South Ingersoll Street.

10. [04682](#) Creating Section 28.06(2)(a)3227. of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3228. of the Madison General Ordinances rezoning property from Amended PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Build 5 Buildings With 140 Condo Units, 63 Rental Units, 100,673 Square Feet of Commercial Space; 6th Aldermanic District: 2340, 2416, 2504 & 2507 Winnebago Street.

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 # 56, on a motion made by Ald. King and seconded by Ald. Verveer.

1) items which have registrants wishing to speak. 2) items which require an extraordinary (roll call) vote and are not included on the consent agenda by unanimous consent. 3) items which alderperson(s) have separated out for discussion/debate purposes.

REPORTS OF OFFICERS**REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE**

11. [05070](#) Alcohol License Review Committee Report of Operator License Applications (New & Renewal) November 29, 2006.

REPORT OF CITY ATTORNEY

12. [02583](#) UNLAWFUL TAXATION: M. Davis, 1521 Golf View Road #B - unlawful taxation - \$39.59.

13. [02597](#) UNLAWFUL TAXATION: G. Roche, 3205 Grandview Blvd - unlawful taxation - \$4,270.87.

REPORT OF BOARD OF ESTIMATES

Begins at the top of the next page.

14. [01628](#) SECOND SUBSTITUTE - Creating Section 15.01(549) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to the 13th and 14th Aldermanic Districts the Badger-Ann-Park Street Attachment, amending Sections 15.02(57) and (106) and creating Section 15.02(140) of the Madison General Ordinances to add portions of the attached property to Wards 57, 106, and new Ward 140, respectively, and amending Section 15.03(13) to establish Ward 140 in the 13th Aldermanic District.
15. [01933](#) Repealing the 10% set-aside committees and changing the policy so that the Board of Estimates and the Alder in the TID act on each 10% neighborhood set-aside project request.
16. [04807](#) SUBSTITUTE - Repealing Section 3.61 and recreating it as Section 4.26 of the Madison General Ordinances to modify the procedures for approval of purchase of service contracts and to relocate it in the Chapter on finance.
17. [04865](#) Amending Sections 35.02(7) and 35.025(4) of the Madison General Ordinances to establish 2007 Sewer Utility Rates (including Landfill Remediation Fees) effective January 1, 2007.
18. [04866](#) Amending Sections 37.05(4)(f) of the Madison General Ordinances to establish 2007 Storm Water Utility Rates effective January 1, 2007.
19. [04867](#) Creating Section 10.27 of the Madison General Ordinances to establish a fee for delivery of wood chips by the City.
20. [04947](#) Amending the 2006 Operating budget and 2006 and 2007 Capital budgets to allow for the transfer of the Enterprise Permitting System project from the operating to capital budget and authorizing funding in the amount of \$676,328 derived from the sale of land. Further, amending the Information Services Capital Improvement Program for years 2007-2010 to include this project.
21. [04951](#) SUBSTITUTE - Authorizing the Mayor and City Clerk to execute an intergovernmental settlement agreement with the Town of Madison for the attachment of Town lands to the City in the Badger Road-Ann Street-Park Street area and to provide for future revenue sharing payments to the Town in accordance with the approved cooperative plan.
22. [04960](#) Authorizing the Mayor and the Chief of Police to accept donated funds for the implementation and maintenance of a Tactical Emergency Medical Support Team that has been created to support the Madison Police Department's Emergency Response Team.
23. [04961](#) Authorizing the Mayor and the City Clerk to sign a contract with Dane County and the University of Wisconsin, extending for five (5) years the agreement which authorizes the Dane County Narcotics and Gang Task Force.

24. [04962](#) Authorizing the Mayor and Chief of Police to accept three (3) highway safety grants totaling \$33,000 from WI Department of Transportation for the following activities in 2007: Alcohol Enforcement (\$25,000), Pedestrian Enforcement (\$4,000), and Bike Enforcement (\$4,000).
25. [04963](#) Report of Police Chief re: 3rd Quarter 2006 Overtime.
26. [04965](#) SUBSTITUTE - Appropriating ~~\$695,800~~ ~~\$677,000~~ from the Contingent Reserve, appropriating \$3,117,000 from the General Fund Balance and transferring within agency budgets to cover various unbudgeted departmental expenditures during 2006.

REPORT OF BOARD OF PUBLIC WORKS

27. [04381](#) Accepting improvements and assessing benefits for Nesbitt Valley 1st Addition and Fairhaven CSM Street Light Improvement District (7th Ald. District)
28. [04786](#) Petitioning the State of Wisconsin Commissioner of Railroads to modify the existing roadway crossing of the rail corridor at North Thornton Avenue between East Main Street and Williamson Street, and a determination of the crossing protection required. (6th AD)
29. [04815](#) Approving plans and specifications for the Buckeye Road (CTH AB) Overpass and Approaches over I 39/90 and authorizing the Mayor and City Clerk to enter into agreements with the Wisconsin Department of Transportation for the work and Dane County for cost sharing. (16th AD)
30. [04910](#) Accepting sanitary sewer constructed by Private Contract In Hawks Woods Condominium, Private Contract No. 1924. (1st AD)
31. [04913](#) Awarding Public Works Contract No. 5613, Cottage Grove Bike Lanes 2006.
32. [04914](#) Awarding Public Works Contract No. 5984, Roofing Replacement at Warner Park Community Recreation Center.
33. [04917](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Monona Terrace Rooftop Concession, Contract No. 5988. (4th AD)
34. [04918](#) Improvements accepted for Water Main by Private Contract to serve: Morgan Plat. (17th AD)
35. [04919](#) Improvements accepted for Water Main by Private Contract to serve: Grandview Commons - Phase VII. (3rd AD)
36. [04920](#) Improvements accepted for Water Main by Private Contract to serve: Grandview Commons - Phase XII. (3rd AD)
37. [04921](#) Improvements accepted for Water Main by Private Contract to serve: Grandview Commons - Phase VIII. (3rd AD)
38. [04922](#) Improvements accepted for Water Main by Private Contract to serve: The Meadowlands - Phase I. (3rd AD)
39. [04923](#) Improvements accepted for Water Main by Private Contract to serve: Ice Age Falls - Phase V. (7th AD)
40. [04924](#) Improvements accepted for Water Main by Private Contract to serve: Cardinal Glenn - Phase I. (9th AD)
41. [04925](#) Improvements accepted for Water Main and Water Service Laterals by Private Contract to serve: City Center West - Junction Road. (9th AD)

42. [04955](#) Petitioning the State of Wisconsin Commissioner of Railroads to modify the existing roadway crossing of the rail corridor at the Winnebago/Lafollette intersection, remove the roadway crossing at Division Street and install a new pedestrian crossing at Jackson Street, and a determination of the crossing protection required. (6th AD)

REPORT OF BOARD OF WATER COMMISSIONERS

43. [04909](#) Authorizing the Mayor and the City Clerk to execute an amendment to the Professional Services Agreement with Earth Tech Inc. for the addition of the preparation of Wellhead Protection Plans for Water Utility Unit Wells 6, 12, 18 and 24 (City Wide).
44. [04964](#) Authorizing the Mayor and the City Clerk to execute a Professional Services Agreement with Montgomery Associates LLC for the completion of a study of Manganese in Water Supply Wells and Identification of Alternatives (3rd AD).
45. [04966](#) SUBSTITUTE - Authorizing the Mayor and the City Clerk to execute a Professional Services Agreement with Earth Tech, Inc. for the completion of a filter pilot study for a three million gallon per day iron and manganese removal filter and associated buildings and equipment for Unit Well 29 (3rd AD).

****NOTE: THE NAME OF THE ENTITY FOR FILE ID# 04966 WILL BE SELECTED ON 12/1/06 & WILL BE PROVIDED TO THE COMMON COUNCIL AT THE MEETING**.**

REPORT OF PLAN COMMISSION

Begins at the top of the next page.

46. [04720](#) SUBSTITUTE - Adopting the Hiestand Neighborhood Plan and recommendations contained in the plan. (3rd Ald. Dist.)
47. [04869](#) Authorizing the Mayor and City Clerk to execute an intergovernmental agreement with Dane County, the Town of Springfield, Town of Westport, Village of Waunakee and City of Middleton concerning the North Lake Mendota Parkway.

REPORT OF THE PLANNING UNIT

48. [05064](#) Approving a Certified Survey Map of property owned by J.R. Smart located at 5901 Odana Road. 19th Ald. Dist.

REPORT OF RISK MANAGER

49. [04787](#) D. Griffiths for AT&T, 2140 Davidson Road, Waukesha - property damage - \$665.62.
50. [04851](#) J. Guttenberg for Alexander Company, 145 E. Badger Rd., Ste. 200, Madison - property damage - \$1,920.00.
51. [04952](#) S. Niemczyk, 6919 Dominion Dr., Madison - vehicle damage - \$117.06.
52. [04953](#) United Services Automobile Association for S. Braico, 7317 Whiteacre Rd., Madison - vehicle damage - \$2,704.36.

REFERRED TO THIS MEETING**APPOINTMENTS**

53. [04957](#) AMENDED - Report of the mayor submitting citizen committee appointments (introduced 11-21-06; action 12-5-06).

RESOLUTIONS

Begin at the top of the next page.

54. [04579](#) SUBSTITUTE - Creating an ad hoc committee on parking strategic planning.
55. [05027](#) Requesting that the Chief of the Madison Police Department delay eliminating the three (3) neighborhood police officers and reassigning them until the Madison Police Department staffing study has been completed.
56. [05029](#) AMENDED - Approving the Amended 2007 Operating Plan for Madison's Central Business Improvement District (#1).
57. [05061](#) Encouraging the State of Wisconsin to require access to Emergency Contraception.

NEW BUSINESS - Referred on a motion made by Ald. King and seconded by Ald. Verveer.

ORDINANCES

58. [05026](#) Amending Section 10.085(3)(a)3. of the Madison General Ordinances to permit the use of outdoor fluorescent lamps and amending Section 12.03(4) of the Madison General Ordinances to require cutoff or full cutoff direct street lighting and clarify the street light requirements for different areas.
59. [05028](#) Creating Section 28.06(2)(a)3235. of the Madison General Ordinances rezoning property from C3 Highway Commercial District to M1 Limited Manufacturing District. Proposed Use: Demolish House for a conditional use for a Woodchip Processing Facility; 16th Aldermanic District: 5701 Femrite Drive.
60. [05037](#) Creating Section 15.01(560) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to the 9th Aldermanic District the Kenton Peters Attachment, and amending Section 15.02(113) of the Madison General Ordinances to add the attached property to Ward 113.
61. [05053](#) Amending Section 1.08(3)(a) of the Madison General Ordinances to modify, repeal and recreate bail deposit amounts for various ordinance violations, amending Sec. 23.35(2) of the Madison General Ordinances to increase the forfeiture for permitting animal to cause injury by bite, amending Section 24.09(6) of the Madison General Ordinances to be in conformity with state statute, amending Section 34.26 of the Madison General Ordinances to modify the forfeiture range for removal or tampering with Fire Protection Systems.

RESOLUTIONS

62. [05055](#) Authorizing the Madison Police Department to use an apartment unit within the

City-owned apartment building located at 2333 Allied Drive for a neighborhood police office.

63. [05056](#) Authorizing the execution of a Second Amendment to License pertaining to a license with Sprint Spectrum L.P. at the Lakeview Water Tower, located at 1202 Northport Drive. 18th Ald. Dist.
64. [05057](#) To amend the 2006 Parks Division Capital Budget to include Park Improvements for Mayfair Park.
65. [05058](#) To amend the 2006 Capital Budget to fund park improvements at Churchill Heights Park.
66. [05059](#) Transferring GO debt proceeds among several projects in Engineering-Major Streets, Engineering-Other and the Stormwater Utility and amending the 2006 and 2007 Capital Budgets.
67. [05060](#) Approving a contract with E. B. Jacobs, LLC for consultant services for the firefighter applicant process.
68. [05065](#) Establishing an Alcohol License Density Plan for Police Sectors 403, 404, 405 and 406.

LICENSES

69. [05073](#) Public Hearing - New License
Saini, Inc. • dba Maharani Restaurant
707 N. High Point Road • Agent: Resham Singh • estimated capacity 115
Class B Combination Liquor & Beer • 5% alcohol, 85% food, 10% other
Aldermanic District 9 (Ald. Skidmore) • Police Sector 126
70. [05075](#) Public Hearing - New License
Doaba Brothers, Inc. • dba Maharani Restaurant
380 W. Washington Avenue • Agent: Resham Singh • estimated capacity 270
Class B Combination Liquor & Beer • 5% alcohol, 85% food, 10% other
Aldermanic District 4 (Ald. Verveer) • Police Sector 405
71. [05076](#) Public Hearing - New License
Sundance Cinemas, LLC • dba Sundance Cinema
430 N. Midvale Boulevard • Agent: Peter Christianson • capacity unknown
Class B Combination Liquor & Beer • 12.5% alcohol, 27.9% food, 59.5% other
Aldermanic District 11 (Ald. Gruber) • Police Sector 108
72. [05077](#) Public Hearing - New License
Froyland Miranda Ruiz • dba La Queretana • 1417 Northport Road
Class A Liquor
Aldermanic District 18 (Ald. Van Rooy) • Police Sector 505
73. [05078](#) Public Hearing - New License
Taqueria Y Carnitas La Queretana LLC • dba Taqueria La Queretana
6644 Odana Road • Agent: Froyland Miranda Ruiz • estimated capacity 80
Class B Combination Liquor & Beer • 30% alcohol, 70% food
Aldermanic District 19 (Ald. Radomski) • Police Sector 113

74. [05079](#) Public Hearing - New License
Arcides Portillo Cabrera • dba La Zacatecana • 4921 Commercial Avenue
Class A Beer
Aldermanic District 3 (Ald. Cnare) • Police Sector 609
75. [05080](#) Public Hearing - New License
The Norton Company, Inc. • dba Cranberry Creek Cafe
1501 Lake Point Drive • Agent: James Norton • capacity 130
Class B Combination Liquor & Beer • 5% alcohol, 95% food
Aldermanic District 14 (Ald. Bruer) • Police Sector 313
76. [05081](#) Public Hearing - New License
El Cabrito, LLC • dba El Cabrito
811 S. Gammon Road • Agent: Carlos Solis • estimated capacity 20
Class B Beer, Class C Wine
Aldermanic District 1 (Ald. Sanborn) • Police Sector 114

CLAIMS - REFER TO RISK MANAGER

77. **05041** J. Sekulski, 4329 Travis Ter, Madison - vehicle damage - \$1,321.17.
78. [05042](#) NOTICE OF CLAIM: Philip J. Bradbury, Melli, Walker, Pease & Ruhley, S.C., attorney for Mills Spring LLC, 101 N. Mills St., Madison - property damage - amount to be determined.
79. [05043](#) T. Janke, 1074 Carriage Cir., Fond du Lac - personal injury - \$6,950.00.
80. **05044** S. Anderson, 103 Forton St., Stoughton - vehicle damage - \$547.09.
81. **05045** E. Buettner, 401 Starling Ln., Madison - vehicle damage - \$515.39.
82. **05049** M. Rebholz, 6422 Inner Dr., Madison - property loss - \$633.00.
83. **05050** H. Windham, II, 10852 Bellingrath Rd., Theodore, AL - vehicle damage - \$864.43.
84. **05067** MetLife Auto & Home for A. Kravick, N3043 E. Rockdale Rd., Cambridge - vehicle damage - \$748.28.
85. [05068](#) L. Norton, 509 N. Gammon Rd., Madison - vehicle damage - \$238.66.
86. [05069](#) Steven P. Means, Michael Best & Friedrich LLP, attorney for Park Terrace West LLC - property damage - \$600,000.00.
87. **05071** NOTICE OF INJURY - Donald J. Murphy, attorney for C. Hunter, 2329 Chalet Gardens Rd., # 111, Fitchburg - vehicle damage and personal injury - greater than \$1.00.

- 88. **05072** J.D. Losenegger, 4353 Bagley Pky., Madison - vehicle damage - \$750.23.