



City of Madison Proceedings - Final COMMON COUNCIL

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

Tuesday, December 5, 2006

6:30 PM

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

SPEAKING GUIDELINES

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 6:32 p.m., Ald. King in the Chair.

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

Absent: David J. Cieslewicz

Excused: Golden

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 Ald. Van Rooy, seconded by Ald. Verveer, to Suspend the
Rules. The motion passed by acclamation.**

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.

Sponsors: David J. Cieslewicz

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

Enactment No: RES-06-00998

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.

Sponsors: David J. Cieslewicz and Tim Bruer

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

Enactment No: RES-06-00999

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).
Accept at the 1/2/07 Common Council Meeting.

A motion was made by Ald. Van Rooy, seconded by Ald. Skidmore, to Refer to a future Meeting to Accept for January 2, 2007. The motion passed by acclamation.

BUSINESS BY THE MAYOR

4. [05038](#) Report of the mayor submitting citizen committee appointments (introduced 12-5-2006; action 1-2-2007)
Confirm at the 1/2/07 Common Council Meeting (NOTE: 2/3 vote required for Regent St/South Campus Plan Com).

A motion was made by Ald. Van Rooy, seconded by Ald. Skidmore, to Refer to a future Meeting to Confirm for January 2, 2007. The motion passed by acclamation.

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.

Sponsors: David J. Cieslewicz, Paul E. Skidmore and Austin W. King

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

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

Enactment No: RES-06-01000

RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM

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.
- Sponsors:** Common Council By Petition
- A motion was made by Ald. King, seconded by Ald. Bruer, to Place On File and Close the Public Hearing. The motion passed by acclamation.**

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.
- Sponsors:** David J. Cieslewicz
- A motion was made by Ald. King, seconded by Ald. Verveer, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** ORD-06-00184

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.
- Sponsors:** Common Council By Petition
- 2 Registrant(s) in support not wishing to speak.*
- A motion was made by Ald. King, seconded by Ald. Compton, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** ORD-06-00185

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.
- Sponsors:** Common Council By Petition
3 Registrant(s) in support not wishing to speak.
- A motion was made by Ald. King, seconded by Ald. Compton, to Adopt and Close the Public Hearing. The motion passed by the following vote:**
- Absent:** 1 - Cieslewicz
- Excused:** 1 - Golden
- Aye:** 18 - Sanborn, Konkell, Cnare, Verveer, Webber, Olson, Brandon, King, Skidmore, Gruber, Benford, Knox, Jr., Bruer, Palm, Compton, Van Rooy, Radomski and Thomas
- No:** 0 -
- Abstain:** 1 - Rosas
- Enactment No:** ORD-06-00186
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.
- Sponsors:** Common Council By Petition
- A motion was made by Ald. King, seconded by Ald. Compton, to Rerefer for Recessed Public Hearing to the PLAN COMMISSION. The motion passed by acclamation.**

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.

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. See attached report for list of operators.
A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.

REPORT OF CITY ATTORNEY

12. [02583](#) UNLAWFUL TAXATION: M. Davis, 1521 Golf View Road #B - unlawful taxation - \$39.59.
A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Deny. The motion passed by acclamation.
13. [02597](#) UNLAWFUL TAXATION: G. Roche, 3205 Grandview Blvd - unlawful taxation - \$4,270.87.
A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Deny. The motion passed by acclamation.

REPORT OF BOARD OF ESTIMATES

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.
Sponsors: David J. Cieslewicz
A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: ORD-06-00179
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.
Sponsors: David J. Cieslewicz
A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Refer to the TAX INCREMENTAL FINANCING POLICY AD HOC COMMITTEE. The motion passed by acclamation.

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.
- Sponsors:** David J. Cieslewicz
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-06-00180
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.
- Sponsors:** David J. Cieslewicz
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-06-00181
18. [04866](#) Amending Sections 37.05(4)(f) of the Madison General Ordinances to establish 2007 Storm Water Utility Rates effective January 1, 2007.
- Sponsors:** David J. Cieslewicz
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-06-00182
19. [04867](#) Creating Section 10.27 of the Madison General Ordinances to establish a fee for delivery of wood chips by the City.
- Sponsors:** David J. Cieslewicz
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-06-00183

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.
- Sponsors:** David J. Cieslewicz
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by the following vote:**
- Excused:** 1 - Golden
- Aye:** 19 - Sanborn, Konkell, Cnare, Verveer, Webber, Olson, Brandon, King, Skidmore, Gruber, Benford, Knox, Jr., Bruer, Palm, Compton, Rosas, Van Rooy, Radomski and Thomas
- No:** 0 -
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-06-01001
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.
- Sponsors:** Tim Bruer
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01002
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.
- Sponsors:** Paul E. Skidmore
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01003
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.
- Sponsors:** David J. Cieslewicz
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01004

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).
- Sponsors:** David J. Cieslewicz
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01005
25. [04963](#) Report of Police Chief re: 3rd Quarter 2006 Overtime.
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Accept. The motion passed by acclamation.**
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.
- Sponsors:** David J. Cieslewicz
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by the following vote:**
- Excused:** 1 - Golden
- Aye:** 19 - Sanborn, Konkell, Cnare, Verveer, Webber, Olson, Brandon, King, Skidmore, Gruber, Benford, Knox, Jr., Bruer, Palm, Compton, Rosas, Van Rooy, Radomski and Thomas
- No:** 0 -
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-06-01006

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)
- Sponsors:** Common Council By Request
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01007

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)
- Sponsors:** Judy K. Olson
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01008
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)
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01009
30. [04910](#) Accepting sanitary sewer constructed by Private Contract In Hawks Woods Condominium, Private Contract No. 1924. (1st AD)
- Sponsors:** Common Council By Request
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01010
31. [04913](#) Awarding Public Works Contract No. 5613, Cottage Grove Bike Lanes 2006.
- Sponsors:** Common Council By Request
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01011
32. [04914](#) Awarding Public Works Contract No. 5984, Roofing Replacement at Warner Park Community Recreation Center.
- Sponsors:** Common Council By Request
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01012

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)
- Sponsors:** Common Council By Request
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01013
34. [04918](#) Improvements accepted for Water Main by Private Contract to serve: Morgan Plat. (17th AD)
- Sponsors:** Common Council By Request
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01014
35. [04919](#) Improvements accepted for Water Main by Private Contract to serve: Grandview Commons - Phase VII. (3rd AD)
- Sponsors:** Common Council By Request
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01015
36. [04920](#) Improvements accepted for Water Main by Private Contract to serve: Grandview Commons - Phase XII. (3rd AD)
- Sponsors:** Common Council By Request
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01016
37. [04921](#) Improvements accepted for Water Main by Private Contract to serve: Grandview Commons - Phase VIII. (3rd AD)
- Sponsors:** Common Council By Request
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01017

38. [04922](#) Improvements accepted for Water Main by Private Contract to serve: The Meadowlands - Phase I. (3rd AD)
Sponsors: Common Council By Request
A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-01018
39. [04923](#) Improvements accepted for Water Main by Private Contract to serve: Ice Age Falls - Phase V. (7th AD)
Sponsors: Common Council By Request
A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-01019
40. [04924](#) Improvements accepted for Water Main by Private Contract to serve: Cardinal Glenn - Phase I. (9th AD)
Sponsors: Common Council By Request
A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-01020
41. [04925](#) Improvements accepted for Water Main and Water Service Laterals by Private Contract to serve: City Center West - Junction Road. (9th AD)
Sponsors: Common Council By Request
A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-01021
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)
Sponsors: Judy K. Olson
A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-06-01022

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).
- Sponsors:** Common Council By Request and Lauren Cnare
- A motion was made by Ald. Van Rooy, seconded by Ald. Olson, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01023
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).
- Sponsors:** Lauren Cnare and Common Council By Request
- A motion was made by Ald. Van Rooy, seconded by Ald. Olson, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01024
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).
- Sponsors:** Lauren Cnare and Common Council By Request
- A motion was made by Ald. Van Rooy, seconded by Ald. Olson, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01025

REPORT OF PLAN COMMISSION

46. [04720](#) SUBSTITUTE - Adopting the Hiestand Neighborhood Plan and recommendations contained in the plan. (3rd Ald. Dist.)
- Sponsors:** David J. Cieslewicz and Lauren Cnare
- 3 Registrant(s) in support not wishing to speak.*
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01026
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.
- Sponsors:** David J. Cieslewicz and Paul J. Van Rooy
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01027

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.
- Sponsors:** Common Council By Request
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01028

REPORT OF RISK MANAGER

49. [04787](#) D. Griffiths for AT&T, 2140 Davidson Road, Waukesha - property damage - \$665.62.
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Disallow. The motion passed by acclamation.**
50. [04851](#) J. Guttenberg for Alexander Company, 145 E. Badger Rd., Ste. 200, Madison - property damage - \$1,920.00.
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Disallow. The motion passed by acclamation.**
51. [04952](#) S. Niemczyk, 6919 Dominion Dr., Madison - vehicle damage - \$117.06.
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Disallow. The motion passed by acclamation.**
52. [04953](#) United Services Automobile Association for S. Braico, 7317 Whiteacre Rd., Madison - vehicle damage - \$2,704.36.
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Disallow. The motion passed by acclamation.**

REFERRED TO THIS MEETING**APPOINTMENTS**

53. [04957](#) AMENDED - Report of the mayor submitting citizen committee appointments (introduced 11-21-06; action 12-5-06).
- A motion was made by Ald. Van Rooy, seconded by Ald. Verveer, to Confirm. The motion passed by acclamation.**

RESOLUTIONS

54. [04579](#) SUBSTITUTE - Creating an ad hoc committee on parking strategic planning.
- Sponsors:** Kenneth Golden, Noel T. Radomski and Jed Sanborn
- A motion was made by Ald. Van Rooy, seconded by Ald. Rosas, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-06-01029
- Mayor Cieslewicz arrived at 6:45 p.m.
- Present:** Sanborn, Konkell, Cnare, Verveer, Webber, Olson, Brandon, King, Skidmore, Gruber, Benford, Knox, Jr., Bruer, Palm, Compton, Rosas, Van Rooy, Radomski, Thomas and David J. Cieslewicz
- Excused:** Golden
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.
- Sponsors:** Paul E. Skidmore, Brenda K. Konkell, Jed Sanborn, Judy K. Olson, Kenneth Golden, Noel T. Radomski, Paul J. Van Rooy, Austin W. King, Larry Palm and Brian Benford
- A motion was made by Ald. Skidmore and seconded by Ald. King to Adopt: no action was taken.*
- 1 Registrant(s) in support not wishing to speak.*
- A motion was made by Ald. Rosas, seconded by Ald. Bruer, to Place On File (substitute motion). The motion passed by the following vote:**
- Excused:** 1 - Golden
- Aye:** 13 - Cnare, Verveer, Olson, Brandon, Gruber, Benford, Knox, Jr., Bruer, Compton, Rosas, Van Rooy, Radomski and Thomas
- No:** 6 - Sanborn, Konkell, Webber, King, Skidmore and Palm
- Non Voting:** 1 - Cieslewicz
56. [05029](#) AMENDED - Approving the Amended 2007 Operating Plan for Madison's Central Business Improvement District (#1).
- Sponsors:** Michael E. Verveer and Austin W. King
- A motion was made by Ald. Verveer, seconded by Ald. Olson, to Adopt With Amendment(s) as follows: in the preamble, change "18 voting members" to "17 voting members" and change "three additional members" to "two additional members"; in the WHEREAS clause, change "three additional members" to "two additional members"; in the NOW, THEREFORE, BE IT RESOLVED clause, change "18 voting members" to "17 voting members". The motion passed by acclamation.**
- Enactment No:** RES-06-01030

57. [05061](#) Encouraging the State of Wisconsin to require access to Emergency Contraception.
- Sponsors:** Robbie Webber, David J. Cieslewicz, Judy K. Olson, Austin W. King, Brenda K. Konkell, Tim Gruber, Brian Benford, Isadore Knox, Jr., Tim Bruer and Michael E. Verveer
- A motion was made by Ald. King, seconded by Ald. Verveer, to Adopt. The motion passed by the following vote:**
- Excused:** 1 - Golden
- Aye:** 18 - Sanborn, Konkell, Cnare, Verveer, Webber, Olson, King, Skidmore, Gruber, Benford, Knox, Jr., Bruer, Palm, Compton, Rosas, Van Rooy, Radomski and Thomas
- No:** 0 -
- Abstain:** 1 - Brandon
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-06-01031

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.
- Sponsors:** Larry Palm
- Additional Referral(s): Board of Public Works*
- Refer to the COMMISSION ON THE ENVIRONMENT**
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 Woodchip Processing Facility; 16th Aldermanic District: 5701 Femrite Drive.
- Sponsors:** Common Council By Petition
- Due back at the 1/16/07 Common Council Meeting.*
- Refer For Public Hearing to the PLAN COMMISSION**

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.

Sponsors: David J. Cieslewicz

Adopt at the 1/2/07 Common Council Meeting.

Refer to a future Meeting to Adopt

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.

Sponsors: David J. Cieslewicz

Refer to the BOARD OF ESTIMATES

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.

Sponsors: Kenneth Golden

Refer to the BOARD OF ESTIMATES

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.

Sponsors: Paul J. Van Rooy

Additional Referral(s): Plan Commission, Board of Public Works, Board of Water Commissioners

Refer to the BOARD OF ESTIMATES

64. [05057](#) To amend the 2006 Parks Division Capital Budget to include Park Improvements for Mayfair Park.

Sponsors: Santiago Rosas

Refer to the BOARD OF ESTIMATES

65. [05058](#) To amend the 2006 Capital Budget to fund park improvements at Churchill Heights Park.
- Sponsors:** Santiago Rosas
- Refer to the BOARD OF ESTIMATES**
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.
- Sponsors:** David J. Cieslewicz
- Refer to the BOARD OF ESTIMATES**
67. [05060](#) Approving a contract with E. B. Jacobs, LLC for consultant services for the firefighter applicant process.
- Sponsors:** Paul E. Skidmore
- Refer to the BOARD OF ESTIMATES**
68. [05065](#) Establishing an Alcohol License Density Plan for Police Sectors 403, 404, 405 and 406.
- Sponsors:** David J. Cieslewicz, Judy K. Olson and Michael E. Verveer
- Additional Referral(s): Public Safety Review Board, Downtown Coordinating Committee, BID Board*
- Refer to the ALCOHOL LICENSE REVIEW COMMITTEE**

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
Due back at the 1/2/07 Common Council Meeting.
- Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE**
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
Due back at the 1/2/07 Common Council Meeting.
- Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE**

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
Due back at the 1/2/07 Common Council Meeting.

Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE

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
Due back at the 1/2/07 Common Council Meeting.

Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE

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
Due back at the 1/2/07 Common Council Meeting.

Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE

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
Due back at the 1/2/07 Common Council Meeting.

Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE

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
Due back at the 1/2/07 Common Council Meeting.

Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE

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
Due back at the 1/2/07 Common Council Meeting.

Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE

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 - amount to be determined.
88. [05072](#) J.D. Losenegger, 4353 Bagley Pky., Madison - vehicle damage - \$650.24.

ITEM(S) INTRODUCED FROM THE COUNCIL FLOOR

89. [05135](#) Authorizing the Forestry Section of the Parks Division to purchase trees on a sole or dual source contract from either or both of two Wisconsin nurseries, McKay Nursery and Johnson Nursery.
- Sponsors:** Paul E. Skidmore
- A motion was made by Ald. Skidmore, seconded by Ald. Van Rooy, to Refer to the BOARD OF ESTIMATES. The motion passed by acclamation.**
90. [05100](#) Creating Section 23.37 of the Madison General Ordinances to prohibit interfering with a mother breastfeeding and amending Section 1.08(3) of the Madison General Ordinances to establish the bail deposit amount for violation of this section.
- Sponsors:** Robbie Webber, Austin W. King, Michael E. Verveer, Paul J. Van Rooy, Paul E. Skidmore, Jed Sanborn, Santiago Rosas, Noel T. Radomski, Larry Palm, Judy K. Olson, Brenda K. Konkell, Tim Gruber, Judy Compton, Lauren Cnare, Zachariah Brandon and Brian Benford
- Additional Referral(s): Board of Estimates, Common Council Organizational Committee*
- A motion was made by Ald. King, seconded by Ald. Verveer, to Refer to the PUBLIC SAFETY REVIEW BOARD. The motion passed by acclamation.**
91. [05139](#) Renumbering Subsections 23.01(2)-(3) as Subsections 3.10(5)-(6), and creating Sec. 3.10(7) of the Madison General Ordinances to establish a method of applying Best Value Contracting principles to certain public construction contracts and projects accepting TIF financing.
- Sponsors:** David J. Cieslewicz, Zachariah Brandon, Austin W. King, Larry Palm, Lauren Cnare, Noel T. Radomski, Paul J. Van Rooy, Judy K. Olson, Michael E. Verveer, Tim Gruber, Brian Benford and Paul E. Skidmore
- Additional Referral(s): Board of Estimates*
- A motion was made by Ald. Brandon, seconded by Ald. Verveer, to Refer to the BOARD OF PUBLIC WORKS. The motion passed by acclamation.**
92. [05140](#) Repealing Section 23.01(4) of the Madison General Ordinances, which has been superseded by Wis. Stat. sec. 66.0903(6), governing the City's ability to bid separately or jointly for work on public contracts.
- Sponsors:** Zachariah Brandon
- Additional Referral(s): Board of Estimates*
- A motion was made by Ald. Brandon, seconded by Ald. Verveer, to Refer to the BOARD OF PUBLIC WORKS. The motion passed by acclamation.**
93. [05196](#) Creating Sections 38.03(7) and 38.05(3)(l) and renumbering current Section 38.05(3)(l) to (m) of the Madison General Ordinances to create a provisional retail liquor license.
- Sponsors:** Michael E. Verveer and Judy K. Olson
- Due back at the 1/2/07 Common Council Meeting.*
- A motion was made by Ald. Verveer, seconded by Ald. Olson, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE, due back on January 2, 2007. The motion passed by acclamation.**

94. [05159](#) Requesting that the State of Wisconsin Divest from Sudan.

Sponsors: Austin W. King, Brian Benford, Brenda K. Konkel, Michael E. Verveer, Tim Gruber, Santiago Rosas, Robbie Webber and Judy K. Olson

A motion was made by Ald. King, seconded by Ald. Konkel, to Refer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE. The motion passed by the following vote:

Excused: 1 - Golden

Aye: 18 - Sanborn, Konkel, Cnare, Verveer, Webber, Olson, King, Skidmore, Gruber, Benford, Knox, Jr., Bruer, Palm, Compton, Rosas, Van Rooy, Radomski and Thomas

No: 0 -

Abstain: 1 - Brandon

Non Voting: 1 - Cieslewicz

ADJOURNMENT

A motion was made by Ald. King, seconded by Ald. Verveer, to Adjourn at 7:40 p.m. The motion passed by acclamation.

I certify that the foregoing action of the Common Council was approved by the Mayor on December 6, 2006.

Ordinances published December 21, 2006.

MARIBETH WITZEL-BEHL, CITY CLERK