



City of Madison

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

Agenda - Approved COMMON COUNCIL

Tuesday, March 7, 2006

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

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. [03111](#) Acknowledgement of the 150th Anniversary of the Signing of the City of Madison Charter.

PETITIONS AND COMMUNICATIONS

COMMUNICATIONS

2. [03055](#) Communication from the Village of Cottage Grove re: a resolution supporting the removal of the temporary barricades from Coldspring Ave.
RECOMMENDATION WILL BE MADE FROM THE COUNCIL FLOOR.

BUSINESS BY THE MAYOR

3. [03058](#) Report of the Mayor submitting citizen committee appointments (introduced 3-7-06; action 3-21-06)
4. [03064](#) Report of the Mayor submitting alder committee appointments.

BUSINESS BY THE PRESIDENT OF COMMON COUNCIL

5. [03089](#) AMENDED - Amending Section 15.02(40) of the Madison General Ordinances by changing the polling location for Ward 40 for the April and September 2006 elections.
6. [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.

NOTE: PER LARRY PALM'S REQUEST, REMOVE THE CITY COUNTY LIAISON COMMITTEE AS A REFERRAL SO THE REPORT CAN BE CONSIDERED FOR ACTION AT THE 3/21/06 COMMON COUNCIL MEETING.

RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM

7. [02320](#) Repealing Section 28.04(25) of the Madison General Ordinances to eliminate the requirements for Inclusionary Zoning.

PUBLIC HEARINGS - BEGIN AT 6:45 PM**REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE**

8. [02700](#) Public Hearing - New License
Aparsons, Inc. • dba India Darbar Restaurant • capacity 80
6119 Odana Rd • Agent: Rattan Ghotra
Class B Beer, Class C Wine • 10% alcohol, 90% food
9. [02726](#) Public Hearing - New License
The Silly Yak Bakery & Bread Barn, Inc. • dba The Silly Yak Bakery
7866 Mineral Point Road • Agent: Holly B. Beach • Class A Beer
10. [02727](#) Public Hearing - New License
JSR Ventures, LLC • dba JSR Ventures • estimated capacity 190
7449 East Pass • Agent: Jeffrey S. Rosenberg
Class B Beer, Class C Wine • 20% alcohol, 80% food
11. [02735](#) Public Hearing - New License
Shish Cafe of Madison, Inc. • dba The Shish Cafe • estimated capacity 114
5510 University Avenue • Agent: Rabeh Bnyat
Class B Beer, Class C Wine • 15% alcohol, 85% food

REPORT OF PLAN COMMISSION

12. [01143](#) Creating Section 28.06(2)(a)3099 of the Madison General Ordinances rezoning property from R6 General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)3100 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 2 Residential Buildings & Build 4-Story, 23-Unit Apartment Building; 4th Aldermanic District: 437-441 West Mifflin Street.
13. [02718](#) Creating Section 28.06(2)(a)3158. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R2S Single-Family Residence District. Proposed Use: 6 Single-Family Lots; 9th Aldermanic District: 9624 Old Sauk Road.
14. [02719](#) Creating Section 28.06(2)(a)3159. of the Madison General Ordinances rezoning property from R6 General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3160. 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 2-Unit & Build New 2-Unit & New 4-Unit Apartment Buildings in Addition to Existing 2-Unit Which Will Remain; 4th Aldermanic District: 437-439 & 441-443 W. Mifflin Street.
15. [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.

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: # 60 & 61, on motion of President Van Rooy, seconded by Ald. Verveer.

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

16. [03071](#) Alcohol License Review Committee
March 1, 2006, Report of Operator License Applications (New & Renewal)

REPORT OF ALLIED AREA TASK FORCE

17. [03098](#) Report on the Allied Area Task Force.

REPORT OF CITY ATTORNEY

18. [02813](#) UNLAWFUL TAXATION: United Rentals, 1018 Ann Street - unlawful taxation - \$53,108.55.
19. [02851](#) UNLAWFUL TAXATION: Michael Best & Friedrich for Walgreen Co., 2909 E. Washington Avenue - unlawful taxation - \$51,494.00.
20. [02852](#) UNLAWFUL TAXATION: Michael Best & Friedrich for Walgreen Co., 3710 E. Washington Avenue - unlawful taxation - \$35,737.00.

REPORT OF BOARD OF ESTIMATES

21. [02935](#) Authorizing the Mayor and other City officials to execute a contract with the Wisconsin Department of Transportation for the construction of traffic signals, street lighting and signing on South Park Street.
22. [02963](#) SUBSTITUTE - Authorizing the Mayor and Chief of Police to accept five (5) highway safety grants totaling \$57,000 from the Wisconsin Department of Transportation for the following activities in 2006: Speed and Aggressive Driving Enforcement (\$18,000); Alcohol Enforcement (\$25,000); Click It or Ticket (\$6,000); Pedestrian Enforcement (\$4,000) and Bicycle Enforcement (\$4,000).
23. [02964](#) SUBSTITUTE - Authorizing the Mayor and Chief of Police to accept a Homeland Security Grant of \$13,896 for the purpose of sponsoring, with the Office of Justice Assistance, a Tactical Emergency Medical Support training program.
24. [02973](#) SUBSTITUTE - Authorizing the Mayor and Chief of Police to accept donated funds in support of the Allied Computer and Education Project.

25. [02982](#) SUBSTITUTE - Authorizing the Mayor, City Clerk and Chief of Police to apply for and accept an award from the State of Wisconsin Office of Justice Assistance in the amount of up to \$60,000 and to utilize these funds to continue payment of salary and benefits for the Police Management Information Specialist 2 position, for overtime related to implementation of these systems, and for additional technical services needed for the completion of the IBR project.
26. [02991](#) Authorizing the Mayor and City Clerk to enter into a Purchase Of Services contract with Madison Development Corporation for an amount not to exceed \$40,000 to assist in the preparation of a concept development plan, marketing development plan for the Wisconsin BioAg Gateway, and as match for the first phase of the State-funded market feasibility analysis of the Wisconsin BioAg Gateway. This regional economic development initiative will be located in Tax Incremental Finance District 24 in the Southeast Industrial Area.
27. [03006](#) SUBSTITUTE - Authorizing an amendment to the Planning Unit 2006 Adopted Operating Budget to increase expenditures and offsetting revenues by \$116,000 to receive grant funding for the recently approved Internet Rideshare Project.
28. [03018](#) Authorizing the Mayor and City Clerk / Treasurer to execute an Employment Agreement between the City of Madison and Heather L. Harris, as Overture Center for the Arts Group Sales Coordinator.

REPORT OF BOARD OF PUBLIC WORKS

29. [02919](#) Accepting bituminous pavement constructed by private contract in Prairie Point - Phase II, Private Contract No. 1839 (9th AD)
30. [02941](#) Improvements accepted for water main and water service laterals by Private Contract to serve: Dallas Drive C.S.M. (7th AD)
31. [02984](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Contract No. 5943, Parks Division Buildings / Farmstead Demolition and Site Restoration. (3rd & 17th ADs)
32. [02985](#) Approving plans and specifications for public improvements required to serve Phase I of the Subdivision known as Blackhawk Church Town Center Plat and authorizing construction to be undertaken by the Developer, Private Contract No. 2049. (9th AD)
33. [02990](#) Accepting bituminous pavement constructed by private contract in Reston Heights - Phase VIII, Private Contract No. 1906 (3rd AD)
34. [02993](#) Declaring the City of Madison's intention to exercise its police powers establishing the Danbury Street Assessment District-2006. (10th AD)
35. [02994](#) Approving plans and specifications for public improvements required to serve Phase III of the Subdivision known as Secret Places At Siggelkow Preserve and authorizing construction to be undertaken by the Developer, Private Contract No. 2082. (16th AD)
36. [02998](#) Accepting sanitary sewer constructed by Private Contract In Grandview Commons - Phase VII, Private Contract No. 1952. (3rd AD)
37. [03001](#) Approving plans and specifications for public improvements necessary for the project known as Capitol West/Block 51 PUD and authorizing construction to be undertaken by

- the Developer, Private Contract No.2076. (4th AD)
38. [03002](#) Accepting street improvements constructed by private contract in Grandview Commons - Phase VII, Private Contract No. 1952. (3rd AD)
39. [03015](#) Declaring the City of Madison's intention to exercise its police powers establishing the Edgewood Avenue Reconstruction Street Assessment District - 2005. (10th AD)
40. [03016](#) Authorizing the Purchasing Agent to enter into an agreement with Schmelzer Paint Company to furnish labor, material, and equipment to paint walls and ceilings in the second floor City Channel offices located at the Madison Municipal Building. (6th AD)
41. [03019](#) Awarding Public Works Contracts for bids opened February 17, 2006.
42. [03021](#) Accepting improvements and assessing benefits for Heather Glenn Addition to the Crossing Street Light Improvement District (7th AD)
43. [03025](#) Accepting improvements and assessing benefits for Crossing Phase 1 Street Light Improvement District (7th AD)
44. [03026](#) Accepting improvements and assessing benefits for Maywick Estates Street Light Improvement District (16th AD)
45. [03027](#) Accepting improvements and assessing benefits for Secret Places Phase 1 Street Light Improvement District (16th AD)
46. [03028](#) Accepting improvements and assessing benefits for Secret Places Phase 2 Street Light Improvement District (16th AD)
47. [03029](#) Accepting improvements and assessing benefits for Southern Ridge Street Light Improvement District (1st AD)
48. [03030](#) Accepting improvements and assessing benefits for Tancho Drive (Porter Plat) Street Light Improvement District (17th AD)
49. [03031](#) Accepting improvements and assessing benefits for First Addition to Valley Ridge Street Light Improvement District (1st AD)
50. [03034](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Demolition of 3052 East Washington Avenue. (15th AD)

REPORT OF PED BIKE MOTOR VEHICLE COMMISSION

51. [03014](#) Authorizing the Mayor and City Clerk to enter into a grant contract with the Wisconsin Department of Transportation that requires the City's indemnification of the Wisconsin Department of Transportation.

REPORT OF PLAN COMMISSION

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52. [01363](#) SUBSTITUTE - Adoption of the Wingra Creek Market Study and Redevelopment Plan as a supplement of the South Madison Neighborhood Plan. 13th Ald. Dist.
53. [02939](#) Approving the preliminary/final plat of "Emerick Oaks" located at 9624 Old Sauk Road. 9th Ald. Dist.

REPORT OF RISK MANAGER

54. [02913](#) NOTICE OF CLAIM: USAA Insurance for A. Barone, 5372 Temple Court - property damage - \$1,446.64.
55. [02914](#) NOTICE OF CLAIM: Attorney Linda Newman Woito for M. Sumner, 7128 East Pass - personal injury - \$30,000.00.
56. [02934](#) NOTICE OF CLAIM: G. Hafermann, 705 Forest Edge Drive, Mazomanie - property damage - \$685.13.

REFERRED TO THIS MEETING**ORDINANCES**

57. [02977](#) Amending Section 2.20 of the Madison General Ordinances to clarify procedures by which the Mayor may address the Common Council.
58. [03000](#) Amending Section 3.38(6)(f) of the Madison General Ordinances relating to procedure for approval of Compensation Group 19 incentive employment agreements.
59. [03044](#) Amending Section 15.02(46) of the Madison General Ordinances by changing the polling location for Ward 46.

RESOLUTIONS

60. [02748](#) SUBSTITUTE - Authorizing the Street Superintendent to charge businesses a fee for weekly collection of recyclables.
61. [02979](#) Establishing a Glass-Free Zone for the West Mifflin Street area 10:00 a.m. on April 29, 2006 through 6:00 a.m. on April 30, 2006.

NEW BUSINESS - Referred on a motion made by Council President Van Rooy, seconded by Ald. Verveer**ORDINANCES**

62. [03073](#) Amending Subsection (15) of Section 12.1515 entitled Combination Two Hour, 30 Minute and 15 Minute Parking Meter Zones of the Madison General Ordinances (portion of Main Street).
63. [03075](#) Amending Subsection (87) of Section 12.137 entitled Two Hour Parking 8:00 A.M. to 6:00 P.M. of the Madison General Ordinances (portion of Main Street).
64. [03076](#) Amending Subsection (453) of Section 12.132 entitled Parking Prohibited At All Times of the Madison General Ordinances (portion of Main Street).
65. [03077](#) Amending Subsection (4) of Section 12.1515 entitled Combination Two Hour, 30 Minute and 15 Minute Parking Meter Zones of the Madison General Ordinances (portion of Carroll Street).
66. [03078](#) Amending Subsection (24) of Section 12.137 entitled Two Hour Parking 8:00 A.M. to 6:00 P.M. of the Madison General Ordinances (portion of west Carroll Street).
67. [03079](#) Amending Subsection (246) of Section 12.132 entitled Parking Prohibited At All Times of the Madison General Ordinances (portion of Mifflin Street).
68. [03080](#) Amending Subsections (96) and (97) of Section 12.137 entitled Two Hour Parking 8:00 A.M. To 6:00 P.M. of the Madison General Ordinances (portion of Mifflin Street).
69. [03081](#) Amending Subsection (20) of Section 12.1515 entitled Combination Two Hour, 30 Minute and 15 Minute Parking Meter Zones of the Madison General Ordinances (portion of Pinckney Street).
70. [03082](#) Amending Subsection (290) of Section 12.132 entitled Parking Prohibited At All Times of the Madison General Ordinances (portion of Pinckney Street).
71. [03083](#) Amending Subsections (120) and (121) of Section 12.137 entitled Two Hour Parking 8:00 A.M. to 6:00 P.M. of the Madison General Ordinances (portion of Pinckney Street.)
72. [03085](#) Amending Subsection (12) of Section 12.1515 entitled Combination One Hour, 30 Minute and 15 Minute Parking Meter Zones and amending Subsection (16) of Section 12.1515 entitled Combination Two Hour, 30 Minute and 15 Minute Parking Meter Zones of the Madison General Ordinances (portion of Mifflin St.).

73. [03086](#) Repealing Sections 3.12(2), (3) and (4) of the Madison General Ordinances to remove language that should be issued by resolution.
74. [03088](#) Creating Section 28.13 of the Madison General Ordinances to prohibit negative use restrictions relating to grocery stores as against public policy.
75. [03090](#) Adopting and confirming a Labor Agreement between the City of Madison and the Association of Fire Supervisors (AMFS) for the period January 1, 2004 through December 31, 2005.
76. [03091](#) Amending Section 3.38 (1)(c) of the Madison General Ordinances by creating the classification of Parking Equipment Technician 1 in Compensation Group 16, Range 12.
77. [03093](#) Amending Section 3.38 (1)(c) of the Madison General Ordinances by deleting the classification Parking Equipment Technician in Compensation Group 16, Range 14, and retitling it as Parking Equipment Technician 2 in Compensation Group 16, Range 14.
78. [03094](#) Amending Section 3.38(1)(b) of the Madison General Ordinances by deleting the classification of Overture Center Publicity Specialist in Compensation Group 18, Range 06 and creating the classification of Overture Center Publicity Coordinator in Compensation Group 18, Range 08, thereof.
79. [03100](#) Creating Section 28.06(2)(a)3167. of the Madison General Ordinances rezoning property from Temp A Agriculture District to C Conservancy District, and creating Section 28.06(2)(a)3168. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R2T Single-Family Residence District, and creating Section 28.06(2)(a)3169. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R2Y Single-Family Residence District, and creating Section 28.06(2)(a)3170. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R2Z Single-Family Residence District, and creating Section 28.06(2)(a)3171. of the Madison General Ordinances rezoning property from Temp A Agriculture District to PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: 207 Single-Family Lots, 11 Duplex Lots, 9 Multi-Family Lots and 15 Park/Open Space Lots; 3rd Aldermanic District: [5901 Milwaukee St.](#)

RESOLUTIONS

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80. [02594](#) That the position (#1859) of Secretary 1 in Compensation Group 17, Range 10, occupied by W. Fitch, in the permanent salary detail of the Water Utility budget is repealed and recreated as a position of Program Assistant 1 in Compensation Group 17, Range 11, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
81. [03023](#) Authorizing the Madison Department of Public Health to accept a grant for consolidated contracts from the State Department of Health and Family Services-Division of Public Health for up to \$292,310 in 2006 for programs for emergency preparedness, childhood lead poisoning prevention, immunizations, prevention and maternal and child health; and authorizing the Mayor and City Clerk to sign the "Consolidated Contract Agreement" with DHFS.

82. [03038](#) Authorizing the execution of a Utility Easement to Madison Gas and Electric Company across a City-owned property located at 1902 E. Main Street. 6th Ald. Dist.
83. [03049](#) Approving the City of Madison Fire Department to register its instruction training program with the Madison Area Technical College and amending the 2006 Fire Department Operating Budget by \$5,620.
84. [03051](#) That the position (#1267) of Parking Equipment Technician in Compensation Group 16, Range 16 (occupied by M. Geborek) in the permanent salary detail of the Parking Utility budget is repealed and recreated as a Parking Equipment Technician 2 in Compensation Group 16, Range 14, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
85. [03052](#) That the vacant position (#4029) of Parking Equipment Mechanic in Compensation Group 16, Range 10 in the permanent salary detail of the Parking Utility budget is repealed and recreated as a Parking Equipment Technician 1 in Compensation Group 16, Range 12, thereof.
86. [03053](#) Authorizing the Mayor and City Clerk to execute a Labor Agreement between the City of Madison and the Association of Madison Fire Supervisors (AMFS).
87. [03056](#) That the position (#87) of Overture Center Publicity Specialist in Compensation Group 18, Range 06, (occupied by T. Frailey) in the permanent salary detail of the Overture Center budget is repealed and recreated as a position of Overture Center Publicity Coordinator in Compensation Group 18, Range 08, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
88. [03057](#) Authorizing the Mayor and City Clerk to sign a three (3) year contract for software support and maintenance services with New World Systems Corporation.
89. [03059](#) Authorizing the Mayor and the City Clerk to enter into an agreement with Radio Engineering Industries for video surveillance system for fifteen (15) buses.
90. [03061](#) To amend the Parks Division 2006 Capital Budget, Project #1 Assessable Tree Plantings to capture total costs for the plantings.
91. [03062](#) Amending the [High Point-Raymond Neighborhood Development Plan](#), a supplement to the City of Madison Comprehensive Plan, to revise the land use and street plan recommendations for an area located generally south of Flagstone Drive extended on both sides of Jeffy Trail extended.
92. [03065](#) Authorizing the Madison Senior Center to amend its 2006 Operating and Segregated Fund Budgets to increase expenditures and offsetting revenues by \$10,000 for a grant to expand its Intergenerational Program.
93. [03066](#) Authorizing the execution of two Options to Purchase with FHB Investments, LLC to acquire lots within the World Dairy Center for the Wisconsin BioAg Gateway project. 16th Ald. Dist.
94. [03072](#) Authorizing the acceptance of a Permanent Limited Easement for Public Pedestrian/Bicycle Path Purposes from the Feldt Trust across their property located at 2801 Snowmist Trail. 7th Ald. Dist.

95. [03084](#) Approving the provision of \$70,000 of CDBG dollars for two park improvement projects in the Emerson East and Eken Park neighborhoods as a way to implement a portion of the Emerson East/Eken Park Neighborhood Plan in a manner that will continue to address City Community and Neighborhood Development Objectives.
96. [03087](#) Authorizing public depositories and naming persons with authority to transfer funds.
97. [03099](#) Authorizing the Mayor and City Clerk to sign a Grant Agreement with the State of Wisconsin DNR for the "Cleaner Air Faster Initiative - Nonroad Clean Diesel Demonstration Project"
98. [03110](#) Authorizing the Mayor and City Clerk to execute a development agreement to fund a \$2,200,000 Tax Incremental Financing to the Gorman & Co, Inc. and its assigns plus a \$2,000,000 additional financing instrument to assist in the development of the first phase of a mixed-use redevelopment project located in the 800 Block of East Washington Avenue in TID #36 (Capital Gateway).

REPORTS

99. [03074](#) Report of CCOC Sister Cities Grant Subcommittee - 2006 Final Report & Recommendations for 2006 Sister City Grant Program.

CLAIMS - REFER TO RISK MANAGER

100. [03035](#) NOTICE OF CLAIM: D. Cox, 4174 Monona Drive - property damage - \$271.65.
101. [03036](#) M. Steinmann, 2797 Lyman Lane, Fitchburg - property damage - \$2,429.68.
102. [03039](#) M. Johnson, 6630 Annestown Drive - property damage - \$150.00.
103. [03067](#) I. Castro, 2306 Badger Parkway #5 - property damage - \$818.08.
104. [03068](#) NOTICE OF CLAIM: L. Maassen, 9 Elmwood Court - property damage - \$446.54.
105. [03070](#) NOTICE OF CLAIM: Attorney Joseph R. Long II for C. Benisch, 314 Harbour Town Drive - personal injury - \$108,667.32.