



City of Madison

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

Proceedings - Approved COMMON COUNCIL

This meeting can be viewed LIVE on Madison City Channel, cable channel 98, digital channel 994, or at www.madisoncitychannel.tv.

Tuesday, August 4, 2009

6:30 PM

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

Roll Call at 6:35 p.m., Mayor Cieslewicz in the Chair.

Present: 19 - David J. Cieslewicz
Jed Sanborn
Bridget R. Maniaci
Lauren Cnare
Michael E. Verveer
Shiva Bidar-Sielaff
Marsha A. Rummel
Steve King
Bryon A. Eagon
Paul E. Skidmore
Brian L. Solomon
Chris Schmidt
Satya V. Rhodes-Conway
Larry Palm
Judy Compton
Joseph R. Clausius
Michael Schumacher
Mark Clear
Thuy Pham-Remmele

Excused: 2 - Julia S. Kerr
Tim Bruer

OPENING REMARKS

SUSPENSION OF RULES

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

A motion was made by Ald. Clear, seconded by Ald. Verveer, to Suspend the Rules. The motion passed by voice vote/other.

PETITIONS AND COMMUNICATIONS

EARLY PUBLIC COMMENT

SPECIAL ORDER OF BUSINESS AT 6:45 PM

PRESENTATION OF CONSENT AGENDA

At this time, a consent agenda will be moved with the recommended action listed for each item EXCEPT #: 10, 25, 56, 68 and 69 on a motion made by Ald. Clear, seconded by Ald. Verveer.

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

1. [15189](#) Public Hearing - New License
Habbet Inc • dba Area 51 Bar & Grill • 50% alcohol, 50% food
2513 Seiferth Rd • Agent: Brian Hahn • Estimated Capacity: 99
Class B Combination Liquor & Beer
Aldermanic District 16 (Alder Compton) • Police Sector 619

A motion was made by Ald. Clear, seconded by Ald. Verveer, to Rerefer for Recessed Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.

2. [15190](#) Public Hearing - New License
Arbor Gate Hospitality LLC • dba Bonfyre • 20% alcohol, 80% food
2601 W Beltline Hwy • Agent: Patrick Qinlan • Estimated Capacity: 270 (210 inside, 60 Patio)
Class B Combination Liquor & Beer
Aldermanic District 14 (Alder Bruer) • Police Sector 308

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

3. [15191](#) Public Hearing - New License
Cityview Restaurant Partners LLC • dba To Be Determined • 35% alcohol, 65% food
876 Jupiter Dr • Agent: James Hovde • Estimated Capacity: 320
Class B Combination Liquor & Beer
Aldermanic District 03 (Alder Cnare) • Police Sector 627

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

4. [15192](#) Public Hearing - New License
702 University Square LLC • dba To Be Determined • 40% alcohol, 58% food, 2% Other
702 W Johnson St • Agent: Scott Acker • Estimated Capacity: 900
Class B Combination Liquor & Beer
Aldermanic District 08 (Alder Eagon) • Police Sector 402 • Density Area

A motion was made by Ald. Clear, seconded by Ald. Verveer, to Rerefer for Recessed Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.

5. [15193](#) Public Hearing - New License
Ian's Pizza on State LLC • dba Ian's Pizza
5% alcohol, 90% food, 5% Other
115 State St • Agent: Nicholai Stratman • Estimated Capacity: 117
Class B Beer, Class C Wine
Aldermanic District 04 (Alder Verveer) • Police Sector 405 • Density Area

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

6. [15194](#) Public Hearing - New License
Hy-Vee Inc • dba Hy-Vee Madison
3801 E Washington Ave • Agent: Michael George
Class A Beer, Class A Liquor
Aldermanic District 17 (Alder Clausius) • Police Sector 605

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

REPORT OF BOARD OF PUBLIC WORKS

7. [15089](#) Vacation/Discontinuance of a portion of Wright Street from Mitchell Street north to previously vacated Miller Street, being located in part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and part of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 29, Town 08 North, Range 10 East, City of Madison, Dane County, Wisconsin, and authorizing the Mayor and City Clerk to accept a public easement from Dane County necessary to allow continued City of Madison access and any other incidental easement rights necessary to maintain the existing Lift Station No. 22 located at 2722 Wright Street as it remains in full operation. (17th AD)

Sponsors: Joseph R. Clausius

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

Enactment No: RES-09-00683

REPORT OF PLAN COMMISSION

8. [15027](#) Creating Section 28.06(2)(a)3438. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R1 Single-Family Residence District. Proposed Use: 21 Future Single-Family Lots and 1 Outlot; 1st Aldermanic District: 2055 Woods Road.

Sponsors: Common Council By Request

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

Enactment No: ORD-09-00123

9. [15028](#) Creating Section 28.06(2)(a)3439. 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)3440. 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: The construction of a new six-unit building and additions and renovations to an existing single-family residence and a three-unit residence creating 12 total dwelling units.; 4th Aldermanic District: 115 & 117 South Bassett Street.

Sponsors: Common Council By Request

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

END OF PUBLIC HEARINGS**BUSINESS PRESENTED BY THE MAYOR**

10. [15425](#) Report of the Mayor submitting citizen committee appointments (introduced 7-21-2009; action 8-4-2009).

Sponsors: David J. Cieslewicz

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

11. [15523](#) Report of the Mayor submitting citizen committee appointments (introduced 8-4-2009; action 9-1-2009).

Sponsors: David J. Cieslewicz

Confirm at the 9/1/09 Common Council Meeting.

A motion was made by Ald. Clear, seconded by Ald. Verveer, to Refer to a future Meeting to Confirm to the COMMON COUNCIL, due back on 9/1/2009. The motion passed by voice vote/other.

REPORTS OF OFFICERS

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

12. [14652](#) Change of Licensed Premise
Grid LLC • dba Grid Iron • capacity of 150 (new)
1501-1509 Monroe St • Agent: Bob Sieger
Class B Combination Liquor & Beer • 50% Alcohol, 50% food
Aldermanic District 13 (Alder Kerr) • Police Sector 303
New hotel replaces old tavern on same property.
1 Registrant(s) in support not wishing to speak.

A motion was made by Ald. Clear, seconded by Ald. Verveer, to Grant With Condition(s) as follows: with the conditions outlined in the deed restrictions and that applicant would notify MPD South District in notices. The motion passed by voice vote/other.

13. [15058](#) Operator License Application
Erik Larson - Establishment where employed: Stop-N-Go

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

14. [15181](#) 21+ Entertainment License
City View Restaurant Partners LLC • dba To Be Determined • Capacity: 320
876 Jupiter Dr • Agent: James Hovde
Class B Combination Liquor & Beer • 35% alcohol, 65% food
Aldermanic District 03 (Alder Cnare) • Police Sector 627

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

15. [15182](#) Change of Agent
Road Ranger LLC • dba Road Ranger #139 • 4102 Commercial Ave
New Agent: Tara Bell Hunter
Class A Beer, Class A Liquor
Aldermanic District 03 (Alder Cnare) • Police Sector 607
- A motion was made by Ald. Clear, seconded by Ald. Verveer, to Grant. The motion passed by voice vote/other.**
16. [15183](#) Change of Agent
Supervalu Holdings Inc • dba Apollo Liquors • 4141 Nakoosa Trl
New Agent: Stephanie Whetsel
Class A Beer, Class A Liquor
Aldermanic District 03 (Alder Cnare) • Police Sector 607
- A motion was made by Ald. Clear, seconded by Ald. Verveer, to Grant. The motion passed by voice vote/other.**
17. [15187](#) Change of Licensed Premise
JUS LLC • dba Millpond Gas Station
6410 Millpond Rd • Agent: Jaspalinder Chahal
Class A Beer, Class A Liquor
Aldermanic District 16 (Alder Compton) • Police Sector 621
Request to have license conditions limiting his liquor sales to wine/wine coolers only (i.e. He would like to sell hard liquor).
- A motion was made by Ald. Clear, seconded by Ald. Verveer, to Place On File Without Prejudice. The motion passed by voice vote/other.**
18. [15188](#) Change of Licensed Premise
MMJ Inc • dba Players Sports Bar & Grill • capacity of 99
2013 Winnebago St • Agent: Marilyn Guess
Class B Combination Liquor & Beer • 70% Alcohol, 30% food
Aldermanic District 06 (Alder Rummel) • Police Sector 410
Request to have a roped off beer garden in the back partial parking lot for Saturday, July 25 (Atwood Days) and Saturday, August 1 (golf outing).
Space would be 18 x 50 (see attached drawing).
- A motion was made by Ald. Clear, seconded by Ald. Verveer, to Grant. The motion passed by voice vote/other.**

19. [15319](#) Change of Agent
RNF LLC • dba 24 Hour Pump • Address 2801 University Ave
New Agent: Kuldip Mavi
Class A Beer, Class A Liquor
Aldermanic District 11 (Alder Schmidt) • Police Sector 101

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

20. [15320](#) Change of Agent
Erin's Snug of Madison LLC • dba Erin's Snug Irish Pub
Address 460 American Pky
New Agent: Jerry Waller
Class B Combination Liquor & Beer • 32% alcohol, 67% food, 1% Other
Aldermanic District 17 (Alder Clausius) • Police Sector 520

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

21. [15321](#) Change of Agent
VFW Post 1318 • dba VFW • Address 133 E Lakeside St
New Agent: Raymond Doucette
Class B Combination Liquor & Beer
Aldermanic District 13 (Alder Kerr) • Police Sector 306

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

22. [15563](#) Alcohol License Review Committee Report of Operator License Applications
July 29, 2009. See attached report for list of operators.

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

REPORT OF BOARD OF ESTIMATES

23. [15113](#) Authorizing the execution of an Offer to Purchase and Sell Real Estate with Metro Tech LLC, (the "Seller") for the purchase of a portion of Lot 2 of MetroTech Plat for the future siting of a fire station.

Sponsors: Lauren Cnare

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

Enactment No: RES-09-00684

24. [15220](#) Amending Section 13.21(1), creating Section 13.21(9) and renumbering current Sections 13.21(9) and (10) of the Madison General Ordinances to create a well abandonment rebate of fifty percent (50%) of the cost of abandoning private wells up to one thousand dollars (\$1,000), and amending Section 35.025(1) of the Madison General Ordinances to provide for funding of this rebate through the landfill remediation fee.

Sponsors: Lauren Cnare, Michael Schumacher and Satya V. Rhodes-Conway

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

Enactment No: ORD-09-00124

25. [15276](#) AMENDED SECOND SUBSTITUTE - Approving ~~specific projects to be~~ funded using the City of Madison's Community Development Block Grant-Recovery (CDBG-R) program funds based on an RFP process ~~previously approved and also~~ authorizing the Mayor and City Clerk to sign agreements with Operation Fresh Start, Inc. for \$167,059 \$269,184, Common Wealth for \$33,350, Higher Ground Urban Farm for \$106,050, and YWCA of Madison, Inc. for \$38,455, and Dane County Housing Authority for \$33,648 and amending the 2009 operating budgets of CDBG and the Office of the Director of Planning and Community and Economic Development to provide for \$102,125 in additional hourly salary and benefit expenditures and offsetting revenue. ~~various agencies to implement projects. Projects proposed by area agencies will be reviewed and approved by the CDBG Committee and recommended to the Board of Estimates. Projects will be implemented in four categories targeting low and moderate income individuals: housing rehabilitation and preservation; economic development services; foreclosure prevention, counseling, and referral services; and job development and placement services.~~

Sponsors: Shiva Bidar-Sielaff, Tim Bruer and Marsha A. Rummel

A motion was made by Ald. Clear, seconded by Ald. Clausius, to Adopt With Amendment(s) as follows: add "BE IT FINALLY RESOLVED, that the loan agreement between the City and Higher Ground Urban Farm include the following terms and conditions: If Higher Ground Urban Farm creates at least six full-time years of new jobs by January 1, 2015, then \$53,025 of the original \$106,050 loan shall be forgiven. (A full-time year means one person employed for a calendar year, or two people employed for one half of a year, etc." The motion passed by the following vote:

Ayes: 16 - Bridget R. Maniaci
Lauren Cnare
Michael E. Verveer
Shiva Bidar-Sielaff
Marsha A. Rummel
Steve King
Bryon A. Eagon
Paul E. Skidmore
Brian L. Solomon
Chris Schmidt
Satya V. Rhodes-Conway
Larry Palm
Judy Compton
Joseph R. Clausius
Michael Schumacher
Mark Clear

Noes: 2 - Jed Sanborn
Thuy Pham-Remmele

Excused: 2 - Julia S. Kerr
Tim Bruer

Non Voting: 1 - David J. Cieslewicz

Enactment No: RES-09-00685

A motion was made by Ald. Clear, seconded by Ald. Schumacher, to Adopt the following amendment: add "BE IT FINALLY RESOLVED, that the loan agreement between the City and Higher Ground Urban Farm include the following terms and conditions: If Higher Ground Urban Farm creates at least six full-time years of new jobs by January 1, 2015, then \$53,025 of the original \$106,050 loan shall be forgiven. (A full-time year means one person employed for a calendar year, or two people employed for one half of a year, etc." The motion passed by the following vote:

Ayes: 11 - Bridget R. Maniaci
Steve King
Bryon A. Eagon
Paul E. Skidmore
Larry Palm
Judy Compton
Joseph R. Clausius
Michael Schumacher
Mark Clear
Thuy Pham-Remmele
Jed Sanborn

Noes: 7 - Lauren Cnare
Michael E. Verveer
Shiva Bidar-Sielaff
Marsha A. Rummel
Brian L. Solomon
Chris Schmidt
Satya V. Rhodes-Conway

Excused: 2 - Julia S. Kerr
Tim Bruer

Non Voting: 1 - David J. Cieslewicz

26. [15354](#) Approving Facade Improvement Grant to: 555 State Street (Fat Sandwich Company), 627-631 State Street (U.S. Cellular/Printex), 924 Williamson Street (Plan B), 2205 Sherman Avenue (Madison Chiropractic), 110 S. Dickinson Street (Bock Water Heaters, Inc.), 110-112 King Street (Ancora) and 831 Williamson Street (Chez Vous Catering).

Sponsors: Marsha A. Rummel, Michael E. Verveer, Satya V. Rhodes-Conway and Bryon A. Eagon

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

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

Enactment No: RES-09-00686

27. [15380](#) Approve use of \$796,664 in Homeless Prevention and Rapid Re-Housing Program (HPRP) funds by Community Action Coalition for South Central Wisconsin, Inc. (CACSCW) based on the results of a CDBG Office Request for Proposals and approved by the CDBG Committee; and authorize the Mayor and the City Clerk to sign a contract for services with CACSCW.

Sponsors: Shiva Bidar-Sielaff, Tim Bruer and Marsha A. Rummel

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

Enactment No: RES-09-00687

28. [15444](#) Establishing rules and procedures for Common Council deliberation on the City of Madison's 2010 Capital and Operating Budgets.

Sponsors: Tim Bruer and Mark Clear

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

Enactment No: RES-09-00688

REPORT OF BOARD OF PUBLIC WORKS

29. [10387](#) Declaring the City of Madison's intention to exercise its police powers establishing the Rosa Road Sidewalk Assessment District - 2010. (19th AD)

Sponsors: Mark Clear

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

Enactment No: RES-09-00689

30. [15069](#) Authorizing the Mayor and City Clerk to enter into an agreement with EC3 Environmental Consulting Group, Inc. to provide a "Vegetation Maintenance Proposal for Starkweather Parkway Restoration, Phase I".

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00690

31. [15250](#) Accepting improvements and assessing benefits for 600 W. Doty Street Streetlight Improvement District. (4th AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00691

32. [15253](#) Accepting improvements and assessing benefits for Eighth Addition to Blackhawk Phase 4 Streetlight Improvement District. (1st AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00692

33. [15265](#) Awarding Public Works Contract No. 6349, Fleet Services Concrete Floor Repair.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00693

34. [15272](#) Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of Plat of land interests required for the construction of the Cannonball Run Pipeline Water Main Project located within the Allied-Dunn's Marsh Neighborhood Plan near Crescent Road / Carling Drive, located in part of the Northwest 1/4 of Section 5, Town 6 North, Range 9 East, portions in both the City of Madison and City of Fitchburg, Dane County, Wisconsin. (10th AD)

Sponsors: Brian L. Solomon

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

Enactment No: RES-09-00694

35. [15302](#) Awarding Public Works Contract No. 6026, Femrite Drive Reconstruction Assessment District - 2009.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00695

36. [15303](#) Awarding Public Works Contract No. 6315, Waterways 2009.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00696

37. [15304](#) Awarding Public Works Contract No. 6381, Sherman Terrace Condominiums Water Main Replacement.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00697

38. [15305](#) Awarding Public Works Contract No. 6373, Commercial Avenue/Thompson Drive Water Main.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00698

39. [15323](#) Authorizing the Mayor and City Clerk to enter into a consulting agreement with Graef to design the rehabilitation of a failing culvert crossing in Tenney Park. (2nd AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00699

40. [15339](#) Improvements Accepted for Water Main by Private Contract to Serve: The American Center Plat Hanson Addition, Contract No. 2047. (17th AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00700

41. [15391](#) Assessing Benefits - Mineral Point Road and Gammon Road Concrete Pavement Rehab - 2008.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00701

42. [15392](#) Improvements accepted for Waterways - 2007, Contract No. 5989.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00702

43. [15394](#) Ordering Property Owners to Replace Substandard/Defective Sidewalks and Ordering Property Owners to Install Sidewalk. (3rd & 13th ADs)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00703

44. [15398](#) Assessing Benefits - Mayfair Avenue Street Assessment District - 2007.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00704

45. [15414](#) Improvements accepted for Regent St. Reconstruction Assessment District - 2007; Regent St. Improvement Assessment District - 2007, Contract No. 6027.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00705

46. [15415](#) Improvements accepted for S. Few Street & S. Baldwin Street Reconstruction Assessment District - 2008, Contract No. 6125.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00706

47. [15417](#) Declaring the City of Madison's intention to exercise its police powers establishing the County Trunk Highway M, Prairie Hill Road, Valley View Road, Pleasant View Road & Mineral Point Road Reconstruction Assessment District - 2010. (9th AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00707

48. [15422](#) Declaring the City of Madison's intention to exercise its police powers establishing the West Mifflin Street and North Pinckney Street Vault Assessment District - 2009. (4th AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00708

49. [15423](#) Accepting improvements and assessing benefits for Heather Glen Replat Phase 2A Streetlight Improvement District. (7th AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00709

50. [15424](#) Approving Schedule Of Assessments for the West Mifflin Street and North Pinckney Street Vault Assessment District - 2009. (4th AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00710

51. [15426](#) Assessing Benefits - Jean Street and Leitch Court Reconstruction Assessment District - 2008.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00711

52. [15427](#) Assessing Benefits - North Pinckney Street Reconstruction Assessment District - 2008.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00712

53. [15470](#) Awarding Public Works Contract No. 6376, Voges Road Sewer Extension.

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00713

54. [15472](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for South Madison Branch Library Interior Building Improvements, Contract No. 6348. (14th AD)

Sponsors: BOARD OF PUBLIC WORKS

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

Enactment No: RES-09-00714

REPORT OF COMMON COUNCIL ORGANIZATIONAL COMMITTEE

55. [15285](#) SUBSTITUTE - Amending Sections 3.30(2), 3.53(10)(a) and 3.54(16)(a) of the Madison General Ordinances to permit members of Compensation Groups 18 and 44 to reside in places of their choosing.

Sponsors: Michael Schumacher, David J. Cieslewicz and Brian L. Solomon

A motion was made by Ald. Clear, seconded by Ald. Verveer to Rerefer to the Board of Estimates and Common Council Organizational Committee. The motion passed by voice vote/other.

REPORT OF PED BIKE MOTOR VEHICLE COMMISSION

56. [15186](#) Repealing Section 12.26 of the Madison General Ordinances which created restrictions on opening vehicle doors in traffic.

Sponsors: Paul E. Skidmore and Judy Compton

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

Enactment No: ORD-09-00125

REPORT OF PLAN COMMISSION

57. [15147](#) Authorizing the preparation of a Neighborhood Conservation Study for the East Wilson Street/Schley Pass/Dewey Court area.

Sponsors: Marsha A. Rummel

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

Enactment No: RES-09-00715

58. [15407](#) Approving the preliminary plat of Hawks Woods Estates, located at 2055 Woods Road. 1st Ald. Dist.

Sponsors: Common Council By Request

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

Enactment No: RES-09-00716

59. [15408](#) Approving a Certified Survey Map of property owned by Heidi Stiller located at 2055 Woods Road. 1st Ald. Dist.

Sponsors: Common Council By Request

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

Enactment No: RES-09-00717

REPORT OF PUBLIC SAFETY REVIEW COMMITTEE

60. [13863](#) Amending Sec. 10.34(3) of the Madison General Ordinances to clarify language pertaining to the requirement to post a newly assigned street number.

Sponsors: Larry Palm

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

Enactment No: ORD-09-00126

REPORT OF DEPARTMENT OF PLANNING AND COMMUNITY AND ECONOMIC DEVELOPMENT

61. [15528](#) Approving a Certified Survey Map of property owned by Cherokee Park, Inc. and the City of Madison located at 1506 & 1507 Burning Wood Way and 5898 North Sherman Avenue. 18th Ald. Dist.

Sponsors: Common Council By Request

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

Enactment No: RES-09-00718

62. [15529](#) Approving a Certified Survey Map of property generally owned by Renaissance Property Group located at 602-630 East Johnson Street and 309-311 North Blair Street. 2nd Ald. Dist.

Sponsors: Common Council By Request

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

Enactment No: RES-09-00719

63. [15530](#) Approving a Certified Survey Map of property owned by 2 South Bedford, LLC located at 2 South Bedford Street. 4th Ald. Dist.

Sponsors: Common Council By Request

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

Enactment No: RES-09-00720

REPORT OF RISK MANAGER

64. [14750](#) J. Hazen, 918 Nobel Ln., Madison, 53704 - vehicle damage - \$311.07.

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

65. [15316](#) S. Caya, Nowlan & Mouat LLP, attorney for B. Binion, 100 S. Main St., Janesville, 53547 - personal injury - \$50,000.

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

66. [15317](#) S. Caya, Nowlan & Mouat LLP, attorney for J. Bowan, 100 S. Main St., Janesville, 53547 - personal injury - \$50,000.

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

67. [15405](#) J. Drogue, Cincinnati Insurance Companies, for K. Auby, 4304 Winnequah Rd., Monona - vehicle damage - \$3,730.13.

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

ITEMS REFERRED TO THIS MEETING

RESOLUTIONS

68. [13815](#) AMENDED THIRD SUBSTITUTE - ~~Stating that the policy of the City of Madison is to encourage or, where appropriate, require that seek policies and incremental changes to the built environment, as well major new policies and public works projects, shall that in the aggregate cause vehicle miles traveled (VMT) per capita to decrease by 25 percent, as compared with a 2005 baseline, by 2020 and that this goal shall be incorporated into the City's Comprehensive Plan allow citizens to minimize motor vehicle travel.~~ **To create an interagency staff team to present annual reports describing trends in traffic and mass transit volumes, including, to the extent possible, aggregate vehicle-miles traveled (VMT).**

Sponsors: Satya V. Rhodes-Conway and Brian L. Solomon

3 Registrant(s) in support wishing to speak.

A motion was made by Ald. Clear, seconded by Ald. Rhodes-Conway, to Adopt With Amendment(s) as follows: add "Metro" as a member of the staff team in the 'BE IT RESOLVED' clause and and the Common Council for the staff team to report back to in the first 'BE IT FURTHER' resolved clause. The motion passed by the following vote:

Ayes: 16 - Bridget R. Maniaci
Lauren Cnare
Michael E. Verveer
Shiva Bidar-Sielaff
Marsha A. Rummel
Steve King
Bryon A. Eagon
Paul E. Skidmore
Brian L. Solomon
Chris Schmidt
Satya V. Rhodes-Conway
Larry Palm
Judy Compton
Joseph R. Clausius
Michael Schumacher
Mark Clear

Noes: 2 - Thuy Pham-Remmele
Jed Sanborn

Excused: 2 - Julia S. Kerr
Tim Bruer

Non Voting: 1 - David J. Cieslewicz

Enactment No: RES-09-00721

69. [15446](#) Creating the Madison City Channel Ad Hoc Advisory Committee.

Sponsors: David J. Cieslewicz and Judy Compton

2 Registrant(s) in support wishing to speak.

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

Enactment No: RES-09-00722

70. [15508](#) To urge Congress and our Congressional delegation to find a permanent solution to resolve the shortfall in funding the Housing Choice Voucher (Section 8) Program.

Sponsors: David J. Cieslewicz, Tim Bruer and Mark Clear

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

Enactment No: RES-09-00723

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

ORDINANCES

71. [15503](#) Creating Section 34.34 of the Madison General Ordinances to enact a ban on the sale of novelty lighters.
- Sponsors:** David J. Cieslewicz, Paul E. Skidmore, Lauren Cnare and Brian L. Solomon
- Additional Referral(s): Public Safety Review Committee
- This Ordinance was Referred to the BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS BOARD**
72. [15519](#) Creating Section 28.06(2)(a)3445. of the Madison General Ordinances rezoning property from PUD(SIP) Planned Unit Development Plan (Specific Implementation Plan) District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)3446. of the Madison General Ordinances rezoning property from Amended PUD(GDP) Planned Unit Development (General Development Plan) District to Amended PUD(SIP) Planned Unit Development Plan (Specific Implementation Plan) District. Proposed Use: Construct a 66-Unit Senior Housing/RCAC facility, instead of 33 market-rate apartments as previously approved; 3rd Aldermanic District: 5801 Gemini Drive.
- Sponsors:** Common Council By Request
- Due back at the 10/6/09 Common Council Meeting.
- This Ordinance was Referred for Public Hearing to the PLAN COMMISSION, due back on 10/6/2009**
73. [15522](#) Creating Section 28.06(2)(a)3447. of the Madison General Ordinances rezoning property from PUD(SIP) Planned Unit Development Plan (Specific Implementation Plan) District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)3448. of the Madison General Ordinances rezoning property from Amended PUD(GDP) Planned Unit Development (General Development Plan) District to Amended PUD(SIP) Planned Unit Development Plan (Specific Implementation Plan) District. Proposed Use: Construct 30-Unit Apartment Building Instead of Office Building Previously Approved; 1st Aldermanic District: 1 Hawks Landing Circle.
- Sponsors:** Common Council By Request
- Due back at the 10/6/09 Common Council Meeting.
- This Ordinance was Referred for Public Hearing to the PLAN COMMISSION, due back on 10/6/2009**

74. [15524](#) Amending Section 28.09(5)(f)1. of the Madison General Ordinances to modify height restrictions of buildings in C4 zoning districts located in City-owned parks when approved as a conditional use.
- Sponsors:** Michael E. Verveer
- Due back at the 9/1/09 Common Council Meeting.
- This Ordinance was Referred for Public Hearing to the PLAN COMMISSION, due back on 9/1/2009**
75. [15526](#) Amending Secs. 32.05(3), 32.07(5)(d), 32.14(1) and 1.08(3)(a) of the Madison General Ordinances to require that tenants be notified of their right to inspect photographic evidence and increasing various penalties.
- Sponsors:** Bryon A. Eagon, Tim Bruer, Shiva Bidar-Sielaff, Marsha A. Rummel and Judy Compton
- Additional Referral(s): Common Council Organizational Committee
- This Ordinance was Referred to the HOUSING COMMITTEE**

RESOLUTIONS

76. [15151](#) Authorizing the City to accept Emergency Shelter Grant (ESG), Transitional Housing Program (THP), Homeless Prevention Program (HPP), and Interest Bearing Real Estate Trust Account (IBRETA) fund allocation from the State of Wisconsin, and authorize the Mayor and the City Clerk to enter into a grant agreement with the state and sign agreements with partner Homeless Services Consortium agencies with these funds to implement projects.
- Sponsors:** Shiva Bidar-Sielaff, Tim Bruer and Marsha A. Rummel
- This Resolution was Referred to the BOARD OF ESTIMATES**
77. [15437](#) Accepting a 20-foot wide Public Water Main Easement within the Cannonball Path from the City of Fitchburg.
- Sponsors:** Tim Bruer
- Additional Referral(s): Board of Water Commissioners, Plan Commission
- This Resolution was Referred to the BOARD OF ESTIMATES**
78. [15453](#) Authorizing the Common Council to accept ownership from Northside Business Association of up to twelve decorative banners to be located on City light poles within the public right-of-way at Northport Drive, North Sherman Avenue, and Packers Avenue.
- Sponsors:** Satya V. Rhodes-Conway and Michael Schumacher
- Additional Referral(s): Plan Commission
- This Resolution was Referred to the BOARD OF PUBLIC WORKS**

79. [15474](#) To amend the 2009 Parks Division Capital Budget to include reimbursement from the insurance fund for the replacement of playground equipment at Sauk Heights Park destroyed by a fire. (9th AD)

Sponsors: Paul E. Skidmore and Joseph R. Clausius

Additional Referral(s): Board of Park Commissioners

This Resolution was Referred to the BOARD OF ESTIMATES

80. [15498](#) Adopting the Royster-Clark Special Area Plan as a supplement to the City of Madison Comprehensive Plan.

Sponsors: Larry Palm

Additional Referral(s): Economic Development Committee, Long Range Transportation Planning Committee

This Resolution was Referred to the PLAN COMMISSION

81. [15540](#) Authorizing Common Council to accept and adopt the Burr Oaks Neighborhood Senior Housing Plan.

Sponsors: Tim Bruer

Additional Referral(s): Plan Commission

This Resolution was Referred to the BOARD OF ESTIMATES

82. [15542](#) Approving and amending Project Plan and Boundary for the Tax Incremental District (TID) #39 (Stoughton Rd.).

Sponsors: Judy Compton

Additional Referral(s): Plan Commission

This Resolution was Referred to the BOARD OF ESTIMATES

83. [15547](#) Authorizing the execution of a Declaration of Public Water Main Easement pertaining to the City-owned Cannonball Run Bike Path Corridor.

Sponsors: Tim Bruer

Additional Referral(s): Water Utility Board, Plan Commission

This Resolution was Referred to the BOARD OF ESTIMATES

84. [15555](#) Determining a Public Purpose and Necessity and approving Transportation Project Plat No: 5992-08-21-4.01 for the acquisition of lands and interests required for the relocation and construction of Pleasant View Road from Valley View Road to Mineral Point Road, located in that part of the Northeast ¼ of the Northwest ¼, of Section 34, Town of Middleton, and part of the Northwest ¼ of the Northeast ¼ of Section 34, City of Madison, all in Town 7 North, Range 8 East, Dane County, Wisconsin (9th AD) and; Determining a Public Purpose and Necessity and authorizing the Mayor and City Clerk to accept no cost Permanent Limited Easements for Public Street Purposes from the University of Wisconsin Regents as required for the relocation and construction of Pleasant View Road from Valley View Road to Mineral Point Road, located in that part of the Southwest ¼ of the Southwest ¼ and part of the Southeast ¼ of the Southwest ¼ of Section 22, Town 7 North, Range 8 East, City of Madison (formerly Town of Middleton), Dane County, Wisconsin (9th AD).

Sponsors: Paul E. Skidmore

Additional Referral(s): Plan Commission

This Resolution was Referred to the BOARD OF PUBLIC WORKS

85. [15558](#) SUBSTITUTE - Amending Enactments No. RES 07-01134 and No. RES 08-00818 concerning the allocation of CDBG funds for improvements in the South West Neighborhoods, and amending the 2009 Parks Division Capital Budget.

Sponsors: Shiva Bidar-Sielaff, Tim Bruer and Marsha A. Rummel

This Resolution was Referred to the BOARD OF ESTIMATES

86. [15560](#) Approving \$180,800 in Federal HOME funds to provide additional down payment assistance to qualified homebuyers through Movin' Out, Inc.

Sponsors: Shiva Bidar-Sielaff, Tim Bruer and Marsha A. Rummel

This Resolution was Referred to the BOARD OF ESTIMATES

REPORTS

87. [15553](#) Report of Police Chief re: 2nd Quarter 2009 Overtime.

This Report was Referred to the BOARD OF ESTIMATES

PRESENTATION OF CLAIMS AGAINST THE CITY OF MADISON

CLAIMS - REFER TO RISK MANAGER

88. [15471](#) B. Berriochoa, 308 Turner St., Columbus, 53925 - property damage - \$2,545.19.
89. [15532](#) E. Krueger, Tenney Plaza, Ste. 816, 3 S. Pinckney St., Madison, 53703-2866 - property damage - \$250.00.
90. [15546](#) M & J Van Gemert, 3702 Council Crest, Madison, 53711 - property damage - \$2,106.00.
91. [15548](#) T. St. John, CCMSI for K. Wolski, 3124 N. Dousman St., Milwaukee, 53212 - vehicle damage - \$6,322.86.
92. [15550](#) N. White, 962 Amberson Dr., Sun Prairie, 53590 - personal injury - \$122.91.
93. [15561](#) K. Kelnhofner, for Mead & Hunt, 6501 Watts Rd., Madison, 53719 - property damage - \$944.99.

NO ADDITIONAL REFERRALS WERE ADDED TO # 94 & 95.

94. [15438](#) Authorizing the Mayor and City Clerk to amend the contract with Gillig Corporation for the manufacture and delivery of up to seventy-five (75) coaches and spare parts. Metro Transit is exercising our option under the contract to purchase fourteen (14) diesel-electric hybrid buses in the 2010 production order, at a cost not to exceed \$7,959,000. The cost will be covered by stimulus funding.
- Sponsors:** Jed Sanborn and Brian L. Solomon
95. [15476](#) SUBSTITUTE - Amending the 2009 Capital Budget to authorize a TIF Loan in the amount of \$300,000 to Danisco USA, Inc. in Tax Incremental District (TID) No. 39 (Stoughton Road) and authorizing the Mayor and City Clerk to execute a development agreement to fund the TIF Loan in the amount of \$300,000 to Danisco USA, Inc. to assist in the expansion of its existing facilities in Tax Incremental District No. 39 (Stoughton Road). ~~BY TITLE ONLY.~~
- Sponsors:** Judy Compton

ANNOUNCEMENTS & INTRODUCTION OF ITEMS FROM THE FLOOR

96. [15466](#) Implementing a Plastic Bag Recycling Program.

Sponsors: Judy Compton and Brian L. Solomon

A motion was made by Ald. Clear, seconded by Ald. Verveer, to Refer to the BOARD OF ESTIMATES. The motion passed by voice vote/other.

ADJOURNMENT @ 8:30 PM

A motion was made by Ald. Clear, seconded by Ald. Verveer, to Adjourn at 8:30 p.m. The motion passed by voice vote/other.

I certify that the foregoing action of the Common Council was approved by the Mayor on August 5, 2009.

Ordinances published August 20, 2009.

MARIBETH WITZEL-BEHL, CITY CLERK