



City of Madison

City of Madison
Madison, WI 53703
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Agenda - Amended COMMON COUNCIL

Tuesday, September 19, 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: Ald. Thomas, Ald. Cnare

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. [04498](#) Proclaiming Monday, October 9, 2006, as Indigenous Peoples Day.
2. [04526](#) Recognizing the Mad-City Ski Team for winning the 2006 Division 1 Show Ski National Championship.

CONFIRMATION HEARING

3. [04392](#) Submitting the name of Charles L. Kamp for confirmation of a five-year term as Transit General Manager.
4. [04414](#) Submitting the name of Maribeth Witzel-Behl for confirmation of a five-year term as City Clerk.

PETITIONS AND COMMUNICATIONS - None received by the agenda deadline.

None received by the agenda deadline.

BUSINESS BY THE MAYOR

5. [04525](#) Report of the Mayor submitting citizen committee appointments (introduced 9-19-06; action 10-3-06)
6. [04553](#) Creating Sections 12.132(688) and 12.137(262), amending Sections 12.138(4)(a), (8), and (9)(b) and Sections 12.145(1) and (3)(a), and creating Section 12.150 of the Madison General Ordinances to modify portions of the Residential Parking Permit Program and to establish twenty-five minute parking meter zones.

BUSINESS BY THE PRESIDENT OF THE COMMON COUNCIL

7. [04529](#) Opposing proposals or legislation allowing the increase in the size and weight of trucks on Wisconsin's highways.
8. [04548](#) Appointments to the Common Council Organizational Committee for the remainder of 2006-2007.

RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM

Begin at the top of the next page.

9. [02720](#) Creating Section 28.06(2)(a)3161. of the Madison General Ordinances rezoning property from Temp A Agriculture District, C2 General Commercial District and C3 Highway Commercial District to PUD(GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)3162. of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Demolish 4 Commercial Buildings, 1 Apartment Building, 1 Private Clubhouse, & Build 4-Story, 91,665 Square Foot Retail & Office Building; 14th Aldermanic District: 2810-2818 Todd Drive & 2703-2805 West Beltline.

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

10. [04500](#) 2007 Executive Capital Budget and Amendments.

REPORT OF BOARD OF PUBLIC WORKS

11. [04405](#) Approving Plans, Specifications, And Schedule Of Assessments For South High Point Road Street Assessment District - 2006. (1st AD)
12. [04406](#) Approving Plans, Specifications, And Schedule Of Assessments For South High Point Road Street Assessment District 2 - 2006. (1st AD)

REPORT OF PLAN COMMISSION

13. [04209](#) Creating Section 28.06(2)(a)3217. of the Madison General Ordinances rezoning property from PUD(SIP) Planned Unit Development (Specific Implementation Plan) District to Amended PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Major Alteration to SIP-Add 1 Floor With 10 Units to Main Tower, Add 2 Levels to Parking Structure and Minor Site Plan Alterations; 4th Aldermanic District: 309 W. Washington Ave./33 S. Broom Street.

NOTE: THE PLAN COMMISSION WILL CONSIDER ID# 04209 AT THEIR 9/18/06 MEETING. A RECOMMENDATION WILL BE MADE FROM THE COUNCIL FLOOR.

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 #'s 85, 87, & 104, King/Verveer: carry.

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

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

14. [04541](#) Alcohol License Review Committee Report of Operator License Applications (New & Renewal) September 13, 2006.

REPORT OF BOARD OF ESTIMATES

15. [04200](#) Authorizing the Madison Department of Public Health to accept supplemental funding of \$33,301 for the Women, Infants, and Children (WIC) program for the period June 1, 2006, and December 31, 2006; amending the 2006 Operating Budget for the City of Madison Department of Public Health to add the revenue and expenditures; and authorizing the Mayor and City Clerk to enter into a purchase of services agreement for a contract nutritionist.
16. [04202](#) Accepting an Offer to Purchase from Will South Side LLC for the purchase of a surplus City-owned parcel of land within Doncaster Park located at 4335 Doncaster Drive. 10th Ald. Dist.
17. [04213](#) Authorizing the acceptance of an Offer to Sell from Occasional Partners, LLC, for a two-unit residential income property located at 17-19 S. Orchard Street, and amending the 2006 Parks Division Capital Budget to add funding for Ed Klief Park expansion. 13th Ald. Dist.
18. [04270](#) Amending the Streets Division 2006 Capital Budget to transfer funds from the 2006

Transfer Station Redesign/Reconstr capital project to the Two Street Repair Trucks and the Recycling Cart capital projects.

19. [04354](#) Be it hereby resolved that the position #698 of Real Estate Agent 2 in Compensation Group 18, Range 08, (occupied by J. Lund) in the permanent salary detail of the Community and Economic Development Unit budget is repealed and recreated as a position of Real Estate Agent 3 in Compensation Group 18, Range 10, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
20. [04366](#) Authorizing the Mayor and Clerk to execute a Labor Agreement between the City of Madison and SEIU District 1199W/United Professionals for Quality Health Care (UPQHC) for the period of January 1, 2006 through December 31, 2007.
21. [04367](#) Authorizing the Madison Department of Planning and Development to accept a grant, on behalf of the Allied Area Task Force, from the Fannie Mae Housing and Community Development Division in the amount of \$3,500 to support the community outreach and planning process documentation efforts throughout the Community Design Process.
22. [04389](#) Authorizing the Mayor and Clerk to execute a Labor Agreement between the City of Madison and the Madison Professional Police Officers Association (MPPOA) for the period of January 1, 2006 through December 31, 2007.
23. [04393](#) That the vacant position #1455 of Parks Facilities Maintenance Supervisor in Compensation Group 18, Range 08, in the permanent salary detail of the Parks Division budget is repealed and recreated as a position of Surveyor 2 in Compensation Group 18, Range 08, thereof.
24. [04398](#) Authorizing the issuance of \$26,385,000 General Obligation Promissory Notes, Series 2006-B, of the City of Madison, Wisconsin, providing the details thereof, establishing interest rates thereon and levying taxes therefor.

****15 VOTES REQUIRED FOR ADOPTION****

NOTE: THE PLAN COMMISSION WILL CONSIDER ID# 04398 ON 9/18/06 & THE BOARD OF ESTIMATES WILL CONSIDER IT ON 9/19. THE COMPLETE TEXT OF THE RESOLUTION WILL BE PROVIDED AT THE 9/19 COUNCIL MEETING & A RECOMMENDATION WILL BE MADE FROM THE FLOOR.

25. [04399](#) Authorizing the issuance of \$3,600,000 Taxable General Obligation Promissory Notes, Series 2006-C, of the City of Madison, Wisconsin, providing the details thereof, establishing interest rates thereon and levying taxes therefor.

****15 VOTES REQUIRED FOR ADOPTION****

NOTE: THE PLAN COMMISSION WILL CONSIDER ID# 04399 ON 9/18/06 & THE BOARD OF ESTIMATES WILL CONSIDER IT ON 9/19. THE COMPLETE TEXT OF THE RESOLUTION WILL BE PROVIDED AT THE 9/19 COUNCIL MEETING & A RECOMMENDATION WILL BE MADE FROM THE FLOOR.

26. [04429](#) Amending Section 3.38(1)(b) of the Madison General Ordinances by deleting the

classification of Parks Facilities Maintenance Supervisor in Compensation Group 18, Range 08, thereof.

27. [04434](#) Adopting and confirming the Labor Agreement between the City of Madison and the Madison Professional Police Officers Association (MPPOA) from January 1, 2006 to December 31, 2007.

28. [04437](#) Adopting and confirming the Labor Agreement between the City of Madison and SEIU District 1199W/UPQHC from January 1, 2006 to December 31, 2007.

REPORT OF BOARD OF PARK COMMISSIONERS

29. [04236](#) Authorizing the execution of a Utility Easement to Madison Gas and Electric Company across a City-owned property located at 207 West Olin Avenue. 13th Ald. Dist.

REPORT OF BOARD OF PUBLIC WORKS

30. [04355](#) Improvements accepted for Water Main by Private Contract to serve: Sauk Heights - Phase III. (AD 9)
31. [04382](#) Accepting improvements and assessing benefits for Ice Age Falls Phases 5 & 6 Street Light Improvement District. (7th Ald. District)
32. [04383](#) Accepting improvements and assessing benefits for Heather Glen Replat Phase 1 Street Light Improvement District. (7th Ald. District)
33. [04384](#) Accepting improvements and assessing benefits for Linden Park Phase 1 Street Light Improvement District. (1st Ald. District)
34. [04385](#) Accepting improvements and assessing benefits for Pine Hill Farm Street Light Improvement District. (1st Ald. District)
35. [04386](#) Accepting improvements and assessing benefits for Southern Hill Phases 1-4 Street Light Improvement District. (1st Ald. District)
36. [04387](#) Accepting improvements and assessing benefits for Southern Hill Phase 5 Street Light Improvement District. (1st Ald. District)
37. [04388](#) Accepting improvements and assessing benefits for Tancho/CIC Phase 2 Street Light Improvement District. (17th Ald. District)
38. [04394](#) Authorizing the Mayor and City Clerk to enter into an agreement with the Wisconsin Department of Transportation for the construction of the Starkweather Creek Bike Path. (Various ADs)
39. [04407](#) Improvements Accepted - Badger Road Salt Dome, Contract No. 5774. (14th AD)
40. [04408](#) Improvements accepted for Campbell Street, Chandler Street, Garfield Street and Vilas Avenue Reconstruction Assessment District - 2004, Contract No. 5603. (13th AD)
41. [04420](#) Assessing Benefits - Marsh Road Street Assessment District - 2003. (16th AD)
42. [04421](#) Assessing Benefits - West Broadway Street Assessment District - 2004. (16th AD)
43. [04423](#) Authorizing the Mayor and City Clerk to enter into a revised agreement with the Wisconsin Department of Transportation for the Marsh Road Overpass of the South Beltline Highway (USH 12/18) and terminating the Memorandum of Understanding for Bridge Improvements on the East Side of Madison. (Various ADs)

44. [04427](#) Awarding Public Works Contract No. 5968, State Street Capitol Parking Ramp 2006 Restoration.
45. [04432](#) Awarding Public Works Contract No. 5969, State Street Campus (Frances) Ramp Concrete Sealer Application.
46. [04438](#) Assessing Benefits - Sanitary Replacement with Resurfacing - 2005. (Various ADs)
47. [04440](#) Assessing Benefits - Willow Lane Sanitary & Water Main Assessment District. (19th AD)
48. [04444](#) Approving plans and specifications for public improvements necessary for the project known as 625-627 East Mifflin Street PUD and authorizing construction to be undertaken by the Developer, Private Contract No. 2120. (2nd AD)
49. [04455](#) Accepting improvements and assessing benefits for Cardinal Glen Phase 1 Street Light Improvement District. (9th Ald. District)
50. [04464](#) Assessing Benefits - Hanson Road Neighborhood Sanitary Sewer and Water Main Assessment District. (17th AD)
51. [04465](#) Assessing Benefits - Seminole Highway Street Assessment District - 2004. (10th AD)
52. [04472](#) Assessing Benefits - Advance Road Street Assessment District - 2005. (16th AD)
53. [04473](#) Assessing Benefits - Midvale Boulevard - Hilldale Area Assessment District - 2005. (11th AD)
54. [04474](#) Assessing Benefits - Maple Grove Drive Street Assessment District - 2005. (7th AD)
55. [04475](#) Assessing Benefits - Regent Street Assessment District - 2005. (11th AD)
56. [04477](#) Assessing Benefits - Adams Street, Jefferson Street, Lincoln Street and Alley Reconstruction Assessment District - 2005. (13th AD)
57. [04478](#) Assessing Benefits - St. Philomena Way Assessment District. (9th AD)
58. [04479](#) Assessing Benefits - Sanitary Sewer Lateral Replacement and Storm Sewer installation in conjunction with the '300 S. Hamilton Street Sanitary Sewer and Water Replacement' Contract (#5638). (4th AD)
59. [04481](#) Assessing Partial Benefits - Tancho/CIC Phase 2. (17th AD)
60. [04482](#) Assessing Benefits - Kedzie Street, E. Dayton Street, E. Lawn Court & Moland Street Reconstruction Street Assessment District - 2004. (15th AD)
61. [04484](#) Accepting improvements and assessing benefits for the Crossroads Drive-High Crossing Blvd Traffic Signal District. (Ald. District 17)

- 62. [04489](#) Assessing Benefits - East Main Street Reconstruction Assessment District - 2005. (6th AD)
- 63. [04490](#) Assessing Benefits - Railroad Street Reconstruction Assessment District - 2004. (6th AD)
- 64. [04491](#) Assessing Benefits - Severson Drive Assessment District - 2005. (16th AD)
- 65. [04492](#) Assessing Benefits - Annamark Drive Assessment District - 2004. (17th AD)
- 66. [04495](#) Assessing Benefits - Curb and Gutter in Conjunction with Resurfacing - 2005 Assessment District and Additions. (Various ADs)
- 67. [04496](#) Assessing Benefits - Fenney Court, Lorillard Court, and Findorff Court Street Assessment District - 2004. (4th AD)
- 68. [04497](#) Assessing Benefits - Mandan Crescent, Tumalo Trail, and Manitou Way Reconstruction Assessment District - 2005. (10th AD)

REPORT OF BOARD OF WATER COMMISSIONERS

- 69. [04161](#) Amending Section 13.06 of the Madison General Ordinances to clarify that the maintenance of water meter pits is the responsibility of the property owner and amending Section 13.22 of the Madison General Ordinances to increase the minimum fine for violations of Chapter 13 from \$25 to \$50.

REPORT OF MADISON METRO TRANSIT SYSTEM

- 70. [04509](#) Report - Transit Development Program Status of Recommendations.

REPORT OF PERSONNEL BOARD

71. [04166](#) SUBSTITUTE - Creating Section 3.35(7)(g) and amending 3.38(6)(f) of the Madison General Ordinances to require the re-posting of positions if the job duties change significantly.

REPORT OF RISK MANAGER

72. [04127](#) NOTICE OF INJURY & CLAIM - K. Hopkins, Dane County Jail - battery & personal injury - \$50,000.00.
73. [04325](#) C. Chislom, 701 Pirate Island #208, Monona - vehicle damage - \$579.83.
74. [04327](#) N. Danekas, 1042 N. High Point Rd #106, Madison - vehicle damage - \$173.44.
75. [04328](#) R. & R. Donkle, 121 Frigate Dr., Madison - vehicle damage - \$546.79.
76. [04329](#) T. Norman, 968 Lawrence St., Madison - vehicle damages - \$1,215.67.
77. [04332](#) S. James, 5301 South Hill Dr., Madison - vehicle damage - \$210.00.
78. [04377](#) NOTICE OF CLAIM - Lawton & Cates, S.C., Attorney for the estate of V. Montero-Diaz, Madison - mental, emotional and physical injury - \$1,500,000.00.
79. [04380](#) C. Clark, 401 Bowman Ave., Madison - vehicle damage - \$2,691.71.
80. [04400](#) F. Herschelman, 2533 E Dayton St. #2, Madison - personal injury - not to exceed \$1,000.00.
81. [04403](#) G. Rosendahl, 120 D Evanston Ave., Arlington Heights, IL - vehicle damage - \$230.00.
82. [04450](#) L. Aschbrenner, 808 Chickadee Dr., Cambridge - vehicle damage - \$167.32.

REFERRED TO THIS MEETING**APPOINTMENTS**

83. [04331](#) AMENDED - Report of the Mayor submitting citizen committee appointments (introduced 9-5-2006; action 9-19-2006)

ORDINANCES

84. [04441](#) Amending Sec. 1.08(3)(a) of the Madison General Ordinances to establish a bail deposit for placing articles on a sidewalk.

RESOLUTIONS

85. [04264](#) AMENDED SECOND SUBSTITUTE - Authorizing the Police Department, Engineering Division and Parks Division to accept donated funds, to utilize a fencing and admission system, and to utilize those funds to offset costs associated with the 2006 Halloween event on State Street.
86. [04426](#) Supporting the efforts by the City and its partners to achieve a Platinum Award through the League of American Bicyclist-Bicycle Friendly Communities program and to make Madison the best city in the country for bicycling; creating a Platinum Biking City Planning Committee.

RECONSIDERATION(S)

Begin at the top of the next page.

87. [03515](#) SUBSTITUTE - Amending Section 32.07(5) of the Madison General Ordinances to require separate Check-In and Check-Out forms for rental properties.

NEW BUSINESS - Referred on a motion made by Council President King, seconded by Ald. Verveer.

ORDINANCES

88. [04531](#) Creating Section 28.06(2)(a)3221. of the Madison General Ordinances rezoning property from C2 General Commercial District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3222. 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: Mixed Use Development with 39 Apartment Units & 6,600 square Feet of Retail Space; 6th Aldermanic District: 301 South Livingston Street.
89. [04532](#) Creating Section 28.06(2)(a)3223. of the Madison General Ordinances rezoning property from Temp A Agriculture District to PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: 85 Condominium Units; 1st Aldermanic District: 9401 Mid Town Road.
90. [04544](#) Amending Section 2.025 of the Madison General Ordinances to require that alders notify the Common Council President and Common Council Office Administrative Assistant when they will be absent from the City for any period of five (5) days or longer.
91. [04552](#) Amending Sec. 1.08(3)(a) of the Madison General Ordinances to modify bail deposit amounts for failure to pay when exiting a municipal parking facility.
92. [04554](#) Amending Sections 9.13(6)(j)1.b. and 9.13(6)(j)4. of the Madison General Ordinances regarding placement of merchant vendor equipment on the State Street Mail/Capitol Concourse and Section 9.13(6)(l)2. of the Madison General Ordinances regarding vendors' use of electrical outlets.
93. [04557](#) Amending the definition of "family" in Section 28.03(2) to recognize up to four (4)

unrelated persons, who are disabled or handicapped pursuant to federal law and who require live-in assistants, as a family in the zoning code.

RESOLUTIONS

94. [04508](#) Authorizing the Mayor and City Clerk to enter into an agreement with St. Mary's Hospital Medical Center for the continuation of provision of free access by its employees to Metro Transit fixed route and ADA paratransit services, with reimbursement to the transit utility for employee trips for the period February 1, 2007 through December 31, 2007.
95. [04527](#) Determining a Public Purpose and necessity and adopting a Relocation Order for the acquisition of Plat of land interests required for improvements for Castle Place from East Gorham Street to North terminus, being located in part of the Northwest 1/4 of Section 13, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin and authorizing the Mayor and City Clerk to sign all necessary documents necessary to accomplish the acquisition of land interests. (2nd AD)
96. [04528](#) Authorizing the Madison Department of Public Health to accept a grant from the Children's Health Alliance of Wisconsin for \$4,133 for Halloween Sealant Day 2006.
97. [04530](#) Authorizing the Mayor and City Clerk to sign a Frequency Reconfiguration Agreement with Nextel Communications, Inc., or their subsidiary.
98. [04533](#) Authorizing the Mayor and City Clerk to sign an Agreement with National Conference of Bar Examiners for the payment for municipal services.
99. [04535](#) Approving a contract with Stay-Lite Lighting, Inc. for re-fixturing and retrofit of Fire Buildings for energy efficient upgrades.
100. [04538](#) Authorizing the adoption of amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" regarding electrical outlet use by vendors, and to create new procedures to determine the amount of equipment merchant vendors may use to update the Mall/Concourse vending site map, and to authorize the VOC to approve future changes to the map.
101. [04539](#) Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of Plat of land interests required to facilitate construction of the Buckeye Extension of the Capital City Trail, located in the Southeast ¼ of Section 9 and Northeast ¼ of Section 16, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. and approving plans and specifications for said project. (15th & 16th ADs)
102. [04540](#) Submitting the name of Thomas Carto for confirmation of a five-year term as Overture Center Director.
103. [04547](#) Authorizing an amendment to an Option to Purchase with FHB Investments, LLC to acquire lots within the World Dairy Center for the Wisconsin BioAg Gateway Project.
104. [04550](#) SUBSTITUTE - Regarding a long-term closure and operational plan for the closure of Jerome Street at Coldspring Avenue and a gated traffic diverter on Coldspring Avenue at Bainbridge Street with limited hours of passage.

- 105. [04555](#) To approve the 2007 Operating Plan for Madison's Central Business Improvement District (#1).

CLAIMS - REFER TO RISK MANAGER

106. **04511** NOTICE OF INJURY - Donald J. Murphy, attorney for E. Worthley - personal injury - amount to be determined.
107. [04524](#) Habush Habush & Rottier S.C., attorney for M. Beaty, 5138 Prairie Rose Rd., Madison - personal injury - \$250,000.00.
108. [04542](#) CLAIM - M. Larson, 1309 Troy Dr., Madison - personal injury & property loss - \$410.00.
109. [04543](#) J. Taylor, 4963 Bultman Rd., Madison - vehicle damage - \$248.00.

ADDENDUM

110. [04564](#) Authorizing the Mayor and City Clerk to enter into an agreement with Gary Brown Roofing Corporation to provide construction roofing services for the Traffic Engineering Building Unit 'A' located on Sayle Street.

ADJOURNMENT