



City of Madison Proceedings - Final COMMON COUNCIL

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

Tuesday, March 15, 2005

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

ROLL CALL

Present: Benford, Brandon, Bruer, Compton, Ferrell, Golden, Heidt, Holtzman, King, Konkel, MacCubbin, Markle, Olson, Onken, Rosas, Skidmore, Thomas, Van Rooy, Verveer, Webber and Mayor Cieslewicz

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. Golden, seconded by Ald. Bruer, to Suspend the Rules. The motion passed by acclamation.

PETITIONS AND COMMUNICATIONS

BUSINESS BY THE MAYOR

1. [00790](#) Report of the Mayor submitting an alder committee appointment.

A motion was made by Council President Konkel, seconded by Ald. Onken, to Confirm. The motion passed by acclamation.

RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM**ORDINANCE**

2. [00009](#) Creating Section 28.06(2)(a)3028 of the Madison General Ordinances rezoning property from C1 Limited Commercial District and R2 Single-Family Residence District to PUD (GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)3029 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 Commercial Buildings and Build 5-Story Mixed-Use Building with 12,000 Square Feet Commercial Space and 51 Condominium Units. 10th Ald. Dist. 1802-1864 Monroe Street .

A motion was made by Ald. Golden, seconded by Ald. Verveer, to Table. The motion passed by acclamation.

A motion was made by Ald. Golden, seconded by Council President Konkel, to Take Off The Table. The motion passed by acclamation.

A motion was made by Ald. Golden, seconded by President Pro Tem Rosas, to Adopt - Public Hearing closed. The motion passed by the following vote:

Aye: 18 - Brandon, Bruer, Compton, Ferrell, Golden, Heidt, Holtzman, King, MacCubbin, Markle, Olson, Onken, Rosas, Skidmore, Thomas, Van Rooy, Verveer and Webber

No: 2 - Benford and Konkel

Non Voting: 1 - Cieslewicz

Enactment No: ORD-05-00052

REPORT OF PLAN COMMISSION

3. [00027](#) SUBSTITUTE - Creating Section 28.06(2)(a)3050 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: 4-Building, 48 Total Unit Apartment Development; 3rd Ald. Dist.: 302 East Hill Parkway.

A motion was made by Ald. Olson, seconded by Ald. Onken, to Adopt - Public Hearing closed. The motion passed by the following vote:

Aye: 19 - Benford, Brandon, Bruer, Compton, Ferrell, Golden, Heidt, King, Konkel, MacCubbin, Markle, Olson, Onken, Rosas, Skidmore, Thomas, Van Rooy, Verveer and Webber

No: 1 - Holtzman

Non Voting: 1 - Cieslewicz

Enactment No: ORD-05-00053

4. [00428](#) SECOND SUBSTITUTE - Amending Section 28.04(25) of the Madison General Ordinances to provide for inclusionary dwelling units.
1 Appearance in support.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt - Public Hearing closed. The motion passed by the following vote:**
- Aye:** 18 - Benford, Bruer, Ferrell, Golden, Heidt, Holtzman, King, Konkell, MacCubbin, Markle, Olson, Onken, Rosas, Skidmore, Thomas, Van Rooy, Verveer and Webber
- No:** 2 - Brandon and Compton
- Non Voting:** 1 - Cieslewicz
- Enactment No:** ORD-05-00054

PUBLIC HEARINGS - BEGIN AT 6:45 PM

REPORT OF BOARD OF PUBLIC WORKS

5. [00663](#) Approving Plans, Specifications, And Schedule Of Assessments For Pleasant View Road Assessment District - 2005
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt - Public Hearing closed. The motion passed by acclamation.**
- Enactment No:** RES-05-00229
6. [00664](#) Approving Plans, Specifications, And Schedule Of Assessments For Sanitary Sewer Replacement with Resurfacing - 2005 Assessment District
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt - Public Hearing closed. The motion passed by acclamation.**
- Enactment No:** RES-05-00230

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: Items 12, 13, 19, 20, 21, 53 and 54.

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

7. [00784](#) Alcohol License Review Committee
Report of Operator License Applications
Dated: March 9, 2005
See attached report for list of operators.
- A motion was made by Council President Konkell, seconded by Ald. Holtzman, to Grant. The motion passed by acclamation.**

REPORT OF AFFIRMATIVE ACTION COMMISSION

8. [00230](#) Amending Section 3.60(2) of the Madison General Ordinances to permit that the Reverend Doctor Martin Luther King, Jr. Humanitarian Award may be presented to non-City of Madison residents.
- Rerefer to Equal Opportunities Commission, Affirmative Action Commission, Humanitarian Award Committee - Rev Dr. Martin Luther King Jr.*
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer to the EQUAL OPPORTUNITIES COMMISSION. The motion passed by acclamation.**

REPORT OF BOARD OF ESTIMATES

9. [00332](#) Authorizing the City Purchasing Supervisor to sign an agreement with CTR Systems Parking, Inc for a one-year maintenance contract for the Parking Utility's Revenue equipment.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00231
10. [00416](#) Report of CCOC Sister Cities Grant Subcommittee - 2005 Final Report & Recommendations for 2005 Sister City Grant Program.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Accept. The motion passed by the following vote:**
- Aye:** 18 - Benford, Bruer, Ferrell, Golden, Heidt, Holtzman, King, Konkell, MacCubbin, Markle, Olson, Onken, Rosas, Skidmore, Thomas, Van Rooy, Verveer and Webber
- No:** 2 - Brandon and Compton
- Non Voting:** 1 - Cieslewicz
11. [00526](#) Authorizing the Mayor and Chief of Police to accept a highway safety grant for \$25,000 from WI Department of Transportation for traffic safety alcohol campaigns in 2005.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00232

12. [00542](#) Authorizing the installation of an additional emergency siren and amending the 2005 Capital Budget in the Amount of \$16,900 to provide the necessary funding
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by the following vote:**
- Aye:** 20 - Benford, Brandon, Bruer, Compton, Ferrell, Golden, Heidt, Holtzman, King, Konkell, MacCubbin, Markle, Olson, Onken, Rosas, Skidmore, Thomas, Van Rooy, Verveer and Webber
- No:** 0 -
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-05-00233
13. [00561](#) Amending the 2005 Public Health Operating Budget to allow for the carryover and expenditure of 2004 Bioterrorism Grant funds.
- A motion was made by Council President Konkell, seconded by Ald. Onken, to Adopt. The motion passed by the following vote:**
- Aye:** 20 - Benford, Brandon, Bruer, Compton, Ferrell, Golden, Heidt, Holtzman, King, Konkell, MacCubbin, Markle, Olson, Onken, Rosas, Skidmore, Thomas, Van Rooy, Verveer and Webber
- No:** 0 -
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-05-00234
14. [00568](#) Authorizing the Madison Department of Public Health to accept contributions up to \$24,000 from Fit City partners to support the Fit City Program in 2005.
- A motion was made by Council President Konkell, seconded by Ald. Onken, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00235
15. [00570](#) Authorizing the City of Madison, through the Police Department to accept an award of \$200,000 from the State of Wisconsin Office of Justice Assistance and amending the Police Department 2005 Operating budget to allow for the hire of a 1.0 LTE - Management Information Specialist 2 position.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00236

16. [00589](#) Authorizing the Mayor and City Clerk to execute a development agreement to fund a Tax Incremental Finance Loan to Monroe Neighbors, LLC to assist in the development of a mixed-use redevelopment project (Monroe Commons) located at 1864 Monroe Street in Tax Incremental Finance District No. 33 (Monroe-Harrison).

A motion was made by Ald. Golden, seconded by Ald. Verveer, to Table. The motion passed by acclamation.

A motion was made by Ald. Golden, seconded by Council President Konkell, to Take Off The Table. The motion passed by acclamation.

A motion was made by Ald. Golden, seconded by President Pro Tem Rosas, to Adopt. The motion passed by the following vote:

Aye: 18 - Brandon, Bruer, Compton, Ferrell, Golden, Heidt, Holtzman, King, MacCubbin, Markle, Olson, Onken, Rosas, Skidmore, Thomas, Van Rooy, Verveer and Webber

No: 2 - Benford and Konkell

Non Voting: 1 - Cieslewicz

Enactment No: RES-05-00237

17. [00590](#) SUBSTITUTE - Authorizing the Parking Utility to exchange the Evergreen Parking Lot located at 1802 Monroe Street for a parking lot condominium in the proposed Monroe Commons redevelopment project.

A motion was made by Ald. Golden, seconded by Ald. Verveer, to Table. The motion passed by acclamation.

A motion was made by Ald. Golden, seconded by Council President Konkell, to Take Off The Table. The motion passed by acclamation.

A motion was made by Ald. Golden, seconded by President Pro Tem Rosas, to Adopt. The motion passed by the following vote:

Aye: 18 - Brandon, Bruer, Compton, Ferrell, Golden, Heidt, Holtzman, King, MacCubbin, Markle, Olson, Onken, Rosas, Skidmore, Thomas, Van Rooy, Verveer and Webber

No: 2 - Benford and Konkell

Non Voting: 1 - Cieslewicz

Enactment No: RES-05-00238

18. [00597](#) Resolution authorizing the Mayor and City Clerk to execute agreements with Dane County, Village of Oregon, Village of Mount Horeb, City of Monona, City of Verona, and City of Fitchburg for the operation and maintenance of traffic control signals and street lights at various locations.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.

Enactment No: RES-05-00280

19. [00658](#) Authorizing an additional appropriation for Attorney Robert Horowitz and the firm of Stafford Rosenbaum, LLP for the American Family tax litigation.
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by the following vote:**
- Aye:** 20 - Benford, Brandon, Bruer, Compton, Ferrell, Golden, Heidt, Holtzman, King, Konkel, MacCubbin, Markle, Olson, Onken, Rosas, Skidmore, Thomas, Van Rooy, Verveer and Webber
- No:** 0 -
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-05-00240
20. [00662](#) Authorizing continued retention of Attorney Jon Anderson and LaFollette Godfrey & Kahn for FLSA matters, and appropriating \$10,000 from the Contingent Reserve to the Miscellaneous Litigation account for such retention.
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by the following vote:**
- Aye:** 20 - Benford, Brandon, Bruer, Compton, Ferrell, Golden, Heidt, Holtzman, King, Konkel, MacCubbin, Markle, Olson, Onken, Rosas, Skidmore, Thomas, Van Rooy, Verveer and Webber
- No:** 0 -
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-05-00241
21. [00666](#) SUBSTITUTE - Authorizing the Mayor and City Clerk to execute a settlement agreement and related documents between the City of Madison and K.E.E. Architecture, Inc., regarding the Warner Park Community and Recreation Center roof and amending the 2005 Parks Division Capital Budget to appropriate the \$262,500 settlement for roof repairs.
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by the following vote:**
- Aye:** 20 - Benford, Brandon, Bruer, Compton, Ferrell, Golden, Heidt, Holtzman, King, Konkel, MacCubbin, Markle, Olson, Onken, Rosas, Skidmore, Thomas, Van Rooy, Verveer and Webber
- No:** 0 -
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-05-00242

REPORT OF BOARD OF PUBLIC WORKS - BIDS & MISCELLANEOUS

22. [00628](#) Improvements accepted for water service laterals by Private Contract to serve Quinn Ranch.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00243
23. [00629](#) Improvements accepted for water service laterals by Private Contract to serve Churchill Heights - Phase I.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00244
24. [00630](#) Improvements accepted for water service laterals by Private Contract to serve Reston Heights - Phase VIII.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00245
25. [00633](#) Accepting storm sewer constructed by private contract in Maywick Estates, Private Contract No. 1943.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00246
26. [00634](#) Accepting street improvements, excluding the bituminous pavement, constructed by private contract in Maywick Estates, Private Contract No. 1943.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00247
27. [00635](#) Accepting sanitary sewer constructed by Private Contract In Maywick Estates, Private Contract No. 1943.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00248

28. [00699](#) Accepting street improvements, excluding the bituminous pavement, sidewalk and landscaping/restoration, constructed by private contract in Nelson Road Certified Survey Map, Private Contract No. 1832
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00249
29. [00703](#) Accepting street improvements, excluding the bituminous pavement, constructed by private contract in Milwaukee Street Extension, Private Contract No. 1892.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00250
30. [00706](#) Accepting sanitary sewer constructed by Private Contract In East Prairie Commons - Phase II, Private Contract No. 1632.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00251
31. [00701](#) Accepting sanitary sewer constructed by Private Contract In Milwaukee Street Extension, Private Contract No. 1892.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00252
32. [00705](#) Accepting storm sewer constructed by private contract in Monument Center, Private Contract No. 1964.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00253
33. [00700](#) Accepting storm sewer constructed by private contract in Milwaukee Street Extension, Private Contract No. 1892.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00254
34. [00696](#) Accepting bituminous pavement constructed by private contract in Blackhawk North, Private Contract No. 1868.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00255

35. 00680 IMPROVEMENTS ACCEPTED Tennis Court Resurfacing 2004, Contract No. 5627.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00256

36. [00636](#) Declaring the City of Madison's intention to exercise its police powers establishing the Midvale Boulevard Sanitary Sewer Replacement Assessment District - 2005.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Place On File Without Prejudice. The motion passed by acclamation.
37. [00637](#) Approving plans and specifications for public improvements required to serve Phase B of the Subdivision known as Prairie Point Phase 2 and authorizing construction to be undertaken by the Developer, Private Contract No. 2023.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00257
38. [00627](#) Declaring the City of Madison's intention to exercise its police powers establishing the TANCHOCIC Phase 2 Assessment District-2005.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00258
39. [00697](#) Declaring the City of Madison's intention to exercise its police powers establishing the Gilson Street Reconstruction Assessment District - 2005.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00259
40. [00698](#) Declaring the City of Madison's intention to exercise its police powers establishing the Lien Road Assessment District - 2005.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00260
41. [00680](#) IMPROVEMENTS ACCEPTED Tennis Court Resurfacing 2004, Contract No. 5627.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00256
42. [00624](#) IMPROVEMENTS ACCEPTED Concrete Sealant Application at the Overture Center Parking Ramp , Contract No. 5652.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00261

43. [00623](#) IMPROVEMENTS ACCEPTED Phase 4 Restoration Repairs at the Capitol Square North Parking Ramp Contract No. 5640.
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00262
44. [00625](#) IMPROVEMENTS ACCEPTED Phase 4 Restoration Repairs at the State Street Capitol Parking Ramp, Contract No. 5635.
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00263
45. [00639](#) Improvements accepted for Repairing & Sealing Pavement Cracks, Local Streets - 2004 , Contract No. 5598.
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00264
46. [00638](#) Improvements accepted for Repairing & Sealing Pavement Cracks, Major Streets - 2004, Contract No. 5599.
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00265
47. [00631](#) ASSESSING BENEFITS Vondron Road Sidewalk Assessment District - 2004.
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00266
48. [00704](#) Approving plans, specifications, and schedule of assessments for the installation of street lights in: Ice Age Falls Phase 3 & 4.
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00268

49. [00626](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for 2005-2007 Semi-Permanent Epoxy Pavement Marking, Contract No. 5837.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00267
50. [00632](#) Authorizing the Mayor and City Clerk to execute an agreement with the Madison Metropolitan Sewerage District (MMSD) and the City of Verona to hire a consultant for the design of the Lower Badger Mill Creek Interceptor Sewer and Drainageway.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00269
51. [00678](#) Awarding Public Works Contracts for Bids Opened February 25, 2005.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00270

REPORT OF COMMISSION ON THE ENVIRONMENT

52. [00417](#) Amending Section 10.085(4)(c) to increase the threshold for the required lighting on a residential site to one with three or more parking spaces.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00055

REPORT OF COMMON COUNCIL ORGANIZATIONAL COMMITTEE

53. [00439](#) Creating a non-partisan Madison Election Advisory Committee.
4 Registrants in support.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion failed by the following vote:
- Aye:** 8 - Benford, Heidt, King, Konkell, MacCubbin, Olson, Verveer and Webber
- No:** 12 - Brandon, Bruer, Compton, Ferrell, Golden, Holtzman, Markle, Onken, Rosas, Skidmore, Thomas and Van Rooy
- Non Voting:** 1 - Cieslewicz
- This matter was Refer to the COMMON COUNCIL meeting of March 29, 2005. The motion failed.**

A motion was made by Ald. MacCubbin, seconded by Ald. Verveer, to Adopt With Amendment(s) (sunset clause). The motion failed by the following vote:

Aye: 8 - Benford, Golden, Heidt, MacCubbin, Markle, Olson, Verveer and Webber

No: 13 - Brandon, Bruer, Compton, Ferrell, Holtzman, King, Konkel, Onken, Rosas, Skidmore, Thomas, Van Rooy and Cieslewicz

54. [00586](#) Amending Section 2.205 of the Madison General Ordinances to establish that the election for President and President Pro Tem shall be conducted by instant runoff procedures.
- A motion was made by Ald. King, seconded by Council President Konkell, to Adopt. The motion failed by the following vote:**
- Aye:** 9 - Benford, Heidt, King, Konkell, MacCubbin, Markle, Olson, Verveer and Webber
- No:** 11 - Brandon, Bruer, Compton, Ferrell, Golden, Holtzman, Onken, Rosas, Skidmore, Thomas and Van Rooy
- Non Voting:** 1 - Cieslewicz

REPORT OF PERSONNEL BOARD

55. [00371](#) That the positions (#1092, #1150, and #1132) of Administrative Clerk 1 in Compensation Group 20, Range 09, (occupied by M. Hacker, J. Sarette, and C. Hemenway) in the permanent salary detail of the Engineering Division budget are repealed and recreated as a position of Program Assistant 1 and two positions of Administrative Clerk 2, respectively, in Compensation Group 20, Range 11, thereof, and that the incumbents shall be reallocated to said positions.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00271
56. [00643](#) That the position (#1511) of Parks Administrative Services Manager (occupied by M. Peterson) in Compensation Group 18, Range 11, in the permanent salary detail of the Parks Division budget is repealed and recreated as a position of Parks Administrative Services Manager in Compensation Group 18, Range 10, thereof, and that this action shall not be effective until such time as the position is vacated by the incumbent.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00272
57. [00645](#) That the position (#1201) of Storekeeper in Compensation Group 16, Range 10, (occupied by D. Rowe) in the permanent salary detail of the Traffic Engineering budget is repealed and recreated as a position of Storekeeper in Compensation Group 16, Range 11, thereof.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00273

58. [00646](#) That the new position tentatively identified as an "Alcohol Policy Coordinator" (no Compensation Group/Range specified) in the permanent salary detail of the Mayor's Office budget is repealed and recreated as a position of "Alcohol Policy Coordinator" in Compensation Group 18, Range 08, thereof.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00274
59. [00647](#) Amending Section 3.38(1)(b) of the Madison General Ordinances by deleting the classification of Parks Administrative Services Manager in Compensation Group 18, Range 11 and recreating said classification in Compensation Group 18, Range 10, thereof.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-05-00056
60. [00648](#) That the vacant position (#1231) of Traffic Control Maintenance Worker in Compensation Group 16, Range 10, in the permanent salary detail of the Traffic Engineering budget is repealed and recreated as a Maintenance Painter in Compensation Group 16, Range 13, thereof.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00275
61. [00649](#) That the positions (#3483, 3484, 3485 and 3486) of Command Center Operator in Compensation Group 16, Range 02, (occupied by A. Grasmick, K. Pamulak, J. Grahler, and W. Truschinski) in the permanent salary detail of the Monona Terrace budget are repealed and recreated as Monona Terrace Command Center Operator in Compensation Group 16, Range 07, thereof, and that the incumbents shall be reallocated to said positions.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00276
62. [00650](#) Amending Section 3.38(1)(b) of the Madison General Ordinances by creating the classification of Alcohol Policy Coordinator in Compensation Group 18, Range 08, thereof.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-05-00057

63. [00651](#) Amending Section 3.38 (1)(b) of the Madison General Ordinances by creating the classification of "Monona Terrace Command Center Operator" in Compensation Group 16, Range 07, thereof.
- A motion was made by Council President Konkol, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-05-00058
64. [00679](#) Amending Section 3.38 (1)(c) of the Madison General Ordinances by deleting the classification of Storekeeper in Compensation Group 16, Range 10, and recreating said classification in Compensation Group 16, Range 11, thereof.
- A motion was made by Council President Konkol, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-05-00059

REPORT OF PLAN COMMISSION

65. [00815](#) Approving a Certified Survey Map of property owned by DHR Townhouse Rentals, LLC, Midland Builders, Inc. and GSR, LLC at 6817-6919 Chester Drive. 7th Ald. Dist.
- A motion was made by Council President Konkol, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00277

REPORT OF RISK MANAGER

66. [00452](#) B. Wagner, 5 S. Allen St. # 2, Madison - vehicle damage - \$898.56.
- A motion was made by Council President Konkol, seconded by Ald. Verveer, to Deny. The motion passed by acclamation.**
67. [00614](#) Main Appliance & TV, Inc., 2050 S. Stoughton Road, Madison - vehicle damage - \$5682.91.
- A motion was made by Council President Konkol, seconded by Ald. Verveer, to Deny. The motion passed by acclamation.**

REPORT OF SOLID WASTE ADVISORY COMMITTEE

68. [00560](#) Amending Sections 1.08(3)(a) and (4) and 7.36(7) of the Madison General Ordinances to change references of "garbage cans" to "garbage containers".
- A motion was made by Council President Konkol, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-05-00060

REPORT OF TRANSIT/ PARKING COMMISSION

69. [00185](#) SUBSTITUTE - Amending Section 3.51(4)(k)1. of the Madison General Ordinances to modify the composition and terms, clarify the duties, and change the title of the ADA Transit Subcommittee to the Transit and Parking Commission.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00061
70. [00493](#) Authorizing the Mayor and the City Clerk to enter into an agreement with RNL Design for a Building Needs Analysis Study.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00278
71. [00681](#) Authorizing the Mayor and City Clerk to execute an agreement with Sam Van Galder USA, Inc., a Coach USA Company, that would extend an existing three-year agreement by three years for provision by Van Galder of an annual contribution of \$24,000 to Metro Transit, City transit utility, for each of the next three years to help defray the cost to Metro Transit annually for maintenance of the Dutch Mill Park & Ride lot.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00279

REFERRED TO THIS MEETING

APPOINTMENTS

72. [00654](#) Report of the Mayor submitting citizen committee appointments.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Confirm. The motion passed by the following vote:
- Aye:** 20 - Benford, Brandon, Bruer, Compton, Ferrell, Golden, Heidt, Holtzman, King, Konkell, MacCubbin, Markle, Olson, Onken, Rosas, Skidmore, Thomas, Van Rooy, Verveer and Webber
- No:** 0 -
- Non Voting:** 1 - Cieslewicz

ORDINANCES

73. [00655](#) Creating Section 15.01(544) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to the 1st Aldermanic District the Holley attachment, territory as per Section 12.01 of the City of Madison and Town of Middleton Cooperative Plan under Section 66.0307, Wisconsin Statutes, and repealing and recreating Section 15.02(114) of the Madison General Ordinances to add the attached property to Ward 114.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-05-00062

PETITIONS

74. [00689](#) Petition dated January 25, 2005 from Lathrop & Clark re: Holley Development, LLC Property attachment.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Accept. The motion passed by acclamation.**

RESOLUTIONS

75. [00244](#) Approving the intent of the Parking Utility to sell the Evergreen Parking Lot located at 1802 Monroe Street to Monroe Neighbors, LLC
- A motion was made by Ald. Golden, seconded by Ald. Verveer, to Table. The motion passed by acclamation.**
- A motion was made by Ald. Golden, seconded by Council President Konkell, to Take Off The Table. The motion passed by acclamation.**
- A motion was made by Ald. Golden, seconded by President Pro Tem Rosas, to Adopt. The motion passed by the following vote:**
- Aye:** 18 - Brandon, Bruer, Compton, Ferrell, Golden, Heidt, Holtzman, King, MacCubbin, Markle, Olson, Onken, Rosas, Skidmore, Thomas, Van Rooy, Verveer and Webber
- No:** 2 - Benford and Konkell
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-05-00239

NEW BUSINESS

All new businesses was referred on a motion made by Council President Konkell, seconded by Ald. Verveer. The motion passed by acclamation.

APPOINTMENTS

76. [00690](#) Report of the Mayor submitting citizen committee appointments.
(Please note that some of the Allied Task Force appointments will be submitted for introduction from the floor at the March 15 Council meeting.) **2/3 vote required for appointees on BID Bd, Streetcar Study Committee and Allied Task Force.**

Confirm at the 3/29/05 CC Meeting (2/3 vote required for appointees on BID Bd, Streetcar Study Committee and Allied Task Force.)

Refer to the COMMON COUNCIL

ORDINANCES

77. [00672](#) Amending Section 3.38(1)(i)2. of the Madison General Ordinances by creating the class of "(Unified) Public Health Director" in Compensation Group 21, Range 22, thereof.

Refer to the PERSONNEL BOARD

Refer to the BOARD OF ESTIMATES

78. [00760](#) Amending Section 34.01(2)(c) and creating Section 34.19(4) of the Madison General Ordinances to limit applicability so as not to preclude flexibility in street width and to not conflict with the applicability provisions of the One and Two Family Dwelling Code and the Commercial Building Code.

Refer to the PLAN COMMISSION

Refer to the Fire Department

Refer to the Traffic Engineering Division

Refer to the Engineering Division

79. [00773](#) Creating Section 28.06(2)(a)3085 of the Madison General Ordinances rezoning property C2 General Commercial District to PUD(GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)3086 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: Relocate House to This Lot; 6th Ald. District: 901 Williamson Street/407-411 Paterson Street.

Refer For Public Hearing to the PLAN COMMISSION

80. [00781](#) Creating Section 28.06(2)(a)3082 of the Madison General Ordinances rezoning property from C1 Limited Commercial District to C2 General Commercial District. Proposed Use: Accommodate Drive-Up Window for Restaurant; 15th Ald. District: 3826 Atwood Avenue.

Refer For Public Hearing to the PLAN COMMISSION

81. [00782](#) Creating Section 28.06(2)(a)3083 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)3084 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: Relocate House to This Lot; 4th Ald. District: 444-446 West Doty Street.

Refer For Public Hearing to the PLAN COMMISSION

82. [00783](#) Creating Section 28.06(2)(a)3087 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: 164 Condominium Units, 16,000 Square Feet Commercial Space & 320 Stall Parking; 4th Ald. District: 333 West Mifflin Street.

Refer For Public Hearing to the PLAN COMMISSION

83. [00785](#) Creating Section 28.06(2)(a)3088 of the Madison General Ordinances rezoning property from Temp A Agriculture to R2S Single-Family Residence District. Proposed Use: 73 Residential Lots & 5 Outlots; 1st Aldermanic District: 9435 Valley View Road.

Refer For Public Hearing to the PLAN COMMISSION

84. [00787](#) Adopting and confirming an Employment Agreement between the City of Madison and Dean Brasser, City Comptroller.
Confirmation Hearing, Common Council Mtg. 3/29/05

Refer to the BOARD OF ESTIMATES

85. [00788](#) Adopting and confirming an Employment Agreement between the City of Madison and James P. Morgan, Superintendent of Parks.
Confirmation Hearing, Common Council Mtg. 3/29/05

Refer to the BOARD OF ESTIMATES

86. [00792](#) Creating Section 28.09(2)(c)53. and repealing Section 28.09(2)(d)26. of the Madison General Ordinances to change business and professional offices from a conditional to a permitted use in the C1 District.

Refer For Public Hearing to the PLAN COMMISSION

RESOLUTIONS

87. [00730](#) Authorizing a contract between the City and the Madison Metropolitan School District for the provision of programming by Madison School and Community Recreation at Warner Park Community and Recreation Center for 2005.

Refer to the BOARD OF ESTIMATES

Refer to the BOARD OF PARK COMMISSIONERS

88. [00731](#) Authorizing the Madison Department of Public Health to accept up to \$4000 from the State of Wisconsin Department of Health and Family Services (DHFS) Division of Public Health's Children with Special Health Care Needs (CSHCN) program for the period January 1, 2005 through December 31, 2005 and authorizing the Mayor and City Clerk to sign the contract for the City.
- Refer to the BOARD OF ESTIMATES**
- Refer to the PUBLIC HEALTH COMMISSION**
89. [00732](#) Authorizing the Madison Department of Public Health to accept up to \$100,000 from the Dane County Division of Public Health for the period January 1, 2005 through December 31, 2005 for public health emergency planning related to bio-terrorism or other infectious disease outbreaks, and authorizing the Mayor and City Clerk to sign for the City.
- Refer to the BOARD OF ESTIMATES**
- Refer to the PUBLIC HEALTH COMMISSION**
90. [00733](#) Authorizing City of Madison to enter into an Agreement with the SolarBee Division of Pump Systems, Inc. to install 5 solar-powered circulation devices (SolarBees) in Monona Bay for a free trial period from April 2005 to November 2005.
- Refer to the BOARD OF PUBLIC WORKS**
- Refer to the COMMISSION ON THE ENVIRONMENT**
91. [00735](#) Amending the 2005 Capital Budget to allow for the purchase of Street Cleaning Equipment.
- Refer to the BOARD OF ESTIMATES**
92. [00738](#) Authorizing the City to enter into a one year agreement with the possibility of a one year renewal term with Madison Metropolitan School District for the use of city park land for adult baseball and softball programs by the Madison School Community Recreation.
- Refer to the BOARD OF ESTIMATES**
- Refer to the BOARD OF PARK COMMISSIONERS**
93. [00741](#) Adopting a Revised Relocation Order for the acquisition of Plat of land interests required for improvements for East Washington Avenue Segment 2 Reconstruction from Dickinson Street to Second Street (including North & South First Street from Winnebago Street to East Johnson Street and the East Washington Avenue Bridge over the Yahara River), being located in the Northeast 1/4 of Section 13, Town 7 North, Range 9 East, and part of the Southwest 1/4 of Section 6 and part of the Northwest 1/4 of Section 7, Town 7 North, Range 10 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.
- Refer to the BOARD OF PUBLIC WORKS**
- Refer to the PLAN COMMISSION**

94. [00774](#) THIS ITEM WAS ENTERED DURING A LEGISTAR TRAINING SESSION FOR EXAMPLE PURPOSES ONLY. IT SHOULD NOT HAVE BEEN REFERRED TO THE BOARD OF ESTIMATES OR PLAN COMMISSION. THIS RESOLUTION WAS PREVIOUSLY ADOPTED AT THE 3/4/03 COMMON COUNCIL MEETING (RESOLUTION #: 60266) Approving plans and specifications for public improvements required to serve Phase III of the Subdivision known as Grandview Commons and authorizing construction to be undertaken by the Developer, Private Contract No. 1915.
- Withdraw**
95. [00777](#) Establishing a Glass-Free Zone for the West Mifflin Street area 10:00 a.m. on May 7, 2005 through 6:00 a.m. on May 8, 2005.
Adopt at the 3/29/05 CC Meeting
- Refer to the COMMON COUNCIL**
96. [00780](#) Approving the intent of the Park Division to sell the former Dudgeon School building located at 3200 Monroe Street to the Dudgeon Center for Community Programs.
- Refer to the BOARD OF PARK COMMISSIONERS**
- Refer to the PLAN COMMISSION**
97. [00786](#) Recommending the selection of census tract 30.02 (Hiestand) as the focus for a concentration neighborhood planning process and encouraging the appointment of a steering committee of residents and business representatives to help develop a neighborhood plan for the area.
Adopt at the 3/29/05 CC Meeting
- Refer to the COMMON COUNCIL**
98. [00789](#) Confirming the re-appointment of Mr. Dean Brassler to the position of City Comptroller subject to the approval and execution of a five-year Employment Agreement.
Confirmation Hearing, Common Council Mtg. 3/29/05
- Refer to the BOARD OF ESTIMATES**
99. [00791](#) Confirming the re-appointment of Mr. James P. Morgan to the position of Superintendent of Parks subject to the approval and execution of a five-year Employment Agreement.
Confirmation Hearing, Common Council Mtg. 3/29/05
- Refer to the BOARD OF ESTIMATES**
100. [00794](#) Creating an Ad Hoc Villager Mall Master Plan Oversight Committee to guide the preparation of the Villager Mall Master Plan, which will be done to provide a vision for the longer-term revitalization and redevelopment of the Villager Mall, and to make recommendations to the Mayor, the CDA, and the Council for implementation of selected improvement activities to help realize this vision.
- Refer to the BOARD OF ESTIMATES**

101. [00795](#) Authorizing the Mayor and City Clerk to execute a condemnation of land and related documents between the City of Madison and Nesbitt Farms, LLC and Wilshire Developments II, LLC., and amending the 2005 Stormwater Capital Budget to appropriate the \$345,000 settlement and increase in the award of compensation and litigation costs.
- Refer to the BOARD OF ESTIMATES**
102. [00807](#) Authorizing the Mayor and City Clerk to execute amendments to the master lease and to the various subleases pertaining to the South Madison Health & Family Center located within the Villager Shopping Center.
- Refer to the BOARD OF ESTIMATES**
103. [00808](#) Amending the 2005 Police Department Operating Budget by appropriating \$110,995 from the Contingent Reserve in order to overhire 3 police officers in May 2005.
- Refer to the BOARD OF ESTIMATES**
104. [00810](#) Authorizing the Mayor and City Clerk to enter into Purchase of Service agreements with organizations approved for funding under the Allied and Emerging Neighborhoods Fund.
- Refer to the BOARD OF ESTIMATES**

LICENSES

105. [00756](#) New License - Public Hearing
2 Beans, LLC (dba Real Chili; estimated capacity of 67)
449 State Street, Suite A
Agent: Aaron Upton
Class B Beer (5% alcohol, 95% food)
Non-Smoking Establishment
- Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE**
106. [00757](#) New License - Public Hearing
Deja Food, LLC (dba L'Etoile; estimated capacity of 87)
25 N. Pinckney Street
Agent: Traci Miller
Class B Combination Liquor & Beer (26% alcohol, 74% food)
Non-Smoking Establishment
- Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE**
107. [00758](#) New License - Public Hearing
Hot Soup, LLC (trade name to be determined; capacity of 200)
617 Williamson Street
Agent: Phillip Hurley
Class B Combination Liquor & Beer
Non-Smoking Establishment
- Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE**

108. [00759](#) New License - Public Hearing
Itsmeholiday, LLC (dba Cafe Zoma; estimated capacity of 45)
2326 Atwood Avenue
Agent: Ann Freiwald
Class B Beer, Class C Wine (20% alcohol, 80% food)
Non-Smoking Establishment
Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE
109. [00761](#) New License - Public Hearing
Szechuan Palace, Inc. (dba China Palace; estimated capacity of 250)
1291 N. Sherman Avenue
Agent: Dan Qi
Class B Combination Liquor & Beer (20% alcohol, 80% food)
Non-Smoking Establishment
Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE
110. [00762](#) New License - Public Hearing
Winnie's, LLC (dba The Frog's Log; estimated capacity of 50)
521 Cottage Grove Road
Agent: Shannon Winburn
Class B Combination Liquor & Beer (95% alcohol, 5% food)
Non-Smoking Establishment
Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE

CLAIMS - REFER TO RISK MANAGER

111. [00814](#) Gretchen Ann Speerstra, 2918 Brandon Road, Madison - property damage - \$52.00.
112. [00816](#) Erosion Control Specialties, LLC, W6436 Military Road, Dalton - Public Improvement Lien - \$14,094.30.
113. [00817](#) SBC, 2140 Davidson Road, Waukesha - property damage - \$6,300.00.
114. [00818](#) Steven J. Schultz, 4600 Maher Avenue, Madison - property damage - \$663.03.
115. [00819](#) Dawn Vogel, 2806 Tucson Trail, Madison - property damage - \$863.00.

ITEMS INTRODUCED FROM THE FLOOR

- [00830](#) Directing City Staff to Install Traffic Control Devices in Accordance with MGO 3.51(d) in order to Eliminate Commuter Traffic on Local Streets in the Lake Edge Neighborhood.
Refer to the PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION

00850

Establishing an official city policy that no public funds shall be used in the purchase of goods made under the deplorable, inhumane conditions of a sweatshop and that the Board of Estimates, in conjunction with city staff, evaluate current purchasing decisions and create a purchasing policy to achieve the greatest possible furtherance of this policy no later than July 19, 2005.

Refer to the BOARD OF ESTIMATES

SPECIAL ORDER OF BUSINESS

116.

00832

Presentation of a \$10,000 check from the Downtown Madison Kiwanis Club to the City of Madison and thanking them for their support for early childhood education.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Suspend the Rules to take Item 116 out of order. The motion passed by acclamation.

ADJOURNMENT

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adjourn at 10:29 p.m. The motion passed by acclamation.

I certify that the foregoing action of the Common Council was approved by the Mayor on the 22nd of March, 2005.

Ordinances published April 6th, 2005.

RAY FISHER, CITY CLERK