



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved COMMON COUNCIL ORGANIZATIONAL COMMITTEE

Tuesday, November 1, 2011

4:30 PM

210 Martin Luther King, Jr. Blvd.
Room 108 (City-County Building)

CALL TO ORDER / ROLL CALL

Present: 6 -

Ald. Lauren Cnare; Ald. Shiva Bidar-Sielaff; Ald. Sue Ellingson; Ald. Steve King; Ald. Chris Schmidt and Ald. Larry Palm

Excused: 2 -

Ald. Tim Bruer and Ald. Mark Clear

Others Present: Joe Grande (Water Utility), City Attorney Michael May, Tom Heikkinen (Water Utility) and Ald. Paul Skidmore

APPROVAL OF MINUTES

A motion was made by Ald. Shiva Bidar-Sielaff, seconded by Ald. Sue Ellingson, to approve the minutes from the October 4, 2011 Common Council Organizational Committee meeting. The motion passed by the following vote:

Excused: 2 -

Ald. Bruer and Ald. Clear

Ayes: 5 -

Ald. Cnare; Ald. Bidar-Sielaff; Ald. Ellingson; Ald. Schmidt and Ald. Palm

Abstentions: 1 -

Ald. King

PUBLIC COMMENT

There was no public comment.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals from the members of the Common Council Organizational Committee.

Ald. Tim Bruer and Ald. Mark Clear arrived at 4:35 p.m.

Present: 8 -

Ald. Lauren Cnare; Ald. Shiva Bidar-Sielaff; Ald. Tim Bruer; Ald. Sue Ellingson; Ald. Steve King; Ald. Chris Schmidt; Ald. Larry Palm and Ald. Mark Clear

UPDATE

[24354](#)

Update: Well Abandonment - Proposed ordinance amendment - Joseph Grande, Water Quality Manager

Attachments: [DRAFT Water Ordinance.pdf](#)
[City of Madison Permitted Private Wells.pdf](#)

Joe Grande, Water Quality Manager for the Water Utility, was present for the discussion on the proposed ordinance. One of his responsibilities is to administer the city's private well permits. There are currently just under 200 private well permits and covers private residences to businesses. The private wells are barely up to code or able to provide safe water. He noted that city wants to require water service connection where city water is available.

This ordinance amends Sec. 13.07 of the Madison General Ordinances to create a requirement that all buildings used for human habitation and located on a lot near a water main must connect to the public water supply. This new requirement includes a procedure for a temporary exemption from this requirement for economic hardship or development related issues. The connection requirement will be applicable immediately to unpermitted private wells, within six months for annexed or attached lands, and, for permitted wells, will phase in beginning on Jan. 1, 2013 upon the permit's expiration. This ordinance also makes significant changes and updates to the well operation permit and well abandonment procedures and requirements in Sec. 13.21. These changes more clearly detail the responsibilities of property owners and the Water Utility relating to the Utility's permitting of private wells, and provides procedural due process protections that better address this ordinance than the default provisions of Sec. 9.49, which were previously applicable to this section. These changes also create a nuisance abatement procedure that much more clearly details how and under what circumstances the Water Utility may order abatement of a private well and abate the nuisance if not addressed by the well owner or operator. This new language replaces former language contained in the penalty clause which was suspect in its enforceability. Finally, this ordinance eliminates this section's separate penalty provision so that any penalty imposed thereunder is consistent with those imposed for the entire chapter, and increases the well operation permit fee to better account for the City's increased costs to administer this Section.

Mr. Grande also provided the number of private wells by district (see attachment). The attachment lists the well addresses by alder district. He noted that the final column may be useful to Council members to determine which wells in their district would be affected by the proposed residential service requirement (AVAILABLE or SEE NOTES). Key to the table:
AVAILABLE – city water is available but a service connection has not been made
NO – city water is not available, a water main is not adjacent to the lot
YES – the location has a service connection to city water
EXEMPT – non-residential location or an irrigation well
SEE NOTES – a water main is located nearby but city water may be inaccessible
COM PARKS – a private well is located on a City of Madison Parks property

He noted that the number of property owners affected would be: 26 in 2012, 31 in 2013, 33 in 2014 and 10 in 2015. There is a temporary exemption for people who may have a financial hardship for those with significant setbacks or a large lot that isn't developed yet. Ald. Lauren Cnare asked what the average cost would be for a property owner. Mr. Grande noted that it is based on length from the water main to the home and average length is 20 or 30 feet for costs up to \$5,000. He noted that the significant cost would be the special assessment that went with the special water main assessment (from when the water main was originally installed, could be several years ago).

Consensus was that the ordinance be introduced that evening (11/1/11), Board of Public Health and the CC meeting of 12/13/11 be added as additional referrals and sponsors would be Ald. Cnare, Ald. Bidar-Sielaff and Ald. Bruer.

[24367](#)

Update: League of Wisconsin Municipalities Resolutions Committee - Ald. Mark Clear, District 19

Attachments: [2011 LWM Resolutions.pdf](#)

Ald. Mark Clear provided an update from the LWM Resolutions Committee that he serves on. There were two resolutions: Restoration of Shared Revenue Funding and Promoting Civic Public Discourse. Both were adopted by the League of Wisconsin Municipalities.

REFERRALS FROM COMMON COUNCIL

[24148](#)

Amending Section 12.325(1) to remove the street-use permit exception to the prohibition against soliciting from the highway.

Sponsors: Paul R. Soglin

Attachments: [Police Department Report RE 24148.pdf](#)
[Registration forms from 11.29.2011 Common Council meeting](#)

Ald. Paul Skidmore stated that this ordinance was related to the Fire Department's Fill the Boot fundraising activity for MDA. He participated in this year's event and did not see any safety issues.

Ald. Shiva Bidar-Sielaff also noted that this fundraiser occurs across the U.S. every year and the issues with safety were not unique but the issues may be with communications or operational in nature. Ald. Mark Clear noted that there was no one from the Mayor's Office present at the meeting, but he had heard that the Mayor had concerns. Ald. Skidmore stated that the Mayor contacted him with his concerns and was against all soliciting in the streets.

Ald. Larry Palm stated he was still in favor of the 3 year trial and supported the fundraiser until the trial was completed. Ald. Sue Ellingson opposed any soliciting in the streets.

A motion was made by Ald. Shiva Bidar-Sielaff, seconded by Ald. Tim Bruer, to Return to Lead with the Recommendation to Place on File without Prejudice to the Police Department. The motion passed by the following vote:

Ayes: 6 -

Ald. Bidar-Sielaff; Ald. Bruer; Ald. King; Ald. Schmidt; Ald. Palm and Ald. Cnare

Noes: 1 -

Ald. Ellingson

Non Voting: 1 -

Ald. Clear

24226

SUBSTITUTE Amending Section 9.49, creating Section 33.13(4)(c) and renumbering current Section 33.13(4)(c) to Section 33.13(4)(d) of the Madison General Ordinances to have the Common Council Organizational Committee, rather than citizen appointees, serve as the Administrative Review Board, and make procedural changes.

Sponsors: Paul R. Soglin

Attachments: [Version 1](#)

City Attorney Michael May was present for discussion on the ordinance. He noted that State law requires that the City have an administrative review process for permit applications that were denied. Madison created an Administrative Review Board (ARB) in Sec. 9.49, MGO. Currently, the Board is made up of citizen appointees. The ARB rarely meets. The amendment proposes replacing current citizen appointees with 5 city managers.

Ald. Mark Clear had a problem with city managers rendering a decision on management decisions and elected officials would be a better choice.

A motion was made by Ald. Larry Palm to amend the ordinance to reflect 5 members of the CCOC vs. 5 city managers, seconded by Ald. Steve King, to RECOMMEND TO COUNCIL TO ADOPT SUBSTITUTE - REPORT OF OFFICER. The motion passed by voice vote/other.

FUTURE AGENDA ITEMS

Common Council rules of conduct/policies & procedures - Ald. Lauren Cnare - will send out draft prior to introduction to Council

Development of Travel/Conference Policies - Ald. Larry Palm - only if money is budgeted in 2012

Discussion - Council Retreat: Common Council & Organizational Structure, Developing Council Policy Agenda, Council's role in city appointment process - Ald. Lauren Cnare to develop retreat details

Council Website Update - Ald. Larry Palm & Use of City Calendaring for Sister Cities events not sponsored by the city (requested by Ald. Bridget Maniaci 9/6/11)

Work Group: Post-Budget Best Practices/Policies to be developed by past Council Presidents - Ald. Lauren Cnare

ADJOURNMENT

A motion was made by Ald. Tim Bruer, seconded by Ald. Chris Schmidt, to adjourn. The motion passed by voice vote/other. The meeting adjourned at 5:27 p.m.