



City of Madison Proceedings - Final COMMON COUNCIL

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

Tuesday, January 18, 2005

6:30 PM

Room 201, City-County Building

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.

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.

ROLL CALL

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

Excused: Rosas and Webber

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 Council President Konkel, seconded by Ald. Verveer, to Suspend the Rules. The motion passed by acclamation.

PETITIONS AND COMMUNICATIONS

None received by the agenda deadline.

BUSINESS BY THE MAYOR

1. [00240](#) Alder Committee Appointments dated January 13, 2005

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

RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM**REPORT OF CITY ENGINEERING**

2. [00285](#) Approving plans, specifications, and schedule of assessments for Annamark Drive Assessment District - 2004. 1st Ald. District.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No: RES-05-00048

REPORT OF PLAN COMMISSION

3. [00286](#) Creating Section 28.06(2)(a)3021 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: Multi-Family Housing Development With a Total of 312 Apartment Units. 17th Ald. Dist., 4008 & 4011 Felland Road.
- 1 Registrant in support.*
- A motion was made by Council President Konkell, seconded by Ald. Compton, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No: ORD-05-00008

PUBLIC HEARINGS - BEGIN AT 6:45 PM**REPORT OF PLAN COMMISSION**

4. [00094](#) SUBSTITUTE - Creating Section 28.06(2)(a)3026 of the Madison General Ordinances rezoning property PUD(GDP) Planned Unit Development (General Development Plan) District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)3027 of the Madison General Ordinances rezoning property from Amended PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Day Care Center for 160 Children. 7th Ald. Dist., 3751 Mammoth Trail.
- 3 Registrants in support.*
- A motion was made by Council President Konkell, seconded by Ald. MacCubbin, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No: ORD-05-00009

5. [00136](#) Creating Section 28.06(2)(a)3034 of the Madison General Ordinances rezoning property from Temp A Agriculture District to A Agriculture District, and creating Section 28.06(2)(a)3035 of the Madison General Ordinances rezoning property from Temp A Agriculture District to C Conservancy District, and creating Section 28.06(2)(a)3036 of the Madison General Ordinances rezoning property from Temp A Agriculture District to R2T Single-Family Residence District, and creating Section 28.06(2)(a)3037 of the Madison General Ordinances rezoning property from Temp A Agriculture District to R2Y Single-Family Residence District, and creating Section 28.06(2)(a)3038 of the Madison General Ordinances rezoning property from Temp A Agriculture District to R2Z Single-Family Residence District, and creating Section 28.06(2)(a)3039 of the Madison General Ordinances rezoning property from Temp A Agriculture District to PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: 154 Single Family Lots, 5 Multi-Family Lots & 15 Outlots. 9th Ald. Dist., 9201 Mineral Point Rd. & 501 South Point Rd.
2 Registrants in support.
- A motion was made by Council President Konkell, seconded by Ald. MacCubbin, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** ORD-05-00010
6. [00287](#) Amending Section 28.03(2) of the Madison General Ordinances to add secondary dwelling units to the definition of accessory building or use and to create a definition of "secondary dwelling unit" and creating Sections 28.08(15)(b)2., 28.08(16)(b)2., and 28.08(17)(b)2. of the Madison General Ordinances and to make secondary dwelling units a permitted use in the R2T, R2Y and R2Z districts.
- A motion was made by Council President Konkell, seconded by Ald. MacCubbin, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** ORD-05-00011
7. [00004](#) SUBSTITUTE - Amending Sections 28.09(3)(d) and 28.12(11)(k)1.b. of the Madison General Ordinances to make Planned Residential Developments a conditional use in the C2 District.
- A motion was made by Council President Konkell, seconded by Ald. MacCubbin, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** ORD-05-00012

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 18, 34b, 45, 46, 57, and 98.

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 BOARD OF WATER COMMISSIONERS

8. [00186](#) Authorizing the execution of an Underground Electric Easement to Madison Gas and Electric Company across City Water Utility property located at 119 E. Olin Street.
A motion was made by Council President Konkell, seconded by Ald. MacCubbin, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00047
9. [00310](#) Authorizing the acceptance of a permanent easement from Dane County for a relocated water main and the release of the existing easement for that portion of the water main that is to be abandoned as requested by the Wisconsin Air National Guard.
A motion was made by Council President Konkell, seconded by Ald. MacCubbin, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00049

REPORT OF BOARD OF ESTIMATES

10. [00242](#) SECOND SUBSTITUTE Amending Section 3.36(7)(c) and 3.38(7)(a) and creating Section 3.38(7)(c)8. of the Madison General Ordinances to allow an upward adjustment in leave entitlement for new appointments under certain circumstances and to provide that such appointees' vacation leave entitlement be earned thereafter in accordance with the vacation leave schedule for permanent employees; and to eliminate obsolete language which would allow managers to receive a higher beginning salary since managers (other than Police and Fire chiefs) are now on contract and negotiate their salary.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00013
11. [00288](#) Approving Facade Improvement Grants to: 125 State Street (Castle & Doyle Building) and 317 State Street (Irish Pub).
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00050
12. [00289](#) Authorizing the Mayor and the City Clerk to execute a contract with the Wisconsin Department of Military Affairs for the Fire Department to provide services to support the provision of emergency medical services at Dane County Regional Airport and Truax field.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00051

13. [00291](#) Authorizing the Superintendent of Parks to accept and expend a \$17,545.00 Grant from the Madison Community Foundation to support the Yahara River- Cherokee Marsh Conservation Park Wetland Restoration project.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00052
14. [00292](#) Authorizing the Mayor and City Clerk to execute a three year contract with the Isthmus Water Ski Club LTD. for the 2005 through 2007 seasons.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00053
15. [00293](#) Authorizing the Mayor and the City Clerk to execute an amended agreement for design, fabrication, and inspection of installation between the City of Madison and Flow Forms America, Inc for creating site specific public art features that replace the four round brick fountains on the Capitol Square and the round brick planters at Wisconsin Avenue and Mifflin Street.
- 1 Registrant in support.*
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt -- Voting No: Alderpersons Brandon, Heidt, King and Konkell. -- The motion passed by acclamation.**
- Enactment No:** RES-05-00054
16. [00097](#) Adopting and confirming an Employment Agreement between the City of Madison and Robert D'Angelo as Overture Center Director.
- 2 Registrants in support.*
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt With Friendly Amendment -- Voting No: Brandon, Hedit, King and Konkell. -- The motion passed by acclamation.**
- Enactment No:** ORD-05-00014
17. [00060](#) Confirming the re-appointment of Mr. Robert D'Angelo to the position of Overture Center Director subject to the approval and execution of a four-year Employment Agreement.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00055

18. [00189](#) Authorizing the City to sign a contract with EB Jacobs for up to \$49,350 for firefighter testing services.
- A motion was made by Council President Konkol, seconded by Ald. Verveer, to Adopt. The motion passed by the following vote:**
- Excused:** 2 - Rosas and Webber
- Aye:** 18 - Benford, Brandon, Bruer, Compton, Ferrell, Golden, Heidt, Holtzman, King, Konkol, MacCubbin, Markle, Olson, Onken, Skidmore, Thomas, Van Rooy and Verveer
- No:** 0 -
- Enactment No:** RES-05-00056
19. [00190](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for the Engineering Services Building Expansion project and amending 2005 Capital budget to provide \$1,250,000 of additional funds necessary for construction.
- A motion was made by Council President Konkol, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00057
20. [00192](#) Authorizing the Madison Department of Public Health to accept a grant in the amount of \$1200 from the State of Wisconsin Department of Health and Family Services Division of Public Health for a Rapid HIV Test study for the contract period October 1, 2004 through March 31, 2005, and authorizing the Mayor and City Clerk to sign the contract for the City.
- A motion was made by Council President Konkol, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00058
21. [00236](#) Authorizing the Madison Department of Public Health to accept reimbursement from the State of Wisconsin Department of Health and Family Services Division of Public Health for time spent administering the HIV Partner Counseling and Referral Program to City of Madison residents directly affected by HIV and authorizing the Mayor and City Clerk to sign the contract for the City.
- A motion was made by Council President Konkol, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00059

22. [00235](#) Authorizing the Madison Department of Public Health to accept an additional \$2056 from the Wisconsin Department of Health and Family Services (WDHFS) Division of Public Health to support the Women, Infants and Children Nutrition Program during the period of January 1, 2004 through December 31, 2004, and authorizing the Mayor and City Clerk to sign for the City.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00060

REPORT OF BOARD OF PUBLIC WORKS

23. [00250](#) Accepting a 20-foot wide Public Storm Sewer Easement from The Lenhart Company, Inc., Mussehl, LLC, and Owl Creek Drive, L.L.C. across properties located at 4017 and 4035 Owl Creek Drive and 4018 Marsh Road. 16th Ald. District.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00061
24. [00256](#) Accepting a Public Storm Water, Sanitary Sewer and Water Main Easement from The Lenhart Company, Inc. and Owl Creek Drive L.L.C., across properties located at 4017 and 4035 Owl Creek Drive. 16th Ald. District.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00062
25. [00254](#) Accepting bituminous pavement constructed by private contract in Prairie Point - Phase I, Private Contract No. 1819. 9th Ald. District.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00063
26. [00255](#) Accepting bituminous pavement constructed by private contract in Greystone, Private Contract No. 1881. 9th Ald. District.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00064
27. [00270](#) Improvements accepted for water service laterals by Private Contract to serve Greystone. 9th Ald. District.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00065

28. [00271](#) Approving plans and specifications for public improvements necessary for the Subdivision known as Annamark Drive Certified Survey Map and authorizing construction to be undertaken by the Developer, Private Contract No. 2017. 17th Ald. District.
1 Registrant in support.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00066
29. [00261](#) Declaring the City of Madison's intention to exercise its police powers establishing the Curb and Gutter in Conjunction With Resurfacing - 2005 Assessment District. Various Ald. Districts.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00067
30. [00262](#) Declaring the City of Madison's intention to exercise its police powers establishing the Felland Road Neighborhood Sewer Assessment District. 17th Ald. District.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00068
31. [00272](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for the Addition to the West Towne Regional Pond and Improvements to Stricker's Pond, Contract No. 5796. 9th & 19th Ald. Districts.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00069
32. [00257](#) Improvements accepted for Blvd./Median Landscaping 2004. Contract 5590. Various Ald. Districts.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00070
33. [00273](#) Approving plans and specifications for the West Washington Avenue Safety Improvements (Proudfit Street to Bedford Street). 4th Ald. District.
A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00071

34. [00264](#) Authorizing the Mayor and City Clerk to enter into an amendment to the present agreement with the Wisconsin Department of Transportation for the Design of East Washington Avenue from Blair Street to Thierer Road and the right of way acquisition for segment one (Blair Street to Dickinson Street). Various Ald. Districts.

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

Enactment No: RES-05-00072

35. [00274](#) Authorizing the Mayor and the City Clerk to execute agreements with the State of Wisconsin Department of Transportation for the design and construction for the East Johnson Street Pedestrian Underpass, and amending the 2004 Capital Budget for Bikeways. Various Ald. Districts.

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

Enactment No: RES-05-00083

REPORT OF COMMON COUNCIL ORGANIZATIONAL COMMITTEE

36. [00020](#) Creating new Section 2.04(2), renumbering current Sections 2.04(2) - (14) to 2.04(3) - (15), respectively, amending Sections 2.19, 2.30 and 3.27(4)(g) of the Madison General Ordinances to modify various rules of procedure for the Common Council and boards, committees, and commissions.

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

Enactment No: ORD-05-00015

37. [00059](#) Amending Sections 2.40(2)(e), (2)(g), (3)(e), (3)(h), (6)(a), (6)(c), (7), (8), (9), (10)(a), (11)(b), (11)(c), (11)(e), (11)(f), and (12), creating new Section 2.40(13), and renumbering current Sections 2.40(13) through (15) to Sections 2.40(14) through (16) of the Madison General Ordinances to modify portions of the lobbying ordinance.

Due back at the 3/1/05 Common Council meeting. 2 Appearances in opposition.

A motion was made by Ald. Van Rooy, seconded by Ald. Holtzman, to Refer to the COMMON COUNCIL. The motion passed by acclamation.

Enactment No: ORD-05-00150

REPORT OF ECONOMIC DEVELOPMENT COMMISSION

38. [00127](#) Supporting the Dane County Regional Airport's application to the Federal Foreign Trade Zone (FTZ) Board to establish a Foreign Trade Zone in South Central Wisconsin. Resolution also supports consenting to the inclusion of specific property currently owned by the City of Madison, but under contract with T. Wall Properties (called The Center for Industry and Commerce), inside the boundaries of the to be created Foreign Trade Zone.

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

Enactment No: RES-05-00073

REPORT OF LANDMARKS COMMISSION

39. [00296](#) SUBSTITUTE - Adopting the "Design Guidelines and Criteria for Preservation: Williamson Street 600-1100 Blocks Plan," and recommendations contained within the Plan as a supplement to the Marquette-Schenk-Atwood Neighborhood Plan and directing staff to prepare revisions to the Third Lake Ridge Historic District ordinance.

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

Enactment No: RES-05-00074

REPORT OF PARK COMMISSION

40. [00298](#) Recommending the renaming of Franklin Field to Irwin A. and Robert D. Goodman Park.

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

Enactment No: RES-05-00075

REPORT OF PERSONNEL BOARD

41. [00023](#) Amending Section 3.38(1)(i)2. of the Madison General Ordinances by deleting the classification of "City Traffic Engineer" in Compensation Group 21, Range 20, and recreating said class in Compensation Group 21, Range 21 and amending Section 3.38(1)(g) of the Madison General Ordinances by deleting the classification of "Parking Manager" in Compensation Group 21, Range 18; and amending Section 3.38(1)(b) by creating the classification of "Parking Operations Manager" in Compensation Group 18, Range 15, thereof.

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

Enactment No: ORD-05-00016

42. [00021](#) Amending Section 3.38(1)(b) of the Madison General Ordinances by deleting the classification of "Customer Services Supervisor" in Compensation Group 18, Range 10, and recreating said class in Compensation Group, 18, Range 11, thereof.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-05-00017
43. [00005](#) That the position (#1198) of "City Traffic Engineer" in Compensation Group 21, Range 20, (occupied by D. Dryer) in the permanent salary detail of the Traffic Engineering budget is repealed and recreated as a position of "City Traffic Engineer" in Compensation Group 21, Range 21, thereof. Further, that said budget be amended to repeal the vacant position (#1275) of "Parking Utility Manager" in Compensation Group 21, Range 17 and recreate a position of "Parking Operations Manager" in Compensation Group 18, Range 15, and that the incumbent City Traffic Engineer shall be reallocated to the said position subject to the provisions of a re-negotiated management contract.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00076
44. [00001](#) That the position of (#1870) of "Customer Services Supervisor" in Compensation Group 18, Range 10, (occupied by K. Key) in the permanent salary detail of the Water Utility budget is repealed and recreated as a "Customer Services Supervisor" in Compensation Group 18, Range 11, thereof and that the incumbent shall be reallocated to the said position.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00077
45. [00011](#) That the position (#1887) of "Accountant 3", in Compensation Group 18, Range 10 (occupied by R. Piper) in the permanent salary detail of the Water Utility budget is repealed and recreated as an "Accountant 4" in Compensation Group 18, Range 12, thereof, and that the incumbent shall be reallocated to said position.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00078
46. [00299](#) That the vacant position (#3205) of "Clerk Typist 2", in Compensation Group 20, Range 06, in the permanent salary detail of the Public Health Department budget is repealed and recreated as an "Administrative Clerk 1" in Compensation Group 20, Range 09, thereof.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00079

47. [00043](#) That a position of (#3859) of "Public Works General Foreperson" in Compensation Group 18, Range 07, (occupied by T. Skaife) in the permanent salary detail of the Parks Division budget is repealed and recreated as a position of "Parks General Supervisor" in Compensation Group 18, Range 08, thereof, and that the incumbent shall be reallocated to said position.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00080

REPORT OF PLAN COMMISSION

48. [00248](#) SECOND SUBSTITUTE - That the City of Madison establish policies and guidelines to assist in making the decision to support Section 42 low-income housing tax credit and tax exempt bond projects within the City of Madison.
- A motion was made by Council President Konkell, seconded by Ald. Bruer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00081

Recess at 8:50 p.m.

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

Roll Call at 9:05 p.m., Mayor Cieslewicz in the chair.

Present: Benford, Brandon, Bruer, Compton, Ferrell, Golden, Heidt, Holtzman, King, Konkell, MacCubbin, Markle, Olson, Onken, Skidmore, Thomas, Van Rooy and Verveer

Excused: Rosas and Webber

49. [00300](#) AMENDED SUBSTITUTE - Adopting the South Madison Neighborhood Plan and recommendations contained in the Plan.
- 1 Appearance in support. 2 Registrants in support.*
- A motion was made by Council President Konkell, seconded by Ald. Bruer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00085

50. [00295](#) Approving the preliminary/final plat known as "Liberty Station" located in the 9200 Block of Mineral Point Road. Aldermanic District 9.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00046

REPORT OF RISK MANAGER

51. [00301](#) George Vitense Golfland, 5501 West Beltline Hwy., Madison - property damage - \$397.00.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Deny. The motion passed by acclamation.
52. [00302](#) American Family Insurance for N. Boussari, 1622 Fordem Ave. # 504, Madison - vehicle damage - \$3,296.56.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Deny. The motion passed by acclamation.
53. [00303](#) J. Skwor, 15025 N. Maribel Rd. - property damage - \$965.00.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Deny. The motion passed by acclamation.
54. [00304](#) R. Raymond, 2901 Curry Pkwy., Madison - vehicle damage - \$163.53.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Deny. The motion passed by acclamation.
55. [00305](#) J. Nitz, 237 South St., Waukesha - property damage - \$2,581.26.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Deny. The motion passed by acclamation.
56. [00306](#) NOTICE OF CLAIM - Knoke & Ingebritsen Law Offices, attorney for B. Farrey, 1215 E. Dayton St., Madison -personal injury - amount to be determined.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Deny. The motion passed by acclamation.
57. [00307](#) Michael F. Hupy & Associates, attorney for T. McCann, 2500 Fiedler Ln. # 10, Madison - past & future medical expenses, loss of earning capacity, pain & suffering - \$200,000.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Deny. The motion passed by acclamation.

REPORT OF TRANSIT/ PARKING COMMISSION

58. [00308](#) Creating a Streetcar Study Committee to make recommendations to the Mayor and Common Council regarding the electric rail-running vehicle, the initial route and subsequent extensions, timing and phasing of construction, capital and operating fiscal plans, and management.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00084

59. [00195](#) Authorizing the Mayor and City Clerk to execute an agreement with The American Center Owner's Association that would provide limited additional Metro Transit commuter service to The American Center starting March 7, 2005, with the American Center Owner's Association fully funding the cost of service between March 7, 2005 and March 6, 2006 , after which time service to the American Center would be maintained through calendar year 2006 at a minimum and may continue thereafter as Metro determines depending on route productivity, budget demands, and transit needs.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00082

REPORT OF VENDING OVERSIGHT COMMITTEE

60. [00309](#) Communication dated December 14, 2004 from E. Moss re: proposed ordinance change to prohibit street vending in residential areas between 9:00 p.m. and 6:00 a.m.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Accept. The motion passed by acclamation.**
61. [00034](#) SUBSTITUTE - Amending Section 9.13 to prohibit street vending in residential areas between 9:00 p.m. and 6:00 a.m., creating four areas for any food vendor to conduct "late night vending" within the boundaries of the State Street Mall/ Capitol Concourse Vending Area, and creating minimum requirements for food carts City-wide.
- 2 Appearances in support, 5 Appearances in opposition.*
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-05-00018

REFERRED TO THIS MEETING

62. [00019](#) Amending Section 19.20 of the Madison General Ordinances to require that all violations involving plumbing without a license be brought to the attention of the Wisconsin Department of Commerce and amending Section 38.06(10) of the Madison General Ordinances to modify the minimum forfeiture for violations of unruly patron.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-05-00019
63. [00173](#) Expressing sympathy of the people of Madison for the victims of the Indian Ocean Tsunami.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00044

64. [00202](#) Dissolving the Ice Arena Ad Hoc Committee.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00045
65. [00098](#) Citizen Committee Appointments dated January 4, 2005.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Confirm. The motion passed by acclamation.
66. [00311](#) Report of the Ad Hoc Team for the Waiver Infeasibility re: Recommendations re: Policy Parameters Analytical Tool for the IZ Waiver Process.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Accept. The motion passed by acclamation.

NEW BUSINESS

67. [00080](#) Amending Sections 3.45(5)(b) and (22), creating new Section 3.45(23) and renumbering current Sections 3.45(23) and (24) to (24) and (25), respectively through (16) of the Madison General Ordinances to modify portions of the minimum wage ordinance and to establish remedies for violations of the ordinance.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Refer to the EQUAL OPPORTUNITIES COMMISSION. The motion passed by acclamation.
68. [00218](#) Authorizing the Mayor and City Clerk to execute an agreement between the City of Madison and HNTB Corporation for an Outer Loop Traffic Needs Study
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Refer to the PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION. The motion passed by acclamation.
Refer to the TRANSIT AND PARKING COMMISSION
Refer to the BOARD OF ESTIMATES
Refer to the DOWNTOWN COORDINATING COMMITTEE
69. [00219](#) Creating Section 28.06(2)(a)3058 of the Madison General Ordinances rezoning property from Temp A Temporary Agriculture District to C2 General Commercial District. Proposed Use: Convert Former Drive-In Restaurant to Fraternal Lodge with Outdoor Eating Area. 16th Ald. Dist., 6402 Mill Pond Road.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Refer For Public Hearing to the PLAN COMMISSION. The motion passed by acclamation.
Due back at Common Council Mtg. 3-1-05
Refer to the Zoning Administration
Refer For Public Hearing to the COMMON COUNCIL

70. [00220](#) Creating Section 28.06(2)(a)3059 of the Madison General Ordinances rezoning property from C2 General Commercial District and M1 Limited Manufacturing District to PUD (GDP) Planned Unit Development (General Development Plan) District. Proposed Use: Approximately 440 Future Residential Units & Approximately 80,000 Square Feet of Future Commercial Space. 6th Ald. Dist. 2503, 2509 & 2525 East Washington Avenue & 2401, 2405 & 2415 Winnebago Street.

A motion was made by Council President Konkel, seconded by Ald. Verveer, to Refer For Public Hearing to the PLAN COMMISSION. The motion passed by acclamation.

Due back at Common Council Mtg. 3-1-05

Refer to the Zoning Administration

Refer to the PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION

Refer For Public Hearing to the COMMON COUNCIL

71. [00221](#) Public Hearing - New License
Bella Vita, LLC
Agent: Shawn Bacon
DBA: Bella Vita
6546 Town Center Drive
Reserve Class B Combination Liquor & Beer
Due back at Common Council Mtg. 3-1-05

A motion was made by Council President Konkel, seconded by Ald. Verveer, to Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by acclamation.

Refer For Public Hearing to the COMMON COUNCIL

72. [00222](#) Public Hearing - New License
Dobhan, LLC
Agent: Krishna Pradhan
DBA: Dobhan Restaurant
2110 Atwood Avenue
Reserve Class B Combination Liquor & Beer
Due back at Common Council Mtg. 3-1-05

A motion was made by Council President Konkel, seconded by Ald. Verveer, to Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by acclamation.

Refer For Public Hearing to the COMMON COUNCIL

73. [00223](#) Public Hearing - New License
Ho-Chunk Nation
Agent: Karen Martin
DBA: Ho-Chunk Nation DeJope Bingo (Capacity is 2,508)
4002 Evan Acres Road
Reserve Class B Combination Liquor & Beer (1% alcohol, 3% food)
Due back at Common Council Mtg. 3-1-05
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by acclamation.**
- Refer For Public Hearing to the COMMON COUNCIL**
74. [00224](#) Public Hearing - New License
Kelley Williamson Company
Agent: Ronald Trachtenberg
DBA: Mobil Mart
33 Junction Court
Class A Liquor
Due back at Common Council Mtg. 3-1-05
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by acclamation.**
- Refer For Public Hearing to the COMMON COUNCIL**
75. [00225](#) Public Hearing - New License
Kelley Williamson Company
Agent: Ronald Trachtenberg
DBA: Mobil Mart
8230 Watts Road
Class A Liquor
Due back at Common Council Mtg. 3-1-05
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by acclamation.**
- Refer For Public Hearing to the COMMON COUNCIL**
76. [00226](#) Public Hearing - New License
Loyal Order of Moose, Lodge 1451
Agent: Larry Frahmann
DBA: Loyal Order of Moose, Lodge 1451
6402 Millpond Road
Reserve Class B Combination Liquor & Beer
Due back at Common Council Mtg. 3-1-05
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by acclamation.**

Refer For Public Hearing to the COMMON COUNCIL

77. [00227](#) Public Hearing - New License
Provisions & Merchantile, LLC
Agent: Tami Lax
DBA: The Old Fashioned
23 N. Pinckney Street
Reserve Class B Combination Liquor & Beer
Due back at Common Council Mtg. 3-1-05

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by acclamation.

Refer For Public Hearing to the COMMON COUNCIL

78. [00228](#) Creating Section 28.06(2)(a)3060 of the Madison General Ordinances rezoning property from M1 Limited Commercial District, C Conservancy District and R6 General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)3061 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 Ogg Hall, Expand Recreational Open Space & Build 600 Bed Residence Hall. 8th Ald. Dist., 716 & 801 West Dayton Street.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer For Public Hearing to the PLAN COMMISSION. The motion passed by acclamation.

Due back at Common Council Mt. 3-1-05.

Refer to the Zoning Administration

Refer For Public Hearing to the COMMON COUNCIL

79. [00229](#) Creating Section 28.06(2)(a)3062 of the Madison General Ordinances rezoning property from R2 Single-Family Residence District to R4 General Residence District. Proposed Use: Convert Dependency Living Arrangement to 2-Unit Dwelling. 15th Ald. Dist., 101 Morningside Avenue.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer For Public Hearing to the PLAN COMMISSION. The motion passed by acclamation.

Due back at Common Council Mtg. 3-1-05

Refer to the Zoning Administration

Refer For Public Hearing to the COMMON COUNCIL

80. [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.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer to the EQUAL OPPORTUNITIES COMMISSION. The motion passed by acclamation.

Refer to the AFFIRMATIVE ACTION COMMISSION

Refer to the HUMANITARIAN AWARD COMMITTEE - REV DR MARTIN LUTHER KING JR

81. [00231](#) Creating Section 28.06(2)(a)3063 of the Madison General Ordinances rezoning property from C3 Highway Commercial District to PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: Demolish Auto Sales Facility & Build 9-Building Mixed Use Development with 15,200 Square Feet Retail Space & 309 Condominium Units. 2nd Ald. Dist., 802-852 East Washington Avenue.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer For Public Hearing to the PLAN COMMISSION. The motion passed by acclamation.

Due back at Common Council Mtg. 3-1-05

Refer to the Zoning Administration

Refer For Public Hearing to the COMMON COUNCIL

82. [00241](#) Authorizing the City to enter into an agreement with Madison Parks Foundation, Inc., for the transfer of funds for the design and construction of the Goodman Pool.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer to the BOARD OF ESTIMATES. The motion passed by acclamation.

83. [00245](#) Authorizing the Mayor and City Clerk to execute an Intergovernmental Agreement Between Town of Blooming Grove and City of Madison regarding boundary changes and other urban growth and delivery of municipal services issues, pursuant to an approved cooperative plan under Sec. 66.0307, Wis. Stats.; authorizing participation in the preparation of the cooperative plan for public hearing and submittal to the Wisconsin Department of Administration for approval.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer to the BOARD OF ESTIMATES. The motion passed by acclamation.

Due back at Common Council Meeting 2-1-05.

Refer to the PLAN COMMISSION

Refer to the Comptroller's Office for fiscal note.

Refer to the COMMON COUNCIL

84. [00249](#) Citizen Committee Appointments dated January 18, 2005.

Due back at Common Council Meeting 2-1-05.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer to the COMMON COUNCIL. The motion passed by acclamation.

85. [00251](#) Adopting and confirming Revision 249 of the Madison General Ordinances as of December 15, 2004 to incorporate the changes pursuant to Sec. 66.0103, Wis. Stats.

Due back at Common Council Meeting 2-1-2005.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer to the COMMON COUNCIL. The motion passed by acclamation.

86. [00260](#) Authorizing the City of Madison, through the Police Department to accept an award 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 - Police Info. Systems Coordinator 1 position.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer to the BOARD OF ESTIMATES. The motion passed by acclamation.**
87. [00266](#) Authorizing the Mayor and City Clerk to enter into an agreement with Dane County to provide \$19,280 in assistance to Madison Metro for transit information services, promotion efforts and operations for the calendar year 2005; and \$12,850 to the Madison Area Metropolitan Planning Organization (MPO) and Planning Unit to support the 2005 County Specialized Transportation coordination activities for the calendar year 2005.
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer to the TRANSIT AND PARKING COMMISSION. The motion passed by acclamation.**
- Refer to the BOARD OF ESTIMATES**
88. [00267](#) Approve the acceptance of a grant from the U. S. Department of Homeland Security, Federal Emergency Management Agency for \$400,000 for the Metropolitan Medical Response System (MMRS).
- A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer to the BOARD OF ESTIMATES. The motion passed by acclamation.**

LATE ITEMS

RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM

101. [00063](#) Rip Van Lucky, LLC
Agent: Thomas J. Van Wie
DBA: TBD
1421 Regent Street
Class B Combination Liquor & Beer
3 Appearances in support.
- A motion was made by Ald. King, seconded by Council President Konkell, to Grant Grant license with directive that the Plan Commission examine the noise issue. The motion passed by acclamation.**

REFERRED TO THIS MEETING

102. [00079](#) Applicant to Appear to Answer Allegations in the Complaint
Imperial Palace, Ltd.
Agent: Bobby H. Lee
DBA: Bluefin
1291 N. Sherman Avenue
Class B Combination Liquor & Beer
Due back at Common Council Meeting 2-1-05.
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Refer to the COMMON COUNCIL. The motion passed by acclamation.**
103. [00096](#) Ridge Side Cooperative, 839 Williamson St., Madison - unlawful taxation - \$9,847.96.
1 Registrant in opposition.
- A motion was made by Ald. Olson, seconded by Ald. Verveer, to Deny. The motion passed by acclamation.**
89. [00268](#) Authorizing the Mayor and City Clerk to sign a contract for monitoring and troubleshooting services for the City's Information Technology Network.
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Refer to the BOARD OF ESTIMATES. The motion passed by acclamation.**
90. [00269](#) Authorizing the City Engineer to purchase 3.9 acres of wetland credits from Wisconsin Waterfowl Association, Inc. and amend the 2005 Stormwater Utility Capital Budget to increase general obligation borrowing by \$110,000.
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Refer to the BOARD OF ESTIMATES. The motion passed by acclamation.**
- Refer to the BOARD OF PUBLIC WORKS**
91. [00290](#) Accepting an Offer to Purchase from Gorman & Company Inc, for the purchase of a City-owned property located at 4629 Verona Road (the former Super Saver site) for the development of a rental housing project.
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Refer to the BOARD OF ESTIMATES. The motion passed by acclamation.**
- Due back at Common Council Mtg. 2-1-05*
- Refer to the PLAN COMMISSION**
92. [00312](#) Creating a Parks Division Special Event Review Team to support and better manage large community events conducted on public park property.
- A motion was made by Council President Konkel, seconded by Ald. Verveer, to Refer to the BOARD OF PARK COMMISSIONERS. The motion passed by acclamation.**

ITEMS INTRODUCED FROM THE FLOOR

00330

SUBSTITUTE - In support of janitors organizing to improve their lives.

Due back at Common Council meeting 2-1-05.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer to the COMMON COUNCIL. The motion passed by acclamation.

00409

Report of City Clerk dated January 18, 2005 re: Board, Committee, Commission, Ad Hoc Committee & Subcommittee Members who have not filed the Statement of Interest Form.

Due back at Common Council meeting 2-22-05.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer to the COMMON COUNCIL. The motion passed by acclamation.

CLAIMS - REFER TO RISK MANAGER

93. 00275

E. Richman, 1630 Fordem Ave. # 300 - personal injury - amount to be determined.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer to the Risk Manager The motion passed by acclamation.

94. 00277

NOTICE OF INJURY - Eisenberg, Weigel, Carlson, Blau & Clemens, S.C., attorney for R. Wash - personal injury - amount to be determined.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer to the Risk Manager The motion passed by acclamation.

95. 00278

NOTICE OF CLAIM - Kay & Andersen, S.C., attorney for M. Parent, 104 Morningside Ave., Madison - personal injury - amount to be determined.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer to the Risk Manager The motion passed by acclamation.

96. 00279

NOTICE OF CLAIM - S. Fine, 6221 Walden Way, Madison - vehicle damage - amount to be determined.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer to the Risk Manager The motion passed by acclamation.

97. 00280

G. Christy, 5438 Park Meadow Dr., Madison - vehicle damage - \$2,666.35.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer to the Risk Manager The motion passed by acclamation.

98. 00281

T. Laufenberg, 4513 Gordon Ave., Madison - vehicle damage - amount to be determined.

A motion was made by Council President Konkell, seconded by Ald. Verveer, to Refer to the Risk Manager The motion passed by acclamation.

99. [00282](#) Hausmann-Johnson Insurance for F. Ryan, 2914 Grandview Blvd., Madison - vehicle damage - \$699.68.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Refer to the Risk Manager The motion passed by acclamation.
100. [00283](#) Keene, G. 4703 Turner Ave., Madison - vehicle damage - \$2,337.24 + rental car fees.
A motion was made by Council President Konkel, seconded by Ald. Verveer, to Refer to the Risk Manager The motion passed by acclamation.

ADJOURNMENT

A motion was made by Council President Konkel, seconded by Ald. MacCubbin, to Adjourn at 10:31 p.m. The motion passed by acclamation.

I certify that the foregoing action of the Common Council was approved by the Mayor on the 31st of January, 2005.

Ordinances published February 15th, 2005.

RAY FISHER, CITY CLERK