



City of Madison

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

Agenda - Approved COMMON COUNCIL

Tuesday, October 17, 2006

6:30 PM

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

SPEAKING GUIDELINES

Please contact the Office of the Common Council at 266-4071, TTY/Textnet 866-704-2340.

Speaking Limits: Public Hearing - 5 Minutes, Information Hearing - 5 Minutes,
Other Items - 3 minutes

You must register before your item is considered by the Council.

The consent agenda will be considered following Public Hearings.

The use of audible cell phone ringers and active use and response to cellular phone technology by the governing body, staff and members of the public is discouraged in the Council Chambers while the Council is in session.

NOTIFIED ABSENCES: Ald. Van Rooy

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.

PETITIONS AND COMMUNICATIONS

None received by the agenda deadline.

BUSINESS BY THE MAYOR

1. [04723](#) Report of the mayor submitting alder committee appointments.
2. [04724](#) Report of the mayor submitting citizen committee appointments (introduced 10-17-06; action 11-7-2006)

BUSINESS BY THE PRESIDENT OF COMMON COUNCIL

3. [04661](#) Amending the 2006 Operating Budget by authorizing the expenditure of \$35,000 from the contingent reserve, requesting the creation of a new Madison Police departmental policy, and conveying an apology.

**NOTE: PER ALD. GOLDEN'S SUGGESTION, THE MOTION ON FILE ID# 04661 WILL BE REFERRAL TO THE COMMON COUNCIL ORGANIZATIONAL COMMITTEE.

RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM

Begin at the top of the next page.

4. [04156](#) Creating Section 28.06(2)(a)3210. 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)3211. 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 3 Residential Buildings & Build 4-Story, 20-Unit Condominium Building; 4th Aldermanic District: 415, 417 & 419 West Dayton Street.

PUBLIC HEARINGS - BEGIN AT 6:45 PM

REPORT OF BOARD OF ESTIMATES

5. [04501](#) 2007 Executive Operating Budget and Amendments.

**RECOMMENDATION: REREFER TO BOARD OF ESTIMATES (10/30/06), COMMON COUNCIL MEETING (11/7/06)

REPORT OF BOARD OF PUBLIC WORKS

6. [04395](#) Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of Plat of land interests required for the construction improvements for two segments of South High Point Road from Mid Town Road to Twinflower Drive-and from Welton Drive to Velvet Leaf Drive - Engineering Project No. 53W0256. (1st Ald. Dist.)
7. [04409](#) Vacating a portion of Milwaukee Street, near the intersection of East Washington Avenue, being located in part of the Southeast 1/4 of the Northeast ¼ of Section 06, Town 07 North, Range 10 East, City of Madison, Dane County, Wisconsin. (6th AD).
8. [04539](#) Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of Plat of land interests required to facilitate construction of the Buckeye Extension of the Capital City Trail, located in the Southeast ¼ of Section 9 and Northeast ¼ of Section 16, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. and approving plans and specifications for said project. (15th & 16th ADs)

NOTE: THE PLAN COMMISSION WILL CONSIDER THIS ITEM AT THEIR 10/16/06 MEETING. A RECOMMENDATION WILL BE MADE FROM THE COUNCIL FLOOR.

END OF PUBLIC HEARINGS

At this time, the balance of the agenda which has not been acted upon will be moved with the recommended action listed for each items EXCEPT #'s: 26, 27, 28, 54, 55, & 56 on a motion made by Ald. King, seconded by Ald. Verveer.

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

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

9. [04732](#) Alcohol License Review Committee Report of Operator License Applications (New & Renewal) October 17, 2006.

REPORT OF CITY ATTORNEY

10. [04709](#) NOTICE OF CLAIM - Murphy, Desmond, S.C., attorney for G. Thompson, 4610 Milwaukee St., Madison - intent to file a declaratory judgment action challenging the legality of Madison General Ordinance 16.23(3)(c)2 d.i. and seeking the invalidation and repeal of said Section.

REPORT OF BOARD OF ESTIMATES

11. [04390](#) That the vacant position #632 of CitiArts Program Administrator, in Compensation Group 18, Range 10, in the permanent salary detail of the Planning and Development budget is deleted and created as the class of Madison Arts Program Administrator in Compensation Group 18, Range 10, as a retirement.
12. [04416](#) Authorizing the Mayor and City Clerk to execute a lease with Group Health Cooperative of South Central Wisconsin for City-owned property held for future transportation purposes.
13. [04433](#) Amending Section 3.38(1)(b) of the Madison General Ordinances by deleting the classification of Madison Arts Commission Administrator in Compensation Group 18, Range 10, and creating the class of Madison Arts Program Administrator in Compensation Group 18, Range 10 as a retirement.
14. [04533](#) Authorizing the Mayor and City Clerk to sign an Agreement with National Conference of Bar Examiners for the payment for municipal services.
NOTE: THE PLAN COMMISSION WILL CONSIDER THIS ITEM AT THEIR 10/16/06 MEETING. A RECOMMENDATION WILL BE MADE FROM THE COUNCIL FLOOR.
15. [04551](#) A resolution regarding application to the Dane County Board for exemption from Dane County Library tax levied under Section 43.64(2) Wisconsin Statutes.
16. [04563](#) Approving \$250,000 in Federal HOME funds to provide additional downpayment assistance to qualified homebuyers as part of the American Dream Downpayment Initiative.
17. [04567](#) Approving the provision of \$50,000 in Federal HOME funds to assist Wisconsin Initiatives in Sustainable Housing acquire housing and authorizing the Mayor and City Clerk to sign an agreement to implement the project.
18. [04569](#) That the position #1159 of Fleet Parts Manager in Compensation Group 18, Range 05, (occupied by A. Meyer) in the permanent salary detail of the Fleet Services budget is repealed and recreated as a position of Fleet Parts Manager in Compensation Group 18, Range 07, thereof. Be it further resolved that the incumbent shall be reallocated to said position.

19. [04570](#) That the 0.5 position #855 of Clerk Typist 2 in Compensation Group 20, Range 06, (occupied by S. Becker) in the permanent salary detail of the Human Resources budget is repealed and recreated as a 0.5 position of Administrative Clerk 1 in Compensation Group 20, Range 09, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
20. [04571](#) That the position #870 of Secretary 1 in Compensation Group 20, Range 10, (occupied by P. White) in the permanent salary detail of the Human Resources budget is repealed and recreated as a position of Program Assistant 1 in Compensation Group 20, Range 11, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
21. [04572](#) That the position #1475 of Clerk 2, in Compensation Group 20, Range 06 (occupied by W. Pfutzenreuter), in the permanent salary detail of the Parks Division budget is repealed and recreated as an Administrative Clerk 1 in Compensation Group 20, Range 09, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
22. [04573](#) Authorizing the provision of CDBG funds to assist the Wisconsin Youth Company improve its neighborhood center facility in ways that address City, Community and Neighborhood Development Objectives.
23. [04593](#) Requiring non-represented employees in Compensation Groups 18, 19, 21, and 44 to make a co-payment for health insurance coverage for 2007.
24. [04602](#) That the position #1462 of Administrative Clerk 2 in Compensation Group 20, Range 11 (occupied by P. Hario), in the permanent salary detail of the Parks Division budget is repealed and recreated as an Administrative Assistant in Compensation Group 20, Range 14, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
25. [04613](#) Approving the provision of \$110,000 in Federal HOME/Match Funds and \$10,000 in Housing Trust Funds to assist Housing Initiatives acquire housing and authorizing the Mayor and City Clerk to sign an agreement to implement the project.
26. [04617](#) Report of City Comptroller and City Attorney: Information Requested by the Common Council Regarding a Local Preference Purchasing Policy for the City of Madison, re: File ID 03234.
- 27a. [04622](#) SUBSTITUTE - Authorizing the allocation of funds for the 2006 Neighborhood Conference and amending the 2006 operating budget of the Office of Community ~~Resources~~ Services to allocate ~~\$45,000~~ 13,700 toward the Neighborhood Conference.
28. [04633](#) Requesting the Mayor and Common Council to continue funding for the M.A.P. program and the Transit For Jobs program through the 2007 Emerging Neighborhoods Fund and for the Mayor and City Clerk to enter into Purchase of Service agreements with T.J's. Support Brokerage Firm and Porchlight, Inc. to manage those programs.
29. [04637](#) Amending Section 3.38 (1)(b) of the Madison General Ordinances by deleting the classification of Fleet Parts Manager in Compensation Group 18, Range 05, and recreating said class in Compensation Group 18, Range 07, thereof.
30. [04658](#) Adopting and confirming amendments to the Madison General Ordinances as set forth in attached Exhibit S pursuant to Sec. 66.0103, Wis. Stats. to provide salary increases

for Compensation Groups 18, 19, 21 and 44.

REPORT OF BOARD OF PUBLIC WORKS

31. [04527](#) Determining a Public Purpose and necessity and adopting a Relocation Order for the acquisition of Plat of land interests required for improvements for Castle Place from East Gorham Street to North terminus, being located in part of the Northwest 1/4 of Section 13, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin and authorizing the Mayor and City Clerk to sign all necessary documents necessary to accomplish the acquisition of land interests. (2nd AD)
- **NOTE: THE PLAN COMMISSION WILL CONSIDER THIS ITEM AT THEIR 10/16/06 MEETING. A RECOMMENDATION WILL BE MADE FROM THE COUNCIL FLOOR.**
32. [04577](#) Improvements accepted for Water Service Laterals by Private Contract to serve: Ice Age Falls Sewer/Water - for Meriter Hospital. (7th AD)
33. [04578](#) Improvements accepted for Water Service Laterals by Private Contract to serve: Prairie Point - Phase 2A. (9th AD)
34. [04584](#) Improvements accepted for Water Service Laterals by Private Contract to serve: Seventh Addition to Blackhawk Subdivision - Phase II. (9th AD)
35. [04585](#) Improvements accepted for Water Main by Private Contract to serve: Second Addition to Midtown Commons. (1st AD)
36. [04599](#) Awarding Public Works Contract No. 5889, Wingra Creek Parkway Improvements - Phase I.
37. [04607](#) Awarding Public Works Contract No. 5975, Painting at Various Park Buildings.
38. [04608](#) Awarding Public Works Contract No. 5974, Carpet Replacement at Madison Senior Center.
39. [04611](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Roofing Replacement at Warner Park Community Recreation Center, Contract No. 5984. (12th AD)
40. [04615](#) To establish assessments for the installation of street trees requested by the property owner (notices and public hearings have been waived). (City Wide ADs)
41. [04635](#) Authorizing the Mayor and City Clerk to enter into an intermunicipal agreement with the City of Monona for construction of a stormwater treatment facility located in the City of Monona Lake Edge Park. (15th AD)
42. [04638](#) Authorizing the Mayor and City Clerk to execute a future phase subdivision contract for First Addition to Ice Age Falls, Private Contract No. 2132. (1st AD)
43. [04640](#) Accepting curb and gutter, sidewalk, and other public infrastructure improvements constructed by private contract for 20 N. Blair Street PUD, Private Contract No. 1974. (2nd AD)
44. [04642](#) Accepting curb and gutter, sidewalk, and other public infrastructure improvements constructed by private contract for 100 Wisconsin Avenue PUD, Private Contract No.

1860. (4th AD).
45. [04643](#) Accepting storm sewer constructed by private contract for 100 Wisconsin Avenue PUD, Private Contract No. 1860. (4th AD)
46. [04651](#) Accepting curb and gutter, sidewalk, and other public infrastructure improvements constructed by private contract for Capitol Point PUD, Private Contract No. 1804. (2nd & 4th ADs)
47. [04652](#) Accepting curb and gutter, sidewalk, and other public infrastructure improvements constructed by private contract for 632 University Avenue PUD, (The Varsity), Private Contract No. 1998. (8th AD)
48. [04653](#) Accepting curb and gutter, sidewalk, and other public infrastructure improvements constructed by private contract for 625 North Segoe Road (Weston Place) PUD, Private Contract No.1988. (11th AD)
49. [04654](#) Accepting curb and gutter, sidewalk, and other public infrastructure improvements constructed by private contract for Complex 1 - McAllen T.E.C. Corridor PUD, Private Contract No. 1841. (17th AD)
50. [04655](#) Accepting sanitary sewer constructed by Private Contract In Annamark Drive CSM, Private Contract No. 2017. (17th AD)
51. [04656](#) Accepting storm sewer constructed by private contract in Annamark Drive CSM, Private Contract No. 2017. (17th AD)
52. [04657](#) Accepting storm sewer constructed by private contract for Complex 1 - McAllen T.E.C. Corridor - PUD, Private Contract No. 1841. (17th AD)

REPORT OF COMMON COUNCIL ORGANIZATIONAL COMMITTEE

53. [04483](#) Amending Sections 9.05(3)(e) and 9.05(8)(b), deleting Section 9.05(12), renumbering Sections 9.05(13) to (16), amending Section 9.49(3) and creating Section 9.49(4)(g) of the Madison General Ordinances to remove the administrative appeal of decisions to deny, not renew, revoke, or suspend an adult entertainment license.
54. [04544](#) AMENDED - Amending Section 2.025 of the Madison General Ordinances to require that alders notify the Common Council President and ~~the~~ **the** Common Council Office ~~Administrative Assistant~~ **staff** when they will be absent from the City for any period of five (5) days or longer.

REPORT OF HOUSING COMMITTEE

Begins at the top of the next page.

55. [03857](#) AMENDED THIRD SUBSTITUTE - Creating Section 32.17 of the Madison General Ordinances to establish regulations for self-help repairs of leased premises by tenants in addition to rent abatement, and amending Section 32.04(2) of the Madison General Ordinances to establish a procedure for notice of eligibility to seek self-help repairs.

REPORT OF MAYOR

56. [04086](#) Creating Section 31.04(6)(e)2. as a Charter Ordinance, creating new Subdivision 3.51(4)(i) as a Charter Ordinance, and renumbering current Subdivisions 3.51(4)(i) through (k) to (j) through (l), respectively, and renumbering current Section 31.04(6)(e) as 31.04(6)(e)1, all to allow the City to place signs or ads on Transit Utility bus shelters.

****NOTE: 14 VOTES REQUIRED FOR FILE ID# 04086 (CHARTER ORDINANCE)**

REPORT OF PLAN COMMISSION

57. [04153](#) Communication dated 7/10/06 from Supervisor C. Bayrd, C. Erickson, and K. Richmond re: proposed development in the Arboretum area of south Madison.

REPORT OF RISK MANAGER

58. [04487](#) B. Bankston, 1738 Roth St., Madison - personal injury - \$5,000.00.
59. [04542](#) CLAIM - M. Larson, 1309 Troy Dr., Madison - personal injury & property loss - \$410.00.
60. [04604](#) D. Hudson, 1340 Rutledge Ave., # 1, Madison - vehicle damage - \$479.44.

REPORT OF VENDING OVERSIGHT COMMITTEE

61. [04538](#) Authorizing the adoption of amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" regarding electrical outlet use by vendors, and to create new procedures to determine the amount of equipment merchant vendors may use to update the Mall/Concourse vending site map, and to authorize the VOC to approve future changes to the map.
62. [04554](#) Amending Sections 9.13(6)(j)1.b. and 9.13(6)(j)4. of the Madison General Ordinances regarding placement of merchant vendor equipment on the State Street Mall/Capitol Concourse and Section 9.13(6)(l)2. of the Madison General Ordinances regarding vendors' use of electrical outlets.

REFERRED TO THIS MEETING**APPOINTMENTS**

63. [04612](#) AMENDED - Report of the Mayor submitting citizen committee appointments (introduced 10-3-06; action 10-17-06).

ORDINANCES

64. [04610](#) Adopting and confirming Revision 256 of the Madison General Ordinances as of September 15, 2006 to incorporate the changes pursuant to Sec. 66.0103, Wis. Stats.

RESOLUTIONS

65. [04641](#) SUBSTITUTE - Creating an Ad Hoc Committee for the Warner Park Stadium Renovation.
**RECOMMENDATION: ADOPT SUBSTITUTE.

NEW BUSINESS - Referred on a motion made by Ald. King, seconded by Ald. Verveer.**ORDINANCES**

66. [04649](#) Amending Sections 9.05(5) & (7)(b), 9.08(2), 9.13(3)(a)3., 9.14(3)(k), 9.31(2), 9.52, 12.781(2) and 34.04(6)&(7) of the Madison General Ordinances to increase various license fees.
67. [04669](#) Creating Section 28.06(2)(a)3231. of the Madison General Ordinances rezoning property from M1 Limited Manufacturing District to C3L Commercial Service and Distribution District. Proposed Use: Convert Warehouse Into Church; 17th Aldermanic District: 1502 Parkside Drive.
68. [04674](#) Creating Section 28.06(2)(a)3229. of the Madison General Ordinances rezoning property from M1 Limited Manufacturing District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3230. 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 Existing Structure and Build 76 Unit Apartment Building; 6th Aldermanic District: 301 South Ingersoll Street.
69. [04682](#) Creating Section 28.06(2)(a)3227. of the Madison General Ordinances rezoning property from 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)3228. 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: Build 5 Buildings With 140 Condo Units, 63 Rental Units, 100,673 Square Feet of Commercial Space; 6th Aldermanic District: 2340, 2416, 2504 & 2507 Winnebago Street.
70. [04714](#) Adopting and confirming the Memorandum of Understanding between the City of Madison and the Association of Madison Police Supervisors (AMPS) for the period January 1, 2006 through December 31, 2007.
71. [04722](#) Amending Sections 7.07(8)(g), 7.07(9), 7.08(7)(b), 7.15(6)(d), 7.44(1)(c), 7.50(4), 7.52(4) of the Madison General Ordinances to modify various health permit, license and inspection fees.

72. [04725](#) Adopting and confirming amendments to the Madison General Ordinances as set forth in attached Exhibit R pursuant to Sec. 66.0103, Wis. Stats. to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2006 City Attorney Revisor's Ordinance.
73. [04748](#) Amending Section 32.07(5)(d) of the Madison General Ordinances to clarify that tenant check-out forms shall specify the amount of rent credit due and an explanation by the landlord for any portion of the rent credit deemed not due.

RESOLUTIONS

74. [04667](#) Approving City acceptance and expenditure of funds raised by "Capital K9's" to continue to equip and train a canine unit for the Police Department.
75. [04668](#) Authorizing the City of Madison, through the Police Department, to accept an award from the State of Wisconsin Office of Justice Assistance in the amount of \$120,000 and to utilize these funds to continue to implement the justice information sharing initiative known as WIJIS.
76. [04687](#) Authorizing the Police Department to double-fill the Police Info Systems Coordinator 2 position from November 27, 2006 through January 5, 2007 and amending the Police Department 2006 Operating Budget by appropriating \$6,873 from the Contingent Reserve.
77. [04708](#) Amending the 2006 Fire Capital Budget for coverage by the insurance fund for storm damage and the loss of equipment.
78. [04710](#) Authorizing the Mayor and City Clerk to sign an Intergovernmental Agreement for the utilization of the Dane County Law Enforcement Training Center by the Madison Police Department.
79. [04711](#) Authorizing the Mayor and the City Clerk to execute a release of a portion of the platted sanitary sewer easement located across the property at 5046 Lake Mendota Drive. 19th Ald. Dist.
80. [04712](#) Amending the 2006 Fire Department Operating Budget to reflect the new state funding formula.
81. [04716](#) Authorizing the Mayor and Clerk to execute a Memorandum of Understanding between the City of Madison and the Association of Madison Police Supervisors (AMPS) for the period January 1, 2006 through December 31, 2007.
82. [04719](#) Authorizing the Mayor, City Clerk and Chief of Police to accept a Project Safe Neighborhoods award from the State of Wisconsin, Office of Justice Assistance in the amount of \$121,771 and to utilize these funds toward anti-gang prevention and enforcement efforts.
83. [04720](#) Adopting the Hiestand Neighborhood Plan and recommendations contained in the plan. 3rd Ald. Dist.
84. [04721](#) Authorizing the Forestry Section of the Parks Division of the City of Madison to apply For \$25,000 under the Urban Forestry Grant Program to create a response plan for the

City of Madison if Emerald Ash Borer (EAB) is found within the City of Madison.

85. [04730](#) Authorizing the acceptance of a BUILD Grant from Dane County, the hiring of a planning consulting firm, and establishing the Regent Street-South Campus Plan Steering Committee.
86. [04735](#) Accepting the Inclusionary Zoning Advisory Oversight Committee recommendation regarding a consultant for the Housing Market Study, authorizing the use of certain City funds to match a private donation for the study, and authorizing the Mayor and City Clerk to enter into a contract for professional services from the chosen consultant.
87. [04739](#) Amending adopted Resolution 03426 to expand the number of steering committee and business representatives to be appointed and to allow alternates to be appointed to serve on the SW Neighborhood Steering Committee.

LICENSES

88. [04728](#) Public Hearing - New License
Sloppy Lobster Seafood Market, Inc.
dba Sloppy Lobster Seafood Market • est. capacity 68
8452 Old Sauk Road • Agent: Veronica Graham
Class B Combination Liquor & Beer • 10% alcohol, 90% food
Aldermanic District 9 (Ald. Skidmore) • Police Sector 127
89. [04731](#) Public Hearing - New License
Granite City Food and Brewery, LTD • dba Granite City Food and Brewery
454 S. Gammon Road • Agent: Russell Carroll
Class B Combination Liquor & Beer • 20% alcohol, 80% food
Aldermanic District 9 (Ald. Skidmore) • Police Sector 124

CLAIMS - REFER TO RISK MANAGER

90. [04647](#) NOTICE OF CLAIM - B. & T. Lawler, 4045 Steinies Dr., Madison - property damage - amount to be determined.
91. [04648](#) S. Anderson, 2314 Catalpa Rd., Madison - vehicle damage - \$80.00.
92. [04665](#) D. Johnson, 4305 Portland Pkwy., Madison - personal injury - \$952.00.
93. [04737](#) NOTICE OF CLAIM - A. Browning, 9664 Lee Valley Road, Blanchardville - personal injury - amount to be determined.
94. [04738](#) NOTICE OF CLAIM - GAB Robins for UW Madison, Madison - property damage - amount to be determined.