



City of Madison Proceedings - Final COMMON COUNCIL

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

Tuesday, December 13, 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 at 6:34 p.m., Mayor Cieslewicz in the Chair.

Late: Ald. Compton (6:35 p.m.)

Present: Benford, Sanborn, Brandon, Bruer, Cnare, Compton, Golden, King, Konkel, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski, Webber and David J. 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 Council President Van Rooy, seconded by President Pro Tem Rosas, to Suspend the Rules. The motion passed by acclamation.

SPECIAL ORDER OF BUSINESS

1. [02561](#) Recognizing the support of law enforcement agencies that worked the Halloween event on State Street in Madison from October 28, 2005 through October 30, 2005.

A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.

Enactment No: RES-05-00962

CONFIRMATION HEARING

2. [02346](#) Confirming the appointment of Thomas L. Schlenker, M.D. to the position of Unified Public Health Director subject to the appointment and execution of an Employment Agreement.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00963
3. [02304](#) Confirming the re-appointment of James A. Hess to the position of Monona Terrace Director subject to the re-appointment and execution of a five-year Employment Agreement.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00964

PETITIONS AND COMMUNICATIONS

PETITIONS

4. [02560](#) Petition dated September 21, 2005 from D. & B. Emerick re: direct attachment from the Town of Middleton to the City of Madison, pursuant to the City of Madison and Town of Middleton Cooperative Plan.
- 1 Registrant(s) in support not wishing to speak.*
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Place On File. The motion passed by acclamation.**

BUSINESS BY THE MAYOR

APPOINTMENTS

5. [02518](#) Report of the Mayor submitting an alder appointment.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Confirm. The motion passed by acclamation.**
6. [02520](#) Report of the Mayor submitting citizen committee appointments (introduced 12-13-05; action 1-3-06)
- Confirm at the 1/3/06 Common Council Meeting.*
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Refer to a future Meeting to Confirm for January 3, 2006. The motion passed by acclamation.**

RESOLUTIONS

7. [02534](#) Creating Section 15.01(552) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to 9th Aldermanic District the Emerick Oaks Attachment, and amending Section 15.02(110) of the Madison General Ordinances to add the attached property to Ward 110.
2 Registrant(s) in support not wishing to speak.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00200
8. [02555](#) Amending Sections 18.10(1), 19.14(1)(a), 29.07(3), and 30.01(10) of the Madison General Ordinances to increase various construction permit fees.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00201

BUSINESS BY THE PRESIDENT OF THE COMMON COUNCIL

9. [02551](#) Approving Parking Coupon agreements between the City of Madison (Parking Utility) and Associated Bank, N.A., the Madison Symphony Orchestra, Madison Opera, and Bethel Lutheran Church and authorizing the Mayor and Clerk to sign the agreements.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00965
10. [02552](#) AMENDED - Honoring our employees who have been called to service with the United States Armed Services.
A motion was made by Ald. King, seconded by Ald. Konkel, to Adopt With Amendment(s) as follows: strike the entire PREAMBLE of the resolution. The motion passed by the following vote:
Aye: 12 - Benford, Bruer, Cnare, Golden, King, Konkel, Gruber, Olson, Knox, Jr., Verveer, Radomski and Webber
No: 5 - Sanborn, Compton, Skidmore, Thomas and Van Rooy
Abstain: 3 - Brandon, Rosas and Palm
Non Voting: 1 - Cieslewicz
Enactment No: RES-05-00978

02552

Honoring our employees who have been called to service with the United States Armed Services.

THIS IS THE VOTE ON THE MAIN MOTION INCORPORATING THE AMENDMENT.

A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt With Amendment(s). The motion passed by the following vote:

Aye: 18 - Benford, Sanborn, Bruer, Cnare, Compton, Golden, King, Konkell, Gruber, Olson, Knox, Jr., Rosas, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber

No: 0 -

Abstain: 2 - Brandon and Palm

Non Voting: 1 - Cieslewicz

Enactment No: RES-05-00978

PUBLIC HEARINGS - BEGIN AT 6:45 PM

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

11. 02169 Public Hearing - Transfer of License
Mir Nateghi • dba Caspian Cafe & Catering • estimated capacity of 60
610 University Avenue • Transfer from 17 University Square
Class B Beer • 1% alcohol, 99% food
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant and Close the Public Hearing. The motion passed by acclamation.
12. 02172 Public Hearing - New License
Mir Nateghi • dba Caspian Cafe & Catering • estimated capacity of 60
610 University Avenue • Class C Wine • 1% alcohol, 99% food
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant and Close the Public Hearing. The motion passed by acclamation.
13. 02174 Public Hearing - New License
Cool Runnings Nikelwa LLC • dba Cool Runnings • estimated capacity of 100
320 N. Randall Avenue • Agent: Edwin B. Richards
Class B Combination Liquor & Beer • 40% alcohol, 50% food
2 Registrant(s) in support not wishing to speak.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant and Close the Public Hearing. The motion passed by acclamation.
14. 02175 Public Hearing - New License
GHL II LLC • dba Monona Market
4624 Monona Drive • Agent: Jagdish Agrawal • Class A Liquor
Public Hearing Closed.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant With Condition(s). The motion passed by acclamation.

REPORT OF PLAN COMMISSION

15. [02043](#) Amending Section 28.12(3)(a) and (7)(d) of the Madison General Ordinances to conform to recently enacted state legislation.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** ORD-05-00194
16. [02139](#) Creating Section 28.06(2)(a)3138. of the Madison General Ordinances rezoning property from C2 General Commercial District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3139. 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 Shopping Center and Build 12-Story Mixed Use Building with 130,000 Square Feet Retail, 73,500 Square Feet Offices, 91,000 Square Feet Health Center, 60,500 Activity Center and 430 Dwelling Units; 8th Aldermanic District: 700 Block University Avenue.
- 2 Registrant(s) in support not wishing to speak.*
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt and Close the Public Hearing. The motion passed by the following vote:**
- Aye:** 19 - Benford, Sanborn, Brandon, Bruer, Cnare, Compton, Golden, King, Konkel, Gruber, Olson, Knox, Jr., Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber
- No:** 0 -
- Abstain:** 1 - Rosas
- Non Voting:** 1 - Cieslewicz
- Enactment No:** ORD-05-00195
17. [02140](#) Creating Section 28.06(2)(a)3140. of the Madison General Ordinances rezoning property from Temp C2 General Commercial District to C2 General Commercial District. Proposed Use: Accommodate Neighborhood Center in Existing Building; 14th Aldermanic District; 810-818 West Badger Road.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt and Close the Public Hearing. The motion passed by acclamation.**
- Enactment No:** ORD-05-00196

18. [02141](#) Creating Section 28.06(2)(a)3146. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R2T Single-Family Residence District, creating Section 28.06(2)(a)3147. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R2Y Single-Family Residence District, creating Section 28.06(2)(a)3148. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R2Z Single-Family Residence District, creating Section 28.06(2)(a)3149. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R5 General Residence District, creating Section 28.06(2)(a)3150. of the Madison General Ordinances rezoning property from Temp A Agriculture District to C Conservancy District, and creating Section 28.06(2)(a)3151. of the Madison General Ordinances rezoning property from Temp A Agriculture to PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: 274 Single Family Lots, 9 Duplex Lots & 4 Multi-Family Lots; 9th Aldermanic District: 702 South Point Road.

1 Registrant(s) in support not wishing to speak.

A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt and Close the Public Hearing. The motion passed by acclamation.

Enactment No: ORD-05-00197

19. [02142](#) Creating Section 28.06(2)(a)3142. of the Madison General Ordinances rezoning property from Temp A Temporary Agriculture District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3143. 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: Two 42-Unit Condominium Units; 7th Aldermanic District: 3270-3276 Maple Grove Drive.

1 Registrant(s) in support not wishing to speak.

A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt and Close the Public Hearing. The motion passed by acclamation.

Enactment No: ORD-05-00198

20. [02144](#) Creating Section 28.06(2)(a)3145. 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: Demolish Bank & Build Restaurant; 11th Aldermanic District: 702 North Midvale Boulevard.

2 Registrant(s) in support not wishing to speak.

A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt and Close the Public Hearing. The motion passed by acclamation.

Enactment No: ORD-05-00199

21. [02207](#) Adopting and confirming the City of Madison Comprehensive Plan.
2 Registrant(s) in support wishing to speak; 4 Registrant(s) in opposition wishing to speak; 1 Registrant(s) in opposition not wishing to speak.
Additional Referral(s): Park Commission
- A motion was made by Ald. Golden, seconded by Ald. Webber, to Refer to the PLAN COMMISSION. The motion passed by acclamation.**
- Adopt on a motion made by Ald. Rosas, seconded by Ald. Compton: NO ACTION TAKEN**

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: #9, 10, 31, 35, 37, 39, 40, 42, 43, 46, 47, 50, 58, 62, 64, 66, & 91, Van Rooy/Verveer: carry.

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

22. [02185](#) Nightclub License
Cool Runnings Nikelwa LLC • dba Cool Runnings • estimated capacity of 100
320 N. Randall Avenue • Agent: Edwin B. Richards
Class B Combination Liquor & Beer • 40% alcohol, 50% food
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.**
23. [02540](#) Alcohol License Review Committee
December 7, 2005, Report of Operator License Applications (New & Renewal)
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.**

REPORT OF BOARD OF ESTIMATES

24. [02123](#) Amending Section 3.38 (1)(c) of the Madison General Ordinances by deleting the classification of Parking Enforcement Officer in Compensation Group 16, Range 08, and recreating said classification in Compensation Group 16, Range 11; and deleting the classification of Parking Enforcement Leadworker in Compensation Group 16, Range 10, and recreating said classification in Compensation Group 16, Range 13, thereof.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No: ORD-05-00206**

25. [02145](#) Adopting the National Incident Management System.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00970
26. [02148](#) Appointing Edwin Ruckriegel to serve as Emergency Management Coordinator for the City of Madison.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00971
27. [02300](#) Be it hereby resolved that the position (#94) of "Administrative Clerk 1", in Compensation Group 20, Range 09 (occupied by A. Bethel), in the permanent salary detail of the Overture Center budget is repealed and recreated as an "Administrative Clerk 2" in Compensation Group 20, Range 11, thereof.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00972
28. [02302](#) Be it hereby resolved that the position (#1550) of Athletic Field Caretaker in Compensation Group 16, Range 11 (occupied by T. Tierman) in the permanent salary detail of the Parks Division budget is repealed and recreated as a position of Public Works Leadworker in Compensation Group 16, Range 12 thereof.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00973
29. [02335](#) Amending Sections 3.38(2)(a) and (b) of the Madison General Ordinances by creating the hourly classes of Pool Manager at an hourly 2005 rate of \$16.56/hour in Compensation Group 17 and Shallow Water Host at an hourly 2005 rate of \$10.30/hour in Compensation Group 16, respectively, thereof.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00207
30. [02336](#) Amending Section 3.38(1)(c) of the Madison General Ordinances by deleting the classification of Athletic Field Caretaker in Compensation Group 16, Range 11, thereof.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00208

31. [02456](#) Authorizing the Mayor and City Clerk to execute a Labor Agreement between the City of Madison and Madison City Attorneys Association for the period January 1, 2004 through December 31, 2005 and amending the 2005 Operating Budget to appropriate \$49,000 to fund associated wage and benefit costs.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by the following vote:**
- Absent:** 1 - Brandon
- Aye:** 19 - Benford, Sanborn, Bruer, Cnare, Compton, Golden, King, Konkell, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber
- No:** 0 -
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-05-00979
32. [02460](#) Be it hereby resolved that position (#3260) of Architect 1, in Compensation Group 18, Range 06, (occupied by J. Zwart) in the permanent salary detail of the Inspection Unit in the Planning and Development Department budget is repealed and recreated as an Architect 2 in Compensation Group 18, Range 08, thereof.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00974
33. [02461](#) Adopting and confirming the Labor Agreement between the City of Madison and the Madison City Attorneys Association for the period January 1, 2004 to December 31, 2005.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-05-00209
34. [02464](#) Authorizing the City of Madison, through the Office of Community Services, to accept a Year 3 Weed and Seed grant from the United States Dept. of Justice Community Capacity Development Office and authorizing expenditures as outlined in the grant budget.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00975

35. [02472](#) Appropriating \$175,000 from the Contingent Reserve, appropriating \$1,367,000 from the General Fund Balance and transferring within agency budgets to cover various unbudgeted departmental expenditures during 2005.

A motion was made by Ald. King, seconded by Ald. Verveer, to Adopt. The motion failed by the following vote:

Aye: 8 - Benford, Bruer, King, Konkell, Gruber, Olson, Verveer and Webber

No: 12 - Sanborn, Brandon, Cnare, Compton, Golden, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy and Radomski

Non Voting: 1 - Cieslewicz

Enactment No: RES-05-00987

- [02472](#) SUBSTITUTE - Appropriating ~~\$175,000~~ \$426,100 from the Contingent Reserve, appropriating \$1,367,000 from the General Fund Balance and transferring within agency budgets to cover various unbudgeted departmental expenditures during 2005.

A motion was made by Council President Van Rooy, seconded by Ald. Golden, to Adopt. The motion failed by the following vote:

Aye: 14 - Benford, Sanborn, Brandon, Cnare, Compton, Golden, Gruber, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy and Radomski

No: 6 - Bruer, King, Konkell, Olson, Verveer and Webber

Non Voting: 1 - Cieslewicz

Enactment No: RES-05-00987

- [02472](#) AMENDED SUBSTITUTE - Appropriating ~~\$175,000~~ ~~\$426,100~~ \$326,000 from the Contingent Reserve, appropriating \$1,367,000 from the General Fund Balance and transferring within agency budgets to cover various unbudgeted departmental expenditures during 2005.

A motion was made by Ald. King, seconded by Ald. Olson, to Adopt With Amendment(s) as follows: in the first "Be It Further Resolved" clause change \$426,100 to \$326,100; change \$251,100 in Police Department to \$151,000 for a total appropriation of \$326,100. In the second "Be It Further Resolved" clause change the police department appropriation from \$752,900 to \$852,900 and Workers Compensation appropriation from \$496,100 to \$396,100. The motion failed by the following vote:

Aye: 11 - Benford, Bruer, Cnare, Golden, King, Konkell, Gruber, Olson, Knox, Jr., Verveer and Webber

No: 9 - Sanborn, Brandon, Compton, Rosas, Palm, Skidmore, Thomas, Van Rooy and Radomski

Non Voting: 1 - Cieslewicz

Enactment No: RES-05-00987

[02472](#)

AMENDED SUBSTITUTE - Appropriating ~~\$475,000~~ \$426,100 from the Contingent Reserve, appropriating \$1,367,000 from the General Fund Balance and transferring within agency budgets to cover various unbudgeted departmental expenditures during 2005.

A motion was made by Ald. Bruer, seconded by Ald. Brandon, to Adopt With Amendment(s) as follows: add "BE IT FURTHER RESOLVED that if total land sales in 2006 exceed \$1.3 million, the first \$200,000 in additional sales revenue shall be deposited into the Affordable Housing Trust Fund." to version 2 (the substitute resolutions).

The motion passed by the following vote:

Absent: 1 - Gruber

Aye: 19 - Benford, Sanborn, Brandon, Bruer, Cnare, Compton, Golden, King, Konkell, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber

No: 0 -

Non Voting: 1 - Cieslewicz

Enactment No: RES-05-00987

36. [02476](#)

Authorizing the acceptance and expenditure of funds for the period of October 1, 2005 through September 30, 2006 in the amount of \$136,325 from the Federal Child Development Block Grant passed through the State of Wisconsin for 2005-06.

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

Enactment No: RES-05-00976

37. [02477](#)

Authorizing the Mayor and City Clerk to execute a Labor Agreement between the City of Madison and the Association of Madison Police Supervisors for the period January 1, 2004 through December 31, 2005 and amending the 2005 Operating Budget to appropriate \$112,000 to fund associated wage and benefit costs.

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

Aye: 20 - Benford, Sanborn, Brandon, Bruer, Cnare, Compton, Golden, King, Konkell, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber

No: 0 -

Non Voting: 1 - Cieslewicz

Enactment No: RES-05-00980

38. [02478](#) Adopting and confirming the Labor Agreement between the City of Madison and the Association of Madison Police Supervisors for the period January 1, 2004 through December 31, 2005.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-05-00210
39. [02479](#) Authorizing 1) an amendment to the 2005 Capital Budget to appropriate an additional \$700,000 from the Madison Capital Revolving Fund (MCRF) and 2) the Mayor and City Clerk to execute an agreement to fund a \$700,000 Madison Capital Revolving Fund loan to TomoTherapy, Inc.
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by the following vote:**
- Absent:** 1 - Gruber
- Aye:** 17 - Benford, Brandon, Bruer, Cnare, Compton, Golden, King, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber
- No:** 2 - Sanborn and Konkel
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-05-00981
40. [02484](#) To Amend the 2005 Parks Division Capital Budget to allow for the transfer of \$75,000 from Project 810402 "Neighborhood Parks Improvements" to Project 810403 "Pavement Improvements".
- A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Adopt. The motion passed by the following vote:**
- Absent:** 1 - Gruber
- Aye:** 19 - Benford, Sanborn, Brandon, Bruer, Cnare, Compton, Golden, King, Konkel, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber
- No:** 0 -
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-05-00982
41. [02486](#) Adopting The Natural Step Model For Eco-Municipalities As A Guiding Framework For The City Of Madison's Sustainable City Program And Providing Training In Both The Natural Step And Retro-Commissioning For City Staff.
- 5 Registrant(s) in support not wishing to speak.*
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00977

42. [02493](#) Amending the 2005 Capital Budget to restore \$310,000 to the Streets Division's Automated Collection Carts project budget that was previously reallocated to other projects.
- A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Adopt. The motion passed by the following vote:**
- Absent:** 1 - Gruber
- Aye:** 19 - Benford, Sanborn, Brandon, Bruer, Cnare, Compton, Golden, King, Konkell, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber
- No:** 0 -
- Non Voting:** 1 - Cieslewicz
- Enactment No:** RES-05-00983

REPORT OF BOARD OF PARK COMMISSIONERS

43. [00424](#) SUBSTITUTE - To establish and execute a fair and participatory process for deciding whether or not and ~~or~~ how to restrict the flow of motorized vehicular traffic on Edgewood Drive, a remnant of the Park and Pleasure Drive system. The process includes public information, citizen participation, attorney analysis, traffic engineering analysis, consultation with the Edgewood schools and the other abutting property owner and, finally, consideration by the Common Council of any restrictions recommended by the Board of Park Commissioners.
- A motion was made by Ald. Golden, seconded by Ald. Compton, to Place On File. The motion passed by acclamation.**

REPORT OF BOARD OF PUBLIC WORKS

44. [02248](#) Determining a Public Purpose and necessity and adopting Transportation Project Plat No: 5992-06-29-4.01 for the City of Madison to acquire necessary land interests, including the purchase of a portion of the property at 2609 East Washington Avenue required for the planned public street improvements included in the East Washington Avenue Segment 3 Reconstruction Project, and authorizing the Mayor and City Clerk to sign all necessary documents necessary to accomplish the land interest acquisitions. (15th AD)
- 1 Registrant(s) in opposition not wishing to speak.*
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Reconsider. The motion passed by acclamation.**
- Adopt at the 1/3/06 Common Council Meeting.*
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Refer For Public Hearing to the COMMON COUNCIL, due back on January 3, 2006. The motion passed by acclamation.**

REPORT OF CITY CLERK

45. [02511](#) Mobile Home Park License Renewals
1. Optunities LLC • dba Oak Park Terrace • 3901 Packers Ave • License 67976
2. Uniprop Homes Inc • dba Highland Manor • 10 Malibu Drive • License 8594
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.

REPORT OF CITY-COUNTY LIASON COMMITTEE

46. [02482](#) Authorizing the mayor and City Clerk to execute an Addendum to Agreement between the City of Madison and Dane County for the Sale of Space in the City-County Building and to execute an Amended Agreement for the operation and maintenance of the building.
A motion was made by Council President Van Rooy, seconded by Ald. Compton, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00966

REPORT OF EQUAL OPPORTUNITIES COMMISSION

47. [02368](#) Amending Sec. 3.27(1) of the Madison General Ordinances to eliminate U.S. citizenship requirement for volunteer members of boards, commissions and committees.
A motion was made by Ald. Brandon, seconded by Council President Van Rooy, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00211

REPORT OF MADISON ARTS COMMISSION

48. [02480](#) Accepting ownership of the artwork "Under Flow" located at the Water Utility Administration Building, 119 East Olin Avenue.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00967

REPORT OF PED BIKE MOTOR VEHICLE COMMISSION

49. [01191](#) SUBSTITUTE - Revising the Neighborhood Traffic Management Program (NTMP) to allow for the use of speed humps on local or collector streets with volumes of 5000 vpd or less.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00984

50. [02080](#) Report re: Parking on the Capitol Square.
1 Registrant(s) in support wishing to speak.
A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Accept. The motion passed by acclamation.
51. [02307](#) SUBSTITUTE - Authorizing the Traffic Engineering Division to accept a grant for \$100,560 \$107,200 from the Wisconsin Department of Transportation to maintain and expand a safety education program and authorizing the Mayor and City Clerk to enter into the grant contract.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00985

REPORT OF PLAN COMMISSION

52. [02445](#) Approving the preliminary plat of "1000 Oaks" located at 702 South Point Road. 9th Ald. Dist.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00968
53. [02532](#) Reapproving the final plat of "Eighth Addition to Blackhawk Subdivision" located at 9702 Old Sauk Road. 9th Ald. Dist.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00969
54. [02533](#) Approving a Certified Survey Map of property owned by Raymond Management Company at 8102 Watts Road. 9th Ald. Dist.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Refer to the PLAN COMMISSION. The motion passed by acclamation.

REPORT OF PUBLIC SAFETY REVIEW BOARD

55. [02155](#) Amending Section 3.21 to establish powers and duties for the Emergency Management Coordinator of the City, and relocating and renumbering Section 23.47 entitled Emergency Proclamation as Section 3.025.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00202

REPORT OF RISK MANAGER

56. [02376](#) NOTICE OF CLAIM: Riverwood Apartments of Madison, LLC, 6431 Bridge Road - property damage - \$345.00.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Deny. The motion passed by acclamation.

57. [02458](#) NOTICE OF CLAIM: C. Jackson, 1138 Mifflin Street - property damage - \$164.13.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Deny. The motion passed by acclamation.

REFERRED TO THIS MEETING**APPOINTMENTS**

58. [02325](#) Report of the Mayor submitting citizen committee appointments (introduced 11-8-05; action 11-29-05)

A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Confirm. The motion passed by the following vote:

Absent: 1 - Gruber

Aye: 19 - Benford, Sanborn, Brandon, Bruer, Cnare, Compton, Golden, King, Konkel, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber

No: 0 -

Non Voting: 1 - Cieslewicz

59. [02465](#) AMENDED - Report of the Mayor submitting citizen committee appointments (introduced 11-29-05; action 12-13-05)

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

ORDINANCES

60. [01854](#) Amending Section 3.58(3)(a) of the Madison General Ordinances to modify the composition of the Affirmative Action Commission.

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

Enactment No: ORD-05-00203

61. [01856](#) Amending Section 3.23(10) of the Madison General Ordinances to modify the composition of the Equal Opportunities Commission.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00204
62. [01924](#) SUBSTITUTE - Amending Section 38.02 and creating Section 38.07(14) of the Madison General Ordinances to create a definition for keg and to regulate the sale and possession of alcohol beverages sold in kegs in the City of Madison.
1 Registrant(s) in opposition not wishing to speak.
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Place On File. The motion passed by acclamation.
63. [02244](#) Amending Section 9.48(3) of the Madison General Ordinances to increase the fees for service of process.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00205
64. [02485](#) SUBSTITUTE - Amending Section 8.18(2) of the Madison General Ordinances extending the length of time parking is allowed at the Brittingham Boathouse, Bathhouse and Shelter.
A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00212

PETITIONS

65. [02116](#) Petition dated September 22, 2005 from D. & B. Emerick re: direct attachment from the Town of Middleton to the City of Madison, pursuant to the City of Madison and Town of Middleton Cooperative Plan.
1 Registrant(s) in support not wishing to speak.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Accept. The motion passed by acclamation.

66. [02521](#) Petition for direct legislation from Bring Our Troops Home committee.
1 Registrant(s) in opposition wishing to speak; 1 Registrant(s) in support wishing to speak; 7 Registrant(s) in opposition not wishing to speak; 2 Registrant(s) in support not wishing to speak.
Due back at the 6/20/06 Common Council Meeting.
A motion was made by Ald. Verveer, seconded by Ald. Webber, to Refer to a future Meeting to Place on File for June 20, 2006. The motion passed by the following vote:
- Aye:** 19 - Benford, Sanborn, Bruer, Cnare, Compton, Golden, King, Konkell, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber
- No:** 0 -
- Abstain:** 1 - Brandon
- Non Voting:** 1 - Cieslewicz
- Place On File Without Prejudice , Van Rooy/Rosas- NO ACTION TAKEN (Ald. Brandon abstained).**

NEW BUSINESS - referred on a motion made by President Van Rooy, seconded by Ald. Verveer.

ORDINANCES

67. [02543](#) Creating Section 10.18(7)(a)8. to establish a definition for "large items" relating to refuse and recycling collection, and amending Section 10.18(12) to change the regulations for tire fees to include other large items as defined.
Additional Referral(s): Solid Waste Advisory Committee
Refer to the BOARD OF ESTIMATES
68. [02553](#) Amending Section 3.36(11) of the Madison General Ordinances to modify the pay differential and leave accumulation for employees on military leave and provide Veteran's Day leave for employees who are veterans.
Additional Referral(s): Common Council Organizational Committee, Board of Estimates, Comptroller (for fiscal note)
Refer to the PERSONNEL BOARD
69. [02554](#) Amending Section 4.18 of the Madison General Ordinances to establish an occupancy fee to be paid by the Parking Utility on City owned parking facilities and on-street metered parking spaces.
Additional Referral(s): Board of Estimates
Refer to the TRANSIT AND PARKING COMMISSION

70. **02556** Adopting and confirming amendments to the Madison General Ordinances as set forth in attached Exhibit X pursuant to Sec. 66.0103, Wis. Stats.
Additional Referral(s): Commission on People with Disabilities, Affirmative Action Commission, Board of Estimates, Common Council Organizational Committee, Comptroller (for fiscal note)
Refer to the EQUAL OPPORTUNITIES COMMISSION

RESOLUTIONS

71. [02491](#) Authorizing funds for the demolition of an 8-unit apartment building located at 902 Magnolia Lane. 14th Ald. District.
Additional Referral(s): Board of Park Commissioners
Refer to the PLAN COMMISSION
72. [02510](#) Authorizing the Mayor and the City Clerk to execute a Professional Services Agreement with Clark Dietz Inc for the preparation of drawings and specifications and construction administration for the 6.0 million gallon Felland Road Reservoir located in east Madison. AD No. 3
Refer to the BOARD OF WATER COMMISSIONERS
73. [02512](#) Providing for the issuance and award of \$_____ principal amount of Sewer System Revenue Bonds, Series 2006-A, of the City of Madison, Wisconsin; prescribing the form and other details and providing for the collection and disposition of the revenues to be derived from the municipal sewer system of said City; making other provisions with respect to the operation of the system and the issuance of the bonds; providing for the security and payment of the bonds; and prescribing other matters pertaining thereto. BY TITLE ONLY.
Additional Referral(s): Comptroller's Office (for fiscal note after the body of the resolution is entered)
Refer to the BOARD OF ESTIMATES
74. [02513](#) Authorizing the Mayor and City Clerk to enter into an agreement with St. Mary's Hospital Medical Center for the continuation of provision of free access by its employees to Metro Transit fixed route and ADA paratransit services, with reimbursement to the transit utility for employee trips for the period February 1, 2006 through January 31, 2007.
Additional Referral(s): Board of Estimates
Refer to the TRANSIT AND PARKING COMMISSION
75. [02541](#) A resolution authorizing the Mayor and City Clerk to execute an Agreement with Madison Metropolitan School District-Madison School Community and Recreation for the provision of swimming lessons at the Irwin A. and Robert D. Goodman Community Pool for the 2006 outdoor pool season.
Refer to the BOARD OF PARK COMMISSIONERS

76. [02542](#) Approving Fire Department participation in the Advanced Life Support (ALS) Program with other ALS Units in Dane County.
Refer to the BOARD OF ESTIMATES
77. [02545](#) Authorizing the carry-over of CDBG, HOME and other funds, and the extension of previously authorized projects within the CDBG program budget.
Refer to the BOARD OF ESTIMATES
78. [02548](#) Authorizing the subordination of a previously approved loan to Access Community Health Center to a new non-profit subsidiary and authorizing the Mayor and the City Clerk to sign agreements to effect such a change.
Additional Referral(s): Community Development Block Grant Commission
Refer to the BOARD OF ESTIMATES
79. [02558](#) Authorizing the execution of an amendment to the lease with MLG Capital/Meadowood LLC allowing for the City's continued use of space at 5740 Raymond Road for the operation of the Meadowridge Branch Library. 20th Ald. Dist.
Additional Referral(s): Madison Public Library Board, Plan Commission
Refer to the BOARD OF ESTIMATES
80. [02568](#) Approving a transfer of up to \$17,900 in total funds among budget accounts of the Affirmative Action Department (AAD) and amending the AAD 2005 operating budget, thereof.
Refer to the BOARD OF ESTIMATES
81. [02569](#) Authorizing the Mayor and the City Clerk to enter into an agreement with the consultant team of HNTB, et al., for Transport 2020 Preliminary Engineering and environmental documentation services for the City of Madison.
Refer to the BOARD OF ESTIMATES

REPORTS

82. [02564](#) Report re: Resolution #1716 creating TID #36 Capitol Gateway Corridor and Directive to Identify an Organizational Oversight Structure.
*Additional Referral(s): Economic Development Commission
1 Registrant(s) in support not wishing to speak.*
Refer to the BOARD OF ESTIMATES
83. [02567](#) Report on Evaluation Study Framework: Inclusionary Zoning Ordinance.
Refer to the Planning Unit

CLAIMS - REFER TO RISK MANAGER on a motion made by President Van Rooy, seconded by Ald. Verveer.

84. [02496](#) NOTICE OF CLAIM: J. Burns, 1214 Salisbury Place - property damage - \$178.00.
85. [02497](#) NOTICE OF CLAIM: Oscar Mayer Plant - property damage and labor expenses - \$92,360.00.
86. [02524](#) NOTICE OF CLAIM: Attorney David Geier for A. Anderson, 1456 Highway 78 South, Mt. Horeb - personal injury, lost wages, and loss of society and companionship - \$120,500.00.
87. [02535](#) NOTICE OF CLAIM: J. Felland, 151 W. Wilson Street #3 - property damage - \$40.00.
88. [02536](#) NOTICE OF CLAIM: C. Ruh, 3730 Hammersley Avenue - property damage - amount to be determined.
89. [02537](#) NOTICE OF CLAIM: J. Dahl, 669 Knickerbocker Street - property damage - \$587.85.
90. [02550](#) NOTICE OF CLAIM: Attorney Sally Stix for L. & D. Goodwin, 646 Moreland Road - personal injury - amount to be determined.

****ADDENDUM******REFERRED TO THIS MEETING**

91. [02382](#) AMENDED - Directing City Staff to Continue Use of Traffic Control Devices Currently Installed in the Lake Edge Neighborhood in order to Eliminate Commuter Traffic on Local Streets. (15th AD)
- Suspend the Rules to take this item out of order, Palm/Van Rooy: carry. 6 Registrant(s) in support wishing to speak; 12 Registrant(s) in opposition wishing to speak; 2 Registrant(s) in support not wishing to speak; 1 Registrant(s) in opposition not wishing to speak.*
- A motion was made by Ald. Palm, seconded by President Pro Tem Rosas, to Adopt With Amendment(s) as follows: strike "July" & replace with "December" in the "Now Therefore Be It Resolved" clause; add "for consideration by December 31, 2006" at the end of the "Be It Further Resolved" clause; add a new "Be It Finally Resolved" clause (see final underlined section in the body of the resolution) The motion passed by acclamation.**
- Enactment No: RES-05-00986

ITEM(S) INTRODUCED FROM THE COUNCIL FLOOR

02588

Authorizing the Mayor and City Clerk to enter into an agreement with Cellnet Technologies, Inc., to provide a WIFI Network in the City of Madison.

A motion was made by Ald. King, seconded by Ald. Olson, to Refer to the BOARD OF ESTIMATES. The motion passed by acclamation.

ADJOURNMENT

A motion was made by Council President Van Rooy, seconded by Ald. Olson, to Adjourn at 12:15 a.m. The motion passed by acclamation.

I certify that the foregoing action of the Common Council was approved by the Mayor on the 19th of December, 2005.

Ordinances published January 3rd, 2006.

RAY FISHER, CITY CLERK