



**City of Madison**  
**Proceedings - Final**  
**BOARD OF PARK COMMISSIONERS**

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

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Wednesday, March 14, 2007

6:30 PM

1625 Northport Dr. (WPCRC)

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CALL TO ORDER

I. ROLL CALL

**Present:** Santiago Rosas, Paul E. Skidmore, William Barker, Betty Chewing and Betty N. MacDonald

**Excused:** Stephen A. Webster and Emanuel Scarbrough

**Parks staff present:** James Morgan, Si Widstrand, Elinor Riley, Laura Bauer, LaVonne LaFave

**City staff present:** George Twigg, Mayor's Office, Larry Nelson, City Engineer, Lisa Coleman, Engineering

**Immediate Past President Barker called the meeting to order at 6:31 p.m. A quorum was present and the meeting was properly noticed. In President Scarbrough's absence, Barker agreed to chair the meeting.**

II. PUBLIC COMMENT

**There were no members of the public who wished to comment on items not on the Agenda.**

III. APPROVAL OF MINUTES

A. Minutes of the Regular Meeting of February 14, 2007

**A motion was made by MacDonald/Rosas to approve the Minutes of the February 14, 2007 regular meeting of the Park Commission. MOTION CARRIED unanimously.**

IV. COMMITTEE REPORTS

A. Olbrich Botanical Society

**A motion was made by Chewning/Skidmore to accept the Minutes of the January 16, 2007 meeting of the Olbrich Botanical Society. MOTION CARRIED unanimously.**

1. Request of Olbrich Botanical Society to close all day on June 25, 2005 in preparation for Rhapsody in Bloom.

**A motion was made by Skidmore/Chewning to approve the request of Olbrich Botanical Society to close the Gardens all day on June 23, 2007 in preparation for Rhapsody in Bloom. MOTION CARRIED UNANIMOUSLY.**

Update on Garver Reuse Committee

**Barker reported that he served as Chair on the Garver Reuse Committee and was pleased with the progress of the Committee. The group approved the draft of the RFP to be sent out to solicit potential use for the structure. He believed there was a good public process that afforded public commentary.**

V. REPORT OF THE PRESIDENT OF THE PARK COMMISSION

**No report.**

VI. REPORT OF THE SUPERINTENDENT OF PARKS

A. Written Report of Supervisor's Activities

**A motion was made by Skidmore/Rosas to approve the written report. MOTION CARRIED unanimously.**

B. Informational Items

1. Park Tour 2007 - August 8

**Superintendent Morgan stated that traditionally the August meeting has been used for the annual Parks Tour for Park Commissioners, Parks Foundation members and Common Council members. One suggestion for viewing is Cherokee Marsh. Any suggestions for this year should be submitted to him by the May meeting. The tour travels by bus and has typically included a picnic supper. If this year's tour includes Cherokee it will provide an opportunity to point out some of the different parcels being considered for acquisition, the higher lands, the development areas, the fens and marsh that will be discussed as the new master management plan is developed in the next few years. Members of the Habitat Stewardship Committee will also be invited to attend.**

Goodman Pool Swimming Lessons

**Superintendent Morgan recognized Elinor Riley and Laura Whitmore for the information packet on Goodman Pool Swimming Lessons. Last year, the Parks Division and MSCR entered into a one-year contract to provide the swimming lesson program. It covered approximately 930 participants. This year the Parks Division will handle the swimming lessons and anticipate revenue of between**

\$35,000-\$40,000 from that program.

VII. CORRESPONDENCE, RESOLUTIONS, ORDINANCES

- A. [05695](#) Report of the City Engineer - Determination of Whether to Repair or Replace the Lake Wingra Dam.

A motion was made by Rosas, seconded by Skidmore, to Return to Lead with the Following Recommendation(s) to the BOARD OF PUBLIC WORKS On a Roll Call vote the Commission recommended rebuilding the dam. The motion passed by the following vote:

**Excused:** Webster and Scarbrough  
**Aye:** Rosas, Skidmore and Barker  
**No:** Chewning and MacDonald

**Registered Speakers in Support:**  
Larry Nelson, City Engineer  
Lisa Coleman, City Engineering Division

Nelson stated the City has been required by the DNR to bring the existing Lake Wingra Dam up to code. The DNR is the state agency that administers dams in Wisconsin. The existing dam was constructed in approximately 1918 and included the dredging of Wingra Creek. Locks had been installed on one side of the dam, where launches could be raised up to allow access to the "Lost City", but were never used. In the 1970's, they were covered over with a walkway. The structure is aging. The DNR examined the dam and determined that repair or replacement was necessary. The city hired Strand & Associates to study the structure and provide recommendations and costs for either refurbishment or replacement. Their concern was the dam itself doesn't have the necessary data to determine its success or the safety factor to deter flooding. There are voids under the spillway of the dam. The cost of replacement is estimated to be \$694,000 while the city believes that sum will be closer to \$1 million. The repair is estimated to be \$273,000 and again the city believes that sum is low. Nelson stated that economically the cost is very similar when doing a financial analysis between repair and replacement later or replacement now. It was also noted that a portage access from the creek to the lake would be necessary because the dam was originally commissioned to include locks.

The DNR wants an area where the lake could be drawn down. The current spillway doesn't take into consideration the amount of water in an overflow situation. Without the dam, the lake level would probably drop at least two feet, which would significantly impact the size of the lake. There is a difference in height of 4 to 5 2.5 feet between Wingra Creek and the Lake. A circular spillway was designed to contain floods. The structural problems could be repaired but the spillway is not sufficient in its present size. The DNR requirements specify capacity for certain flood events. Currently the water overflows into the Arboretum and that would need to be modified so it overflows in a controlled location

A model of the dam was displayed for the Commissioner's information. The model also shows a viewing area where spectators can watch the movement of muskies into the lake in the spring. The DNR doesn't want the carp to be able to

jump over the dam and get into the lake. The Engineering Division is interested in obtaining a recommendation from the different city commissions on what preference they have. This project is coming before the Park Commission to solicit advice from them regarding the Wingra Dam. Lake Wingra is a great attribute to the City of Madison.

Commissioners noted that they liked the appearance of the current dam and surrounding area. They questioned where the money would be used if the dam were not rebuilt. Nelson responded that the money would not be used for another project.

A motion was made by Rosas/Skidmore to build a new dam instead of repairing the current dam. **MOTION CARRIED** on a voice vote. Rosas, Skidmore and Barker voted aye. Chewning and MacDonald voted nay.

B. [05713](#)

Authorizing the Mayor and City Clerk to enter into a one (1) year Agreement with the possibility of a one (1) year renewal term between the City of Madison and the Madison Metropolitan School District, Madison School & Community Recreation for the operation of a Pontoon Boat Program for persons with disabilities.

**Sponsors:** Paul E. Skidmore and Santiago Rosas

A motion was made by Skidmore, seconded by Chewning, to **RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER**. The motion passed by acclamation.

C. [05719](#)

Determining a public purpose and necessity for the acquisition of an 8-unit apartment building located at 837 Hughes Place for park purposes. 14th Ald. Dist.

**Sponsors:** Tim Bruer

A motion was made by Skidmore, seconded by Rosas, to Return to Lead with the Recommendation for Approval to the **BOARD OF ESTIMATES**. The motion passed by acclamation.

Superintendent Morgan provided background on this proposal. Negotiations on this project began in the summer of 2003 with South Madison Planning efforts. The Cypress Spray Park is one outcome of those planning efforts. The building has had a rough history in recent years and has not been at full occupancy. It is not a good building as far as rentals are concerned. It was identified early on as a location for a basketball court and the South District police offices are one door over. Recently there has been a renewal of the adjacent buildings for senior housing so the Parks Division no longer supports the installation of a basketball court. They are now looking for a park with passive activities such as benches, gardens and walking paths. There is money in an allotment that has been set aside for Southside projects. The Spray Park is partially funded through that money.

D. [05738](#)

Report on Warner Park Stadium Renovation.

**Sponsors:** Paul J. Van Rooy and Brian Benford

A motion was made by Skidmore, seconded by Chewning, to Return to Lead with the Recommendation for Approval to the **BOARD OF PUBLIC WORKS**. The motion passed by acclamation.

Registered Speakers

David Meyer, in support

Michael Basford, Rep of Northside Planning Council                      Neutral

Vern Stenman - available for questions, in support

A question was raised regarding non-baseball revenue such as concerts sponsored by other entities. Superintendent Morgan noted that the Mallards would have the right to negotiate a contract for those types of revenue enhancements as a return of their capital investment in the project. The final recommendation that was drafted this week stated that for routine baseball events, such as a baseball tournament, wouldn't have to come to the Park Commission for approval. If the Mallards want to book two or three concerts a year, they would need to get approval from the Park Commission, Risk Manager, City Council and all those other reviews that occur with major events. The revenue would not be Parks. This is the Mallards' current request but no final proposal has set forth these terms. The Mallards' plan is to maximize all revenue options.

Commissioners noted they weren't comfortable giving the Mallards such a large degree of control over parkland. They understood the need for the Mallards to recoup their investment but didn't want to lose control of the park. MacDonald noted that as a member of that Ad Hoc Committee they did not agree to sell naming rights. When reading the Report it is noted there are items the committee could agree on and there are items that they recognized were not theirs to determine but would be resolved as the negotiations took place on the different aspects of the project.

There are several choices for the Park Commission. It can ask for additional information and send it back to the Ad Hoc Committee, or accept the Report as it is written and forward it to the remaining committees and Common Council with or without comments from the Park Commission. Superintendent Morgan agreed that the basic charge of the Ad Hoc Committee was to determine if it made sense to redo the stadium and turn it 180 degrees, and to address parking and traffic issues. It appears that most of those items can be resolved. The Committee took the right approach regarding naming rights in that it shouldn't be a stand-alone item. That was something that the City Attorney, City Comptroller, Mayor's office and Common Council should sit down to determine what terms and conditions could be negotiated. They include length of contract, return on the Mallards investment and it sounds like the Park Commission would like to see some financial return to the city for non-baseball events. Those items will appear on future documents. This Ad Hoc Committee and the Report were to start to steer the process. There are also issues of who will do the scheduling and who will maintain the stadium and grounds, as pointed out by the Committee and will need to be negotiated.

This topic will come back before the Park Commission to review renovation plans and the contract terms. It was suggested that this body accept the report and continue discussions. A motion was made by Skidmore/Chewning to accept the SUBSTITUTE Report ID#5738 Report on Warner Park Stadium Renovation.  
**MOTION CARRIED UNANIMOUSLY.**

- E. [05746](#) Authorizing the acceptance of an Offer to Sell from Thomas Speranza for a single-family property located at 2602 Nana Lane for the expansion of Thut Park. 14th Ald. Dist.

**Sponsors:** Tim Bruer

A motion was made by Rosas, seconded by MacDonald, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by acclamation.

Widstrand displayed a map of the park in its current and proposed configurations. The Parks Division has been working on this project for a period of time in an attempt to obtain a larger area for active recreation in the Broadway/Lake Point neighborhood. There is a fairly high population in the area and very little institutional use such as churches, libraries, community centers or large parks. There are a couple of small parks that provide open space but no large areas for active recreation. This project was originally put together when the Beltline was being revised and opened up opportunities for land in the area. The plan includes moving the basketball courts away from the adjacent homes. The Speranza property will allow a more active area without impacting a neighbor. The Parks Division is hopeful that the owner of the adjacent vacant lot would be willing to sell his long narrow lot. Once the Speranza sale is completed, the Real Estate Division will attempt to negotiate an agreement with that owner and that parcel would provide a wooded buffer for the neighborhood. The land value for the purchase of the Speranza property is not excessive and the Parks Division believes this should be completed. The Parks Division would like to begin construction later this year.

- F. [05864](#) To extend the closing hours at Olbrich Botanical Gardens to 11:30 p.m. on Saturday, June 23, 2007 for the 20th annual Rhapsody in Bloom benefit dinner and dance.

**Sponsors:** Paul E. Skidmore and Santiago Rosas

A motion was made by Rosas, seconded by Chewning, to RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - REPORT OF OFFICER. The motion passed by acclamation.

- G. Request by McClellan Park Neighborhood Association to rename Grandview Common Park to North Star Park

**Registered Speaker:**  
John Tuohy, in support

A motion was made by Chewning/Skidmore to refer the request by McClellan Park Neighborhood Association to rename Grandview Common Park to North Star Park to the Long Range Planning Committee/Names Subcommittee. MOTION CARRIED UNANIMOUSLY.

- H. Request by Vern Stenman General Manager of Madison Mallards to host fireworks following their home games on June 9, 16 and 23, July 14 and August 11, 2007.

**Registered Speaker:**  
Vern Stenman - available for questions, in support

Barker stated he has received complaints regarding the noise but noted there is

one less date this year. He also understands that the Mallards moved the start time of the Saturday games up one hour two years ago so that the fireworks end earlier.

A motion was made by Skidmore/Chewning to approve the request by Vern Stenman, General Manager of Madison Mallards, to host fireworks following their home games on June 9, 16 and 23, July 14 and August 11. **MOTION CARRIED UNANIMOUSLY.**

VIII. UNFINISHED BUSINESS

- A. Resolution #04950 SUBSTITUTE - Establishing a James Madison Park Surplus Property Planning Committee for the following properties:

*640 and 646 E. Gorham, the Collins House, and the land under Lincoln School under the guidelines of the Procedures for the Disposal of the Surplus City Real Property, and to appoint the Committee Members.*

The Common Council adopted this Resolution on February 27, 2007 overturning the recommendation of the Park Commission to place this item on file.

The Commission began their discussion by requesting an explanation of available options. Rather than using the procedures for disposal of surplus real estate given the opposition that the Park Commission has gone on record opposing, the Mayor went the route of a special committee to look at the whole planning aspect of James Madison Park. It would include the two residences, the Collins House and Lincoln School. The vote was 19-1 in favor of creating this committee primarily based upon the answer from the City Attorney in response to a question from Alder Ken Golden, that whatever recommendation the Planning Committee reaches, will be returned to the Park Commission for its review and action. Superintendent Morgan believes this committee is going to be created and suggested that members of the Commission work to get a seat on that Planning Committee.

Commissioners then expressed concern over this process. Alder Skidmore reported he requested an official opinion from the City Attorney's office as to the rights and responsibilities of the Park Commission. It is his belief that the Park Commission has special rights and responsibilities that supercede the Common Council and that the Council cannot overturn an action of the Park Commission with respect to parkland. Some Commissioners also felt we had no alternative but to participate in that committee at this point. Other members were concerned that making a recommendation for a member to serve on that committee would weaken the Park Commission's position or legitimize that Planning Committee. Another thought was to refer the appointment of a Park Commission member until the opinion was received from the City Attorney. At this point Superintendent Morgan noted that many times the Mayor or his staff discuss committee appointments with him but no one has approached him on this matter.

It was then noted that the composition of the Park Commission would not change until after the April elections and this body could make a recommendation on which member should serve on that Planning Committee. Whether the recommendation is accepted is another question.

Commissioners again noted that they had each understood that the Park Commission was created by state statute and that they had special powers. It was their understanding that the only jurisdiction the Common Council had over

the Park Commission dealt with the budget. Also, the Park Commission could set fees that do not require the approval of the Common Council. It is also the understanding of Commissioners that in the entire history of the Park Commission no mayor or Council has attempted to do this. They also expressed concern that it was not just the City of Madison's Park Commission that would be affected, but also every park commission in the state that had been created by that state statute. Concern was again mentioned about weakening the position of the Park Commission if a member were appointed to that Planning Committee and the Commissioners were adamant that that not be allowed to happen. It was suggested that question also be referred to the City Attorney's office for clarification. The City Attorney has been asked to render an opinion on what the statutory obligations are of the Park Commission in general and on this specific issue. The question remains as to whether the creation of this Planning Committee is an obvious attempt to circumvent the legal authority of the Park Commission and whether the Park Commission would tacitly legitimize this committee if it put forth the name of a member of the Park Commission to serve on that committee. It was again suggested that no name be submitted until after the City Attorney renders his opinion. The feeling remained that this is a very serious attempt to circumvent the power of the Park Commission to sell parkland over its objections. The City Attorney did say at the February 27th Council meeting that any recommendation from that Planning Committee was to be reviewed and acted on by the Park Commission. What is not known is whether the city council and the mayor have the ultimate authority to override the Park Commission's decision.

A proposal was made that the Park Commission also request a legal opinion from the City Attorney clearly defining the statutory powers of the Park Commission and to provide advice and support during meetings when this issue is on the Agenda. This would create a formal request and provide substance to postpone naming a member to that Planning Committee. It was also suggested that a deadline be given for the completion of the opinion.

A motion was made by Rosas/Chewing that the Park Commission request a legal opinion from the City Attorney clearly defining the statutory authority of the Park Commission together with the presence of an Assistant City Attorney to provide advice and support during meetings when this issue is on the Agenda. Further that this opinion would be completed prior to the appointment of members to that Planning Committee but no later than the May Park Commission meeting. Finally, the Park Commission will refer the appointment of a Park Commission member to that Planning Committee until after it has received the opinion from the City Attorney. **MOTION CARRIED UNANIMOUSLY.**

- B. Reconsideration of the Request to use up to \$100,000 in funds from Olin Trust Fund # TN69 (earnings) for a Challenge Grant for Brittingham Boathouse Renovation.

Barker stated he was not willing to commit additional trust account money to this project until the Camp Randall Rowing Club, Inc. has made a serious commitment to fundraising to complete this project. A motion was made by Skidmore/Rosas to place on file the reconsideration of the Camp Randall Rowing Club, Inc.'s request to use up to \$100,000 in funds from Olin Trust Fund #TN69 for a challenge Grant for the Brittingham Boathouse Renovation. **MOTION CARRIED UNANIMOUSLY.**

IX. NEW BUSINESS



- A. [05565](#) Awarding Public Works Contract No. 5980, Cypress Spray Park and amending the Parks Division's 2007 Capital Budget.

**Sponsors:** Common Council By Request

**A motion was made by MacDonald, seconded by Rosas, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS Request was made to show action was unanimous. The motion passed by acclamation.**

Request to use up to \$200,000 in funds from McClellan Dodge Trust Fund #SP08 for the Cypress Spray Park Construction to cover the difference between available funds in the budget and the contractor's low bid.

**Superintendent Morgan reported the planning for this project began in 2003 with two large donations. One from the Herfurth Family Trust and the second from the Madison Community Foundation. Since that time several small donations have also been received. This project came within six months of the campaign for the Goodman Pool. The project has now been scaled back due to increased construction costs. There will be both wet (the spray park) and dry playgrounds. The first bids came back more than 100% higher than projected. Those bids were rejected and a scaled back project package went out for bids. Those second bids still came back much higher than anticipated. This project has been designed for a neighborhood that is full of young children taking care of younger children. It is a key component of the Southside Plan. One building has already been demolished. The city doesn't want to miss the opportunity to build this spray park but isn't willing to commit additional city funds for the project. One option is to look at a trust fund match to recognize the significant private contributions that have been received. The McClellan Dodge Trust Fund criterion is that the Park Commission can use its funds as the Park Commission deems best for the benefit of the community. Since the original request to use \$200,000 was made, additional costs of \$26,000 for utility placement have come in. This is a project that Alder Bruer believes is very important for the neighborhood. The ornamental plantings were removed from the budget and could be added later.**

**A motion was made by MacDonald/Rosas to approve the use of up to \$226,000 from the McClellan Dodge Trust Fund #SP08 for the Cypress Spray Park Construction to cover the difference between available funds in the budget and the contractor's low bid. MOTION CARRIED UNANIMOUSLY.**

X. ADJOURNMENT

**On motion of Rosas/Skidmore the meeting adjourned at 8:05 p.m.**