



City of Madison

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

Meeting Minutes - Approved COMMON COUNCIL

This meeting can be viewed LIVE on Madison City Channel, cable channel 98, digital channel 994, or at www.madisoncitychannel.tv.

Tuesday, July 2, 2013

6:30 PM

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

ROLL CALL

At 6:30pm, Mayor Paul R. Soglin in the chair.

Present: 20 - Paul R. Soglin; Lisa Subeck; Ledell Zellers; Lauren Cnare; Michael E. Verveer; Shiva Bidar-Sielaff; Marsha A. Rummel; Steve King; Scott J. Resnick; Paul E. Skidmore; Maurice S. Cheeks; Chris Schmidt; Larry Palm; Sue Ellingson; David Ahrens; Denise DeMarb; Joseph R. Clausius; Anita Weier; Mark Clear and Matthew J. Phair

Excused: 1 - John Strasser

SPEAKING GUIDELINES

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 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: Aid. Strasser

OPENING REMARKS

SUSPENSION OF 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 Schmidt, seconded by Clausius, to Suspend the Rules.
The motion passed by voice vote/other.**

HONORING RESOLUTIONS

- 1. [30732](#) Commending Stuart Levitan on his exceptional service as Commissioner and Chair of the Community Development Authority and his many other positions of trust for the City of Madison.

Sponsors: Sue Ellingson, Paul R. Soglin, David Ahrens, Shiva Bidar-Sielaff, Maurice S. Cheeks, Joseph R. Clausius, Mark Clear, Lauren Cnare, Denise DeMarb, Steve King, Larry Palm, Matthew J. Phair, Scott J. Resnick, Marsha A. Rummel, Chris Schmidt, Paul E. Skidmore, John Strasser, Lisa Subeck, Michael E. Verveer, Anita Weier and Ledell Zellers

A motion was made by Ellingson, seconded by Schmidt, to Adopt Unanimously Under Suspension of Rules 2.04, 2.24, & 2.25. The motion passed by voice vote/other.

PETITIONS AND COMMUNICATIONS

EARLY PUBLIC COMMENT

SPECIAL ORDER OF BUSINESS AT 6:45 PM

PRESENTATION OF CONSENT AGENDA

At this time, a consent agenda will be moved with the recommended action listed for each item EXCEPT:

- 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.

RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM

REPORT OF ALCOHOL REVIEW COMMITTEE

2. [30000](#) Public Hearing - New License
RBSchultz LLC • dba Baldwin St. Grille
1304 E Washington Ave • Agent: Ryan Schultz • Estimated Capacity: 84
Class B Combination Liquor & Beer • 50% alcohol, 50% food
Aldermanic District 2 (Alder Zellers) • Police Sector 409

A motion was made by Schmidt, seconded by Resnick, to Grant with Condition(s) and Close the Public Hearing. The conditions are:

- 1. The licensee posts a sign at the back door stating no alcohol is allowed outside.**
- 2. Smokers are encouraged to smoke outside the front of the building.**
- 3. No exterior areas are included in the licensed premise.**

The motion passed by voice vote/other.

PUBLIC HEARINGS - BEGIN AT 6:45 PM

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

3. [30390](#) Public Hearing - New License
Brat und Brau Inc • dba Brat und Brau
2933 N Sherman Ave • Agent: Patrick Hiebing • Estimated Capacity: 88
Class B Beer, Class C Wine • 25% alcohol, 75% food
Aldermanic District 12 (Alder Palm) • Police Sector 504

A motion was made by Schmidt, seconded by Resnick, to Grant and Close the Public Hearing. The motion passed by voice vote/other.

4. [30391](#) Public Hearing - New License
La Taguara LLC • dba La Taguara
3502 E Washington Ave • Agent: Jeykell Badell • Estimated Capacity: 40
Class B Beer, Class C Wine • 5% alcohol, 95% food
Aldermanic District 15 (Alder Ahrens) • Police Sector 503

A motion was made by Schmidt, seconded by Resnick, to Grant and Close the Public Hearing. The motion passed by voice vote/other.

5. [30392](#) Public Hearing - New License
BBC Harmony Bar LLC • dba Hamony Bar and Grill
2201 Atwood Ave • Agent: Bradley Czachor • Estimated Capacity: 195
Class B Combination Liquor & Beer • 55% alcohol, 45% food
Aldermanic District 6 (Alder Rummel) • Police Sector 601

A motion was made by Schmidt, seconded by Resnick, to Grant and Close the Public Hearing. The motion passed by voice vote/other.

6. [30393](#) Public Hearing - New License
R & I Investment • dba Crandalls Restaurant
334 State St • Agent: Ivan Pimentel • Estimated Capacity: 100
Class B Beer, Class C Wine • 10% alcohol, 90% food
Aldermanic District 4 (Alder Verveer) • Police Sector 403 • Density Area

**A motion was made by Schmidt, seconded by Resnick, to Grant with Condition(s) and Close the Public Hearing. The condition is:
The licensee must meet the definition of a restaurant at all times.
The motion passed by voice vote/other.**

7. [30394](#) Public Hearing - New License
FT Acquisition LLC • dba Flat Top Grill
538 N Midvale Blvd • Agent: Adam Dunnington • Estimated Capacity: 101
Class B Combination Liquor & Beer • 10% alcohol, 90% food
Aldermanic District 11 (Alder Schmidt) • Police Sector 108

A motion was made by Schmidt, seconded by Resnick, to Grant and Close the Public Hearing. The motion passed by voice vote/other.

REPORT OF BOARD OF PUBLIC WORKS

8. [30596](#) Approving Plans, Specifications, And Schedule Of Assessments For East Johnson Street Reconstruction Assessment District - 2014.
Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.

REPORT OF PLAN COMMISSION

9. [30370](#) Amending Section 28.051 of the Madison General Ordinances to allow for greater density in the TR-U2 District.
Sponsors: Ledell Zellers

A motion was made by Schmidt, seconded by Resnick, to Adopt and Close the Public Hearing. The motion passed by voice vote/other.

END OF PUBLIC HEARINGS

ITEM FOR RECONSIDERATION

10. [30193](#) Awarding Public Works Contract No. 7106, Brayton Lot Repairs.

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Schmidt, seconded by Rummel, to Reconsider. The motion passed by voice vote/other.

A motion was made by Schmidt, seconded by Cnare, to Adopt. The motion passed by voice vote/other.

BUSINESS PRESENTED BY THE MAYOR

11. [30586](#) Report of the Mayor submitting citizen committee appointments (introduction 6-18-2013; action 7-2-2013).

Sponsors: Paul R. Soglin

A motion was made by Schmidt, seconded by Resnick, to Confirm. The motion passed by voice vote/other.

12. [30725](#) Report of the Mayor submitting citizen committee appointments (introduction 7-2-2013; action 7-16-2013).

Sponsors: Paul R. Soglin

A motion was made by Schmidt, seconded by Resnick, to Refer to a future Meeting to Confirm to the COMMON COUNCIL and should be returned by 7/16/2013. The motion passed by voice vote/other.

13. [30745](#) Report of the Mayor submitting an alder committee appointment.

Sponsors: Paul R. Soglin

A motion was made by Schmidt, seconded by Resnick, to Confirm. The motion passed by voice vote/other.

14. [30751](#) Authorizing the Parks Superintendent to enter into a cooperative grant agreement with the United States Department of the Interior, Fish and Wildlife Service for wetland restoration at Cherokee Marsh Conservation Park. (AD 18).

Sponsors: Paul R. Soglin, Joseph R. Clausius and Mark Clear

This Resolution was Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25

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

15. [30205](#) Change of Licensed Premise
Headie Foods LLC • dba Cheba Hut • Capacity: 75 indoor, 16 outdoor
453 W Gilman St • Agent: Richard J. Wooten
Class B Beer • 8% alcohol, 92% food
Aldermanic District 4 (Alder Verveer) • Police Sector 403
Request to expand premise to outdoor seating area.

A motion was made by Schmidt, seconded by Resnick, to Grant With Condition(s), as follows:

- 1. Licensee shall provide the Madison Police Department with access to their video recordings upon request and that all video records are maintained for a minimum of five days.**
 - 2. Licensee will abide by all conditional use conditions set by Zoning.**
- The motion passed by voice vote/other.**

16. [30483](#) Temporary Class B Retailer license concurrent with
Street Use Permit
Madison Museum of Contemporary Art
Event Location: Capitol Square
Event Date: July 13-14, 2013
Aldermanic District 4 (Ald. Verveer)
Police District: 406
Art Fair on the Square

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

17. [30484](#) Change of Agent
La Hacienda Inc • dba Restaurant Hacienda • 515 S Park St
New Agent: David Herrera
Class B Combination Liquor & Beer
Aldermanic District 13 (Alder Ellingson)

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

18. [30491](#) Change of Agent
LQ Management LLC • dba La Quinta Inn & Suites
5217 East Terrace Dr
New Agent: Timothy Cramer
Class B Combination Liquor & Beer
Aldermanic District 17 (Alder Clausius)

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

19. [30494](#) Change of Agent
Granite City Restaurant Operations Inc • dba Granite City
454 S Gammon Rd
New Agent: Donald Duncan III
Class B Combination Liquor & Beer
Aldermanic District 9 (Alder Skidmore)

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

20. [30499](#) Change of Licensed Premise
MMJ Inc • dba Player's Sports Bar • Capacity: 99
2013 Winnebago St • Agent: Marilyn Guess
Class B Combination Liquor & Beer • 80% alcohol, 20% food
Aldermanic District 6 (Alder Rummel) • Police Sector 410
Request for an outdoor beer garden during Atwood Days and Annual Golf Outing

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

21. [30501](#) Change of Licensed Premise
Goodman Community Center • Capacity: 335
149 Waubesa St • Agent: Rebecca Steinhoff
Class B Combination Liquor & Beer • 20% alcohol, 80% food
Aldermanic District 6 (Alder Rummel) • Police Sector 602
Request expand premises to include entire property - increase to 835 indoor and 100 outdoor capacity

A motion was made by Schmidt, seconded by Resnick, to Place On File Without Prejudice. The motion passed by voice vote/other.

22. [30502](#) Change of Corporate Control
Delaney's Charcoal Steaks Inc
449 Grand Canyon Dr
Class B Combination Liquor & Beer
Aldermanic District 19 (Alder Clear)
3 new officers, 1 officer leaving

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

23. [30503](#) Change of Corporate Control
Outback Steakhouse of Florida LLC • dba Outback Steakhouse
279 Junction Rd & 4520 East Towne Blvd
Class B Combination Liquor & Beer
Aldermanic District 9 & 17 (Alders Skidmore & Clausius, respectively)
1 new officer, 1 leaving

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

24. [30504](#) Change of Corporate Control
OSI/Fleming's LLC • dba Fleming's Prime Steakhouse & Wine Bar
750 N Midvale Blvd
Class B Combination Liquor & Beer
Aldermanic District 11 (Alder Schmidt)
1 new officer, 1 leaving

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

25. [30506](#) Change of Corporate Control
Deja Food LLC • dba L'etoile & Graze Restaurant
1 S Pinckney St
Class B Combination Liquor & Beer
Aldermanic District 4 (Alder Verveer)
1 new officer, 1 leaving

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

26. [30508](#) Change of Business Name
Bonta inc• dba Bonta
8452 Old Sauk Rd
Class B Combination Liquor & Beer
Aldermanic District 9 (Alder Skidmore)
New dba: Novanta

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

27. [30514](#) Change of Corporate Control & Business Name
Zor Shriners AAONMS • dba Zor Shriners AAONMS
575 Zor Shrine Pl
Class B Combination Liquor & Beer
Aldermanic District 9 (Alder Skidmore)
New dba: Zor Shriners
2 new officers, 2 leaving

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

28. [30515](#) Change of Corporate Control
Madison Elks Lodge 410 Inc • dba Madison Elks Lodge #410
711 Jenifer St
Class B Combination Liquor & Beer
Aldermanic District 6 (Alder Rummel)
1 new officer, 1 leaving

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

29. [30516](#) Change of Licensed Premise
Hoops of Dane County Inc • dba The Bayou, a New Orleans Style Tavern •
Capacity: 104 indoor, 8 outdoor
117 S Butler St
Class B Combination Liquor & Beer • 65% alcohol, 35% food
Aldermanic District 6 (Alder Rummel) • Police Sector 406
Correction to include 2nd floor dining

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

30. [30518](#) Change of Licensed Premise
Gaylord Catering Service Inc • dba Gaylord Catering Service
709 Atlas Ave
Class B Combination Liquor & Beer
Aldermanic District 3 (Alder Cnare) • Police Sector 611
Inclusion of attached garage to premises

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

31. [30544](#) Operator License Application
Rachel P. Rieden

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

32. [30601](#) Amending Section 38.05(9)(o)12. of the Madison General Ordinances to extend the sunset date of the Downtown License Density Plan.

Sponsors: Shiva Bidar-Sielaff, John Strasser, Michael E. Verveer and Chris Schmidt

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by the following vote:

Ayes: 19 - Paul R. Soglin; Lisa Subeck; Ledell Zellers; Lauren Cnare; Michael E. Verveer; Shiva Bidar-Sielaff; Marsha A. Rummel; Steve King; Paul E. Skidmore; Maurice S. Cheeks; Chris Schmidt; Larry Palm; Sue Ellingson; David Ahrens; Denise DeMarb; Joseph R. Clausius; Anita Weier; Mark Clear and Matthew J. Phair

Noes: 1 - Scott J. Resnick

Excused: 1 - John Strasser

REPORT OF BOARD OF ESTIMATES

33. [30153](#) SUBSTITUTE-Authorizing the Mayor and City Clerk to execute a contract with Raymond P. Cattell, Inc., and amending the 2013 adopted Parking Utility capital budget to provide additional expenditure authority.

Sponsors: Chris Schmidt

A motion was made by Schmidt, seconded by Resnick, to Adopt - 15 Votes Required. The motion passed by voice vote/other.

Ayes: 20 - Lisa Subeck; Ledell Zellers; Lauren Cnare; Michael E. Verveer; Shiva Bidar-Sielaff; Marsha A. Rummel; Steve King; Scott J. Resnick; Paul E. Skidmore; Maurice S. Cheeks; Chris Schmidt; Larry Palm; Sue Ellingson; David Ahrens; Denise DeMarb; Joseph R. Clausius; Anita Weier; Mark Clear; Matthew J. Phair and Paul R. Soglin

Excused: 1 - John Strasser

34. [30434](#) Authorizing the Mayor, Police Chief and the City Clerk to sign a contract with the Madison Metropolitan School District (MMSD) to provide Educational Resource Officers for the four MMSD high schools for a three-year term, through the 2015-2016 school year

Sponsors: Paul R. Soglin

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

35. [30446](#) Authorizing the Mayor and the City Clerk to execute Amendment No. 1 to the Professional Services Agreement with Baxter & Woodman, Inc. for the preparation of drawings and specifications, permitting, bidding and construction administration for the Unit Well 26 generator addition and facility upgrade at 910 High Point Rd (9TH AD).

Sponsors: Lauren Cnare

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

36. [30553](#) Approving a contract with Ergometrics & Applied Personnel Research, Inc for consultant services for the firefighter applicant process.

Sponsors: Paul E. Skidmore

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

37. [30563](#) Authorizing the City Attorney to settle Hawk Ridge Properties, L.L.C. v. City of Madison (Case 13 CV 117), the pending just compensation litigation arising out of the City's partial condemnation of 8108 Mineral Point Rd.

Sponsors: Paul E. Skidmore and Paul R. Soglin

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

38. [30585](#) Supporting the grant application by the Friends of the Arboretum to the Dane County Environmental Council for a Capital Equipment Grant for land management improvements at the Pasque Flower Hill property.

Sponsors: Mark Clear and Joseph R. Clausius

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

39. [30587](#) Amending Resolution, Enactment No. RES-13-00180, File ID 29188 adopted on 3/19/13 to modify the Emerson East-Eken Park Neighborhood planning study area boundary, alter the steering committee composition, and extend the planning timeframe.

Sponsors: Ledell Zellers and Larry Palm

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

40. [30606](#) SUBSTITUTE-Authorizing the Mayor and City Clerk to enter into a contract with Motorola Solutions, Inc. to upgrade Emergency Radio Communications Infrastructure.

Sponsors: Paul E. Skidmore

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

REPORT OF BOARD OF PUBLIC WORKS

41. [29653](#) Establishing a recycling program for mattresses and box springs and authorizing the Mayor and City Clerk to enter into a contract with Ohio Mattress Recycling to transport and recycle the mattresses and box springs collected by the Streets Division.

Sponsors: Paul R. Soglin, Paul E. Skidmore and Steve King

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

42. [30381](#) Authorizing the execution of an easement to the County of Dane for public bicycle path purposes across a portion of Dunn's Marsh open space, located at 4899 Crescent Road.

Sponsors: Maurice S. Cheeks

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

43. [30384](#) Declaring the City of Madison's intention to exercise its police powers establishing the E. Johnson Street Underground Utility District.
- Sponsors:** Ledell Zellers
- A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.**
44. [30479](#) Declaring the City of Madison's intention to exercise its police powers establishing the W. Oakbrook Circle Assessment District -2013.
- Sponsors:** BOARD OF PUBLIC WORKS
- A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.**
45. [30554](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Basketball Court Reconstruction - 2013, Contract No. 7137. (6th & 16th ADs)
- Sponsors:** BOARD OF PUBLIC WORKS
- A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.**
46. [30556](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for CIPP Rehab of Sanitary and Storm Sewers 2013 - Phase 1.
- Sponsors:** BOARD OF PUBLIC WORKS
- A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.**
47. [30557](#) Authorizing the Mayor and City Clerk to execute agreements with the State of Wisconsin Department of Transportation for cost sharing for the reconstruction of the Mineral Point Road and Midvale Boulevard Intersection.
- Sponsors:** Chris Schmidt and Paul E. Skidmore
- A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.**

48. [30572](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Bowman Field Lighting Distribution System, Contract No. 7135.

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.

49. [30573](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Park Paving 2013, Contract No. 7100.

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.

50. [30574](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Blackhawk Park Shelter Installation, Contract No. 7136.

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.

51. [30593](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Post Road & Watford Way Pond Remediation, Contract No. 7131.

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.

52. [30611](#) Awarding Public Works Contract No. 6465, North Shore Drive & Bedford Street Storm Box Replacement - 2013.

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.

53. [30612](#) Awarding Public Works Contract No. 6986, John Nolen Drive/North Shore Drive Intersection.

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.

54. [30613](#) Awarding Public Works Contract No. 6995, Local Road Traffic Calming & Arterial Pedestrian Enhancements - 2013.

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.

55. [30615](#) Awarding Public Works Contract No. 7051, Drilling Madison Water Utility Unit Well 31 at 4901 Tradewinds Parkway.

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other with Alder Rummel voting no.

REPORT OF CITY CLERK

56. [30668](#) Secondhand Article License
Best Buy Stores LP
Best Buy Mobile #2914
5 East Towne Mall, Unit 502
Aldermanic District 17 (Ald. Clausius)
Police Sector 631

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

57. [30669](#) Secondhand Article License
Best Buy Stores LP
Best Buy Mobile #22783
132 West Towne Mall, Unit 502
Aldermanic District 9 (Ald. Skidmore)
Police Sector 124

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

58. [30670](#) Alcohol License Review Committee Report of Operator License Applications July 2, 2013. See attached report for list of operators.

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

REPORT OF COMMITTEE ON THE ENVIRONMENT

59. [30180](#) Divestment of Fossil Fuels by the City of Madison

Sponsors: Paul R. Soglin, Shiva Bidar-Sielaff, Joseph R. Clausius, Sue Ellingson, Matthew J. Phair, Scott J. Resnick, Marsha A. Rummel, Larry Palm, Chris Schmidt, John Strasser, Michael E. Verveer, Anita Weier, Steve King, Maurice S. Cheeks and Lisa Subeck

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Ald. Zellers abstained.

REPORT OF ETHICS BOARD

60. [29901](#) Amending Section 3.35(2)(b) of the Madison General Ordinances to extend the Ethics Code exception for elected officials appointed by the City to other boards to also cover employees.

Sponsors: Paul R. Soglin

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

REPORT OF PUBLIC SAFETY REVIEW COMMITTEE

61. [30388](#) CHARTER ORDINANCE Creating Section 8.44 of the Madison General Ordinances to establish rules for the treatment of lost or abandoned property found on public property.

Sponsors: Paul R. Soglin, David Ahrens, Joseph R. Clausius, Paul E. Skidmore, John Strasser, Marsha A. Rummel and Scott J. Resnick

Adopt 7-16-2013

A motion was made by Schmidt, seconded by Resnick, to Re-refer to the COMMON COUNCIL and should be returned by 7/16/2013. The motion passed by voice vote/other.

REPORT OF TIF REVIEW BOARD

62. [28895](#) TID #32 1/2 Mile Rule JRB Report - (See Attachments)

A motion was made by Schmidt, seconded by Resnick, to Accept. The motion passed by voice vote/other.

REPORT OF VENDING OVERSIGHT COMMITTEE

63. [27048](#) SUBSTITUTE Creating Sections 9.13(3)(a)3. and 9.13(3)(d) of the Madison General Ordinances to create a Community Service Rebate for mobile grocery store vendors and other street vendors' license fees.

Sponsors: Paul R. Soglin, Scott J. Resnick and Marsha A. Rummel

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

64. [29745](#) Authorizing amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to change the duration of the Fall Food Vending Review and to revise the method for tabulating final scores.

Sponsors: Michael E. Verveer and Scott J. Resnick

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

65. [29766](#) Amending Sections 9.13(1), 9.13(6)(e)1.b. and c. of the Madison General Ordinances to provide a 14-day grace period for food vendors to license an assistant.

Sponsors: Michael E. Verveer and Scott J. Resnick

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

ITEMS REFERRED TO THIS MEETING

RESOLUTIONS

66. [30398](#) Expressing Concern Regarding the Project at Holy Redeemer Parish.

Sponsors: Steve King, Marsha A. Rummel, Shiva Bidar-Sielaff, Chris Schmidt and Ledell Zellers

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by the following vote:

Ayes: 15 - Ledell Zellers; Lauren Cnare; Shiva Bidar-Sielaff; Marsha A. Rummel; Steve King; Scott J. Resnick; Maurice S. Cheeks; Chris Schmidt; Larry Palm; Sue Ellingson; Denise DeMarb; Joseph R. Clausius; Anita Weier; Matthew J. Phair and Paul R. Soglin

Noes: 3 - David Ahrens; Mark Clear and Lisa Subeck

Abstentions: 2 - Michael E. Verveer and Paul E. Skidmore

Excused: 1 - John Strasser

67. [30562](#) Keeping Asian Carp Out of the Great Lakes

Sponsors: Paul R. Soglin, David Ahrens, Maurice S. Cheeks, Joseph R. Clausius, Shiva Bidar-Sielaff, Mark Clear, Lauren Cnare, Denise DeMarb, Sue Ellingson, Steve King, Larry Palm, Matthew J. Phair, Scott J. Resnick, Marsha A. Rummel, Chris Schmidt, Paul E. Skidmore, John Strasser, Lisa Subeck, Michael E. Verveer, Anita Weier and Ledell Zellers

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

INTRODUCTION OF NEW BUSINESS FOR REFERRAL WITHOUT DEBATE

ORDINANCES

68. [30692](#) Amending Section 28.082 of the Madison General Ordinances to allow taxi and limousine businesses in the Traditional Employment (TE) District.

Sponsors: Sue Ellingson

A motion was made by Schmidt, seconded by Resnick, to Referred for Public Hearing to the PLAN COMMISSION. The motion passed by voice vote/other.

69. [30711](#) Amending Section 28.088(5)(a) of the Madison General Ordinances to create an exception to the parking placement site standards for lots that are 20 acres or larger.

Sponsors: Joseph R. Clausius

A motion was made by Schmidt, seconded by Resnick, to Referred for Public Hearing to the PLAN COMMISSION. The motion passed by voice vote/other.

70. [30723](#) Amending Sections 28.151, 28.211, 31.14, and 33.24 of the Madison General Ordinances to change the name of "Multi-Family Complex" to "Residential Building Complex" and to allow single family dwellings in such complexes.

Sponsors: Steve King, Scott J. Resnick and Ledell Zellers

A motion was made by Schmidt, seconded by Resnick, to Referred for Public Hearing to the PLAN COMMISSION. The motion passed by voice vote/other.

71. [30724](#) Amending Sections 28.072 and 28.151 of the Madison General Ordinances to prohibit ground-floor residential dwellings in locations within the Downtown and Urban Districts which the Downtown Plan recommends for non-residential uses.

Sponsors: Steve King, Scott J. Resnick and Ledell Zellers

A motion was made by Schmidt, seconded by Resnick, to Referred for Public Hearing to the PLAN COMMISSION. The motion passed by voice vote/other.

72. [30729](#) Creating Section 28.022 -- 00063 of the Madison General Ordinances rezoning property from TSS (Traditional Shopping Street) District to TR-C4 (Traditional Residential - Consistent District 4) District. Proposed Use: No Change; Map Correction. 13th Aldermanic District; 2802 Monroe Street.

Sponsors: Sue Ellingson

A motion was made by Schmidt, seconded by Resnick, to Referred for Public Hearing to the PLAN COMMISSION. The motion passed by voice vote/other.

73. [30730](#) Creating Section 28.022 -- 00064 of the Madison General Ordinances rezoning property from TSS (Traditional Shopping Street) District to TR-C4 (Traditional Residential - Consistent District 4) District. Proposed Use: No Change; Map Correction. 13th Aldermanic District; 666 Crandall Street.

Sponsors: Sue Ellingson

A motion was made by Schmidt, seconded by Resnick, to Referred for Public Hearing to the PLAN COMMISSION. The motion passed by voice vote/other.

74. [30731](#) SUBSTITUTE. Creating Section 28.022 -- 00065 of the Madison General Ordinances rezoning property from TSS (Traditional Shopping Street) District to TR-V1 (Traditional Residential - Varied 1) District. Proposed Use: No Change; Map Correction; 13th Aldermanic District; 2820 Monroe Street.

Sponsors: Sue Ellingson

A motion was made by Schmidt, seconded by Resnick, to Referred for Public Hearing to the PLAN COMMISSION. The motion passed by voice vote/other.

75. [30736](#) Creating Section 28.022 -- 00066 of the Madison General Ordinances rezoning property from TSS (Traditional Shopping Street) District to TR-C4 (Traditional Residential - Consistent District 4) District. Proposed Use: No Change; Map Correction. 13th Aldermanic District; 668 Pickford Street.

Sponsors: Sue Ellingson

A motion was made by Schmidt, seconded by Resnick, to Referred for Public Hearing to the PLAN COMMISSION. The motion passed by voice vote/other.

76. [30737](#) Creating Section 28.022 -- 00067 of the Madison General Ordinances rezoning property from TSS (Traditional Shopping Street) District to TR-C4 (Traditional Residential - Consistent District 4) District. Proposed Use: No Change; Map Correction. 13th Aldermanic District; 2902 Monroe Street.

Sponsors: Sue Ellingson

A motion was made by Schmidt, seconded by Resnick, to Referred for Public Hearing to the PLAN COMMISSION. The motion passed by voice vote/other.

77. [30740](#) Amending Sections 38.06(11)(a) and (12)(c) of the Madison General Ordinances to eliminate the capacity level for 21+ and 18+ entertainment venues.

Sponsors: Michael E. Verveer and Scott J. Resnick

A motion was made by Schmidt, seconded by Resnick, to Referred to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.

RESOLUTIONS

78. [30616](#) Vacation/Discontinuance of a public alley from S Mills St to S Brooks St as platted by Greenbush Addition to Madison, being located in part of the Northwest one-quarter (1/4), of the Southeast one-quarter (1/4) of Section 23, Town 07 North, Range 09 East, City of Madison, Dane County, Wisconsin. (13th AD)
- Sponsors:** Sue Ellingson
- Additional referral to Plan Commission
- A motion was made by Schmidt, seconded by Resnick, to Refer to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.**
79. [30623](#) Authorizing the Mayor and City Clerk to execute a Lease with James G. Montgomery for a portion of the City's East Rail Corridor located adjacent to 2312-2314 Atwood Avenue.
- Sponsors:** Marsha A. Rummel
- Additional referrals to: Board of Public Works, Plan Commission
- A motion was made by Schmidt, seconded by Resnick, to Refer to the BOARD OF ESTIMATES. The motion passed by voice vote/other.**
80. [30649](#) Approving a contract with the Village of Shorewood Hills for the City to provide fire protection, medical services and prevention services .
- Sponsors:** Paul R. Soglin, Shiva Bidar-Sielaff, Larry Palm, Paul E. Skidmore and Chris Schmidt
- A motion was made by Schmidt, seconded by Resnick, to Refer to the BOARD OF ESTIMATES. The motion passed by voice vote/other.**
81. [30663](#) Approving the Request for Proposals (RFP) for the Judge Doyle Square project and directing follow-up actions for the Judge Doyle Square Committee.
- Sponsors:** Paul R. Soglin, Shiva Bidar-Sielaff and Michael E. Verveer
- A motion was made by Schmidt, seconded by Resnick, to Refer to the BOARD OF ESTIMATES. The motion passed by voice vote/other.**
82. [30676](#) Authorizing the Mayor, City Clerk and Chief of Police to apply for and accept the FY 2013 Edward Byrne Memorial Justice Assistance Grant award in the amount of \$103,161 and to utilize these funds to support several law enforcement initiatives
- Sponsors:** Paul R. Soglin
- A motion was made by Schmidt, seconded by Resnick, to Refer to the BOARD OF ESTIMATES. The motion passed by voice vote/other.**

83. [30694](#) Amending the budgets of SR56 Housing Rehabilitation Services Fund and SR51 Home-Buy Fund to transfer \$150,000 from SR56 Housing Rehabilitation Services Fund to SR61 Homebuyer's Assistance Fund.

Sponsors: Paul R. Soglin, Sue Ellingson and Scott J. Resnick

A motion was made by Schmidt, seconded by Resnick, to Refer to the BOARD OF ESTIMATES. The motion passed by voice vote/other.

84. [30733](#) Authorizing the execution of a lease between the City of Madison and Kevin Boehm providing for occupancy and maintenance of a City owned house and park maintenance in Cherokee Conservation Park, 6098 N. Sherman Dr.

Sponsors: Paul R. Soglin, Anita Weier, Mark Clear and Joseph R. Clausius

Additional referral to Board of Park Commissioners

A motion was made by Schmidt, seconded by Resnick, to Refer to the BOARD OF ESTIMATES. The motion passed by voice vote/other.

85. [30734](#) Authorizing the execution of a lease between the City of Madison and Charles Romines providing for occupancy and maintenance of a City owned house and park maintenance in Owen Conservation Park. 6021 Old Sauk Rd.

Sponsors: Paul R. Soglin, Mark Clear and Joseph R. Clausius

Additional referral to Board of Park Commissioners

A motion was made by Schmidt, seconded by Resnick, to Refer to the BOARD OF ESTIMATES. The motion passed by voice vote/other.

86. [30735](#) Approve Common Wealth Development's request to waive the 2013-2014 CDD Program Goals and Objectives loan-to-value ratio limit for the 2013 SW Rental Acquisition & Rehab project.

Sponsors: Maurice S. Cheeks, Lauren Cnare and Matthew J. Phair

Additional referral to Community Block Development Committee

A motion was made by Schmidt, seconded by Resnick, to Refer to the BOARD OF ESTIMATES. The motion passed by voice vote/other.

87. [30742](#) Authorizing the expenditure of the remaining \$132,000 of HUD/CARPC funds for Madison Sustainability Commerce Center (MSCC) related initiatives within the Capitol East District.

Sponsors: Larry Palm, Marsha A. Rummel and Ledell Zellers

A motion was made by Schmidt, seconded by Resnick, to Refer to the BOARD OF ESTIMATES. The motion passed by voice vote/other.

88. [30748](#) Amending resolution Res-12-00648, Legistar No. 27220 changing the composition of the Sustainable Madison Transportation Master Plan Oversight Committee.
- Sponsors:** Paul R. Soglin
- Adopt 7/16/2013
- A motion was made by Schmidt, seconded by Resnick, to Refer to a future Meeting to Adopt to the COMMON COUNCIL and should be returned by 7/16/2013. The motion passed by voice vote/other.**
89. [30749](#) Proclaiming September 29, 2013 as International Migratory Bird Day in the City of Madison.
- Sponsors:** Paul R. Soglin, Joseph R. Clausius, Mark Clear and Sue Ellingson
- A motion was made by Schmidt, seconded by Resnick, to Refer to the BOARD OF PARK COMMISSIONERS. The motion passed by voice vote/other.**
90. [30750](#) Proclamation to declare the month of July as Parks and Recreation Month and to recognize the benefits that Madison Parks provide for active and passive recreational opportunities.
- Sponsors:** Paul R. Soglin, Joseph R. Clausius and Mark Clear
- A motion was made by Schmidt, seconded by Resnick, to Refer to the BOARD OF PARK COMMISSIONERS. The motion passed by voice vote/other.**
91. [30752](#) Authorizing the City to enter into an agreement with Pontoon Porch LLC regarding the use of a City pier in Law Park for the operation of a pontoon rental business.
- Sponsors:** Michael E. Verveer, Joseph R. Clausius, Mark Clear, John Strasser and Shiva Bidar-Sielaff
- Additional referral to Board of Estimates
- A motion was made by Schmidt, seconded by Resnick, to Refer to the BOARD OF PARK COMMISSIONERS. The motion passed by voice vote/other.**
92. [30754](#) To authorize the Mayor and City Clerk to enter into a Use Agreement between the City of Madison and Madison Football Club, Inc. at Reindahl Park for a period of 3 years with the possibility of two (2) one-year renewals.
- Sponsors:** Joseph R. Clausius and Mark Clear
- Additional referral to Board of Estimates
- A motion was made by Schmidt, seconded by Resnick, to Refer to the BOARD OF PARK COMMISSIONERS. The motion passed by voice vote/other.**

93. [30755](#) To authorize the Mayor and City Clerk to enter into an Operating Agreement between the City of Madison and Robert Krebs, d/b/a The Madison Sailing Center. at Warner Park for a period of 3 years with the possibility of two (2) one-year renewals.

Sponsors: Joseph R. Clausius and Mark Clear

Additional referral to Board of Estimates

A motion was made by Schmidt, seconded by Resnick, to Refer to the BOARD OF PARK COMMISSIONERS. The motion passed by voice vote/other.

94. [30758](#) Authorizing the Mayor and the City Clerk to amend the 2011 Free Rides Sponsorship Agreement between the City and MillerCoors, LLC in order to accept a financial donation from MillerCoors and add an additional free ride event date of August 31, 2013 from 3:00 PM to end of service.

Sponsors: Chris Schmidt

Additional referral to Board of Estimates

A motion was made by Schmidt, seconded by Resnick, to Refer to the TRANSIT AND PARKING COMMISSION. The motion passed by voice vote/other.

LICENSES

95. [30704](#) Public Hearing - New License
Lake Management LLC • dba BP Gas Station
2801 Atwood Ave • Agent: Shariff Syed
Class A Beer
Aldermanic District 6 (Alder Rummel) • Police Sector 602

A motion was made by Schmidt, seconded by Resnick, to Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.

96. [30707](#) Public Hearing - New License
Fresh City Market LLC • dba Fresh Madison Market
703 University Ave • Agent: Jeffrey Maurer • Estimated Capacity: 49
Class B Beer & Class C Wine • 5% alcohol, 95% food
Aldermanic District 8 (Alder Resnick) • Police Sector 402 • Density Area

A motion was made by Schmidt, seconded by Resnick, to Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.

97. [30708](#) Public Hearing - Transfer of Licensed Premise
Matterhorn Ventures Group • dba Roast Public House
Old Address: 529 State St • New Address: 558 State St
Agent: Henry Anschauer • Estimated Capacity: 150
Class B Combination Liquor & Beer • 37.5% alcohol, 62.5% food
Aldermanic District 2 (Alder Zellers) • Police Sector 403 • Density Area

A motion was made by Schmidt, seconded by Resnick, to Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.

98. [30709](#) Public Hearing - New License
Red Zone of Madison Inc • dba The Red Zone
1212 Regent St • Agent: Ricky L. Imhoff • Estimated Capacity: 625
Class B Combination Liquor & Beer • 60% alcohol, 20% food, 20% other
Aldermanic District 8 (Alder Resnick) • Police Sector 402

A motion was made by Schmidt, seconded by Resnick, to Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.

99. [30710](#) Public Hearing - New License
Bolla Inc • dba Maharana Restaurant
1707 Thierer Rd • Agent: Gupreet Singh • Estimated Capacity: 99
Class B Combination Liquor & Beer • 10% alcohol, 90% food
Aldermanic District 17 (Alder Clausius) • Police Sector 631

A motion was made by Schmidt, seconded by Resnick, to Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.

PRESENTATION OF CLAIMS AGAINST THE CITY OF MADISON

CLAIMS - REFER TO RISK MANAGER

100. [30604](#) NOTICE OF CLAIM - E. Ryberg, Habush Habush & Rottier, attorney for K. Kriewald - personal injury - amount to be determined.

This Claim was Referred to the Risk Manager

101. [30625](#) A. Jammeh - vehicle damage - \$4,354.17.

A motion was made to Referred to the Risk Manager.

102. [30636](#) NOTICE OF CLAIM - J. Fondell - vehicle damage - amount greater than \$1.00.

This Claim was Referred to the Risk Manager

103. [30637](#) NOTICE OF CLAIM - L. Luebke - vehicle damage - amount to be determined.

This Claim was Referred to the Risk Manager

104. [30639](#) E. Rodriguez, USAA Casualty Insurance Company, for M. Hanson - vehicle damage - \$3,625.24.

This Claim was Referred to the Risk Manager

105. [30672](#) J. Johnson - property loss - \$3.50.

This Claim was Referred to the Risk Manager

106. [30674](#) J. Wells, SupraNet Communications, Inc. - property damage - \$10,620.39.

This Claim was Referred to the Risk Manager

107. [30677](#) NOTICE OF CIRCUMSTANCE: R. Harmeyer, Ron Harmeyer Law Office LLC for Sherman Plaza, Inc. - property damage - amount to be determined.

This Claim was Referred to the Risk Manager

108. [30693](#) J. Pasdo - vehicle damage - \$500.00.

This Claim was Referred to the Risk Manager

109. [30743](#) C. Hackett, Allstate Property and Casualty Ins. Co., for T. Herrick - vehicle damage - \$1,115.56.

This Claim was Referred to the Risk Manager

110. [30744](#) Ian A.J. Pitz, Michael, Best & Friedrich LLP, attorney for K. Mollenhoff and D. Cain - property damage - \$221,590.32.

This Claim was Referred to the Risk Manager

111. [30746](#) L. Weber and A. L. Mares - property damage - \$61.11.

This Claim was Referred to the Risk Manager

112. [30747](#) L. Engelberger - vehicle damage - \$4,956.05.

This Claim was Referred to the Risk Manager

THE FOLLOWING ITEMS WERE INTRODUCED FROM THE FLOOR AT THE LAST COMMON COUNCIL MEETING AND ARE ON THIS AGENDA PURSUANT TO SEC. 2.05(1)(B), MGO, SOLELY FOR THE PURPOSE OF ADDING ADDITIONAL REFERRALS.

113. [30635](#) Establishing a 2013 Emerging Opportunities Fund process and directing the City Attorney to draft ordinance changes to create an ongoing annual Emerging Opportunities Fund process and amending the 2013 operating budget of the Community Development Division to provide an additional \$200,000 in expenditure authority.

Sponsors: Shiva Bidar-Sielaff, Lauren Cnare, Matthew J. Phair, Scott J. Resnick, Chris Schmidt, Lisa Subeck, Paul R. Soglin, David Ahrens, John Strasser, Steve King, Ledell Zellers, Maurice S. Cheeks, Paul E. Skidmore, Mark Clear, Michael E. Verveer and Marsha A. Rummel

114. [30641](#) Amending Sections 8.24(1)(ee) and (ff) of the Madison General Ordinances to permanently ban alcohol from Olbrich Park and Reindahl Park.

Sponsors: Joseph R. Clausius

ADDENDUM

LATE ITEMS

115. [29869](#) Approving a contract extension of up to 3 months with the City for the Fire Department to provide regional hazardous materials team services for the State of Wisconsin, Department of Military Affairs, Division of Emergency Management.

Sponsors: Paul E. Skidmore

A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.

ANNOUNCEMENTS & INTRODUCTION OF ITEMS FROM THE FLOOR: None

ADJOURNMENT @ 7:04 PM

A motion was made by Schmidt, seconded by Resnick, to Adjourn at 7:04 pm.
The motion passed by voice vote/other.