

MADISON, WISCONSIN COMMON COUNCIL PROCEEDINGS  
4/20/2004 6:35 P.M.  
Regular Meeting

In the Chair: MAYOR CIESLEWICZ  
Present: 20

Motion to suspend Rules 2.04 (order of business), 2.24 (ordinances), and 2.25 (resolutions) for items so designated on the agenda  
On Motion WEBBER/KING  
CARRY

NEW BUSINESS

ORDINANCE

- ID # 35928 Amending Section 9.13(6)(j)1.a. of the Madison General Ordinances to allow State Street Merchant vending on Thursdays.  
REFER  
On Motion of VERVEER/OLSON  
VENDING OVERSIGHT COMMITTEE
- ID # 35929 Amending Sections 9.13(2) and (3)(a)3. to eliminate individual special event vending licenses and create an umbrella vending license for special event sponsors.  
REFER  
On Motion of VERVEER/OLSON  
VENDING OVERSIGHT COMMITTEE, COMPTROLLER (FOR FISCAL NOTE)
- ID # 35930 Amending Sections 27.05(1) to clarify the purpose of that section, and 27.05(2)(f) of the Madison General Ordinances to clarify the meaning of "lawn" for purposes of the 8 inch restriction on the height of lawns and lawn areas, and to establish a procedure for Building Inspection to mow overgrown lawns on improved abandoned properties and charge it to property owner as a special charge, and amending Sections 10.18(10)(b) and (11)(b), 10.28(2), 27.05(2)(v), 28.04(12)(e)4, and 29.11(2) of the Madison General Ordinances to correct outdated references to "special taxes" throughout various ordinances and replace with "special charges" per state statute.  
REFER  
On Motion of VERVEER/OLSON  
PLAN COMMISSION
- ID # 35931 Creating Section 28.06(2)(a)2957 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: Bank with Drive-Up Window. 15th Ald. Dist., 2501 Shopko Dr.  
REFER  
On Motion of VERVEER/OLSON  
PLAN COMMISSION, ZONING ADMINISTRATION, P.H., COMMON COUNCIL  
MTG. 6-1-04

- ID # 35932      Creating Section 28.06(2)(a)2958 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)2959 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: Build 36-Unit Condominium and Renovate Commercial Building for Retail, Office and 4 Condominium Units. 6th Ald. Dist., 802-808 Williamson St.  
REFER  
On Motion of VERVEER/OLSON  
PLAN COMMISSION, ZONING ADMINISTRATION, P.H., COMMON COUNCIL  
MTG. 6-1-04
- ID # 35933      Creating Section 28.06(2)(a)2960 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)2961 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 Warehouse & Build 60-Unit Apartment Building. 6th Ald. Dist., 301 S. Livingston St.  
REFER  
On Motion of VERVEER/OLSON  
PLAN COMMISSION, ZONING ADMINISTRATION, P.H., COMMON COUNCIL  
MTG. 6-1-04
- ID # 35934      Creating Section 28.06(2)(a)2962 of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to R2Y Single-Family Residence District, and creating Section 28.06(2)(a)2963 of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to R2Z Single-Family Residence District. Proposed Use: Ninety One (91) Single-Family Home Sites. 3rd Ald. Dist., 203 East Hill Parkway.  
REFER  
On Motion of VERVEER/OLSON  
PLAN COMMISSION, ZONING ADMINISTRATION, P.H., COMMON COUNCIL  
MTG. 6-1-04
- ID # 35935      Creating Section 28.06(2)(a)2964 of the Madison General Ordinances rezoning property from R2 Single-Family Residence District to R2T Single-Family Residence District. Proposed Use: Divide Two Lots Into Four Single-Family Home Sites. 12th Ald. Dist., 2215-2221 N. Sherman Ave.  
REFER  
On Motion of VERVEER/OLSON  
PLAN COMMISSION, ZONING ADMINISTRATION, P.H., COMMON COUNCIL  
MTG. 6-1-04
- ID # 35936      Creating Section 28.06(2)(a)2965 of the Madison General Ordinances rezoning property from R4 General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)2966 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: 108 Senior Housing Units. 9th Ald. Dist., 501 Commerce Drive.  
REFER  
On Motion of VERVEER/OLSON  
PLAN COMMISSION, ZONING ADMINISTRATION, P.H., COMMON COUNCIL  
MTG. 6-1-04

- ID # 35937      Creating new Section 8.40(6), renumbering current Sections 8.40(6) and (7) to 8.40(7) and (8), respectively, and amending Section 34.14 of the Madison General Ordinances to clarify regulations of open burning.  
REFER  
On Motion of VERVEER/OLSON  
PARK COMMISSION, PUBLIC HEALTH COMMISSION, COMMISSION ON THE ENVIRONMENT
- ID # 35938      Amending Sections 9.12(3), 9.13(6)(h)3.a., and repealing Section 9.13(6)(j)3.f. of the Madison General Ordinances to provide a reduced annual license fee for sidewalk cafe and merchant vendors on blocks of State Street that are under reconstruction, and making two corrections elsewhere in the vending ordinances. BY TITLE ONLY.  
REFER  
On Motion of VERVEER/OLSON  
VENDING OVERSIGHT COMMITTEE, COMMON COUNCIL MTG. 5-18-04
- ID # 35939      Creating Section 15.01(535) of the Madison General Ordinances entitled “City Boundaries” and being part of the chapter entitled “Aldermanic Districts and Wards” attaching to the 1st Aldermanic District the North attachment, territory as per Section 12.01 of the City of Madison and Town of Middleton Cooperative Plan under Section 66.0307, Wisconsin Statutes, and amending Section 15.02(122) of the Madison General Ordinances to include attached territory in Ward (122)  
REFER  
On Motion of VERVEER/OLSON  
COMMON COUNCIL MTG. 5-4-04

RESOLUTION

- ID # 35940      Authorizing the application and acceptance of a Federal Emergency Management Agency (FEMA) grant for the Fire Department for up to \$204,550.  
REFER  
On Motion of VERVEER/OLSON  
BOARD OF ESTIMATES
- ID # 35941      Authorizing the Mayor and City Clerk to execute an agreement to fund a \$250,000 Madison Capital Revolving Fund loan to 122 State Street Group, LLP to renovate the skywalk at 122 State Street.  
REFER  
On Motion of VERVEER/OLSON  
BOARD OF ESTIMATES
- ID # 35942      Accepting a \$25,000 grant from Dane County B.U.I.L.D. (Better Urban Infill Development) Program to develop a parcel-specific strategy and development phasing strategy of Wingra Creek Redevelopment District Phase II and authorizing staff to hire a consultant to undertake said studies.  
REFER  
On Motion of VERVEER/OLSON  
BOARD OF ESTIMATES
- ID # 35943      Supporting the celebration of Madison’s sesquicentennial and creating an Ad Hoc Sesquicentennial Commission to plan for the commemoration of Madison’s 150th anniversary.  
REFER  
On Motion of VERVEER/OLSON  
BOARD OF ESTIMATES, MADISON CITIARTS COMMISSION

- ID # 35944      Appropriating \$2,662.50 from the Contingent Reserve to the Miscellaneous Litigation account for payment of the final legal fees to Michael Lawton, Lathrop & Clark, LLP, as special counsel to the ALRC in the proceedings against Club Hilltopp. BY TITLE ONLY.  
REFER  
On Motion of VERVEER/OLSON  
BOARD OF ESTIMATES
- ID # 35945      Adopting a Community and Neighborhood Development Program Funding Framework as a guide to the CDBG Commission for the development of its funding recommendations for the 2005-2006 budgets. BY TITLE ONLY.  
REFER  
On Motion of VERVEER/OLSON  
BOARD OF ESTIMATES, COMMON COUNCIL MTG. 5-4-04
- ID # 35946      Authorizing the provision of CDBG Acquisition/Rehab funds to help the Boys and Girls Club of Dane County construct a new neighborhood center facility to serve the Allied-Dunn's Marsh neighborhoods in a project that addresses City, Community, and Neighborhood Development Objectives.  
REFER  
On Motion of VERVEER/OLSON  
BOARD OF ESTIMATES, COMMON COUNCIL MTG. 5-4-04
- ID # 35947      Authorizing the provision of CDBG Acquisition/Rehab funds to help Genesis Development Corporation to improve its facility for business development and to help Elder Care acquire property to construct a new service facility in two projects that addresses City, Community, and Neighborhood Development Objectives.  
REFER  
On Motion of VERVEER/OLSON  
BOARD OF ESTIMATES, COMMON COUNCIL MTG. 5-4-04
- ID # 35948      Authorizing the provision of Madison Affordable Housing Trust funds and CDBG/HOME funds to assist Madison Development Corporation Mifflin Street project and the Interfaith Hospitality Network Second Chance Apartment Project in ways that address City, Community, and Neighborhood Development Objectives, and amend the 2004 Operating Budget to provide for the expenditure of \$100,000 from the Housing Trust Fund.  
REFER  
On Motion of VERVEER/OLSON  
BOARD OF ESTIMATES, COMMON COUNCIL MTG. 5-4-04
- ID # 35949      Approving plans and specifications and authorizing the Mayor and City Clerk to enter into agreements with the Wisconsin Department of Transportation for the construction of East Washington Avenue Segment Five (Melvin Court to Thierer Road).  
REFER  
On Motion of VERVEER/OLSON  
BOARD OF ESTIMATES, BOARD OF PUBLIC WORKS
- ID # 35950      Authorizing the Streets Division to implement an automated collection system for recycling and to contract with Recycling America Alliance for the processing of recyclables collected using a single stream system in 2005 and further authorizing the Streets Division to implement an automated collection system for refuse in 2007.  
REFER  
On Motion of VERVEER/OLSON  
BOARD OF ESTIMATES, SOLID WASTE ADVISORY COMMITTEE, BOARD OF PUBLIC WORKS, COMMISSION ON THE ENVIRONMENT, COMPTROLLER (FOR FISCAL NOTE)

- ID # 35951 Vacating/Discontinuing all of Dulles Drive from Littlemore Drive to the North terminus, as platted by Reston Heights, being located in part of the Northwest ¼ of the Southwest ¼ of Section 1, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin.  
REFER  
On Motion of VERVEER/OLSON  
BOARD OF PUBLIC WORKS, PLAN COMMISSION, PED BIKE MOTOR VEHICLE COMMISSION, P.H., COMMON COUNCIL MTG. 6-1-04
- ID # 35952 Vacating/Discontinuing part of an un-named public alley dedicated to the public as part of the Harloff Subdivision of the South Four acres of the University Addition to the City of Madison, recorded in Volume 1 of Plats on Page 44 as Document Number 222749A, situated in the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section Twenty-Three (23), Town Seven North (T7N), Range Nine East (R9E), City of Madison, Dane County, Wisconsin.  
REFER  
On Motion of VERVEER/OLSON  
BOARD OF PUBLIC WORKS, PLAN COMMISSION, PED BIKE MOTOR VEHICLE COMMISSION, P.H., COMMON COUNCIL MTG. 6-1-04
- ID # 35953 Encouraging and supporting the Inspection Unit's enforcement of ordinances prohibiting the placement of portable street graphics in the public right-of-way.  
REFER  
On Motion of VERVEER/OLSON  
URBAN DESIGN COMMISSION, COMPTROLLER (FOR FISCAL NOTE)
- ID # 35954 Adopting the "Design Guidelines and Criteria for Preservation: Williamson Street 600-1100 Blocks Plan," and recommendations contained within the Plan as a supplement to the Marquette-Schenk-Atwood Neighborhood Plan and directing staff to prepare revisions to the Third Lake Ridge Historic District ordinance.  
REFER  
On Motion of VERVEER/OLSON  
LANDMARKS COMMISSION, PLAN COMMISSION, BOARD OF ESTIMATES, URBAN DESIGN COMMISSION, PED BIKE MOTOR VEHICLE COMMISSION
- ID # 35955 Authorizing the Mayor and City Clerk to execute agreements for installation, operation, maintenance and repair of an air monitoring system at 1848 University Ave. and appropriating \$13,000 from Contingent Reserve for this purpose.  
REFER  
On Motion of VERVEER/OLSON  
BOARD OF ESTIMATES, COMMON COUNCIL MTG. 5-4-04
- ID # 35956 To SUSPEND the handcrafted goods and personally prepared food vending restrictions on June 19, 2004 during the 25th Anniversary COWS ON THE CONCOURSE and authorizing the Dane County Dairy Promotion Committee, as sponsor of the special event, to select vendors, vending sites and performers for the duration of the event on the 10 blocks of N. & S. Main St. and the 100 block of Martin Luther King, Jr. Blvd.  
REFER  
On Motion of VERVEER/OLSON  
STREET USE STAFF TEAM, VENDING OVERSIGHT COMMITTEE, P.H., COMMON COUNCIL MTG. 5-18-04

- ID # 35957 To SUSPEND the handcrafted goods, personally prepared food vending restrictions on June 30, July 7, 14, 21, 28 and August 4, 2004 (rain dates July 1, 8, 15, 22, 29 and August 5, 2004) from 3:00 p.m. to 11:59 p.m. for CONCERTS ON THE SQUARE and authorizing the Wisconsin Chamber Orchestra, as sponsor of the special event, to select vendors and vending sites for the duration of this special event within the perimeter of the event.  
REFER  
On Motion of VERVEER/OLSON  
STREET USE STAFF TEAM, VENDING OVERSIGHT COMMITTEE, P.H.,  
COMMON COUNCIL MTG. 5-18-04
- ID # 35958 To SUSPEND the handcrafted goods, personally prepared food vending restrictions and INVALIDATE Mall/Concourse vending licenses from 6:00 p.m. July 9 to 9:00 p.m. July 11, 2004 in the areas specified below for the benefit of the Madison Museum of Contemporary Art, so that the 46th Annual ART FAIR ON THE SQUARE may occur.  
REFER  
On Motion of VERVEER/OLSON  
STREET USE STAFF TEAM, VENDING OVERSIGHT COMMITTEE, P.H.,  
COMMON COUNCIL MTG. 5-18-04
- ID # 35959 Authorizing the Madison Museum of Contemporary Art, as sponsor of the 46th Annual ART FAIR ON THE SQUARE, EXCLUSIVE RIGHTS to select vendors, salespersons, vending sites and performers for the duration of this special event, 6:00 p.m. July 9 to 9:00 p.m. July 11, 2004, within the perimeter of the area, defined in the companion resolution, involved in the event.  
REFER  
On Motion of VERVEER/OLSON  
STREET USE STAFF TEAM, VENDING OVERSIGHT COMMITTEE, P.H.,  
COMMON COUNCIL MTG. 5-18-04
- ID # 35960 To SUSPEND the handcrafted goods, personally prepared food vending restrictions and INVALIDATE certain Mall/Concourse vending licenses from 6:00 p.m. July 9 to 9:00 p.m. July 11, 2004 in the areas specified below for the benefit of WI Alliance of Artists & Craftspeople, so that ART FAIR OFF THE SQUARE may occur.  
REFER  
On Motion of VERVEER/OLSON  
STREET USE STAFF TEAM, VENDING OVERSIGHT COMMITTEE, P.H.,  
COMMON COUNCIL MTG. 5-18-04
- ID # 35961 Authorizing the WI Alliance of Artists and Craftspeople, as sponsor of the ART FAIR OFF THE SQUARE, EXCLUSIVE RIGHTS to select vendors, salespersons, vending sites and performers for the duration of the ART FAIR OFF THE SQUARE, from 6:00 p.m. July 9 to 9:00 p.m. July 11, 2004 on the 200 block of Martin Luther King Jr. Blvd.  
REFER  
On Motion of VERVEER/OLSON  
STREET USE STAFF TEAM, VENDING OVERSIGHT COMMITTEE, P.H.,  
COMMON COUNCIL MTG. 5-18-04
- ID # 35962 To SUSPEND the handcrafted goods, personally prepared food vending restrictions and INVALIDATE Mall/Concourse vending licenses on July 16 and 17, 2004 in the areas specified below for the benefit of the Greater State St. Business Association (GSSBA), so that MAXWELL ST. DAYS may occur.  
REFER  
On Motion of VERVEER/OLSON  
STREET USE STAFF TEAM, VENDING OVERSIGHT COMMITTEE, P.H.,  
COMMON COUNCIL MTG. 5-18-04

- ID # 35963 Authorizing the Greater State Street Business Association (GSSBA), as sponsor of MAXWELL ST. DAYS, EXCLUSIVE RIGHTS to select vendors, salespersons, vending sites and performers for the duration of MAXWELL ST. DAYS, July 16 and 17, 2004, within the perimeter of the area involved in the event.  
REFER  
On Motion of VERVEER/OLSON  
STREET USE STAFF TEAM, VENDING OVERSIGHT COMMITTEE, P.H.,  
COMMON COUNCIL MTG. 5-18-04
- ID # 35964 To SUSPEND the handcrafted goods and personally prepared food vending restrictions on August 11, 18, 25 and September 1, 8, 2004 during the Jazz @ 5 concert series and authorizing Jazz @ 5 Inc., as sponsor of the special event, to select vendors, vending sites and performers within the 100 block of State St. for the duration of the special event.  
REFER  
On Motion of VERVEER/OLSON  
STREET USE STAFF TEAM, VENDING OVERSIGHT COMMITTEE, P.H.,  
COMMON COUNCIL MTG. 5-18-04
- ID # 35965 To SUSPEND the handcrafted goods, personally prepared food vending restrictions and INVALIDATE certain Mall/Concourse vending licenses from 6:00 p.m. September 3, 2004 to 11:59 p.m. on September 5, 2004 in the areas specified below for the benefit of Global Celebrations, so that TASTE OF MADISON may occur.  
REFER  
On Motion of VERVEER/OLSON  
STREET USE STAFF TEAM, VENDING OVERSIGHT COMMITTEE, P.H.,  
COMMON COUNCIL MTG. 5-18-04
- ID # 35966 Authorizing Global Celebrations, as sponsor of the TASTE OF MADISON, EXCLUSIVE RIGHTS to select vendors, salespersons, vending sites and performers for the duration of the TASTE OF MADISON, from 6:00 p.m. September 3, 2004 to 11:59 p.m. on September 5, 2004, within the perimeter of the area involved in the event.  
REFER  
On Motion of VERVEER/OLSON  
STREET USE STAFF TEAM, VENDING OVERSIGHT COMMITTEE, P.H.,  
COMMON COUNCIL MTG. 5-18-04
- ID # 35967 To SUSPEND the handcrafted goods and personally prepared food vending restrictions Saturday, September 18, 2004 during the Food for Thought Festival and authorizing the Dane County REAP Food Group, as sponsor of the event, to select vendors, vending sites and performers for the duration of the event on the 100 block of Martin Luther King, Jr. Blvd.  
REFER  
On Motion of VERVEER/OLSON  
STREET USE STAFF TEAM, VENDING OVERSIGHT COMMITTEE, P.H.,  
COMMON COUNCIL MTG. 5-18-04
- ID # 35978 Vacating/Discontinuing all of a public pedestrian walk dedicated as part of the First Addition to Painted Post Estates located in the City of Madison, recorded in Volume 25 of Plats on Pages 22 and 23 as Document Number 1034172, situated in the Southeast One Quarter (SE ¼) Section Ten (10), Town Seven North (T7N), Range Ten East (R10E), City of Madison, Dane County, Wisconsin.  
REFER  
On Motion of COMPTON/VERVEER  
BOARD OF PUBLIC WORKS, PLAN COMMISSION, PED BIKE MOTOR VEHICLE COMMISSION, P.H., COMMON COUNCIL MTG. 6-1-04  
Additional Motions Suspend Rules to allow items to be introduced from the floor for referral, Verveer/Olson: carry.

- ID # 35979 Relating to 2004-2005 Paratransit Licensing.  
REFER  
On Motion of WEBBER/VERVEER  
COMMON COUNCIL MTG. 5-4-04  
Additional Motions Suspend Rules to allow items to be introduced from the floor for referral, Verveer/Olson: carry.
- ID # 35980 Authorizing staff to prepare and to recommend a process for the potential redevelopment of the Buckeye Lot as a mixed-use project that meets the needs of short-term parking, with commercial and residential development above to support the continued revitalization of the Mid-State Street area. BY TITLE ONLY.  
REFER  
On Motion of VERVEER/ONKEN  
TRANSIT/PARKING COMMISSION  
Additional Motions Suspend Rules to allow items to be introduced from the floor for referral, Verveer/Olson: carry.

ACCOUNTS & CLAIMS - REFER TO RISK MANAGER

CLAIM

- ID # 35968 M. Camara, 879 St. Albert Dr., Sun Prairie - personal injury - amount to be determined.  
On Motion of VERVEER/OLSON
- ID # 35969 F. Hinzman, 3617 Portage Rd., Madison - property loss - \$60.64.  
On Motion of VERVEER/OLSON
- ID # 35970 American Family Insurance for R. & R. Sawatzky - vehicle damage - amount to be determined.  
On Motion of VERVEER/OLSON
- ID # 35971 A. Ives, 5117 Tomahawk Trl., Madison - property damage - \$350.00.  
On Motion of VERVEER/OLSON
- ID # 35972 American Family Insurance for S. Dahl, 209 N. Livingston St., Madison - vehicle damage - \$1370.77.  
On Motion of VERVEER/OLSON
- ID # 35973 Hausmann & Johnson Insurance for Octopus Car Wash - vehicle damage - \$2,600.25.  
On Motion of VERVEER/OLSON
- ID # 35974 Hausmann-McNally, S.C., attorney for V. O'Connors, 75 Sinykin Circle, Madison - personal injury - \$69,950.00.  
On Motion of VERVEER/OLSON
- ID # 35975 American Family Insurance for M. Montie, 211 S. Carroll St., Madison - vehicle damage - \$538.26.  
On Motion of VERVEER/OLSON
- ID # 35976 C. Wagner, 2678 Hoard St. # 2, Madison - vehicle damage - \$553.61.  
On Motion of VERVEER/OLSON

SPECIAL ORDER OF BUSINESS

RESOLUTION

- ID # 35911 Res. # 61401 Commending and thanking the Red Caboose child care center staff, the Rainbow Project staff, Dorothy Conniff and the Madison Police Department for their dedication to the protection and well being of children.  
ADOPT  
On Motion of VERVEER/SLOAN
- ID # 35912 Res. # 61406 Commending Alderperson Mike Verveer for his service as Common Council President during the 2003-2004 term.  
ADOPT  
On Motion of THOMAS/SLOAN
- ID # 35913 Res. # 61407 Commending Alderperson Cindy Thomas for her service as Common Council President Pro Tem during the 2003-2004 term.  
ADOPT  
On Motion of VERVEER/SLOAN
- ID # 35914 Res. # 61402 Commending Harold (Toby) Opheim, Acting Street Superintendent, upon his retirement, for his dedicated service to the City of Madison.  
ADOPT  
On Motion of VERVEER/SLOAN
- ID # 35915 Res. # 61403 Proclaiming May 1, 2004, Worthy Wage Day in Madison, Wisconsin.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35923 Res. # 61404 To declare April, 2004, as Sexual Assault Awareness Month in the City of Madison.  
Appearances - Supporting: 1  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35924 Res. # 61405 To declare April 24, 2004, Armenian Genocide Remembrance Day in the City of Madison.  
ADOPT  
On Motion of VERVEER/OLSON

CONVENE AS COMMITTEE OF THE WHOLE (7:02 p.m.)

In the Chair: Ald. Verveer

Present: 20

On Motion of VERVEER/BRANDON

CARRY

- ID # 35916 Ald. Brenda Konkel was nominated as Common Council President for 2004 - 2005.  
On Motion of BENFORD/KING  
Additional Motions Ald. Matt Sloan was nominated as Common Council President, Golden/Brandon: carry; (Ballot Vote # 1: 8 votes for Ald. Brenda Konkel, 8 votes for Ald. Matt Sloan, 4 Absentions. Ballot Vote # 2: 12 votes for Ald. Brenda Konkel, 8 votes for Ald. Matt Sloan.)
- ID # 35917 Ald. Paul Van Rooy was nominated as Common Council President Pro Tem for 2004 - 2005.  
On Motion of BRANDON/KING  
Additional Motions Close nominations, MacCubbin/King: carry.

ADJOURN FROM COMMITTEE OF THE WHOLE (7:12 p.m.)  
On Motion of SLOAN/OLSON  
CARRY

REGULAR MEETING  
4/20/04, 7:13 p.m.

In the Chair: Ald. Verveer  
Present: 19  
Late: Ald. MacCubbin (7:15 p.m.)

REPORT OF THE COMMITTEE OF THE WHOLE

Approve nominations for Common Council President and Common Council President Pro Tem.  
On Motion of VERVEER/ONKEN  
CARRY

CONFIRMATION HEARING

RESOLUTION

ID # 35854            Res. # 61418 Submitting the name of Michael P. May for confirmation of a five year  
term as City Attorney. (SEE # 6 ON THE BOARD OF ESTIMATES # 2 REPORT)  
ADOPT  
On Motion of VERVEER/OLSON

PETITIONS & COMMUNICATIONS

PETITION

ID # 35918            Petition dated April 12, 2004 from Mohs, MacDonald, Widder & Paradise re: direct  
attachment from the Town of Middleton to the City of Madison. (North Attachment)  
REFER  
On Motion of VERVEER/ONKEN  
COMMON COUNCIL MTG. 5-4-04

ID # 35919            Petition dated April 15, 2004 containing 310 signatures submitted by T. De Pue,  
714 Pinecrest Dr., Madison re: individual bar owners being allowed to decide if their  
establishments should be smoke-free without the City imposing a ban.  
ACCEPT  
On Motion of VERVEER/OLSON

BUSINESS BY THE MAYOR

APPOINTMENTS

ID # 35920            Aldermanic Appointments dated April 15, 2004.  
REFER  
On Motion of VERVEER/OLSON  
MAYOR  
Additional Motions Refer Alcohol Use in Parks and Central City Ad Hoc Committee  
& Community Development Block Grant Commission appointments to the Mayor and  
confirm the balance of appointments, Verveer/Olson: carry; Move balance of agenda  
except ID#: 35870, 35355, 35282, 35257, 35354, 35762, 35179, 35378, 35550,  
35741, & 34064, Verveer/Olson: carry.

ID # 35977 Citizen Appointments dated April 20, 2004.  
REFER  
On Motion of VERVEER/OLSON  
COMMON COUNCIL MTG. 5-4-04

BUSINESS BY THE PRESIDENT OF COMMON COUNCIL

RESOLUTION

ID # 35921 Res. # 61408 Requesting financial assistance under s.287.23, Wis. Stats. and Chapters NR 542, 544 and 549, Wis. Admin. Code, for the purpose of planning, constructing or operating a recycling program with one or more components specified in s.287.11(2)(a) to (h), Wis. Stats.

ADOPT  
On Motion of VERVEER/OLSON

ID # 35922 Res. # 61409 Correcting a typographical error in a previously adopted resolution for Grandview Commons - Phase VIII, Contract No. 1969.

ADOPT  
On Motion of VERVEER/OLSON

ID # 35925 Res. # 61410 Authorizing the Mayor and City Clerk to execute a Letter of Amendment to the sublease between the City and Madison Community Health Center, Inc.

ADOPT  
On Motion of VERVEER/OLSON

PUBLIC HEARINGS - BEGIN AT 6:45 PM

REPORT OF BOARD OF PUBLIC WORKS

ID # 35927 Dated March 31, 2004  
ADOPT WITH RECOMMENDATIONS  
On Motion of VERVEER/BELLMAN

ID # 35561 Vacation/Discontinuance of a portion of the South Stoughton Road Service Road - East (in front of 2309 S. Stoughton Rd.), located in part of the Southeast 1/4 of the Southeast 1/4 of Section 16, Town 07 North, Range 10 East, City of Madison, Dane County, Wisconsin. 16th Ald. District.

PUBLIC HEARING RECESSED  
REFER  
On Motion of VERVEER/BELLMAN  
BOARD OF PUBLIC WORKS, PED BIKE MOTOR VEHICLE COMMISSION,  
RECESSED P.H., COMMON COUNCIL MTG. 6-1-04

REPORT OF PLAN COMMISSION

ID # 35908 Dated March 29, 2004  
ADOPT WITH RECOMMENDATIONS - EXCEPT ID# 35541  
On Motion of VERVEER/SLOAN

ID # 35541 Amending Section 23.08(1) and 28.03(2) of the Madison General Ordinances to include check cashing in the definition of payday loan businesses and the hours of operation restriction.

Registrations - Supporting: 1  
PUBIC HEARING RECESSED  
RREFER  
On Motion of VERVEER/SLOAN  
PLAN COMMISSION, PUBLIC SAFETY REVIEW BOARD, RECESSED P.H.,  
COMMON COUNCIL MTG. 6-1-04

- ID # 35542      SUBSTITUTE - Amending Section 28.03(2), creating Sections 28.08(2)(b)8.j., (8)(b)7.c., and (11)(b)7.c., and amending Section 28.08(12)(b) and creating Section 9.52 of the Madison General Ordinances to permit the keeping of up to four (4) domestic fowl as an accessory use to a single family dwelling.  
 Registrations - Supporting: 2  
 PUBLIC HEARING RECESSED  
 REFER  
 On Motion of VERVEER/SLOAN  
 RECESSED P.H., COMMON COUNCIL MTG. 5-4-04
- ID # 35732      Creating Section 28.06(2)(a)2953 of the Madison General Ordinances rezoning property from PCD(SIP) Planned Community Development (Specific Implementation Plan) District to Amended PCD(GDP) Planned Community Development (General Development Plan) District, and creating Section 28.06(2)(a)2954 of the Madison General Ordinances rezoning property from Amended PCD(GDP) Planned Community Development (General Development Plan) District to Amended PCD(SIP) Planned Unit Development (Specific Implementation Plan) District, and creating Section 28.06(2)(a)2955 of the Madison General Ordinances rezoning property from Amended PCD(GDP) Planned Community Development (General Development Plan) District to C2 General Commercial District. Proposed Use: Convert Existing Residence Inn Hotel to 80 Condominium Units. 9th Ald. Dist., 501 D'Onofrio Dr.  
 PUBLIC HEARING RECESSED  
 REREFER  
 On Motion of VERVEER/SLOAN  
 PLAN COMMISSION, RECESSED P.H., COMMON COUNCIL MTG. 6-15-04
- ID # 35733      Ord. # 13599 Creating Section 28.06(2)(a)2945 of the Madison General Ordinances rezoning property from C Conservancy District to R1 Single-Family Residence District. Proposed Use: Future Police Precinct Building. 3rd Ald. Dist., 809 S. Thompson Dr.  
 Registrations - Opposing: 2  
 PUBLIC HEARING CLOSED  
 ADOPT  
 On Motion of VERVEER/SLOAN
- ID # 35828      Ord. # 13600 Creating Section 28.06(2)(a)2956 of the Madison General Ordinances rezoning property from Dane County C2 Commercial District to C3L Commercial Service and Distribution District. Proposed Use: Automobile Sales & Service. 1st Ald. Dist., 6624 Seybold Rd.  
 PUBLIC HEARING CLOSED  
 ADOPT  
 On Motion of VERVEER/SLOAN
- RESOLUTION
- ID # 35909      Approving plans, specifications, and schedule of assessments for Vondron Road Sidewalk Assessment District - 2004.  
 PUBLIC HEARING RECESSED  
 REFER  
 On Motion of VERVEER/SLOAN  
 CITY ENGINEER, RECESSED P.H., COMMON COUNCIL MTG. 5-18-04
- ID # 35910      Res. # 61411 Approving plans, specifications, and schedule of assessments for Union Street and Oak Street Reconstruction Assessment District - 2004.  
 PUBLIC HEARING CLOSED  
 ADOPT  
 On Motion of VERVEER/SLOAN

REPORTS OF OFFICERS

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

ID # 35896 Dated April 14, 2004 re: Operator/Manager License Applications  
ADOPT  
On Motion of VERVEER/OLSON

REPORT OF CITY ATTORNEY

ID # 35869 Dated April 9, 2004  
ADOPT WITH RECOMMENDATIONS  
On Motion of VERVEER/OLSON

ID # 35587 Grant Thornton, LLP, account & business advisor for PDQ Food Stores, Inc., 2 E.  
Gilman St., Madison - excessive assessment - \$8701.63.  
DENY  
On Motion of VERVEER/OLSON

ID # 35590 Michael, Best & Friedrich, LLP, attorney for Best Buy Stores LP, 7357 West Towne  
Way & 2452 E. Springs Dr., Madison - excessive assessment - \$135,892.38 plus interest.  
DENY  
On Motion of VERVEER/OLSON

ID # 35591 Michael, Best & Friedrich, LLP, attorney for American Family Insurance, 6000  
American Pkwy., 6102 American Pkwy., 6152 American Pkwy., Madison - excessive  
assessment - \$1.2 - \$1.5 million plus interest.  
DENY  
On Motion of VERVEER/OLSON

REPORT OF BOARD OF ESTIMATES # 1

ID # 35897 Dated March 24, 2004  
ADOPT WITH RECOMMENDATIONS  
On Motion of VERVEER/OLSON

ID # 35745 Res. # 61412 Authorizing the Madison Department of Public Health to accept and expend  
a \$5,000 grant from the Wisconsin State Laboratory of Hygiene for the period March 1,  
2004 through August 1, 2004 for laboratory development and expanded capacity in support  
of the State Lab in Wisconsin's emergency response preparedness, and authorizing the Mayor  
and City Clerk to sign the contract for the City.  
ADOPT  
On Motion of VERVEER/OLSON

ID # 35746 Res. # 61413 Authorizing the Madison Department of Public Health to accept funds  
from the Dane County Division of Public Health for up to an additional \$4,500 to extend  
the coordination of Youth Tobacco prevention and cessation for the period April 1, 2004  
through May 1, 2004, and authorizing the Mayor and City Clerk to sign the contract for the City.  
ADOPT  
On Motion of VERVEER/OLSON

REPORT OF BOARD OF ESTIMATES # 2

ID # 35898 Dated April 20, 2004  
ADOPT WITH RECOMMENDATIONS - EXCEPT ID# 35870  
On Motion of VERVEER/OLSON

- ID # 35283      SUBSTITUTE Res. # 61414 Authorizing the Mayor and City Clerk to sign and execute an agreement with the Lake Monona Sailing Club, Inc. to utilize a small park-owned property northwest of Olin Park for the purpose of maintaining a storage and launching facility for sailboats for 2004 through the year 2005.  
Registrations - Opposing: 1  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35554      Res. # 61415 Authorizing the provision of CDBG Office Housing Development funds to assist the Wisconsin Partnership for Housing Development and Movin' Out with predevelopment and development costs to construct mixed income condominiums in the Twin Oaks subdivision in ways that address City, Community and Neighborhood Development Objectives.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35835      SUBSTITUTE Ord. # 13601 Amending Sections 7.53(4), 9.03(3)(a), 9.035(4), 9.04(7), 9.05(7)(b), 9.08(2)(a) and (3)(k), 9.15(6), 9.16(6), 9.17(4)(d), 9.21(5), 10.101(3)(d) and (e)1.c., 12.781(2), 38.08(4)(a) and 38.11(2) of the Madison General Ordinances to modify fees for various licenses and permits.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35836      Res. # 61416 Authorizing the Mayor and City Clerk, through the Office of Community Services, to enter into Purchase of Services Contracts for children, youth and family services funded through the Year 1 Weed and Seed grant.  
ADOPT  
On Motion of VERVEER/OLSON  
Abstained: MARKLE
- ID # 35837      Res. # 61417 To adjust the Tuition Aid Assistance income guidelines to keep them in line with those adopted by the State and to reflect inflationary increases.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35870      Res. # 61419 Awarding Public Works contracts for bids opened April 9, 2004 for the State Street Phase 1 Construction Project and amending the budget as appropriate.  
Appearances - Supporting: 1  
Registrations - Supporting: 1  
ADOPT  
On Motion of VERVEER/OLSON  
Roll Call: 17 Ayes (BELLMAN, BENFORD, BRANDON, BRUER, COMPTON, GOLDEN, KING, MACCUBBIN, MARKLE, OLSON, ONKEN, SKIDMORE, SLOAN, THOMAS, VAN RROY, VERVEER, WEBBER), 3 Noes (HOLTZMAN, KONKEL, ROSAS)

REPORT OF BOARD OF PUBLIC WORKS - BIDS

- ID # 35867      Dated April 20, 2004  
ADOPT WITH RECOMMENDATIONS  
On Motion of VERVEER/OLSON
- ID # 35868      Res. # 61420 Awarding Public Works contracts for bids opened March 26, 2004.  
ADOPT  
On Motion of VERVEER/OLSON  
Abstained: ROSAS

REPORT OF BOARD OF PUBLIC WORKS

- ID # 35871            Dated March 31, 2004  
ADOPT WITH RECOMMENDATIONS  
On Motion of VERVEER/OLSON
- ID # 35749            Res. # 61421 Authorizing the Mayor and City Clerk to execute a lease with Theis Brothers, L.L.C. for approximately 20 acres of City-owned land located at 402/502 South Point Road.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35872            Res. # 61422 Improvements accepted for water main by Private Contract to serve East Prairie Commons Phase II. 17th Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35873            Res. # 61423 Improvements accepted for water main by Private Contract to serve Nelson Road C.S.M. 1st Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35874            Res. # 61424 Improvements accepted for water main by Private Contract to serve Hawks Woods Condominiums. 1st Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35875            Res. # 61425 Improvements accepted for water main and water service laterals by Private Contract to serve Hawks Landing Golf Club – Phase I. 1st Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35876            Res. # 61426 Accepting curb and gutter, sidewalk, and other public infrastructure improvements constructed by private contract for 601 Langdon Street PUD, Private Contract No. 1869. 8th Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35877            Res. # 61427 Accepting sidewalk improvements constructed by private contract for Cherokee Garden Condominium Homes, Private Contract No. 1788. 18th Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35878            Res. # 61428 Accepting sidewalk improvements constructed by private contract in the Troy Drive Certified Survey Map, Private Contract No. 1691. 12th Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35879            Res. # 61429 Accepting street improvements, excluding the bituminous pavement, constructed by private contract in Prairie Point - Phase II, Private Contract No. 1839. 9th Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35880            Res. # 61430 Accepting street improvements constructed by private contract in High Crossing Phase IV, Private Contract No. 1514. 17th Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON

- ID # 35881 Res. # 61431 Accepting sanitary sewer constructed by Private Contract In Hillpoint Senior Campus PUD, Private Contract No. 1925. 9th Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35882 Res. # 61432 Accepting sanitary sewer constructed by Private Contract in Nelson Road Certified Survey Map, Private Contract No. 1832. 17th Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35883 Res. # 61433 Accepting storm sewer constructed by private contract in Hillpoint Senior Campus PUD, Private Contract No. 1925. 9th Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35884 Res. # 61434 Accepting storm sewer constructed by private contract in Nelson Road Certified Survey Map, Private Contract No. 1832. 17th Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35885 Res. # 61435 Approving plans and specifications for public improvements required to serve Phase V of the Subdivision known as Ridgewood The Drumlin Addition and authorizing construction to be undertaken by the Developer, Private Contract No. 1986. 17th Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35886 Res. # 61436 Approving plans and specifications for public improvements necessary for the Subdivision known as Northport Commons and authorizing construction to be undertaken by the Developer, Private Contract No. 1982. 12th Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35887 Res. # 61437 Approving plans and specifications for public improvements necessary for the Subdivision known as Reston Heights Second Addition and authorizing construction to be undertaken by the Developer, Private Contract No. 1983. 3rd Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35888 Res. # 61438 Approving plans and specifications for public improvements necessary for the project known as 625 North Segoe Road (Weston Place) PUD and authorizing construction to be undertaken by the Developer, Private Contract No. 1988. 11th Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35889 Res. # 61439 Approving plans and specifications for public improvements necessary for the project known as Lake Edge Lutheran Church Sewer Relocation and authorizing construction to be undertaken by the Developer, Private Contract No. 1989. 15th Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35890 Res. # 61440 Improvements accepted for 2001 Resurfacing Various Streets; Bituminous Paving, and Bituminous Base Patching and Base Patch Grinding, Contract No. 5320. Various Ald. Districts.  
ADOPT  
On Motion of VERVEER/OLSON

- ID # 35891 Res. # 61441 Improvements accepted for Hoard Street, Algoma Street, North Lawn Avenue and E. Johnson Street Reconstruction Street Assessment District - 2002, Contract No. 5381. 12th Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35892 Res. # 61442 Declaring the City of Madison's intention to exercise its police powers establishing the Chapman Street and Mandan Circle Reconstruction Assessment District - 2004. 10th Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35893 Res. # 61443 Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Arboretum Exposed Sanitary Sewer Repairs, Contract No. 5575. 14th Ald. District.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35894 Res. # 61444 Authorizing the Mayor and City Clerk to execute an amendment to the present agreement between the City of Madison, MSA Professional Services, Inc. and the State of Wisconsin Department of Transportation for State Street Mall, Contract No. 5523, for additional engineering services. 4th Ald. District.  
Registrations - Supporting: 1  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35895 Res. # 61445 Authorizing the Mayor and City Clerk to execute Addendum 4 to the contract with Foth & Van Dyke and Assoc., Inc. for "2003 Street Reconstruction Surveys", Contract No. 5565, for additional surveying services. Various Ald. Districts.  
ADOPT  
On Motion of VERVEER/OLSON

#### REPORT OF ECONOMIC DEVELOPMENT COMMISSION

- ID # 35899 Dated April 13, 2004  
ADOPT WITH RECOMMENDATIONS  
On Motion of VERVEER/OLSON
- ID # 35355 AMENDED SUBSTITUTE Ord. # 13602 Amending portions of Section 3.54 of the Madison General Ordinances to increase the Economic Development Commission's membership and redefine its duties.  
ADOPT AS AMENDED  
On Motion of VERVEER/OLSON  
Additional Motions Adopt with an amendment to strike "(3) Quorum. Quorum shall consist of the majority of members, excluding vacancies", Konkel/Sloan: carry.

#### REPORT OF MADISON METRO TRANSIT

- ID # 35904 Dated April 9, 2004 re: 5 year WisDOT Performance Audit for Metro.  
REFER  
On Motion of VERVEER/OLSON  
TRANSIT/PARKING COMMISSION

REPORT OF PARK COMMISSION # 1

- ID # 35900 Dated March 10, 2004  
ADOPT WITH RECOMMENDATIONS  
On Motion of VERVEER/OLSON
- ID # 35282 SUBSTITUTE Res. # 61446 Adopting the Elizabeth (a/k/a Lisa) Link Park Conceptual Master Plan and Authorizing the Parks Division to retain architectural services to move from the Conceptual Master Plan to Construction Drawings.  
Appearances - Supporting: 1  
Registrations - Supporting: 7  
ADOPT  
On Motion of VERVEER/OLSON  
Roll Call: 12 Ayes (BRUER, HOLTZMAN, KING, KONKEL, MACCUBBIN, MARKLE, OLSON, ONKEN SKIDMORE, SLOAN, VAN ROOY, VERVEER), 6 Noes (BELLMAN, BENFORD, BRANDON, COMPTON, THOMAS, WEBBER), 2 Present (GOLDEN, ROSAS)  
Additional Motions Table ID# 35282, Konkel/Onken: failed.

REPORT OF PARK COMMISSION # 2

- ID # 35907 Dated April 14, 2004  
ADOPT WITH RECOMMENDATIONS  
On Motion of VERVEER/OLSON
- ID # 35257 SUBSTITUTE Ord. # 13603 - Amending Section 8.215 of the Madison General Ordinances to regulate obtaining and displaying lake access permits within City parks, and amending Section 1.08(3)(a) of the Madison General Ordinances to modify the bail deposit amounts for violations of the Section.  
ADOPT  
On Motion of VERVEER/OLSON

REPORT OF PUBLIC HEALTH COMMISSION

- ID # 35905 Dated April 15, 2004  
ADOPT WITH RECOMMENDATIONS - EXCEPT ID# 35354 & 35762  
On Motion of VERVEER/OLSON
- ID # 35354 SECOND SUBSTITUTE Ord. # 13604 - Amending Sections 23.05(1), (3)(c), (3)(m), and (3)(p), repealing Section 23.05(3)(s), creating Sections 23.05(3)(s), (3)(t), (3)(u), (7)(j) and amending Sections 23.05(7), (8)(b), and (11), and amending Section 1.08(3)(a) of the Madison General Ordinances to create new and delete unnecessary definitions; to modify various portions of the regulations which prohibit smoking in public places and smoking in places of employment; to eliminate several exceptions to the smoking restrictions; to clarify rules for signage; to modify the penalties for violation of the section; and to increase the bail deposit amount.  
Appearances - Supporting: 35 Appearances - Opposing: 19  
Registrations - Supporting: 61 Registrations - Opposing: 13  
ADOPT  
On Motion of HOLTZMAN/MACCUBBIN  
Roll Call: 15 Ayes (BELLMAN, BENFORD, BRANDON, GOLDEN, HOLTZMAN, KING, KONKEL, MACCUBBIN, MARKLE, OLSON, ONKEN, ROSAS, SLOAN, VAN ROOY, WEBBER), 5 Noes (BRUER, COMPTON, SKIDMORE, THOMAS, VERVEER)  
Additional Motions Suspend Rules to not automatically adjourn at 11:30 p.m., Verveer/Olson: carry; Recess at 11:35 p.m., Verveer/Bruer: carry; Roll Call at 11:51 p.m., Mayor Cieslewicz in the chair, 19 Present (Bellman, Benford, Brandon, Bruer, Compton, Golden, Holtzman, King, Konkel, MacCubbin, Markle, Onken, Rosas, Skidmore, Sloan, Thomas, Van Rooy, Verveer, Webber), 1 Late (Olson, 11:53 p.m.); Adopt with the following amendment: change the definition of tavern by repealing "full service bar", "full service

bar area", and "service bar" and by changing the sale of alcohol beverage accounts from "more than 50%" to "75% or more" of the establishments gross receipts and remove (7)(t) of Subsection (3) prohibiting smoking in taverns on Page 3 and leave in (f) taverns as an exemption, providing the establishment currently held a license as of 1-1-05, Verveer/Onken, Roll Call: 3 Ayes (King, Thomas, Verveer), 17 Noes (Bellman, Benford, Brandon, Bruer, Compton, Golden, Holtzman, Konkel, MacCubbin, Markle, Olson, Onken, Rosas, Skidmore, Sloan, Van Rooy, Webber): failed; Adopt with the following amendment: add "Smoking is permitted in taverns only between the hours of 10:00 p.m. and 2:30 a.m." and leave in (f) taverns as an exemption to the ordinance on page 4, Verveer/Onken, Roll Call: 4 Ayes (Compton, King, Thomas, Verveer), 16 Noes (Bellman, Benford, Brandon, Bruer, Golden, Holtzman, Konkel, MacCubbin, Markle, Olson, Onken, Rosas, Skidmore, Sloan, Van Rooy, Webber): failed; Adopt with the following amendment: creating a definition of tobacco bars to say "Tobacco bar means a tavern that generated twenty-five thousand dollars (\$25,000) or more in revenue from the on-site sale of tobacco" and creating an exemption for tobacco bars, King/Brandon, Roll Call: 7 Ayes (Bellman, King, Markle, Rosas, Skidmore, Thomas, Verveer), 13 Noes (Benford, Brandon, Bruer, Compton, Golden, Holtzman, Konkel, MacCubbin, Olson, Onken, Sloan, Van Rooy, Webber): failed.

ID # 35393            Communication dated January 19, 2004 from Smokefree Madison re: smoke-free workplaces and public spaces.  
Appearances - Supporting: 2  
ACCEPT  
On Motion of VERVEER/OLSON

ID # 35762            Res. # 61447 Authorizing the merger of the Madison Public Health Department and the Dane County Division of Public Health, the execution of an Intergovernmental Agreement, and the drafting of ordinance revisions necessary to effect the transition to a City-County Public Health Department.  
ADOPT  
On Motion of VERVEER/SLOAN

#### REPORT OF PLAN COMMISSION

ID # 35901            Dated March 29, 2004  
ADOPT WITH RECOMMENDATIONS - EXCEPT ID# 35179 & 35378  
On Motion of VERVEER/OLSON

ID # 35179            AMENDED SUBSTITUTE Res. # 61448 Adopting amendments to the West Side Neighborhood Development Plan to now be known as the Pioneer Neighborhood Development Plan and amendments to the Mid-Town Road Neighborhood Development Plan as elements of the Master Plan for the City of Madison to be used as a guide for community planning and development and amending the City of Madison Land Use Plan to incorporate the recommendations and authorizing the City's application to amend the Central Urban Service Area to include the lands within the plans.  
Appearances - Supporting: 1 Appearances - Opposing: 3  
ADOPT  
On Motion of VERVEER/SLOAN  
Recorded as Voting No: GOLDEN  
Additional Motions Suspend Rules to take ID# 35179 out of order, Verveer/Olson: carry; Adopt with the following amendment at the end of the "Be It Finally Resolved Clause": "and that the road's extension be located no more than 600 feet from the tower base", MacCubbin/Konkel: carry; 10 minute recess at 8:48 p.m., Verveer/Sloan: carry; Roll Call at 9:05 p.m., Mayor Cieslewicz in the chair, 19 Present (Bellman, Benford, Brandon, Bruer, Compton, Golden, King, Konkel, MacCubbin, Markle, Olson, Onken, Rosas, Skidmore, Sloan, Thomas, Van Rooy, Verveer, Webber), 1 Late (Holtzman, 9:06 p.m.); Adopt with the following amendment: "Be It Finally Resolved that action Item 8 in Exhibit A calling for an area-wide long-range regional study for Beltline interchanges and future arterials and collectors to serve development, specifically include the identification and evaluation of all alternatives needed to

address the projected build-out traffic volumes on Mineral Point Road including alternatives needed to expanding Mineral Point Road to eight lanes between the Beltline and Junction Road", Golden/Bellman: carry.

- ID # 35378 Res. # 61449 Accepting the Final Report of the East Rail Corridor Plan Advisory Committee and adopting the East Rail Corridor Plan as a supplement to the City of Madison Land Use Plan and the Marquette-Schenk-Atwood Neighborhood Plan to be used to guide future land use and development within the East Rail Corridor.  
Appearances - Supporting: 1  
Registrations - Supporting: 2  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35902 Res. # 61450 Reapproving the final plat of "The Meadowlands" located at located at the extension of Reston Heights Drive and the 6900 Block of Littlemore Drive, Ald. District 3.  
ADOPT  
On Motion of VERVEER/OLSON
- ID # 35903 Res. # 61451 Reapproving the final plat of "Glacier Valley" located on Raymond Road, Ald. District 7.  
ADOPT  
On Motion of VERVEER/OLSON

#### REPORT OF RISK MANAGER

- ID # 35906 Dated April 14, 2004  
ADOPT WITH RECOMMENDATIONS  
On Motion of VERVEER/OLSON
- ID # 35090 J. Baudewig Poehlman - personal injury - \$410.00.  
DENY  
On Motion of VERVEER/OLSON
- ID # 35855 Peacemeal Vegetarian Restaurant, 115 State St., Madison - loss of business - \$829.99.  
DENY  
On Motion of VERVEER/OLSON
- ID # 35857 M. Rothbart, 64 Lansing St., Madison - property loss and property damage - \$46.37.  
DENY  
On Motion of VERVEER/OLSON
- ID # 35859 Hausmann-McNally, S.C., attorney for J. & D. Peters, 545 Wheeler Rd., Madison - personal injury - \$60,220.00.  
DENY  
On Motion of VERVEER/OLSON
- ID # 35860 M. Butler, 505 N. Seventh St., Madison - property damage - \$525.00.  
DENY  
On Motion of VERVEER/OLSON
- ID # 35863 NOTICE OF CLAIM - Lawton & Cates, S.C., attorney for J. Ziegler, 1114 S. Park St., Madison - personal injury, medical treatment, wage loss - \$50,000.00.  
DENY  
On Motion of VERVEER/OLSON

REPORT OF VENDING OVERSIGHT COMMITTEE

ID # 35926            Dated April 15, 2004  
ACCEPT REPORT AND REFER ORDINANCE  
On Motion of VERVEER/KING

ID # 35550            Amending Section 9.13(6)j.3.e.i. of the Madison General Ordinances to modify the  
hours in which certain sidewalk cafes may serve alcohol.  
REFER  
On Motion of VERVEER/KING  
COMMON COUNCIL MTG. 5-4-04

REFERRED TO THIS MEETING

APPOINTMENTS

ID # 35864            Citizen Appointments dated March 30, 2004.  
CONFIRM  
On Motion of VERVEER/OLSON

ORDINANCE

ID # 35741            Creating Section 15.01(533) of the Madison General Ordinances entitled “City  
Boundaries” and being part of the chapter entitled “Aldermanic Districts and Wards”  
attaching to the 14th Aldermanic District, the Todd Drive attachment and amending  
Sections 15.02(59) and (117) of the Madison General Ordinances to include portions  
of the property in Wards 59 and 117, respectively.  
REFER  
On Motion of VERVEER/COMPTON  
COMMON COUNCIL MTG. 7-6-04

ID # 35866            Amending Section 25.06(1) of the Madison General Ordinances clarifying the permit  
process for the discharge of firearms within the city limits.  
REFER  
On Motion of VERVEER/OLSON  
COMMON COUNCIL MTG. 5-4-04

RESOLUTION

ID # 35373            SUBSTITUTE Res. # 61452 Authorizing the sale of approximately 37.2 acres of  
City-owned land to Dane County for park and open space use as part of the Door  
Creek Blooming Grove Drumlin Resource Protection Area.  
ADOPT  
On Motion of VERVEER/OLSON

ID # 35851            Res. # 61453 Adopting statements of Program Area Goals and Funding Priorities,  
and Program Review Criteria, to be utilized by the Community Services Commission,  
Early Childhood Care and Education Board and Senior Citizens Advisory Committee  
for the 2005-2006 Community Resources Program budget review process.  
ADOPT  
On Motion of VERVEER/OLSON  
Recorded as Voting No: KONKEL, MARKLE

ROUTINE BUSINESS

COMMUNICATION

ID # 34466            Communication dated July 25, 2003 from Friends of Edgewood Drive re: Edgewood Drive's old hickory tree.  
REREFER  
On Motion of VERVEER/OLSON  
BOARD OF PARK COMMISSIONERS

REPORT OF COMPTROLLER

ID # 33499            Dated February 24, 2003 re: ID# 32614  
REREFER  
On Motion of VERVEER/OLSON  
POLICE DEPARTMENT

ID # 32614            Amending Section 1.08(3)(a) of the Madison General Ordinances to add various violations of landlord and tenant regulations to the bail deposit schedules.  
REREFER  
On Motion of VERVEER/OLSON  
POLICE DEPARTMENT

REPORT OF REPORT OF HUMAN RESOURCES DIRECTOR & STAFF TEAM RELATING TO THE CITY'S RESIDENCY REQUIREMENT

ID # 31988            Report on Residency Study.  
REREFER  
On Motion of VERVEER/OLSON  
COMMON COUNCIL ORGANIZATIONAL COMMITTEE, BOARD OF ESTIMATES

ORDINANCE

ID # 26681            Creating new Subsection (5) of Section 19.16 of the Madison General Ordinances to require the installation of underground entrance facilities at all properties served by underground electrical facilities, and renumbering current Subsections (5) and (6) of Section 19.16 to Subsections (6) and (7), respectively.  
REREFER  
On Motion of VERVEER/OLSON  
BOARD OF PUBLIC WORKS, BUILDING INSPECTION

ID # 31628            Creating Section 32.08(5) establishing a city-wide landlord registration program. BY TITLE ONLY.  
REREFER  
On Motion of VERVEER/OLSON  
HOUSING COMMITTEE, COMMUNITY DEVELOPMENT AUTHORITY

ID # 33259            Amending Section 3.58(2) of the Madison General Ordinances to update the procedure for appointment of the Director of Affirmative Action, making the procedure consistent with the appointment procedure for other Compensation Group 21 positions.  
REREFER  
On Motion of VERVEER/OLSON  
AFFIRMATIVE ACTION COMMISSION, COMMON COUNCIL ORGANIZATIONAL COMMITTEE

- ID # 34126 Repealing Section 32.035, creating Section 32.03(6) and amending Sections 32.04(4)(e)1., (4)(e)3., and (4)(g) of the Madison General Ordinances to change the Rent Abatement Oversight Committee to a subcommittee under the Housing Committee.  
REREFER  
On Motion of VERVEER/OLSON  
HOUSING COMMITTEE, RENT ABATEMENT COMMITTEE, COMMON COUNCIL ORGANIZATIONAL COMMITTEE
- ID # 34608 Repealing Section 9.29 of the Madison General Ordinances to eliminate the requirement of a cabaret license, and amending Sections 1.08(3)(a), 9.03 and 38.10(4)(b) to delete references to the repealed section.  
REREFER  
On Motion of VERVEER/OLSON  
ALCOHOL LICENSE REVIEW COMMITTEE, PUBLIC SAFETY REVIEW BOARD, BOARD OF ESTIMATES
- ID # 34630 Amending Section 3.38(1)(b) of the Madison General Ordinances by deleting the classification of “Assistant City Attorney VI” in Compensation Group 18, Range 20, and by creating the classification of “Assistant City Attorney” in Compensation Group 18, Range 20-A, thereof.  
REREFER  
On Motion of VERVEER/OLSON  
PERSONNEL BOARD, BOARD OF ESTIMATES
- ID # 34674 Nightclub Ordinance. BY TITLE ONLY.  
REREFER  
On Motion of VERVEER/OLSON  
ALCOHOL LICENSE REVIEW COMMITTEE, BOARD OF ESTIMATES, PUBLIC SAFETY REVIEW BOARD

RESOLUTION

- ID # 34645 That the position (#19) of “Assistant City Attorney VI”, in Compensation Group 18, Range 20, (occupied by L. O’Brien) in the permanent salary detail of the City Attorney’s Office budget is repealed and recreated as an “Assistant City Attorney”, in Compensation Group 18, Range 20-A, thereof, and that the incumbent shall be reallocated to said position.  
REREFER  
On Motion of VERVEER/OLSON  
PERSONNEL BOARD, BOARD OF ESTIMATES

RECONSIDERATION

- ID# 34064 Creating Section 28.06(2)(a)2855 of the Madison General Ordinances rezoning property from M1 Limited Manufacturing District to C3L Commercial Service and Distribution District. Proposed Use: 26,000 Square Foot Addition to Woodman’s Grocery Store. 1st Aldermanic Dist. 725 S. Gammon Road.  
REFER  
On Motion of BELLMAN/VERVEER  
COMMON COUNCIL MTG. 5-4-04  
Additional Motions Reconsider, Verveer/Bellman: carry.

Adjournment at 1:00 A.M.  
On Motion VERVEER/SLOAN

DAVID J. CIESLEWICZ, MAYOR  
RAY FISHER, CITY CLERK

I certify that the foregoing action of the Common Council was approved by the Mayor on the 26th of April, 2004.  
Ordinances published May 11th, 2004.  
RAY FISHER, CITY CLERK