

To the City Clerk, Re: Item # 9 scheduled for August 20 in room 103, City County Building.

Regarding the hearing for an Entertainment license at 402 W. Lakeside St. Madison, WI 53715

This is to protest granting an Entertainment License to the bar at 402 W. Lakeside St. The following is a record of amplified music coming from 402, heard inside my residential living space at 403 W. Lakeside St. (Donna Page) and that of my daughter at 405 (Jessica Page) from May 18 through July 24 of this year. The bar was then operating illegally. The proprietor, Kate Burmeister, insisted that she had the proper licensing for amplified music (see entry for July 19) and would not consider reducing the decibel level. Given her lack of cooperation when she did not have a license, I believe that with the license, every night the noise level will make my living space unlivable.

May 18 9PM Thumping bass in my living room at 403 W. Lakeside St., coming from Wine Bar @402. I went over there to ask the DJ to turn down the sound system. There was 1 couple dancing, 2 people seated in the corner and 2 outside the open street door. Result: sound was turned down.

I visited 402 the next day and was given a card with the name and contact info of the proprietor, Kate Burmeister. Also spoke with 2 of the staff about the noise problem and they said they would try to monitor it. **I then called Kate to ask her if the sound could be controlled. She said that it was especially audible when the street door was open, implying that the door would be kept closed---a difficult proposition when that's the main entry into the Bar from the street.**

July 5 9PM Thumping bass from sound system at 402. Jessica called the police with a noise complaint. Police came at 10:15, spoke with someone outside the Bar and the sound was turned down. Jessica Page had subsequent phone conversations and emails with officer Steve Magyera, who was effective in seeking action to resolve this problem. Result: Bass line was still audible in 403 and 405 but less so. Continued until around 10:30.

Jessica and I both emailed Kate Burmeister, describing the impact of the noise and offering to meet with her to work out an amicable solution. Received no response.

July 18 9PM Event with music @ 402, but bass was not amped as much.

July 19 Around 9-9:30PM Amped bass from 402 penetrated living room @ 403. I went over to ask the musicians to lower the sound. The musician was OK with that, but I was ushered out to the sidewalk by a young man, and we were joined there by Kate Burmeister. I said the amped-up sound permeated our building and asked if they would turn it down. Kate then

said that she had the right to have amplified music there. She said the party celebrating a birthday that night “had paid a lot of money for the space, and a lot for the band” and that she had every right to hold these events. Apparently, 402 was rented out for the night, and the amplified music was paid for by the party renting the space. Kate told me events only happened on weekends, presumably Friday and Saturday nights—and would be over by 10PM. Judging by past events, that seems elastic. She would make no accommodation, would not lower the decibel level.

July 20 I spoke with police officer Strassman, who advised us to call police each time the noise became too loud inside our spaces. He asked that I call the district office and speak with Lt. June Graylor at 266-6560. I called her number and left a call-back message. Another officer said that, while Burmeister may have submitted plans with police to have events on certain days and times, each one was still subject to the same disturbance complaints that would be the case with any noisy private party.

July 24 A police officer came to talk with me. He had already spoken with Kate Burmeister, apparently at her request. He said that she told him I had come to 402 the evening of July 19, to tell the band to stop playing. Untrue. As I told the officer, I requested they turn down the sound. He cautioned me to call police next time it got too loud. Agreed!

July 24 Received a visit from Jim McCambridge, a lawyer with the State, who will investigate this case. I showed him where, in my living room and Jessica’s, live bands are audible from 402. My living room is 33’ from the sidewalk opposite the bar at 402. Jessica’s space is 66’ from the sidewalk. In both spaces, amplified music comes through this building producing booming, thumping sounds. It is the sound of the bass coming through our building, even with windows closed and air conditioning on.

July 25 Jim McCambridge notified me that officer Steve Magyera had visited 402 and talked with Kate. This in response to Jessica’s email contact with him relaying past emails to Kate and our concerns about the noise level. Magyera says that acoustic music will happen on Friday.

July 26 Bar was open, with acoustic music---no problem.

July 27 Bar open but no band---no problem.

July 30 A letter from Assistant City Attorney, Jennifer Zilavy was sent to Cathy (Kate) Burmeister, ordering her to cease and desist all amplified music at 402.

I am emailing a scan of the July 30 order, along with other corroborating material.

Submitted by Donna Page

403 W. Lakeside St.

Madison, WI

