

Paulius and Audra Musteikis family  
931 Williamson St Apt 1  
Madison, WI 53703

TO: *City of Madison Alcohol License Review Commission*

Our family is **strongly opposed** of alcohol license renewal for Plan B located on 924 Williamson St, Madison, WI 53703. We represent ourselves and small group of neighbors that similar issues.

We believe that Plan B is being disrespectful to the neighborhood it is located in by:

-not controlling sound output in surrounding area. Music from the Plan B definitely could be heard in our and our kids bedroom

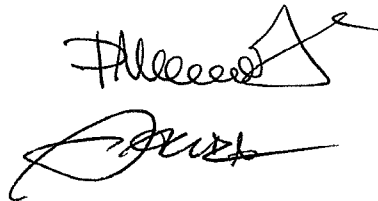
-not educating its patrons (i.e. putting signs on exterior surroundings; having security monitoring exterior perimeter) to respect neighborhood and keep noise down while being on exterior surroundings

-putting little or no effort to disperse the crowd after bar time. Exterior surroundings get particularly loud on nights when 18 years and up patrons are present

-largely ignoring complains of people living in surrounding area

Sincerely,

Paulius and Audra Musteikis

The block contains two handwritten signatures in black ink. The top signature is more legible, appearing to read 'Paulius Musteikis'. The bottom signature is more stylized and cursive, likely belonging to 'Audra Musteikis'.

Phelps, Jean

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**From:** Woulf, Mark  
**Sent:** Wednesday, May 22, 2013 12:32 PM  
**To:** licensing  
**Subject:** FW: Request for separation of Plan B liquor license at ALRC  
**Attachments:** ALRC - Plan B license renewal.pdf

And this...

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**From:** Michael Jacob [<mailto:michaeljacobdc@gmail.com>]  
**Sent:** Wednesday, May 01, 2013 10:25 PM  
**To:** Woulf, Mark; Marsha Rummel; Rico Sabatini; corey gresen  
**Subject:** Request for separation of Plan B liquor license at ALRC

Greetings Mr. Woulf,

Please find pasted below and attached a letter on behalf of the Marquette Neighborhood Association requesting separation of consideration of the renewal of Plan B's liquor license by the Alcohol License Review Committee. I would appreciate it if you would forward this letter to the members of the ALRC. If, instead, it would be more appropriate for me to send it to them directly, please let me know. Please also let me know if you have any questions for or requests of the MNA Board regarding this issue. Thanks much,

Michael Jacob  
President, MNA Board  
712-5475

May 1, 2013


Dear members of the City of Madison Alcohol License Review Committee,

The level of noise coming from Plan B has been a serious concern for neighbors and the broader Marquette neighborhood for approximately four years. Although there have been some efforts to resolve the issue, the noise levels are still unacceptable. Partial sound proofing efforts in the past have not made a significant difference to the neighbors. The Board is concerned that soundproofing has been ineffective due to incomplete installation. Repeated meetings with the owners have not resolved the issue.

It is the Board's position that the noise emanating from Plan B has not been adequately reduced and remains unresolved with the neighborhood. The Marquette Neighborhood Association (MNA) Board asks that Plan B's liquor license renewal be separated out for individual evaluation and review.

Furthermore, the Board feels that full resolution of this protracted noise issue must be a condition for license renewal.

Thank you for consideration of the neighborhood's concerns.

A rectangular box with a thin black border, containing a small square icon with an 'x' inside, indicating a redacted signature.

Sincerely,

Michael Jacob

President

on behalf of the Board of Directors

Marquette Neighborhood Association

Cc: Alder Marsha Rummel, District 6

Corey Gresen and Rico Sabatini, Plan B



Board of Directors

Michael Jacob, President	Nicole Craig
Chris Lukas, Vice President	Carl Durocher
Cheryl Solaris, Treasurer	Joan Frost
Mike Soref, Secretary	Ralph Kuehn
Tom Boos	Bill Scanlon
John Coleman	Anne Walker

May 1, 2013

Dear members of the City of Madison Alcohol License Review Committee,

The level of noise coming from Plan B has been a serious concern for neighbors and the broader Marquette neighborhood for approximately four years. Although there have been some efforts to resolve the issue, the noise levels are still unacceptable. Partial sound proofing efforts in the past have not made a significant difference to the neighbors. The Board is concerned that soundproofing has been ineffective due to incomplete installation. Repeated meetings with the owners have not resolved the issue.

It is the Board's position that the noise emanating from Plan B has not been adequately reduced and remains un-resolved with the neighborhood. The Marquette Neighborhood Association (MNA) Board asks that Plan B's liquor license renewal be separated out for individual evaluation and review.

Furthermore, the Board feels that full resolution of this protracted noise issue must be a condition for license renewal.

Thank you for consideration of the neighborhood's concerns.

Sincerely,

Michael Jacob  
President  
on behalf of the Board of Directors  
Marquette Neighborhood Association

Cc: Alder Marsha Rummel, District 6  
Corey Gresen and Rico Sabatini, Plan B

30145

**Christianson, Eric**

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**From:** Christianson, Eric  
**Sent:** Monday, May 20, 2013 4:50 PM  
**To:** licensing  
**Subject:** FW: I'm a supporter of plan B Jeff waldman

Eric Christianson  
Madison City Clerk's Office  
Room 103,  
City-County Building,  
210 Martin Luther King Jr. Blvd. 53703  
TEL: (608) 266-4601  
TTY: (608) 266-6573  
FAX: (608) 266-4666 FAX: (608) 266-4666  
[Echristianson@cityofmadison.com](mailto:Echristianson@cityofmadison.com)

"We exist to assist"

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**From:** Jeff [jwaldman@charter.net]  
**Sent:** Monday, May 20, 2013 3:28 PM  
**To:** Christianson, Eric  
**Subject:** I'm a supporter of plan B Jeff waldman

30/45

**Christianson, Eric**

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**From:** Christianson, Eric  
**Sent:** Monday, May 20, 2013 4:50 PM  
**To:** licensing  
**Subject:** FW: Vote NO to the request for separation for Plan B

Eric Christianson

Madison City Clerk's Office

Room 103,  
City-County Building,  
210 Martin Luther King Jr. Blvd. 53703  
TEL: (608) 266-4601  
TTY: (608) 266-6573  
FAX: (608) 266-4666

[Echristianson@cityofmadison.com](mailto:Echristianson@cityofmadison.com)

*"We exist to assist"*

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**From:** John Smallwood [john.smallwood@fairwisconsin.com]  
**Sent:** Monday, May 20, 2013 4:02 PM  
**To:** Christianson, Eric  
**Subject:** Vote NO to the request for separation for Plan B

Members of the Alcohol License Review Committee,

I live (1102 Willy St.) and work within blocks of Plan B. It is a thriving tax producing community centered business that needs to be left alone. The owners and staff are involved in countless community building organizations lend their property, time, staff, money and talent to fundraising events year round. The business itself draws people in regionally as it targets LGBT clientele. A thriving profitable Plan B is very important to the LGBT community in Madison. Of all cities in America, Madison does not want the negative image of hampering a very important LGBT gathering place.

Vote No on the request for separation for Plan B.

Thank you,

--  
John Smallwood  
Field Director  
Fair Wisconsin  
203 S. Paterson St. Ste 200  
Madison, WI, 53703  
Office: 608-441-0143 Ext: 321  
Cell: 205-612-3694

30145<sup>th</sup>

**Christianson, Eric**

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**From:** Dick Wagner [rrdickwagner@gmail.com]  
**Sent:** Tuesday, May 21, 2013 3:21 PM  
**To:** Christianson, Eric  
**Subject:** Plan B license

Please share this with members of the ALRC.

I was concerned when I saw the letter sent on behalf of the Marquette Neighborhood Association (MNA) which can only be viewed as an attack on Plan B, a business operating in a commercially zoned area and part of the vitality Williamson Street.

While I know a few neighbors raised a noise issue over Plan B, and there was a working group to focus on the issue, I do not feel the license renewal rises to the level of a neighborhood wide issue. I say this as a resident of the neighborhood since 1974 and one who served as a past president of MNA. I and my immediate neighbors certainly sometimes hear late night parties at the Elks Club just down the Street, but would not think it was an issue to seek their license denial or one to involve the broader neighborhood association which can have only the most limited understanding of such a localized issue. So with Plan B.

What disturbs me most is that Plan B is being treated as if their were a hog rendering plant or some noxious use. As one of the many early gay people who moved into the Marquette neighborhood, along with many other straight people as well, the effort was to build a place where all could be part of a community. The neighborhood welcome the Gay Liberation statue in Orton Park, other gay related institutions like Outreach and AIDS network have found a home and become important parts of the area. A gay bar is one more cherished institution to have in the neighborhood, at least that is my view, and one I would have expressed had the neighborhood association done any communicating with its current members like myself.

Just because we have an African American President does mean racism is at an end, likewise just electing an openly gay Senator does mean homophobia is gone. This Spring publicity was distributed in the neighborhood publicizing our festivals. It was unfortunate in my view that only the four longer establish festivals were featured and the new festival of FruitFest, specifically geared to the LGBT community was not included. Whether this was oversight or animus I cannot say but I know how I felt seeing my community's event excluded.

At my age of near 70 I am only an infrequent user of gay bars, indeed of any bars, but I hope the ALRC will seek to resolve any issues so Plan B may continue.

Thank you for your talent in weighing all the public issues of your work.

Dick Wagner  
739 Jenifer St.  
Madison, WI 53703

May 21, 2013

Dear Members of the ALRC:

I have lived on or a short distance away from the 700-block of Williamson Street since 1978. During that time, much change has come to my neighborhood. Overwhelmingly, it has been change for the better. Thirty-five years ago Willy Street was mostly wholesale and industrial businesses mixed in with substandard housing. There were only two restaurants and a few bars—all of which, I would never have considered patronizing. In all honestly, I never could have imagined the vibrant street that Williamson has become, with so many excellent restaurants, the co-op and new housing. Also, in my opinion, it's gratifying that this revitalization took place without Willy Street losing its diversity or quirkiness—clearly part of its charm.

I welcomed Plan B moving into the former Star Photo building as I feared a space that size might sit empty for quite some time—I don't believe empty store fronts contribute to urban renewal. As a gay male, having a business that catered exclusively to the LGTB community was an added benefit. I'm at an age where I seldom "hang out" in gay bars any more. However, it is nice to have a welcoming place I can walk to on occasion in my own backyard.

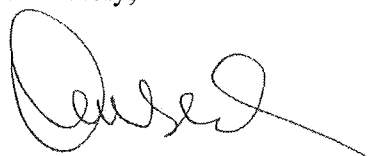
Most often the times I've gone to Plan B is to attend an event held there to benefit an LGTB or other community organization. I've also attended several fundraisers for local elected officials including Judge Rhonda Lanford, Congressman Mark Pocan and Senator Tammy Baldwin.

I've gotten to know Corey Gresen and Rico Sabatini and consider them very personable and sincere. They have come to the assistance of the nonprofit I work for (AIDS Network) on numerous occasions. They've always been willing to help and been very generous.

I know they have made an honest and reasonable attempt to satisfy the concerns of some in the neighborhood. I'm sure they will continue you to do so as long as these demands are fair, feasible and realistic.

I urge you not to vote against separation and support renewal of their license.

Sincerely,



Dan S. Curd  
737 Jenifer Street  
Madison, WI 53703



30145

**Christianson, Eric**

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**From:** Scott Thornton [sbthornton@gmail.com]  
**Sent:** Tuesday, May 21, 2013 4:19 PM  
**To:** Christianson, Eric  
**Cc:** Zilavy, Jennifer; Woulf, Mark  
**Subject:** Support for Plan B  
**Attachments:** Bd\_MNA\_minutes\_13-02-21.pdf; MNA\_Agenda\_2013-2-21.rtf

May 21, 2013

Members of the Alcohol License Review Committee  
City of Madison

Dear Committee Members,

I'm writing to you today to express my support for Plan B, an important business in my neighborhood. I was very disappointed to learn of the letter that the Marquette Neighborhood Association (MNA) sent to your committee asking for separation of their license. I urge you to deny that request.

Plan B has been a valuable member of my neighborhood since they opened. They have contributed thousands of dollars to neighborhood events and non-profit organizations. They have opened their doors to fundraising events for numerous charities. They have hosted art shows supporting small independent artists on winter Sunday afternoons. They have introduced Fruit Fest to celebrate LGBT Pride Month annually in June. The 900 block of Williamson Street experienced a renaissance after they moved into the largely abandoned building that was once Star Photo.

It is significant that Plan B has taken its place on Madison's iconic Eastside Street in the neighborhood that purports to be "The Place for all People." It is significant that they are not hidden away from view on some back alley or industrial area. They are an important part of the community. No hidden doorways or blacked out windows. They are our neighbors.

The letter from the MNA board states that there is a "serious concern for neighbors and the broader Marquette Neighborhood for approximately four years." I take exception that statement, as a resident of the neighborhood and as a member of the MNA. I was in attendance at the February MNA board meeting where they voted to send this letter. I walked in during the discussion and was quite taken aback by the fact that they were discussing this action without notification to the neighborhood and without even inviting the owners of Plan B to the meeting. I've attached the agenda that was posted to a listserv barely 24 hours prior to the board meeting. You will note that there is no indication that any action was being taken on the 5-minute item "Plan B Update".

Plan B has met continually with neighborhood representatives and city staff since they opened. Most of the discussion has been cordial and productive. Plan B has put up fences, bass traps, added insulation above the dance floor, changed the swing of an exterior door, conducted sound studies, installed a limiter, to name a few, many at the suggestion of neighbors, and yet you will hear that they aren't doing anything.

I still recall a voicemail that I received from a resident of the 900 block of Jenifer Street when I was president of the MNA. It stated simply, "We need to shut Plan B down." And in spite of statements that seem supportive, that is the message that continues to come through. After each step, each improvement, it is never enough.

Plan B has been subject to a constant smear campaign the past few years. If Plan B is guilty of anything, it has been for poor public relations in the face of these attacks. This is a case where "Turn the other cheek," hasn't been effective.

Please end the constant jeopardy of Plan B's license and approve its renewal and reject the request for separation.

Sincerely,

Scott

Scott B. Thornton  
1104 Jenifer Street  
Madison, WI 53703

Cc: Jennifer Zilavy  
Mark Woulf

Marquette Neighborhood Association (MNA) Board

February 21, 2013

Minutes

**Board Members attending:** John Coleman, Nicole Craig, Carl Durocher, Joan Frost, Todd Jensen, Ralph Kuehn, Chris Lukas, Mike Soref, Anne Walker

**Absent:** Tom Boos, Michael Jacob, Cheryl Solaris

**Others Attending:** Scott Kleinfeldt, Matt Magolan, T. R. Loon, Marsha Rummel, Amy Miller, Lynn Lee, Richard Guyot, Patrick Robbins, Julie Spears, Scott Thornton, Lindsey Lee

**Madison Police Update – Matt Magolan**

Officer Magolan reported little new activity in the neighborhood. He works out of the central office and gave contact information: [mmagolan@cityofmadison.com](mailto:mmagolan@cityofmadison.com) and phone: 266-4248.

**Approval of December and January Meeting Minutes**

Carl moved to approve the December minutes (meeting rescheduled to January 3). Joan seconded. The motion passed unanimously. However, there are changes, noted in Festivals Fundraising and Finance.

Carl moved to approve the January minutes, Joan seconded. The motion passed unanimously.

**Approval of Treasurer's Report**

Cheryl was absent, but had sent in the following report:

Deposits: \$1,120 in donations/festival support minus \$25.54 Paypal fees for net of \$1,094.46.

Interest received on money market account - \$19.25

Checks written:

Marquette Elementary School - \$1,000 (\$500 to music program, \$500 for misc)

City Treasurer - \$762.96 (Orton Park security applied to accounts payable accrual)

January net income \$113.71

Jan 31 balance for cash \$93,164.70

**Paul Heenan Shooting Update – Amy Miller**

The Federal District Attorney is reviewing the shooting for violation of civil rights. Neighbors asked Chief Wray for an investigation that would be independent of the Police Department.

There are internal complaints against Officer Heimsness, but no public information on the complaints.

Neighbors are continuing to pursue a change in state law.

The letter that MNA resolved to write probably has not been sent. Todd will follow up with Michael Jacob, and draft a letter.

### **Plan B Update**

Plan B and the neighbors went before the Alcohol License Review Committee (ALRC) recently. The neighbors are not satisfied with soundproofing done by Plan B. Plan B insulated the part of the ceiling over the dance floor, covering about one-third the area. According to the neighbors, Plan B is still noisy, except when there is a lot of snow on the roof. The ALRC directed Plan B to continue to meet with the neighbors, with the meetings organized by MNA. Todd will ask Corey Gresen to schedule a meeting.

John moved that MNA notify Plan B that MNA will submit a letter to the ALRC requesting separation of the renewal of Plan B's license if Plan B does not sound-insulate the building to the satisfaction of the neighbors. The ALRC renews licenses in the middle of the calendar year. Anne seconded. The motion passed unanimously.

### **Aldermanic District 6 Candidate Statements**

Both candidates gave brief statements.

### **Alder Report**

Madison City Planning is developing a concept plan for the Yahara Parkway. The plan is intended to prepare the area for further development and to support recreational use of the parkway. The plan will be based on the five neighborhood plans that include the parkway.

### **Committees**

#### **Traffic**

The reconstruction of Atwood and Winnebago Streets is scheduled to begin in 2015. The Winnebago Atwood planning committee consists of representatives from the Schenk Atwood Starkweather Yahara (SASY) Traffic Committee and from MNA. Anne moved that the MNA board support the Winnebago Atwood planning process. John seconded. The motion passed unanimously.

The committee reviewed the neighborhood portion of the city's plan for the bike path and bike boulevard.

#### **Preservation and Development, Public Art. D**

Mike Soref gave an update on the proposals for the North 800 block of East Washington Avenue.

#### **Public Art/Values/Membership/Parks**

Public Art: Todd received agreements from the city for installation of the tree sculpture and for the grant for the sculpture. The agreements will be reviewed before Todd signs them.

There will be a spring Membership Committee meeting. The Parks Committee did not meet.

## Finance, Fund-Raising and Festivals—Chili Dinner, Orton Park

The Chili Dinner will be March 3.

The application for the 2013 Orton Park festival went before the Parks Commission last week. Parks approved the application with the same conditions as the previous year's plan. Parks requires two meetings with neighbors before MNA submits the final plan, a meeting in March and the second meeting in April. T. R. Loon pointed out that the application was the same as last year's, in spite of neighborhood discussion of the festival. Joan volunteered to compile information from the follow-up meeting to the last festival.

Correction to the minutes from the December meeting about the resolution on Bob Queen's Orton Park festival role:

[Bob Queen]...proposed that he continue to arrange the music, lead the set-up **of the stage**, do stage management, and fundraising (i.e., line up sponsors), as a consultant...

Bob proposed that he receive a minimum fee/commission, but with additional payment if the ~~net profit~~ **sponsorship** reached a threshold...

Other

The Willy Street Coop went before the Plan Commission for its renovation. John will tell the coop that its plans do not fix the walkway in the side parking lot.

Adjournment: Mike moved to adjourn, Anne seconded. The motion passed unanimously.

Submitted by Mike Soref, Secretary, MNA Board

# Marquette Neighborhood Association Board

Wil-Mar Neighborhood Center, 953 Jenifer St  
Thursday, February 21, 2013  
7:00 - 9:00 p.m.

## Agenda

### Notified absences:

Item	Time	Vote?	Topic	Minutes
1	7:00		Welcome and Introductions	5
2	7:05		MPD Update - Matt Magolan	10
3	7:15	X	Approval of <u>January Minutes</u>	5
4	7:20	X	Approval of Treasurer's Report	5
<b>Main Order of Business</b>				
5	7:25		Paul Heenan Shooting Update - Amy Miller	10
6	7:35		Plan B Update	5
7	7:40		Aldermanic District 6 Candidate Statements	20
<b>Committee Reports</b>				
8	8:00		Traffic Committee	10
9	8:10		Preservation and Development	10
10	8:20		Public Art/Values/Membership	10
11	8:30		Finance, Fund-Raising & Festivals - Chili Dinner, Orton Park	10
<b>Alder Report</b>				
12	8:40		Alder Report (Marsha)	20
13	9:00		Adjourn	

MNA Board Meetings are held on the third Thursday of each month. The next meeting is Thursday, March 21, 2013, 7-9:00 p.m. at Wil-Mar.

Phelps, Jean

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**From:** Woulf, Mark  
**Sent:** Wednesday, May 22, 2013 12:32 PM  
**To:** licensing  
**Subject:** FW: Please forward to ALRC

Please make sure this is a part of the file on Plan B.

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**From:** Lynn Lee [mailto:lynn.lee90@yahoo.com]  
**Sent:** Monday, May 06, 2013 9:27 AM  
**To:** Woulf, Mark; David Hart; Subeck, Lisa; Verveer, Mike; Bidar-Sielaff, Shiva; 'Tom Landgraf'; 'Tom Farley'; 'Stevenson, Samuel'  
**Subject:** : Please forward to ALRC

Dear Chairman and members of the ALRC,

The MNA Association has sent a letter requesting the liquor license for Plan B nightclub be separated. We feel it is time for conditions to be put on Plan B's liquor license to do what they should have done before opening, and sound proof the entire roof as recommended by their own sound engineers.

Since the June special separation meeting before the ALRC we have had two meetings with the owners of Plan B, one in September 2012 and one in March of 2013, both at our request as Mark Woulf can affirm.

The owner's of Plan B have not continued dialog with the affected neighbors unless we asked for a meeting.

Emails we sent were unanswered. For five months we had no communication from the owners of Plan B starting November 2012 till April 2013. Plan B was also to be continuing dialog with the Alder. Has Plan B contacted Alder Rummel in the last 10 months to continue dialog to address this issue? It is our understanding they have not.

During our last meeting it was stated by Mr Sabatini that if the neighbors continued to call the police "there would be consequences". The members of the Marquette Neighborhood Association took this threat into consideration when voting to send the letter to the ALRC.

Mr Greason asked us "What had we done to solve the issue? Had we purchased new windows or soundproofed our bedroom walls?" Plan B also informed us they have no more money to put towards resolving this issue. Whether this is true or not, it is their responsibility to fix the problem. It is simply the cost of doing business so close to a residential neighborhood and should not be accepted as an excuse.

To date Plan B has sound proofed a third of the wooden roof above the nightclub. Their own sound studies stated the entire roof would need to be sound proofed to reduce the music and bass escaping from the club.

After three years and eight months of meeting with the owners of Plan B and living with the issue of not being able to sleep in our homes, we feel it is time for a third party to resolve this problem.

A goal of the Alcohol License Review Committee is to “enhance public safety & quality of life.” Unreasonable noise, such as that produced by Plan B, erodes the quality of life for residents. Without action by the ALRC, the Plan B situation is unlikely to be resolved.

The ALRC should intervene because:

- Violation of MGO 24.04(2) occurs even if only a few people are affected by unreasonable noise.
- MGO 24.08(6), the ordinance addressing decibel levels, does not override MGO 24.04(2), the ordinance addressing unreasonable noise.
- The noise emanating from Plan B is unreasonable, as demonstrated by a noise citation and case law.
- Plan B is not cooperating with the residents in resolving this issue.

The neighbors have for more than 3 years attempted to work with Plan B to resolve this issue and have had no success. The owners have not communicated or cooperated with us to resolve this issue in the last year, instead they have chosen to ignore and inform us they have done all they are going to do regarding the disturbance they created.

Below is the letter from the Marquette Neighborhood Association to the ALRC.

Please separate Plan B's liquor license for the June meeting so conditions can be placed on the license to sound proof the roof.

Sincerely,

Lynn Lee and Steve Skaggs 922 Jenifer St  
Judith and Richard Guyot 936 Jenifer St  
Tracey and Steve Gallo 916 Jenifer St  
Caden Howell 928 Jenifer St  
Jon Harrington 928 Jenifer St  
Alex Hanna 916 Jenifer St  
Jamie Eichmann 912 Jenifer St  
John A. Rolfsmeyer Owner 936 Williamson St

**Re: MNA Board Concern about the noise levels at Plan B**

Dear Alcohol License Review Committee:

*The level of noise coming from Plan B has been a serious concern for neighbors and the broader Marquette neighborhood for approximately 4 years. Although there have been some efforts to resolve the issue, the noise levels are still unacceptable. Partial sound proofing efforts in the past have not made a significant difference to the neighbors. The Board is concerned that soundproofing has been ineffective due to incomplete installation. Repeated meetings with the owners have not resolved the issue.*

*It is the Board's position that the noise emanating from Plan B has not been adequately reduced and remains un-resolved with the neighborhood. The Marquette Neighborhood Association (MNA) Board asks that Plan B's liquor license renewal be separated out for individual evaluation and review. Furthermore, the Board feels that full resolution of this protracted noise issue must be a condition for license renewal.*

*Thank you for consideration of the neighborhood's concerns.*



*Sincerely,*

*[Michael Jacob]*