



Madison Police Department

Noble Wray, Chief of Police

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June 1, 2007

This letter is sent to the City of Madison Plan Commission, in regard to the Conditional Use Permit Application, submitted by the owners of the Jordan's Big Ten Pub.

I am the Operations Lieutenant for the Madison Police South District. In 2005 and 2006, I have been involved in the police department's operational plan for the UW-Madison Badger Home Football Games, as well as the current planning for the 2007 season. One of my duties is to collect and keep records of officers' reports and activities, as related to the football home game days.

On November 7, 2006, I attended a meeting with staff members of several city agencies. The meeting included discussion of the fact that Jordan's Big Ten Pub was operating its beer garden in violation of zoning law. The discussion resulted in the decision to advise the owner that she would have to apply for a Conditional Use Permit, for future operation of the beer garden.

As I am familiar with the nature, number and results of many of the calls for service on the Football Saturdays, I had a concern about the operations at the Big Ten Pub. In reviewing the activities in and around the Big ten Pub, both anecdotally and by official records, I found that the Big Ten Pub was the source of more calls for service than the other beer gardens, and the nature of the calls were of a serious nature, in regard to health and safety. Officers who work in that area also advise me of problems they see there. These calls include several disturbances, some batteries, and on October 7th, 3 people were intoxicated to the level that they had to be transported to the hospital, by ambulance, as medical emergencies.

Also, in the area of safety, Madison Fire Department Fire Code Enforcement Officer Joe Seifert, advised me of two Fire Department Inspection results. On 9-16-06, the premise was at capacity. On 10-7-06, the inspectors observed a bottleneck of people at the first entrance. The inspector considered this to be a safety hazard, and the inspector had to direct the security staff of deputies to make one door an exit and one door an entrance, to keep people moving through.

On 12-21-06, I met with Kelly Jordan, to go over the concerns of the police department, as she was eager to work out the plan, so that these would not reoccur. I outlined my main concern of over-serving of alcohol, disturbances on the premises, public urination by people who leave the beer garden, and people standing in the middle of Regent Street, as they wait to enter the beer garden, and as the beer garden is closing.

We discussed some proposed solutions, namely adding more security staff to monitor the area and people, outfitting the staff in easily identifiable shirts or uniforms, so they can be recognized by patrons and police, providing food and non-alcoholic alternatives, to avoid over-intoxication, and to deny entry to intoxicated people. Kelly said that she would work on this plan, and she was very agreeable to acting on the proposals.

On March 12, 2007, I met with Alder Robbie Webber, Vilas Neighborhood Association President Julia Kerr, Kelly Jordan, and two Big Ten Pub Managers. Alder Webber called the meeting, in order to obtain an agreement on changes and improvement, to be made by the Big Ten Pub, in order to reduce the number of calls for service, for both Police and Fire Rescue, to the establishment, on Football Saturdays.

Kelly Jordan agreed to the follow improvements:

1. She would hire at least three additional deputies, added on to the number of deputies that she already employed on Football Saturdays. This additional staff would enhance screening and crowd monitoring abilities. There were concerns, expressed by Kelly, that some of the people who were conveyed to Detox or hospitals were fairly intoxicated before they entered the Big Ten Pub. She felt that they were not over-served at the Big Ten, but that they were in that condition before they arrived. She based this conclusion on the fact that some of them were conveyed to the hospital or Detox within an hour or so after the bar opened, so they must have been intoxicated before they arrived. I advised that it was my feeling, that if the door checkers were doing a good job of screening, they should not be allowing overly intoxicated people in, at all. She agreed, but said that sometimes the line gets long, and they do a quick ID check,

without having time to really assess the state of peoples' intoxication. We agreed that if there were more deputies at the door, they could assess and screen properly. She also agreed that by having more deputies, they would be better able to monitor the crowd, as well.

2. Kelly agreed to have her staff wear bright and more identifiable clothing, so that they were easily recognizable to patrons and police.
3. Kelly agreed to meet with the deputies and her staff, to go over the specifics of their duties and her expectations.
4. We also agreed that it was a good practice to have food available, to help reduce the tendency of over intoxication. This was already taken care of, as they serve food when they are open.

Kelly Jordan agreed on these changes and improvements. She did express a concern that we may be holding the Big Ten Pub responsible for incidents that may be occurring outside of the bar, or unrelated to their customers, as this is a busy geographic area on Football Saturdays. She also said that deputies call the police, as they are expected to do, when an incident occurs. I advised her that we would continue to expect the deputies to call, and that this would be noted as a positive for the premises. I also advised her that I would closely monitor the calls, in the upcoming season, and if the origin of the incident was not clear, I would seek out the investigating officers, to clarify.

At Julia Kerr's request, Kelly said she would write a letter to Alder Webber, outlining these improvements and intentions. I was asked if the Madison Police Department would support the granting of the Conditional Use Permit, and I said that we would support it, if the agreed upon changes were reduced to writing and implemented. Kelly Jordan was very cooperative and assured us that she would supply the written document.

On May 30, 2007, Officer Mary Anne Thurber forwarded a request for comments, to me, regarding the June 4th Meeting of the Plan Commission. I reviewed the plan, submitted by the Big Ten Pub Owners, along with the Letter of Intent. I did not see any of the agreed upon improvements in the plan or letter. I spoke to Captain Mary Schauf, of the Central District, and she was not able to locate any of the documentation, either. I telephoned Alder Webber, to ask if Kelly Jordan had sent her the written document, of the agreement, and Alder Webber said that she thought it would be in the application paperwork, and she said she would contact Kelly. I outlined the nature of the improvements for her.

On the evening of May 31, 2007, I received an email, from Kelly Jordan, stating that she would supply a copy of the agreed conditions by June 1st, for my evaluation. She also referred to the letter of intent, in regard to the additional deputies. I replied to her email, stating that the letter of intent did not mention any additional deputies, but it listed just two deputies to be employed by her. I

told her that the agreement had to specifically state that she agreed to hire three additional deputies, on top of the number of deputies that she previously employed. As of 6:30pm on June 1st, I have not heard from her.

With the permission of Captain Schauf, I will attend the June 4th Plan Commission Meeting, to explain the situation or answer any questions. While I understand that some of the proposed changes for improvement are difficult to enforce, namely the employee uniforms, provision of food, and specific job descriptions of security, I would request that the Commission consider requiring the owner of the Big Ten Pub to hire the three additional deputies, along with the original number of deputies, from past years, as the owner agreed in our March meeting. She was advised, at that time, that this written agreement would need to be supplied, in order to gain the Police Department's support.

Therefore, with the authorization and agreement of Captain Mary Schauf, of the Madison Police Central District, I offer the following: If Kelly Jordan submits, in writing, and acts upon the above listed agreed upon changes for improvement, the Madison Police Department will support the granting of the permit. If she does not submit a written agreement which specifically lists the agreed upon conditions, or if she does not comply with the written agreement this season, the Madison Police Department does not support the granting of the permit.

I will forward any correspondence that I receive from Kelly. In any case, I will attend the June 4th Meeting.

Thank you for your consideration.

Respectfully submitted,

Jane Stoklasa
Lieutenant of Police
Madison Police South District



1330 Regent Street
Madison, WI 53715

June 1, 2007

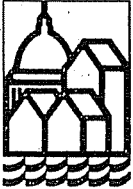
RE: Letter of Intent

New Agreements in regard to the Conditional Use Permit for Jordan's Big Ten Pub

Jordan's Big Ten Pub agreed to the following conditions per the 3-12-07 meeting with Jane Stoklasa, Robbie Webber and Julia Kerr.

1. Jordan's Big Ten Pub will add at least three additional Dane County Deputies for every UW home football game. The purpose of this is to regulate and screen the customers trying to enter the Big Ten and to help with such problems as over intoxication. This is also stated with a letter of intent on the application for the conditional use permit.
2. Jordan's Big Ten agrees to have the staff wear bright and more identifiable clothing, so that they are easily identified and recognized by patrons and police.
3. Jordan's Big Ten agrees to maintain the same amount of food served per each game to help reduce the tendency of over intoxication.
4. Jordan's Big Ten agrees to hold a meeting with the Big Ten Staff and Dane County Sheriff's before the start of the home season to cover some major concerns of over intoxication and safety for all customers. The main points that will be addressed are the needs to have less socializing by Deputies with customers, and more monitoring of the crowd and the state of intoxication of those who are entering and/or on premise.
5. Jordan's Big Ten has also voluntarily closed the doors for the entire establishment by midnight/1am on any home football games and will continue to do so. This is however with the exception of any night games scheduled.
6. Jordan's Big Ten Pub has always taken great pride in the cleanup efforts after those home games to help maintain a clean neighborhood. We agree to continue with our cleanup regiment.

City of
Madison



June 1, 1998

sample

Deli Associates
702 North Midvale Blvd. #B6
Madison, WI 53705

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
608 266 4635

Dear Sirs:

Last year City of Madison staff were asked by neighborhood residents and Alderpersons in the vicinity of Camp Randall Stadium to review the applications that have been approved over the last ten years for outdoor eating areas that operate on Saturdays of University of Wisconsin home football games. Some of these businesses still operate, others do not.

In an effort to get to common ground between nearby residents and business operators, the City intends to apply the following uniform conditions beginning this fall for all existing approved and future applications.

1. **HOURS OF OPERATION**

For University of Wisconsin, or Green Bay Packer afternoon football games the outdoor eating area shall be open no later than 8 p.m. For games with kick-off after 5 p.m. the outdoor eating area shall be open no later than 10 p.m.

2. **OUTDOOR MUSIC**

Outdoor live or amplified music or sound shall not be permitted before 10:00 a.m. and shall be allowed only if already specifically approved by the Plan Commission at the time of granting your original conditional use permit. This is one of the biggest issues for nearby residents. Please try to keep music volume at a reasonable level. The City will be applying the decibel level limitations in the provisions of the proposed noise ordinance if complaints are received regarding the operation of any outdoor facility that has music or amplified sound (copy attached). If complaints are received that are found to exceed this level, we will schedule a new public hearing before the Plan Commission which may result in the modification or revocation of your conditional use permit.

3. **FENCE ENCLOSURE, SECURITY GUARDS, LITTER CONTROL AND PORTABLE TOILETS**

If you have a license to sell alcohol in an outdoor eating area, the Alcohol License Review Committee has established conditions for operation for these applications that involve fencing, security guards, toilet facilities, litter, etc. All businesses that sell alcohol must comply with the requirements imposed by the Alcohol License Review Committee at the time of issuance of your original application to expand or change your licensed premise to include the outdoor eating area.

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time of issuance of your original application to expand or change your licensed premise to include the outdoor eating area.

4. **STADIUM CONCERTS**

If you open the outdoor eating area for any proposed stadium concerts (U2, Rolling Stones, etc.) the outdoor eating area shall close no later than 1 hour after the start of the concert and remain closed for the evening.

These guidelines will be applied to all businesses operating outdoor eating areas operating near the stadium on University of Wisconsin or Green Bay football game days.

We are sending this letter out to all businesses that operate outdoor eating areas well in advance of the first 1998 Fall football game to allow time for you to plan your business operations.

Those businesses having Plan Commission conditional use approvals which either don't address some of the proposed uniform standards or whose requirements vary slightly from these uniform standards will have the conditions amended through the minor alteration process with a waiver of the application fee. In the event that you feel these uniform standards should not apply to your situation the fee will also be waived so that you can return to the Plan Commission for a public hearing and review of your full conditional use permit.

Attached is a copy of a minor alteration form that should be completed and returned to our office. If you have questions, please call Peter Laritson of our office at 266-4551 and he will be glad to discuss your specific situation with you in more detail.

Thank you very much for your cooperation.



George Carran
Zoning Administrator



Bill Roberts
Planner IV

cc: Ald. Golden
Ald. Smith
Ald. Amato
Judy Olson-Plaenert, Mayor's Office
City Clerk