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12 January 2005

Mayor Dave Cieslewicz

City of Madison Common Council Members  
Room 201 City-County Building  
210 Martin Luther King Jr. Blvd.  
Madison, WI 53703

Re: Common Council I.D. No. 37070  
New License Application: Rip Van Lucky, LLC  
1421 Regent Street

Dear Mayor and Members of the Common Council:

We represent the Trustee in Bankruptcy, Attorney William J. Rameker. This matter was before you upon unanimous recommendation for approval from the ALRC at your meeting of January 4, 2005. This matter was referred to your meeting of January 18, 2005.

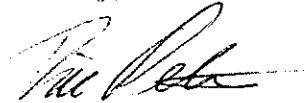
Neither the neighbors nor the ALRC has any problem with the character or qualifications of the members of the applicant LLC and their ability to operate a successful enterprise at 1421 Regent Street. The concern of the neighbors, as well as the concern of District 13 Alder Andy Heidt, relates to amplified music outside on football Saturdays. The ability to have amplified music on those occasions was granted by the Plan Commission in the 1990s and amended in 1998, along with other establishments which had conditional use permits for amplified sound.

Based upon communications that we have had with Alder Heidt, it is clear that his intention is to request the Council to place a condition on the Alcohol Beverage License prohibiting any amplified sound outside. That will be done despite the legal fact that the Plan Commission maintains continuing jurisdiction over conditional uses pursuant to Chapter 28 of the Ordinances. This was an issue that we raised with you at the public hearing on January 4, 2005. We will not repeat the arguments that we made at that time, other than to state that the appropriate mechanism is for the appropriate party to invoke the continuing jurisdiction of the Plan Commission. That is an issue separate and distinct from the Common Council's action with respect to this Alcohol Beverage License transfer.

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We hereby request that you oppose any motion that attempts to place a condition on the Alcohol Beverage License which is contradictory to conditional use permit conditions that already exist. Secondly, we would request that you approve the unanimous recommendation of the Alcohol License Review Committee to approve the transfer of this license.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Petri", with a horizontal line extending to the right.

Rick Petri

RP:has  
048095  
Mayor lt  
cc: Attorney William J. Rameker (via email)  
Rod Ripley (via email)  
Attorney Jane F. Zimmerman (via email)