

To ALRC Re: Entertainment License LICENT-2014-00793

I oppose granting an entertainment license to the Lakeside Coffee House based on the negative impact it will have on me and my neighbors. Some of us have already experienced disturbing noise and disruption of peace and quiet during night-time events there. All of these have been in violation of their current license. This is a class B License, signed in 2012 and renewed in 2013. It stipulates acoustic music, 3-6 times a month, ending at 9:30 PM. These conditions are hand-written into the license application by the proprietor.

- Amped music began to be presented in March. On five occasions between May 18th and July 19th, amplified bass beats from bands in the wine bar penetrated residences across the street and sometimes beyond. Speaking for myself, I could hear it in my living room, which is set back from the street. I could hear it even with my windows closed and the air conditioning and television on. It could also be heard thumping in the living room of my daughter's home at 405 which is set way back from the street. A neighbor next door and a couple on Potter Street, a block away, reported hearing amplified bass sounds in their home from the same source.
- This photo is from the Lakeside Coffee House website. It shows the kind of music on offer. Drummer, electric guitars, and 2 large, floor amplifiers. The photo was taken in the wine bar, which is in an old section of the building, with a door facing Lakeside Street, and large, single-pane windows. There is no soundproofing. Amplified music easily penetrates beyond the walls of the building. At the recent neighborhood meeting the proprietor refused to consider soundproofing. This picture is dated March 8th and the caption reads "Small Blind Johnny's Blues Band plays monthly at Lakeside Coffee House". Other bands appear there as well.
- We live in a residential neighborhood. This map shows the distribution. There are a few other commercial buildings down the street in about a 1 ½ block stretch. Those businesses are quiet and operate on a 9-5 basis. Some have apartments above them. Other than that it is residential.
- After several loud, amplified events in May and June, my daughter and I each made attempts by phone, email and in person, to contact the proprietor and reach a reasonable compromise. All were rebuffed. That

left us no alternative but to contact the police, which we did in response to an event on July 5th. Police arrived at 10:15 pm, talked to someone at 402 and the sound was turned down. That led us to consult with Jim McCambridge, and to the discovery that her current license did not allow amplified music. On July 30, a cease and desist order was issued to the proprietor by the Assistant City Attorney.

- In fact, there have been several violations of the current license. It does state the hours on music nights end at 9:30 PM and will be held 3-6 times a month. Calendars taken from their web site list live music events and private parties from March through September of this year: there are 7-14 live music events listed every month. Events often last until after 10:30 and the proprietor said, at the Bay Creek meeting last week, that she found it hard to control amplification levels for private parties.
- At the Neighborhood meeting, the proprietor claimed she didn't know that her current license specified acoustic music when, in fact, she herself wrote that into the license, along with the days and hours of operation. At the same meeting, she announced that she has continued to present amplified music since July 30th, in violation of the cease and desist order.
- Along with this statement, I'd like to submit statements and a petition signed by neighbors who oppose the entertainment license. With 2 exceptions, signatures come from people within a 6 block radius of the Coffee House. Signer's locations are marked on this map.
- I urge you to not to grant an entertainment license to this proprietor. Her conduct thus far produces no confidence that, if granted this entertainment license, even with restrictions, she will adhere to its conditions.

Submitted by
Donna Page
403 West Lakeside Street
Madison, Wisconsin

26516

LIC 418.2012.00358

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning July 1 20 12 ; ending JUNE 30 20 13

Applicant's Wisconsin Seller's Permit Number: 456-102773937-02	
Federal Employer Identification Number (FEIN): 75-6284486	
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$
<input checked="" type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$
TOTAL FEE	\$

TO THE GOVERNING BODY of the: Town of Village of City of MADISON County of DANE Aldermanic Dist. No. (if required by ordinance)

1. The named INDIVIDUAL PARTNERSHIP LIMITED LIABILITY COMPANY CORPORATION/NONPROFIT ORGANIZATION hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Kate GB LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

President/Member: Cathy G Burmeister, Title: Name: Home Address: 5144 Mickelson Rd Black Earth 53515 Vice President/Member: Secretary/Member: Treasurer/Member: Agent: Cathy G Burmeister Directors/Managers:

3. Trade Name: LAKESIDE ST COFFEE HOUSE Business Phone Number: 608-441-7599 4. Address of Premises: 402 W. Lakeside St. Post Office & Zip Code: 53715

- 5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? [] Yes [x] No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? [] Yes [x] No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? [] Yes [x] No
8. (a) Corporate/limited liability company applicants only: insert state and date of registration. (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? [] Yes [x] No (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? [] Yes [x] No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Coffee house counter, storage basement, cooler

- 10. Legal description (omit if street address is given above):
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? [x] Yes [] No (b) If yes, under what name was license issued? Brian Vanduwalle Lak
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] [x] Yes [] No
13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 286-2776] [x] Yes [] No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? [x] Yes [] No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME this 29 day of May, 20 12. Joanne Petersen (Clerk/Notary Public) My commission expires 05.04.2014

Cathy G Burmeister (Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual) (Officer of Corporation/Member/Manager of Limited Liability Company/Partner) (Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

Table with 4 columns: Date received and filed with municipal clerk, Date reported to council/board, Date provisional license issued, Signature of Clerk / Deputy Clerk. Row 2: Date license granted, Date license issued, License number issued.

AP-13- ELLINGSON PO-306

Submitted by
DONNA PAGE

City of Madison Supplemental Class B License Application

<input checked="" type="checkbox"/> Seller's Permit Certificate (Entity must match the Articles of Incorporation)	<input checked="" type="checkbox"/> Written Description of Premise	<input checked="" type="checkbox"/> Floor Plans
<input checked="" type="checkbox"/> Federal Employer Identification #	<input checked="" type="checkbox"/> Background Investigation Form(s)	<input type="checkbox"/> Lease
<input type="checkbox"/> Notarized Original Application Form	<input type="checkbox"/> Notarized Transfer of Ownership	<input checked="" type="checkbox"/> Sample Menu
<input type="checkbox"/> Notarized Supplemental Form	<input type="checkbox"/> *Articles of Incorporation	<input type="checkbox"/> Business Plan
<input type="checkbox"/> Orange Sign (Clerk's Office provides at time of application)	<input checked="" type="checkbox"/> *Notarized Appointment of Agent * Corporation/LLC only	

- Name of Applicant/Partner/Corporation/LLC KATE GB, LLC
- Address of Licensed Premise 402 W. Lakeside St.
- Telephone Number: 608-441-7599
- Anticipated opening date: existing business
- Mailing address if not opening immediately _____
- Have you contacted the Alderperson, Police Department District Captain, Alcohol Policy Coordinator, and the neighborhood association representative for the area in which you intend to locate? Yes No
- Are there any special conditions desired by the neighborhood? Yes No
Explain. _____
- Business Description, including hours of operation: Coffee House food service, with beer & wine. 7am - 7pm - till 9:30 when music. 3-6/month
- Do you plan to have live entertainment? No Yes—What kind? Acoustic, small groups.
- Detailed written description of building, including overall dimensions, seating arrangements, capacity, bar size and all areas where alcohol beverages are to be sold and stored. **The licensed premise described below shall not be expanded or changed without the approval of the Common Council.**
Upstairs/ground floor counter = food prep, seating 50, - downstairs seating 20, back storage area = office, freezer & refrigeration. Side Deck off main floor seating 12, 3425 sq. ft.
- Are any living quarters directly or indirectly accessible and under control of the applicant? Yes No
Please note that alcohol may be sold and stored only on the licensed premise, not in living quarters.
- Describe existing parking and how parking lot is to be monitored. Street parking, small lot (5 cars) motion lights.
- Describe your management experience, staffing levels, duties and employee training.
Managed restaurants since 1981, staff of 5-8, counter service, 2 week training period.
- Identify the **registered agent** for your Corporation or LLC. This is your corporation's agent for service of process, notice or demand required or permitted by law to be served on the corporation.
Cathy Burmeister 5144 Mickelson Rd. Black Earth WI 53515
Name Address

15. Utilizing your market research, who would you project your target market to be?

Neighborhood families, students, professionals.

16. What age range would you hope to attract to your establishment? 18-80

17. Describe how you plan to advertise/promote your business. What products will you be advertising?

Web pg. Facebook, Sandwich or Soup of the Day

18. Are you operating under a lease or franchise agreement? Yes (attach a copy) No

19. Owner of building where establishment is located: Brian Vandewalle

Address of Owner: 4585 Bishops Ct. Middletown WI Phone Number _____

20. Private organizations (clubs): Do your membership policies contain any requirement of "Invidious" (likely to give offense) discrimination in regard to race, creed, color, or national origin? Yes No

21. List the Directors of your Corporation/LLC

Cathy G. Burnmeister 5144 Mickelson Rd. Black Earth WI
Name Address 53515

Name Address

Name Address

22. List the Stockholders of your Corporation/LLC

Name Address % of Ownership

Name Address % of Ownership

Name Address % of Ownership

23. What type of establishment are you? (Check all that apply) Tavern Nightclub Restaurant

Other Please Explain. Coffee House - The business is running the same

24. What type of food will you be serving, if any? Casual Light Fare no changes

Breakfast Lunch Dinner

25. Please submit a sample menu with your application, if possible. What might eventually be included on your operational menu when you open?

Appetizers Salads Soups Sandwiches Entrees

Desserts Pizza Full Dinners

26. During what hours of your operation do you plan to serve food? 7am - 7pm

27. What hours, if any, will food service not be available? 8 pm - 9 pm
28. Indicate any other product/service offered. Arts & crafts,
29. Will your establishment have a kitchen manager? Yes No
30. Will you have a kitchen support staff? Yes No
31. How many wait staff do you anticipate will be employed at your establishment? N/A
During what hours do you anticipate they will be on duty? N/A
32. Do you plan to have hosts or hostesses seating customers? Yes No
33. Do your plans call for a full-service bar? Yes No
If yes, how many bar stools do you anticipate having at your bar? _____
How many bartenders do you anticipate you would have working at one time on a busy night? _____
34. Will there be a kitchen facility separate from the bar? Yes No ^{NA}
35. Will there be a separate and specific area for eating only? Yes No ^{NA}
If yes, what will be the seating capacity for that area? _____
36. What type of cooking equipment will you have? Stove Oven Fryers Grill Microwave
37. Will you have a walk-in cooler and/or freezer dedicated solely to the storage of food products? Yes No
38. What percentage of your overall payroll do you anticipate will be devoted to food operation salaries?
80%
39. If your business plan includes an advertising budget, what percentage of your advertising budget do you anticipate will be related to food? _____
What percentage of your advertising budget do you anticipate will be drink related? _____
40. Are you currently, or do you plan to become, a member of the Madison—Dane County Tavern League or the Tavern League of Wisconsin? Yes No
41. Are you currently, or do you plan to become, a member of the Wisconsin Restaurant Association or the National Restaurant Association? Yes No
-

42. What is your estimated capacity? 65-80

43. Pursuant to Chapter 38.02 of the Madison General Ordinances, all restaurants and taverns serving alcohol beverages shall substantiate their gross receipts for food and alcohol beverage sales broken down by percentage. For new establishments, the percentage will be an estimate.

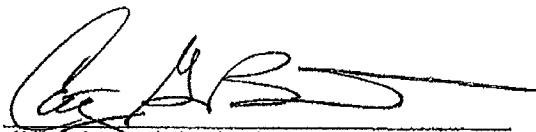
Gross Receipts from Alcoholic Beverages	10 %
Gross Receipts from Food and Non-Alcoholic Beverages	85 %
Gross Receipts from Other	5 %
Total Gross Receipts	100%

44. Do you have written records to document the percentages shown? Yes No
You may be required to submit documentation verifying the percentages you've indicated.

Read carefully before signing: Under penalty provided by law, the applicant states that the above information has been truthfully completed to the best of the knowledge of the signer. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted will not be assigned to another. Any lack of access to any portion of a licensed premise during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Subscribed and Sworn to before me:

this 29 day of May, 2012


(Office of Corporation/Member of LLC/Partner/Individual)

Jeannette Peterson
(Clerk/Notary Public)

My commission expires 05.04.2014



Office of the City Attorney

Michael P. May, City Attorney

Patricia A. Lauten, Deputy City Attorney

COPY

ASSISTANT CITY ATTORNEYS

Roger A. Allen
Steven C. Brist
Lana J. Mades
Lara M. Mainella
Amber R. McReynolds
Marci A. Paulsen
Adriana M. Peguero

Kevin B. Ramakrishna
Kate M. Smith
Jaime L. Staffaroni
John W. Strange
Doran E. Viste
Anne P. Zellhoefer
Jennifer A. Zilavy

Room 401, City-County Building

210 Martin Luther King, Jr. Blvd.
Madison, Wisconsin 53703-3345
(Phone) 608-266-4511
(Fax) 608-267-8715
attorney@cityofmadison.com

LITIGATION ASSISTANT
Patricia V. Gehler

LEGISLATIVE ANALYST
Heather J. Allen

July 30, 2014

Cathy G. Burmeister
Kate GB LLC
d/b/a Lakeside Street Coffee House
5144 Mickelson Road
Black Earth, WI 53515

RE: Lakeside Street Coffee House
402 W. Lakeside Street

Dear Ms. Burmeister:

The City has received complaints regarding loud music at the above-referenced establishment. I checked the records with the City Clerk and it appears that you do not have an Entertainment License. Sec. 38.06(11), Madison General Ordinances, requires an Entertainment License to have any amplified music—bands, a disc jockey, etc.

Please cease and desist all amplified music. Failure to do so will result in prosecution and may result in an appearance before the Alcohol License Review Committee ("ALRC") and assessment of demerit points against the establishment.

If you have any questions, please contact me.

Sincerely,

Jennifer Zilavy
Assistant City Attorney

Copy: Officer Steve Magyera
ALRC

Kate Rumeister

SOURCE: LAKESIDE STREET COFFEE HOUSE WEB SITE CALENDAR, MAR--SEPT 2014
WHEN CURRENT B LICENSE ALLOWS 3-6 ACOUSTIC EVENTS PER MONTH (Signed 2013, Renewed 2013)
Mar 2014 (Central Time) = 8X

Sun	Mon	Tue	Wed	Thu	Fri	Sat
23	24	25	26	27	28	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

LIVE MUSIC

PRIVATE PARTY

LIVE MUSIC

LIVE MUSIC

Private Party

LIVE MUSIC

LIVE MUSIC

LIVE MUSIC

Sun	Mon	Tue	Wed	Thu	Fri	Sat
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	1	2	3
Clear			Art Reception		Live Music	Live Music
					Live Music	Private Party
					Live Music	
					Live Music	

Sun	Mon	Tue	Wed	Thu	Fri	Sat
27 4	28 5	29 6	30 7	1 8	2 9	3 10
11	12	13	14	15	16	17
18 Private Party	19	20	21	22 Live Music	23 Live Music	24 Live Music
25	26	27	28	29 Private Party	30 Private Party	31 Private Party

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	1	2	3	4	5
					Closed	Private Wedding
					Live Music	Private Wedding
					Live Music	Private Wedding
					Live Music	Private Wedding

Sun	Mon	Tue	Wed	Thu	Fri	Sat
29	30	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2

Private Party

Closed

Private Wedding

Live Music

Private Wedding

Live Music

Private Party

Live Music

Live Music

Live Music

Cease +
desist
order

Sun	Mon	Tue	Wed	Thu	Fri	Sat
27 Private Party	28	29	30	31	1	2
3	4	5	6	7	8	9
10 Private Party	11	12	13	14	15	16
17	18	19	20	21	22	23
24 Private Party	25	26	27	28	29	30
31	1	2	3 Art Reception 4pm - Meeting with	4 Opera Nite	5	6

Sun	Mon	Tue	Wed	Thu	Fri	Sat
31	1	2	3 Art Reception 4:00pm - Meeting with	4	5	6
7	8	9	10	11 Open Mic	12 Live Music	13 Live Music
14	15	16	17	18	19 Live Music	20 Open Mic Party
21	22	23	24	25 Open Mic	26 Live Music	27 Open Mic Party
28	29	30	1	2	3	4