

Zilavy, Jennifer

City
6th. 110 p. 1 #2

From: Ellen Despins <ellen53704@gmail.com>
Sent: Tuesday, June 16, 2026 3:30 PM
To: Zilavy, Jennifer
Subject: Fwd: Cielo Nightclub

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Jennifer,

Not sure if I shared my original letter to their attorney.

Sent from my iPhone

Begin forwarded message:

From: Ellen Despins <ellen53704@gmail.com>
Date: February 18, 2026 at 4:09:10 PM CST
To: vincent.falcone@vonbriesen.com
Subject: Cielo Nightclub

February 17, 2026

Vincent J. Falcone, Atty.
Von Briesen & Roper SC
10 El Doty Street Suite 900
Madison WI 53703

Re: Noise impacts from Cielo Nightclub (Sue McKinney owner) -118 State Street, Madison WI

Dear Atty. Falcone:

I am writing regarding persistent noise impacts originating from the business located at 118 State Street, Madison, WI (Cielo Nightclub), owned by our client Sue McKinney. I am the owner of the property 114 State Street, which I have owned and operated since 1989. My property contains four residential apartments located directly above Michelangelo's Coffeehouse.

When Cielo opened in early November of last year, I understood it to be operated as a tavern. However, the establishment functions predominantly as a nightclub with a DJ booth and a professional grade sound system that regularly produces elevated sound levels on Thursday, Friday and Saturday nights. The music and bass regularly transmit into the residential apartments in my building in the high 80dBA and very often in the low 90dBA range every weekend impacting the peaceful living environment of my tenants.

I have made multiple good-faith efforts to communicate directly with the owners and operators of Cielo regarding these noise problems, but to date those efforts have not resulted in any resolution or meaningful action to address the impacts on my property.

Under the City of Madison's noise control regulations (Madison General Ordinances, Chapter 95-Unusual and Loud Noise Prohibited), noise emanating from a source that is "plainly audible" inside another

residence or through the partitions separating the dwelling units constitutes prohibited sound. Additional, the ordinance establishes maximum permissible sound levels measured in dBA (A-weighted decibels) at or beyond the property line. For a commercial source adjacent to a residential area such as mine, the ordinance provides that sound shall not exceed 75dBA during daytime hours or 65 dBA during nighttime hours, and sound that is plainly audible within a residence is also prohibited. The ordinance defines "plainly audible" as sound that can be clearly heard by a person using normal hearing while inside a residence or through walls separating dwelling units.

The decibel levels being measured in my apartments substantially exceed these regulatory limits and create a disturbance to the quiet enjoyment of my tenant's homes. While I recognize that nightlife venues generate ambient sound, the current situation is beyond what reasonable residents should be expected to tolerate and appears inconsistent with city standards for noise affecting nearby residential properties.

We would welcome the opportunity to discuss with your client what can be done to control the noise levels reaching the apartments above my building, including but not limited to reduction of interior sound levels during late night hours, installation of noise mitigation improvements, or other sound attenuation measures that would bring the operation into compliance with applicable city noise regulations.

Action Requested:

1 - Evaluate and mitigate noise transmission from Cielo Nightclub, including reasonable measures to reduce sound intrusion into adjacent residential units.

2- Provide a written plan by which your clients will address and remediate the noise impacts affecting my property.

Please respond with a proposed resolution or a time to meet and discuss solutions within 14 days of this letter. I hope we can resolve this matter cooperatively.

Thank you for your prompt attention to this important matter.

Sincerely,

Ellen Despina
114 State Street LLC
(608) 469-5558
ellen53704@gmail.com

Mailing address:
402 New Castle Way
Madison WI 53704

CC: Atty. Ryan Braithwaite
Murphy Desmond SC

Hard copy mailed 2/18/26

Ellen
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