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### PARALEGAL

Derek B. Schuld

TO: The Alcohol License Review Committee

FROM: Jennifer Zilavy, Assistant City Attorney

RE: **Complaint Requesting Revocation of Entertainment License for Cielo  
118 State Street**

Date: May 15, 2026

The City of Madison has received ongoing complaints from residents living at 114 State Street, which is immediately adjacent to Cielo, and concerns from a business adjacent to Cielo, regarding repeated noise disturbances associated with Cielo's entertainment offerings, which are primarily DJ events on Thursday, Friday and Saturday nights, and occasionally Saturday and Sunday brunch events.

The residents have complained that they hear the constant thumping of the music, repetitive rhythmic sounds, and can "feel" the vibrations when they are in their apartment whether they are standing, sitting, or lying down. This noise disturbance disrupts their ability to sleep on Thursday, Friday and Saturday nights from approximately 8 p.m. until 2:00 and 2:30 am. The noise disturbance three nights per week has prevented the residents from peaceful enjoyment of their homes on the nights DJs perform. The building owner of 114 State Street has been unable to rent some of the units in the building due to the noise disturbance. The owner of the building believes the thumping and noise disturbance could be causing structural damage to the property. The residents and building owner at 114 State Street have been complaining about this sound disturbance since October 2025. Complaints have been made directly to the owner of Cielo and the City. The residents have lived in this building for approximately 10 years and have not previously had complaints about other business operations that have been next door, including businesses that have played music. Due to Cielo's DJ events, the residents of 114 State Street have moved from their second-floor apartment

to the third floor in hopes that the move would permit them to escape the impact of the noise disturbance from the DJ events.

Madison General Ordinance Sec. 38.06(11)(n) provides an entertainment license may be revoked for a number of causes. The causes related to this complaint are:

3. The licensed premises is operated in such a manner that it has a substantial adverse effect upon the health, safety and welfare of the immediate neighborhood.
4. Any other reasonable cause which shall be in the best interests and good order of the City.

### **BACKGROUND**

Cielo appeared before the ALRC in October of 2023 on an application for a Class B Combination Liquor License and a 21+ Entertainment License. Cielo's business plan stated they were going to be a "bar/music venue that serves food." The first paragraph of their business plan (attached to this complaint) talks about their food offerings. The business plan also mentions special events like tastings, mixology classes, salsa and other dance classes and events. To date, it does not appear that Cielo is following this proposed business plan. They have DJ events Thursday, Friday and Saturday nights and occasional brunch "raves." The only food item on their menu is a charcuterie board. Cielo's initial application stated alcohol/food percentages of 60/40. Their 2024 renewal application stated alcohol/food percentages of 70/30. Their 2025 renewal application stated alcohol/food percentages of 60/40 with a note that it "might be 50/50 we'll know when we open." Cielo's 2026 renewal application states alcohol/food percentages to be 85/15. In addition to the business plan that was submitted to the ALRC, attached is the October 2023 letter of intent submitted by Cielo to the Plan Commission.

Cielo opened for business in September 2025. In October 2025, the residents next door at 114 State Street, and the owner of 114 State Street, began texting Cielo about the noise disturbance from the DJ operations at 118 State Street. There were several text messages between the parties regarding the noise and requests to meet to discuss the noise disturbance. Resident "C" texted Susan McKinney in November 2025 asking to meet and said:

We genuinely want to have a neighborly relationship with you all and believe we can find an arrangement that respects both your business and our ability to have a regular sleeping schedule and peace in our home.

McKinney responded:

Hello neighbor, Re: Cielo at 118 State St. please direct all further communication to: Vincent J. Falcone/Attorney. Von Briesen & Roper, S.C.

The parties complained to the Madison Police Department ("MPD") and also submitted complaints to the City's Chronic Nuisance report a problem portal. The City Attorney's office became aware of the repeated complaints in February 2026. The City Attorney's office arranged a meeting with Cielo owner Susan McKinney, manager Carla Ortega, and Cielo's attorney John Pinzl to discuss the complaints regarding the music. The parties met on March 1, 2026, and in attendance were Susan McKinney, Carla Ortega, Attorney Pinzl, ACA Zilavy, MPD Lieutenant Jennifer Hannah, MPD Sergeant Gregg Sosoka, and MPD Tavern Liaison Officer Adam Schmidt. We toured the establishment and saw the landing where the portable DJ Deck was located (which was close to the wall that separates Cielo from the resident's building). We also saw the DJ set up on the second floor which involved giant speakers that were placed up against the wall that is directly adjacent to the residents building.

At this meeting, Cielo was responsive to concerns raised regarding the music and said they would actively explore potential remedies. They stated they were already looking at things the DJ could do to lower the volume and make some adjustments to the bass. Cielo stated they would engage the services of a sound engineer and would evaluate any recommendations and/or potential solutions.

After this meeting the City Attorney's office learned that the DJ equipment was placed in violation of Cielo's October 23, 2025, Letter of Intent to the Plan Commission and notified Cielo's attorney of this fact. Cielo did eventually move the DJ equipment to the first-floor location where their Letter of Intent indicated it would be. While the noise disturbance is not as severe as it was when the speakers were located on the second floor on the wall adjacent to 114 State Street, it is still being felt and heard by the residents at 114 State Street and continues to interfere with their peaceful enjoyment of their home.

The City asked Cielo's attorney for a cease and desist of the DJ's while Cielo explored potential remedies to the noise disturbance. Cielo eventually agreed but the music that was played was still loud enough to cause the same disturbance issues at 114 State Street. Cielo wanted Audio Design Specialists and Bachmann Construction to have access to the residential units and the building at 114 State Street on a very tight timeline in order to agree on a cease and desist. There was no agreement on solutions or remedies or what would happen if Audio Design Specialists and Bachmann

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Construction had no viable solutions. There was also no information as to Audio Design Specialists qualifications in relation to noise abatement and no information available on the internet as it relates to that business.

It is not fair to make the residents continue to suffer while Cielo looks for potential solutions. Cielo has known about the issue since October 2025 and seemingly has not taken a genuine interest in looking for a solution until the City mentioned revocation of the entertainment license.

The residents at 114 State Street have endured this interference with their quiet enjoyment for 8 months. At this point, the City believes it is appropriate to file this complaint to revoke the entertainment license with the ALRC.

Attachment #1 Cielo Business Plan Submitted to the ALRC

Attachment # 2 Cielo October 23 Letter of Intent to The Plan Commission

# ATTACHMENT 1

## Cielo

Beverages/Music/Food  
In Downtown Madison

Business Plan

Cielo (Sky in Spanish) will be a bar/music venue that serves food at 118 State Street. Food offerings will be built around small plates. Think tapas-style bar food, including a couple of signature Mexican-influenced dishes like shredded turkey topped with Mole, a rich, brown sauce made from ingredients including several types of chiles, nuts, seeds, banana and unsweetened dark chocolate. Mexico is one of the top cuisine destinations in the world, and our food will reflect Mexican creativity and excellence. Imagine a shrimp taco served on a "tortilla" of thinly shaved jicama (Jerusalem artichoke). Then consider empanadas, a flaky turnover stuffed with fillings such as spicy ground beef, spinach and goat cheese, chorizo and egg, chorizo and black beans, mushroom in cream sauce. Imagine eggs over easy on *hoja santa*, or Mexican pepperleaf. Rather than a full service restaurant, we will have food pick-up at the grill area or light service to numbered tables. We will consult with restaurant experts before finalizing our menu and grill and stove set-up. Our first consultant is Mario Zelaya, kitchen manager at Amara restaurant at Hilldale.

Music supported weekend brunches will be a highlight, like Sunday Techno Brunch, with a DJ spinning soft house/techno music while diners enjoy selections from the brunch menu. Wednesday through Friday, the kitchen will operate from 4 to 9 pm. On Saturday and Sunday, we will open in the morning for brunch. There are only a few downtown/State Street restaurants offering breakfast along the State Street corridor, and the existing restaurants - Bassett St. Brunch Club and Short Stack - have lines and waits on weekends. We expect to be able to serve breakfast seekers, Farmers Market shoppers, and State Street weekend wanderers.

On Saturdays, the kitchen will remain open until 9 pm.

After 9, Cielo will feature DJs playing techno/house music, attracting the late 20, 30 and 40 year olds who are enormous fans, and who basically have few outlets in Madison to find this favorite music. One successful example of house/techno music is at Rubina Courtyard's Jams house/techno night once a month. The city of Chicago hosts many well-attended house/techno venues, jams and festivals, attracting Madison music

lovers to travel to that city to find it. This gives us confidence that this music offering will succeed in Madison.

## OTHER ENTERTAINMENT

While we expect that DJs will provide music on Friday and Saturdays, we plan to fill Wednesday and Thursday evenings with other attractions and special events such as -

Mezcal tastings hosted by an expert who speaks on mezcal cultivation and production of the distilled agave beverage, along with narrated demonstrations of the making of mezcal drinks. Guests taste pure mezcal and mezcal cocktails.

Mixology - A professional mixologist pours, shakes and stirs seasonal craft cocktails for ticketed guests, explaining the science and creativity that goes into the making of each drink. Sample drinks are made for each guest.

Live performances of local bands like 90-Proof, as an example.

Salsa or other dance classes and events.

## ORGANIZATIONAL PLAN

Formerly, Cielo's capacity has been 168.

Projected hiring will include kitchen manager and chef/cooks, bartenders, servers, barbacks, ID checkers and security staff.

Expected after 9 - pm Weekend staff -

1 ID checker

2 barbacks

2 security persons

4 bartenders

## SECURITY PLAN

**PATRONSCAN** - This device is used at the door to scan an entrant's drivers license. This aids the person checking the ID to see that the person is of legal age to enter an establishment serving alcoholic beverages, but moreso, the device photographs and saves a likeness of everyone entering the restaurant/bar. The device also allows the establishment to comment on patrons, which is done when a patron has caused trouble. This information is saved, so that when the person tries to re-enter on a different night, the ID checker sees that the person has caused trouble before, and has the option of not allowing that person to enter. Furthermore, the device is connected to any other establishment in the area also using PatronsCan, and each bar or restaurant can also see notes from other establishments. This is a valuable tool for keeping people who might cause trouble from entering one's bar. It is one of the tools we will use to keep our patrons safe.

**METAL DETECTING** - Door personnel will scan each person who enters with a hand held metal detector concentrating on belt area, pockets, ankles and anywhere a firearm might be concealed. If a firearm is discovered, the patron is informed that it can not be carried inside. Purses will be inspected with a flashlight. Large bags and backpacks will not be allowed inside. They can be checked at the door if necessary.

**CAMERAS** - Up to 12 cameras will be installed in all areas occupied by patrons at Cielo. More if necessary.

TAVERN TRAINING WITH MPD - Cielo will schedule periodic Tavern Training sessions provided by Madison Police Department to keep current on policies such as ID-checking, current city policies and safety.

FOOD SAFETY - At least one person on staff, possibly more, will be certified as a ServSafe Manager, having completed the course and passed the exam provided by the Wisconsin Restaurant Association Education Foundation.

## MARKETING

INSTAGRAM - Daily posts

WEBSITE - Scheduled entertainment and specials kept up to date

GREATER MADISON CHAMBER OF COMMERCE - membership and networking

WORD OF MOUTH - driven by people who've had pleasant experiences in Cielo

We can't wait to welcome you to our Cielito Lindo.

Canta, y no llores.

# Cielo

a sample menu

## **Small Plate Open Faced Tacos - \$4**

### Turkey w Mole

Tender shredded turkey topped with *mole*, a rich traditional Mexican sauce based in chiles and chocolate. On a corn tortilla.

### Chipotle Shrimp

Grilled shrimp drizzled with a creamy chipotle sauce, topped with crispy onion straws. On a tortilla of thinly sliced jicama.

### Mushroom Heaven

Sauteed white beech mushrooms sauteed topped with red onion and Avocado. On a crisp tostada.

### Grilled Chicken

Spicy pan-grilled chicken tacos topped with creamy cilantro lime sauce. On a corn tortilla.

### Black Bean w Feta

Classic black bean taco with a zing of feta cheese. This one is grilled folded over and served with salsa. On a corn tortilla.

## **Empanadas - \$4**

A flaky baked turnover with sweet or savory filling.  
Served warm.

### Rajas con Crema

Fire roasted poblano chiles, corn, Mexican cream and a touch of Oaxaca cheese.

### Carne Molida

Ground beef and potato cooked in spiced tomato puree.

### Chicken Tinga

Shredded chicken in a sauce of stewed tomatoes, chipotle chilis and onion.

### Turkey and Cheese

Classic American sandwich filling served in a perfectly baked turnover.

### Dressed Up Black Beans

Lightly mashed beans, chorizo and mild Mexican cheese.

## Brunch

### Empanadas - \$4

Scrambled Egg and Chorizo Empanada

Scrambled Egg and Ham Empanada

Seasonal Fruit and Cinnamon Empanada

### Chilaquiles - \$11

Traditional dish of fried tortillas strips simmered in red or green salsa, topped with Asadero cheese. Add chicken or egg. +\$2.50.

### Over Easy Eggs on Hoja Santa - \$12

Start your day with eggs on the holy leaf. Side of pinto beans and roasted breakfast potatoes.

### Breakfast Bowl - \$12

Scrambled or warm hard boiled eggs, roasted breakfast potatoes, Roasted tomatoes and spinach, avocado. Homemade tortillas.

### Eggs as You Like 'Em - \$13

Eggs to order. Bacon or country sausage, breakfast potatoes, and dressed local greens.

## ATTACHMENT 2

October, 2023

TO: City of Madison Planning Commission

FROM: MCKO LLC dba Cielo - Susan McKinney

RE: Rezoning of 118 State Street

**REZONING REQUEST** - MCKO LLC in coordination with 118 LLC respectfully asks that 118 State Street be rezoned to Downtown Core (DC) designation, to be able to support Cielo - Music/Beverage/Food, a music venue, bar and grill offering small plates of food, available at the grill, rather than full-service restaurant.

**CAPACITY** - Cielo's proposed capacity is 250 occupants.

**OPERATING** - Cielo will feature DJs playing house/techno music, attracting the late 20, 30 and 40 year olds who are enormous fans of this music, and who basically have few outlets in Madison to find this favorite music. One successful example of house/techno music is at Rubina Courtyard's Jams which schedules house/techno night only once a month. The city of Chicago hosts many well-attended house/techno venues, jams and festivals, attracting Madison music lovers to travel to that city to find it. This gives us confidence that this music offering will succeed in Madison. With Cielo's house/techno DJ lineup, music fans will spend their dollars in Madison.

**MUSIC** - 118 State Street formerly housed Diego's bar and restaurant, which, like Cielo's proposed use, offered DJ music, food and drinks. According to the building's present owner, music has been played at the location for 20 years or more without offending neighbors or causing police calls. 118 State Street's brick wall interior helps contain music. And an appraiser recently noted the building's solid concrete construction, also contributes to noise containment.

The owners of our neighbor, Michelangelo's Coffee House, Sam and Lori, have on more than one occasion expressed to us verbal approval of our project, and have even suggested contractors for us. Further, Michelangelo's closes at 8 pm, another reason the owners don't expect to have any noise issues. There are one or two apartments above the Coffee House. The building on the other side of 118 State Street, to the left of 118 State when facing it, that is, is empty. To not disturb the apartment occupants, we will place speakers on the left side of the building, on the walls that adjoin the empty building rather than the right side, that is, the side with the apartments.

## **SCHEDULE**

TUESDAY - Food, dance classes and paired dancing, beverages - 4 pm - 12 am.

WEDNESDAY - Food, events and tastings, beverages - 4 pm - 1 am.

THURSDAY - Food, DJs, beverages - 4 pm - 2 am. (music stops at 1:30 am)

FRIDAY - Food, DJs, beverages - 4 pm - 2:30 am. (music stops at 2 am)

SATURDAY - Food and beverages - 10 am - 9 pm, DJs, beverages - 9 pm - 2:30 am.

(Music stops at 2 am)

SUNDAY - Food and beverages - 10 am - 3 pm.

**SAFETY** - Safety is a priority. We believe Sotto at 303 N. Henry St. in Madison, the applicant's other downtown tavern and music venue, was the first establishment in the downtown area to use metal detectors, with the purpose of keeping weapons from entering the establishment.

Sotto also uses PatronsCan, a scanner that records the drivers license or ID and photo of every entrant, and also shows messages that other bars might have left on the shared system noting when a person has misbehaved - starting fights, damaging property - in other bars, which allows us to decide to keep whether to allow the person to come in or decide his previous behavior warrants us denying entrance. It also allows us to note, ourselves, people who have caused trouble and who we wish to ban from re-entering. PatronsCan is a very valuable tool in keeping troublemakers out, and keeping the bar area safe for patrons who want to peacefully enjoy the music and beverages.

Sotto ensures that lines of patrons waiting to enter do not block pedestrians by erecting crowd control barriers each night. Door staff include a trained and practiced ID checker, a person who performs metal detection with a handheld wandlike device, and a person who collects the cover charge. Between these three staff members, the line is kept orderly and patrons' entrances staggered and peaceful.

In the dance and bar area, if a patron is noted to be intoxicated, we endeavor to have the person leave with friends. If a taxi is needed, staff will summon it, and Sotto will pay for the ride.

Sotto has 14 cameras in place, including two outdoor cameras, one which aims down the block toward Johnson Street, and one which looks toward Gorham Street. These cameras were installed as our way of supporting our immediate neighborhood. Madison Police Department knows that officers and detectives can seek our video at any time.

The above safety measures will be our template for establishing security at Cielo. Metal detectors, Patronscan, cameras, line and entrance management, ID checking, sufficient trained staff and a culture of looking out for patrons and helping those in distress are all strategies we will import to keep Cielo safe for patrons and staff.

At Sotto and Cielo, we aim to be a safe place for all nationalities and identities.

A note: When "we" and "us" is expressed, it refers to Sotto's and Cielo's management team, that is, myself, the applicant, and my two daughters.

**STAFF** - Projected hiring at Cielo will include kitchen manager and chef/cooks, bartenders, servers, barbacks, ID checkers and security staff. Aside from kitchen staff, the expected weekend after 9-pm staff will consist of

1 ID checker

2 barbacks

3 security persons

4 bartenders

**COMMUNITY NIGHTS** - Wednesdays at Sotto offer Salsa lessons and dancing from 7 pm - 11 pm. Salsa night brings in people of all ages, people not seen on other nights. We are happy to support the dance community of Madison. As such, Cielo will schedule community-minded dance or event nights as well as taste-and-learn nights, with experts providing presentations on Cocktail Mixology, Mescal Cultivation and Production, and Make-At-Home Party Beverages and other topics.

**NOTE** - Cielo, in Spanish, means Heaven, and, Sky.

**CONCLUSION** - Cielo will add to the 100 block of State Street by offering a music genre that millennials presently seek in bigger cities. This music can be played at a smooth tone to accommodate diners during our proposed weekend Techno Brunches. Cielo will be a destination for hotel guests in the immediate area, like guests of the Concourse and the development that will occupy the former Central High School/MATC site. Events like salsa and other dancing, and educationally oriented tasting events will be further offerings for Madison adults.