



GLEISCHMAN SUMNER COMPANIES

October 25, 2001

Alderman Paul Henningsen
City of Milwaukee, Common Council
City Hall
Room 205
200 E. Wells St.
Milwaukee, WI 53202

Dear Paul:

Just a quick note to ask you to vote against a liquor license for the proposed night club at 162 W. Wisconsin Avenue.

While I like a drink as much as the next guy I think the proposed plan will be bad for us at Federal Plaza and for most all of the other businesses west of the river.

We need businesses that will complement the existing office space and be compatible with the planned residential development in the area. We also need to make things as inviting as possible for guests to the city and based on what I've been told Mr. Berg's plan won't help and probably will hinder reaching those objectives

I hope that you take the forgoing into account and will decide to vote against the application.

Thank you very much for your consideration.

Cordially yours,

Mark Gleischman

cc: ~~Common Council President Marvin Pratt~~

GLEISCHMAN SUMNER CO., INC.

310 WEST WISCONSIN AVENUE MILWAUKEE, WI 53203 • P.O. BOX 648 MILWAUKEE, WI 53201-0648

414-277-4444 • FAX 272-8388

info@gleichmansumner.com

**bcc: Dan McCarthy
Stephanie Otto**

CASWELL INVESTMENTS
POSNER BUILDING
152 WEST WISCONSIN AVENUE
MILWAUKEE, WISCONSIN 53203

TELEPHONE
AREA (414) 276-8030
FAX
(414) 276-8283

December 19, 2001

Ad ①

12/20/01

Marvin to

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Record.

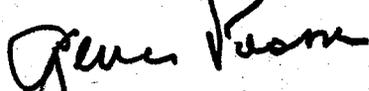
Mr. Marvin Berg III
UTOPIA, INC.
162 W. Wisconsin Avenue
Milwaukee, WI 53203

Dear Mr. Berg:

You have agreed that, as a condition of your lease with Caswell Investments, the premises at 162 W. Wisconsin Avenue will be utilized during day time hours as an upscale clothing store. You agree, by your signature on this letter, that failure to maintain the retail clothing store will be considered a material breach of your lease obligations.

Sincerely,

CASWELL INVESTMENTS



Gene Posner,
Partner



Marvin Berg III

Marvin Berg III

12-19-2001

Date



CITY OF MILWAUKEE

MARQUETTE UNIVERSITY
NOV 14 AM 8:32

RONALD D. LEONHARDT
CITY CLERK

November 5, 2001

NOV 14 AM 8:32
RONALD D. LEONHARDT
CITY CLERK

The Honorable Marvin Pratt
City of Milwaukee, Common Council President
City Hall
200 E. Wells St.
Milwaukee, Wisconsin 53202

Dear Alderman Pratt:

Marquette University would like to express its opposition to the application to open a late-night dance club at 162 W. Wisconsin Avenue. As a member of the Westown Association, we support the vision of West Wisconsin Avenue as a safe and friendly neighborhood developed around shopping, theater and dining businesses. The addition of an after-hours nightclub, whose owner recently has been cited for contributing to the delinquency of a minor, would be a setback to all those who have contributed to the improvement of West Wisconsin Avenue.

Therefore, we urge you to uphold the goals of the Downtown Master Plan and vote against this license at your November 6th meeting. Please support the downtown businesses and community members who have worked so hard to improve this area of Milwaukee's Downtown.

Thank you for your consideration. If you have any questions, please do not hesitate to call me at (414) 288-7430.

Sincerely,

Rana H. Altenburg
Vice President

RHA: dalb

cc: ✓ Stephanie Otto, Westown Association

MEMO

To: Common Council, City of Milwaukee
Date: November 26, 2001
From: Stephanie Otto, Westown Association
Re: Wisconsin Avenue Nightclub

The following organizations are opposed to the nightclub on Wisconsin Avenue and respectfully request that you vote to send it back to the Utilities and License Committee. By sending it back it will allow the entire committee to review the ever-changing proposal for the nightclub.

UWM Outreach
Wisconsin Energy
Marquette University
Ivory Tusk LLC
Tom Bernacchi and Jeff Kruesel, Towne Realty, Inc.
Joe Weirick, Palisades, The Shops of Grand Avenue,
Northwestern Mutual
John Welhoefer, Milwaukee Redevelopment Corporation
John Vassallo, Mo's A Place for Steaks
Gary Grunau
Hilton Milwaukee City Center
Debra Usinger and Stephanie Otto, Westown Association, B.I.D. #5
Russ Kaloti and Jim Jaworski, Howard Johnson's Inn & Suites
Gleichman Sumner Company, Federal Plaza
Allright Central Parking
Margaret Dupris, Andrew Narai, Jeff Sherman and Andrew Zeibel, residents and
Cawker Building Condominium Association members
Heather Perkins, resident and Riverfront Lofts Condominium Association Representative
Bartles Management Services, Inc.

Here are 3 reasons for our opposition:

Bad Fit for Wisconsin Avenue

According to the Downtown Master Plan and the people who live, work and own property in the neighborhood, it's a bad fit. Jefferson, Water, Milwaukee and/or Michigan would be better for the club, it's patrons and for downtown.

Outstanding Ticket

The operator has an outstanding ticket for contributing to the delinquency of a minor to be resolved December 14th. This should be a major concern for everyone!

Think big!

We are finally seeing the fruits of your labor. It is time to have higher expectations for retail and design on what can once again be a Grand Avenue. Wisconsin Avenue *is* coming back. The windows at the Shops of Grand Avenue and the Boston Store are spectacular. Now is not the time to brick up the facades and create back door entrances as the nightclub has already done. Don't lose sight of the vision in the Downtown Master Plan it's finally becoming a reality.

Alderman Paul Henningsen
City Hall
Room 205
200 East Wells Street
Milwaukee, WI 53202

Dear Alderman Henningsen:

I am writing to you today in response to the "City Channel" coverage of city business. In particular, regarding the tavern license for "Pure." I would like to share my viewpoint as a downtown property owner. I am hopeful you will listen.

I understand your vision of an upscale Wisconsin Avenue open to a range of uses. I understand you have investigated the potential business owner and his intentions. I understand that you believe your experience as an alderman substantially qualifies you to know what is in the best interest of the district.

I am an owner in a residential building that contributes approximately \$300,000 annually in property taxes. In addition, we residents frequent downtown businesses and cultural events as well as utilize downtown services. In my estimation, downtown residents such as myself stimulate the downtown economy much more than the weekday lunch crowd or suburbanites out for a single night of entertainment. Do you not consider our money a great stimulus to the downtown economy?

My bedroom lies directly across from what may become the back door/parking ramp entrance of "Pure." I do not wish to have loud, yelling, intoxicated people parading in and out just across the street from where I am trying to sleep. I hold a job which requires me to get up early, well rested and be prepared to work. Thursday through Saturday late hours for the tavern will very likely interfere with my sleep schedule. I would have never purchased the condo if a bar existed in that location simply because of the noise issues. We residents were here first and had to adjust to all the Riverside events and associated problems. You may get promises from Pure about crowd control and quiet but you won't be the one awoken by loud noise, will you? Shall I call you at midnight on a Thursday so you can help me with the problem then? Can you not understand that it is not fear which promotes my contention to this development but rather a desire to circumvent poor businesses by not having them exist in the first place. Prevention of problems and maintenance of a good quality of life is the goal. Should this development proceed, I ask you to strictly limit access to Wisconsin Avenue and NOT allowed on Plankinton Avenue, which is residential and retail/restaurant in nature.

The Calker Building is not the only building in the area that uses the parking ramp. Many of us in this building rely on it for our overnight parking needs. We use it all week creating a daily source of revenue for the parking structure not just a special event or weekend revenue. Why must you downplay the continual economic support downtown residents pump into the downtown economy and play up the occasional monies from suburbanites?

Do you really believe that Pure's owner, a person who has a legal history of rowdy parties involving minors, is truly fit to provide the upscale crowd you would like to see? Alderman, I believe you are deluding yourself.

I would like to point out that in your 20ish years of service as alderman, 15 of those years showed downtown go from the premiere shopping area in Milwaukee (Grand Avenue) to the worst. Where were you when downtown Milwaukee suffered and sputtered out of control? You were in service at that time; yet you take no responsibility for the demise of downtown. I have noticed that you are most willing to take credit for the great re-invention of downtown Milwaukee. You alone are not responsible for the improvements. Consider those of us who have invested hundreds of thousands of dollars in legitimate businesses and homes. Many of us are responsible for reclaiming downtown Milwaukee, not just you.

Finally, I wish to remind you that you narrowly won re-election as alderman. In fact, 47% of us who voted in this district voted against you. Statistically, it appears that your support is marginal. Please be mindful of that when serving as alderman as you truly represent only 53% of us, which is hardly the vast majority.

Alderman, I respectfully request that you take an honest look at all those residents and businesses who oppose the PURE development. You are really in the minority on this one. This issue potentially affects my quality of life as a downtown resident and that is something I must stand up for. You represent many, not just one. You have a duty as an elected official to be honest about controversial issues. So many businesses and residents are opposed to it yet you hail it as a great development. Please reconsider your tenuous position.

Thank you for your time and consideration. Please note that I and my husband are available to discuss these issues with you if you so wish.

Respectfully submitted,

Jackie Petted
730 N Plankinton Ave Unit 9A
Milwaukee, WI 53203

Cc: Common Council
Westown Association
Riverfront Loft Condos



Hilton
Milwaukee City Center

October 31, 2001

Alderman Jeff Pawlinski
Chair, Utilities & Licenses Committee
City of Milwaukee, Common Council
200 E. Wells Street, Room 205 City Hall
Milwaukee, Wisconsin 53202

Dear Alderman Pawlinski,

The Hilton Milwaukee City Center joins with the over 100 other businesses which comprise the Westown Association, BID District #5, in voicing our firm opposition to Marvin Berg III's application to open a late night dance club at 162 W. Wisconsin Avenue. We urge you to consider the fact that this operation is inconsistent with the Milwaukee Downtown Master Plan and offers nothing toward the stable revitalization of the area.

It is essential that daytime retail/service/dining operations be given top priority for this location in order to provide a balance and variety of services to the growing number of downtown residents. There also is the consideration of the expected move of the Milwaukee Symphony Orchestra to the area. Our goal should be to provide enhancements for the benefit of these and potential new tenants and residents; we fail to see the benefit which a dark street façade of a business which is open very limited hours and serves only alcohol would have to the overall success of this revitalization. We encourage this applicant to pursue his business endeavors in the very vital entertainment/nightlife district of downtown that is nearby.

Therefore, we are asking that you vote against this license in support of the downtown businesses that have already invested hundreds of millions of dollars and years of work in improving Milwaukee's downtown. We are only asking that your committee follow the plan which has been adopted as the appropriate approach to success for this area of downtown.

Thank you for your consideration of our stance and also for your leadership.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Haworth'.

Chris Haworth
Marketing and Public Relations Manager

Cc: Gerald Rappaport, General Manager, Hilton Milwaukee City Center
City of Milwaukee, Common Council
Milwaukee Mayor John Norquist
✓ Westown Association, BID # Board of Directors
Dan McCarthy, Department of City Development
Marvin Berg III

509 West Wisconsin Avenue, Milwaukee, WI 53203
Tel: +1 414 271 7250 Fax: +1 414 271 1089
Internet: www.milwaukeehilton.com
Reservations: www.hilton.com or 1-800-HILTONS

WILLIAMS DEVELOPMENT CORPORATION

October 26, 2001

Alderman Paul Henningsen
City of Milwaukee
200 E. Wells Street
Milwaukee, WI 53202

BY MESSENGER

Dear Paul:

The action of the Utilities Committee of the Common Council to approve the liquor license application of the night club proposed for the Posner Building is painfully disappointing. Here are some of the reasons:

(1) Many of us have invested large amounts of time, effort and money in an attempt to restore West Wisconsin Avenue to something approaching its former grandeur. Although a strong start has been made, there is much farther to go. Should not the Council seriously consider the objections of all of us lest its action be deemed a refutation of all we are trying to accomplish?

(2) All of us have adhered to the plan created by the City to improve our neighborhood. The night club use was not contemplated in that plan nor can anybody make a credible argument that an establishment formed solely to sell intoxicants to be consumed entirely on the premise will add anything desirable to the ambiance of the neighborhood.

(3) Indeed, there is evidence known to all of us that strong drink leads to the kind of loud, boistrous, irresponsible behavior one does not associate with a business environment, especially the central business district environment.

(4) There may be a place for a night club downtown. That place is not opposite the now-being-renovated Grand Avenue, the centerpiece of the retail district. It is not opposite a high rise residential condominium. It is not opposite a new hotel and office building representing an investment of \$60,000,000. What is the benefit to those properties of a club which is only open on Thursday through Saturday and only at night?

Alderman Paul Henningsen
City of Milwaukee

-2-

October 26, 2001

If the Common council approves so ill-conceived a project, would not that action signal that the City is so greedy for any deal that it would grab one opposed by neighboring, mature, reputable, experienced property owners. Please reconsider your position on this matter. That is the responsible course.

Sincerely,

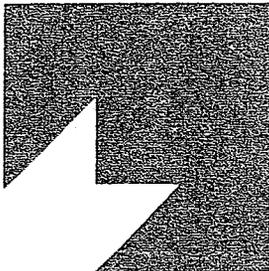
IVORY TUSK

By:


William Orenstein

cc: Mr. Dan McCarthy
Common Council
WO:jb

September 16, 2001



**Milwaukee
Redevelopment
Corporation**

Suite 250
310 West Wisconsin Avenue
Milwaukee, WI 53203

414/276-5995
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e-mail: mrcorp@execpc.com

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Alderman Jeff Pawlinski
Chair, Utilities & Licenses Committee
City of Milwaukee, Common Council
200 E. Wells St. Room 205, City Hall
Milwaukee, WI 53202

Dear Alderman Pawlinski:

The Milwaukee Redevelopment Corporation (MRC) and the City of Milwaukee have succeeded in creating one of the most successful public – private development partnerships in the U.S. For almost thirty-years, we have undertaken exciting downtown development activities that include The Grand Avenue, Yankee Hill apartments, East Pointe, the Milwaukee Center – Theater District and Library Hill.

We are now preparing plans for an exciting residential mixed-use development in the block north of The Grand Avenue. MRC expects to develop market-rate residential units, and we are working closely with the Milwaukee Symphony Orchestra on the on-going analysis of the feasibility of the historic Grand Theater as a new venue for Symphony performances.

Given these plans, and the considerable investment of private companies and the City of Milwaukee in The Grand Avenue, the Milwaukee Redevelopment Corporation requests that the proposal for a Tavern and Cabaret license at 162 W. Wisconsin Avenue be denied.

We believe that this proposed use and operation would significantly impair the ability of MRC, and all its public and private partners, to enhance the economic vitality of this area.

Thank you for your consideration.

Sincerely,

Jon L. Wellhoefer
President

cc/ Alderman Paul Henningsen



WISCONSIN
ENERGY
CORPORATION

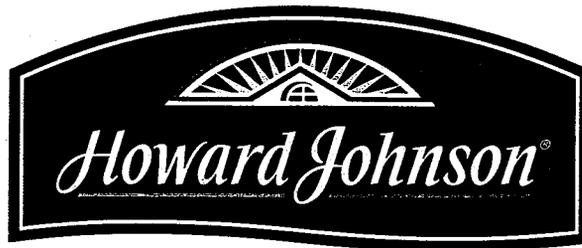
231 W. Michigan, P.O. Box 2949, Milwaukee, WI 53201

TO: Chairman and Members of the Utilities and Licensing Committee
FR: Joel Haubrich, Principal Representative, Wisconsin Energy Corporation
DA: 10.23.2001
RE: Proposed Nightclub at **162 W. Wisconsin Avenue.**

Wisconsin Energy, as the developers of the Boston Store, and investors in several other downtown projects, is opposed to the proposed nightclub for the following reasons:

- A nightclub does not complement existing and planned residential, retail and office development the neighborhood that is focusing on shopping, theatre and dining. We hope businesses with an active daytime and/or evening retail, service or entertainment presence populate Wisconsin Ave., not a late-night club that serves only alcohol.
- The financial investments in downtown are too large to risk on a business that contributes very little to the life of the specific neighborhood. Hundreds of millions of dollars have been invested in the renovation of the Boston Store, the Shops of Grand Avenue, the ASQ Center, Howard Johnson's Inn & Suites, Hilton Milwaukee City Center, Courtyard by Marriott, Best Western Inn Towne, Riverfront Lofts and Cawker Building Condominiums as well the development of the Midwest Express Center. In addition, numerous other locations in the area are slated for residential development. MRC and Irgens Development Partners LLC plan to build a 170-unit, mixed-use housing development on W. Wells Street between N. 2nd and N. Old World Third Streets and housing on the upper floors of the Centre Building, 212 W. Wisconsin Avenue. Moreover, the City of Milwaukee has committed \$5 million to streetscaping Wisconsin Avenue.
- The proposed nightclub does not enhance potential investments including the relocation of a Milwaukee Symphony Orchestra (MSO) music hall in the Grand Theatre (212 W. Wisconsin Ave.), a \$50 million dollar investment being studied by the MSO in cooperation with the Milwaukee Redevelopment Corporation (MRC).
- This is not the best location for a new nightclub in downtown Milwaukee. If the nightclub were to open in an existing nightclub district, it would have a better chance of surviving. Broadway, Milwaukee, Jefferson or Water Street locations should be considered.

We strongly urge you to deny the application for a Class "B" Tavern and Cabaret license.



October 11, 2001

Alderman Jeff Pawlinski
Chairman, Utilities & Licensing Committee
City of Milwaukee
200 E Wells Street Room 205 City Hall
Milwaukee WI 53202-3570

Dear Alderman Pawlinski,

My name is Jim Jaworski. I am a partner in a company named THYZDAR L/LP., D.b.a. Howard Johnson Inn & Suites Hotel. Our hotel is located at 176 W Wisconsin Avenue, Milwaukee WI 53203-2507. Our property is located next to the Posner building, which houses the former McDonalds restaurant and the site of the proposed nightclub that would be owned & operated by Marvin Berg III, president of Utopia Inc.

I write you this letter in opposition of the proposed nightclub. Other than filling up vacant space in the Posner building, this nightclub will do little or nothing to enhance Wisconsin Avenue west of the river. Listed below, are a few reasons why I oppose the nightclub.

- The proposed entrance of the nightclub is off of Plankinton Avenue, on the same walkway that leads into the city of Milwaukee parking structure. This poses a potential security threat for nearby condo owners and hotel guests who use that parking structure as well as their vehicles. These individuals trust the city to provide a safe and secure parking environment for people and their vehicles.
- After a "normal" spring, summer or fall weekend of visitors patronizing local restaurants, bars and other venues, the parking structure utilized by the hotel as well as local residents needs to be cleaned. People defecate, throw-up and release other bodily fluids in the parking structure prior to leaving the area in the early morning hours.
- Reduced quality of life issues regarding noise levels late in the evening and into the early morning will exist for the owners of condominiums in the building directly across the street of the proposed nightclub entrance as well as for hotel guests.
- Increased litter along Plankinton Avenue and Wisconsin Avenue will be an ongoing issue that local residents and business operators will continually have to deal with. Public intoxication of club patrons will be evident on both Plankinton and Wisconsin Avenue's.
- Our Hotel has four- (4) guestrooms on the first floor that face east and are adjacent to the proposed nightclub. Hotel guests assigned to these guestrooms will not feel secure and will potentially hear the music from the club that will play until 1:30AM - 2:00AM. Additionally, the alley that separates the hotel from the proposed nightclub may serve as a gathering point for patrons departing the club.
- The days and hours the proposed nightclub will operate are Thursday, Friday and Saturday from 9:00PM - 2:00AM. The proposed nightclub will have limited days and hours of operation; the absence of any kind of food served and serves alcoholic and non-alcoholic beverages only.

HOWARD JOHNSON INN & SUITES

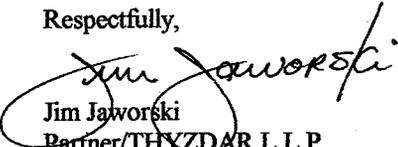
176 West Wisconsin Avenue • Milwaukee, WI 53203-2507 USA • Phone: 414-271-4656 • Fax: 414-329-4656
Email: admin@howardjohnsonmilwaukee.com

- Existing businesses in the 700 block of Plankinton Avenue will also be affected in a negative way. A newer establishment, Mo's, A Place for Wine, is an upscale wine bar and retailer. People lining up to enter the proposed nightclub may alter and prevent patrons from entering Mo's establishment.
- Future plans of the proposed nightclub include leasing adjacent space east of the venue with sliding glass doors that open up to Wisconsin Avenue. The sliding glass doors will be used for people to enjoy cocktails outside adding to the potential for litter and additional outdoor noise from music coming from inside the venue.

I have met Marvin Berg III and reviewed his business plan for the proposed nightclub. I think Mr. Berg has the best of intentions for his proposed venue. His plan includes installing high-quality furniture, fixtures and equipment in the club. However, I think that the location he has selected for the proposed venue is not appropriate. This type of venue would be better suited in an area that currently has similar establishments.

I fail to see how this operation will benefit the downtown area west of the Milwaukee River and Wisconsin Avenue. I trust the City of Milwaukee Utilities & Licensing Committee members will listen to their constituents concerns and act accordingly regarding granting a liquor license for this establishment. I ask that you take my concerns into consideration when reviewing Mr. Berg's application for a Class "B" liquor license.

Respectfully,



Jim Jaworski
Partner/THYZDAR L.L.P.
D.b.a. Howard Johnson Inn & Suites

C. Stephanie Otto
Westtown Association BID #5

TowneRealty Inc.

Thomas Bernacchi, CPM
Vice President
Commercial Division
October 22, 2001

Alderman Jeff Pawlinski
Chair, Utilities & Licenses Committee
City of Milwaukee, Common Council
200 E. Wells Street
Room 205, City Hall
Milwaukee, WI 53202

Dear Alderman Pawlinski:

Towne Realty, Inc., along with the Westown Association, Business Improvement District #5 and other property owners recently met with Marvin Berg III, President of Utopia Inc. to discuss his proposal to open a nightclub at 162 West Wisconsin Avenue, downtown Milwaukee.

Mr. Berg has applied for a Class "B" Tavern and Cabaret license for the street-level space inside of the Posner Building in order to operate a nightclub Thursday through Saturday from 9:00 p.m. to 2:00 a.m. with the primary entrance on Plankinton Avenue.

Towne Realty, Inc., owner of over 1.3 million square feet in downtown Milwaukee, has a strong and vested interest in the development of Downtown Milwaukee and opposes the nightclub at this location for the following reasons:

- A nightclub does not fit with our vision for the neighborhood as an upscale shopping, theatre and dining district. The Milwaukee Downtown Plan states, "new uses should complement those of the Grand Avenue, therefore contributing to its revitalization." A business with an active daytime and evening retail presence that will complement residential development is needed, not a nightclub.
- The proposed entrance off of Plankinton Avenue and plans to install tinted windows facing Wisconsin Avenue are not consistent with the objectives of the Milwaukee Downtown Plan which states that "primary entrances of stores and offices are on Wisconsin Avenue."
- This business will contribute very little to the life of the neighborhood. Hundred of millions of dollars have been invested in the renovation of the Boston Store, the Shops of Grand Avenue, the ASQ Center, Howard Johnson Inn & Suites, Hilton Milwaukee City Center, Courtyard by Marriott, Best Western Inn Towne, Riverfront Lofts and Cawker Building Condominiums as well the development of the Midwest Express Center. In addition, the City of Milwaukee has committed \$5 million to streetscaping Wisconsin Avenue.

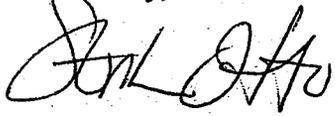
- The proposed entrance off of Plankinton Avenue and plan to install tinted windows facing Wisconsin Avenue are not consistent with the objectives of the Milwaukee Downtown Plan, which states, "primary entrances of stores and offices are on Wisconsin Avenue."
- The financial investments in Westtown are too large to risk on a business that contributes very little to the life of the neighborhood. Hundreds of millions of dollars have been invested in the renovation of the Boston Store, the Shops of Grand Avenue, the ASQ Center, Howard Johnson's Inn & Suites, Hilton Milwaukee City Center, Courtyard by Marriott, Best Western Inn Towne, Riverfront Lofts and Cawker Building Condominiums as well the development of the Midwest Express Center. In addition, the City of Milwaukee has committed \$5 million to streetscaping Wisconsin Avenue.
- The proposed nightclub does not enhance potential investments including the location of a Milwaukee Symphony Orchestra (MSO) music hall in the Grand Theatre (212 W. Wisconsin Ave.), a \$50 million dollar investment being studied by the MSO in cooperation with the Milwaukee Redevelopment Corporation (MRC).
- In addition, numerous other locations in the area are slated for residential development. MRC and Irgens Development Partners LLC plan to build a 170-unit, mixed-use housing development on W. Wells Street between N. 2nd and N. Old World Third Streets and housing on the upper floors of the Centre Building, 212 W. Wisconsin Avenue.
- Westtown has re-emerged as a clean, safe and friendly neighborhood. Residents and businesses take pride in their downtown community. The creation of a nightclub district would bring increased noise and litter and require additional police patrols to maintain safety, all of which are major concerns for property owners.
- This is not the best location for a new nightclub in downtown Milwaukee. If the nightclub were to open in an existing nightclub district, it would have a better chance of surviving. Broadway, Milwaukee, Jefferson or Water Street locations should be considered.
- Mr. Berg, sole owner, has no experience as a nightclub owner.

We strongly urge you to deny Mr. Berg's application for a Class "B" Tavern and Cabaret license. Upon the denial of the license, the Westtown Association is willing to work with Mr. Berg to find an appropriate location for his nightclub in downtown Milwaukee. In addition, we are available to assist the building owner in attracting a retail tenant for 162 W. Wisconsin Avenue.

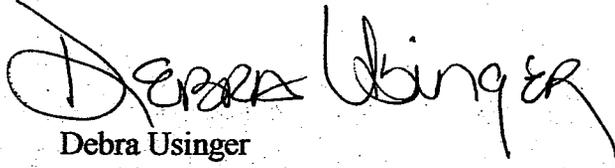
Please do not hesitate to contact us to discuss this very important issue.

Thank-you in advance for your time and consideration.

Sincerely,



Stephanie Otto
Executive Director
Westown Association, BID #5
414-276-6696



Debra Usinger
President, Westown Association, BID #5
Fred Usinger, Inc.
414-291-7100

cc: Common Council President Marvin Pratt
Alderman Paul Henningsen
Alderman Terrence Herron
Alderman Angel Sanchez
Alderman James Bohl, Jr.
Marvin Berg III
Westown Association, BID #5 Board

COPY

WESTTOWN ASSOCIATION
BUSINESS IMPROVEMENT
DISTRICT #5
633 W. Wisconsin Avenue
Suite 409
Milwaukee WI 53203
414 276-6696
Fax: 414 276-6366
E-mail: westtown@aero.net
www.westtown.org

October 17, 2001

Alderman Jeff Pawlinski
Chair, Utilities & Licenses Committee
City of Milwaukee, Common Council
200 E. Wells St. Room 205, City Hall
Milwaukee, WI 53202

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EXECUTIVE DIRECTOR
Stephanie Otto

Dear Alderman Pawlinski,

The Westown Association, Business Improvement District #5 represents over 100 businesses that have worked tirelessly over the past fourteen years to make Westown a clean, safe and friendly downtown neighborhood. We are extremely proud of the revitalization that is occurring west of the Milwaukee River and want to ensure that it continues.

Westown business and property owners recently met with Marvin Berg III, President of Utopia Inc. to discuss his proposal to open a nightclub at 162 W. Wisconsin Avenue.

As you know, he has applied for a Class "B" Tavern and Cabaret license for the street-level space inside of the Posner Building in order to operate a nightclub Thursday through Saturday from 9:00 p.m. to 2:00 a.m. with the primary entrance on Plankinton Avenue.

The Westown Association, in conjunction with Towne Realty, Inc., Wisconsin Energy Corporation as developers of the Boston Store, Ivory Tusk LLC, Howard Johnson's Inn & Suites, the Shops of Grand Avenue, the Milwaukee Redevelopment Corporation, the Cawker Building Condominium Association, Mo's A-Place for Steaks and Allright Central Parking request that Mr. Berg's application be denied. This group represents hundreds of millions of dollars in investment within the area immediately surrounding 162 W. Wisconsin Avenue.

We are opposed to the nightclub for the following reasons:

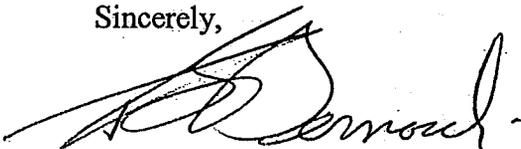
- A nightclub does not fit with our vision for the neighborhood as an upscale shopping, theatre and dining district. The Milwaukee Downtown Plan states, "new uses should complement those of the Grand Avenue, therefore contributing to its revitalization." A business with an active daytime and/or evening retail, service or entertainment presence that will complement existing and planned residential, retail and office development is needed, not a late-night club that serves only alcohol.

- The proposed nightclub does not enhance potential investment including the location of a music hall for the Milwaukee Symphony Orchestra in the Grand Theatre, a \$50 million dollar investment being studied by the Milwaukee Symphony Orchestra in cooperation with the Milwaukee Redevelopment Corporation. MRC is also studying the property adjacent to the Grand Theatre as a potential site for a significant housing development.
- In addition, numerous other buildings in the area are being analyzed for adaptive reuse as residential developments.
- Downtown Milwaukee, especially the West Side, is re-emerging as a clean and safe place to live, work and visit. The risk of a possible negative incident outside of a nightclub is too great, given the substantial investments outlined above.
- Safety, noise and litter are major concerns for residential property owners on Plankinton Avenue.
- This is not the best location for a new nightclub in downtown Milwaukee. If the nightclub were to open in an existing nightclub district, it would have a better chance of surviving. Broadway, Milwaukee, Jefferson or Water Street locations should be considered.
- Mr. Berg, sole owner, has no experience as a nightclub owner.

We strongly urge you to deny Mr. Berg's application for a Class "B" Tavern and Cabaret license. His nightclub proposal does not fit with Towne Realty's vision for the area as a clean, safe and friendly downtown neighborhood.

If you have any questions, please do not hesitate to call me at (414) 274-2637.

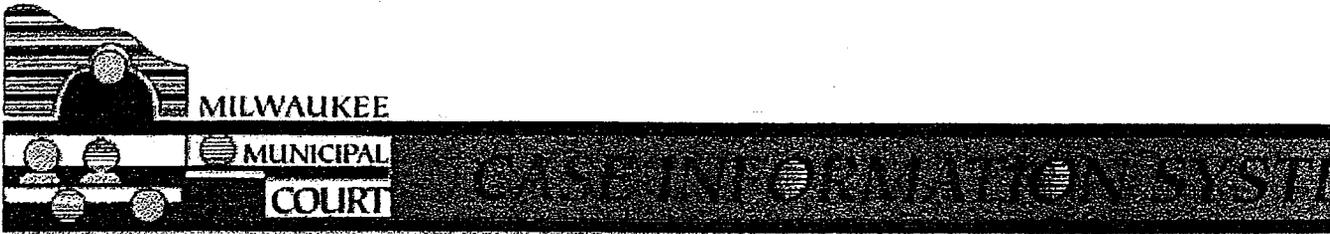
Sincerely,



Thomas G. Bernacchi
Vice President - Commercial Division

/jcl

Cc: Common Council President Marvin Pratt
Alderman Paul Henningsen
Alderman Terrance Herron
Alderman Angel Sanchez
Alderman James Bohl, Jr.
Dan McCarthy, Department of City Development
Marvin Berg III



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Case Details For Defendant

Data is current as of 10/23/2001

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Defendant Information

* **Name:** MARVIN A BERG
Date of Birth: 09/20/1975 **Sex:** Male **Race:** White
Last Known Address: 236 N WATER ST, MILWAUKEE, WI 53202
Driver License Number and Issuing State:

Case Summary

Case Number: 01091171 **Status:** Active
Type of Case: Municipal citation
Citation Number: 57002503 **Deposit Amount:** \$149.00
 * **Violation:** Ordinance 106-23-2, CONTRIBUTE TO DELINQUENCY OF MINOR
Violation Date and Time: 07/28/2001 2:18 AM
Violation Location: 236 N WATER ST
Plea: Not Guilty **Plea was entered by:** Defense Attorney
Collection? No **Installment Plan?** No

Scheduled Court Appearances

Date	Time	Branch	Reason	Courtroom Location
10/30/2001	1:30 PM	1	Pre-Trial	Milwaukee Municipal Court 951 North James Lovell Street WI 53233-1449

Click the Branch code number to view court location



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Page format last revised: 05/26/2000 9:55 AM

**MILWAUKEE POLICE DEPARTMENT
LICENSE INVESTIGATION UNIT**

**CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS
SYNOPSIS**

**DATE: 08/23/2001
LICENSE TYPE: BARTN
NEW: X
RENEWAL:**

**No. 23330
Application Date: 07/25/2001
Expiration Date:**

**License Location:
Business Name:**

Aldermanic District:

**Licensee/Applicant: KING, Jason M.
(Last Name, First Name, MI)
Date of Birth: 10/04/1978**

Male: X Female:

**Home Address: 236 N Water St #3
City: Milwaukee
Home Phone: 414-765-0743**

State: WI Zip Code: 53202

This report is written by Police Officer James Sanfilippo, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

On Sunday, July 29, 2001, at about 2:00 a.m., Officers were informed of an illegal "after-hours club" operating in the area of the 200 block of north Water St. Officers investigated and observed a male in the alley rear of 236 N. Water St. and people entering the building. 236 N. Water St. is the residence of record of the applicant, Jason King. While talking with this individual, who identified himself as a resident of the apartment building, two obviously underage males exited the building, saw the officers and fled back into the building. These two individuals were found hiding in the elevator and were ages 14 and 16.

The Officers then entered the applicant's apartment and observed numerous 1/2 barrels of beer on ice in two locations of the apartment as well as numerous bottles of water on ice and several hundred bottles of water still in unopened case in a utility room. The kitchen cabinets were sealed with plastic, as was the refrigerator to keep them from being opened. A living room area about 100' by 100' was void of furniture and was converted into a dance floor with several large stereo speakers, turntables, other stereo equipment and special lighting in place. There were about ten people in the residence at the time.

Officers questioned the resident about what was going on, and he told officers that there was a private birthday party for one of his roommates though none of the roommates had a birthday that was close to the date of this investigation. The resident interviewed also did not know any of the people in the apartment.

When the Officers left the apartment at about 3:00 a.m., they observed about 300 people in the alley apparently waiting to enter the building. Many of them had money in hand and many appeared to be under the age of 21. It was from one of these persons that the officers obtained an invitation announcing a "after-hours" party at the residence. The invitation, which appeared to be professionally printed, stated "The Elevator, 236 N. Water St., 3rd floor, after-hours, 5000 sq. ft. warehouse, house music, Sat. 28th, 2 a.m., DJ's spinning live" The invitation had the names of three DJ's printed on it two of which were that of the 14 and 16 year old found hiding in the building after seeing the officers earlier. Some of the stereo equipment in the residence belonged to the two juveniles.

The Officers cleared the residence and alley of all persons with agreement of the resident interviewed after a fire alarm in the building was activated. The applicant and his four roommates were cited for Contributing to the Delinquency of a Minor with future court dates. The applicant was present at the time of the investigation but no statement from him is indicated in the report filed by the investigating Officers.