



February 13, 2019

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BY FEDERAL EXPRESS OVERNIGHT

Mr. Jim Owczarski
City Clerk
City of Milwaukee
Office of the City Clerk
City Hall, Room 205
200 E Wells Street
Milwaukee, Wisconsin 53202

BY FEDERAL EXPRESS OVERNIGHT

Ms. Marion Clendenen-Acosta
Chair
City of Milwaukee
Historic Preservation Commission
Zeidler Municipal Building, Room B-1
841 N. Broadway
Milwaukee, Wisconsin 53202

Re: Letter Dated February 7, 2019 and Published by the Historic Preservation Commission (the “Commission”) to File No. 181568 on February 7, 2019

Mr. Owczarski and Ms. Clendenen-Acosta:

We represent Marcus Center for the Performing Arts (“**Marcus**”), the sole tenant of 929 N. Water Street (the “**Subject Property**”) pursuant to a Lease Agreement (the “**Lease**”) entered into with Milwaukee County (the “**County**”) and dated as of January 1, 2017.

This correspondence concerns nominations by Ms. Jennifer Current and Mr. Mark Debrauske to seek both (i) temporary designation of the Subject Property (the “**Temporary Application**”) pursuant to § 321-21-13 of the City of Milwaukee’s *Code of Ordinances* (File 181568) and (ii) permanent designation of the Subject Property (the “**Permanent Application**”) pursuant to § 321-21-9 of the City of Milwaukee’s *Code of Ordinances* (File 181570) (the “**Permanent Application**”).

The Commission on February 4, 2019 granted the designation sought by the Temporary Application. As a consequence, on February 7, the Office of the City Clerk issued the letter set forth on Attachment 1. On the same date, the Commission published this letter to Council File No. 181568.

The Clerk’s attached letter of February 7, however, fundamentally misstates the Commission’s February 4 action. More precisely, the City Clerk’s letter states that the Commission approved designation under the Temporary Application because “the building meets the criteria of s. 320-21-3-e-1, e-5, e-6 and e-9.”

In fact, the Commission specifically resolved *not* to determine whether the Subject Property meets the criteria enumerated in *Ordinances* § 321-21-13 but rather—as the Ordinance itself expressly contemplates—merely that “there is a substantial likelihood that the commission will recommend historic designation . . . to the common council following full consideration of the [Permanent Application].” Indeed, two members of the Commission specifically spoke to this point in commenting on the Commission’s resolution. Alderman Bauman stated (see the video recording of



City of Milwaukee
Office of the City Clerk
February 13, 2019
Page 2

the meeting at 1:42:12-1:42:21) that the Commission's "[t]emporary designation is simply a *determination that there is a substantial likelihood that [the Subject Property] will be permanently designated.*" Likewise, Mr. Jarosz stated (see video recording at 1:44:09-1:44:16) that the Commission's February 4 hearing was "not the point at which discussion about [the Subject Property's] virtues for final designation is the appropriate arena."

Based on (i) the expressed language of the controlling ordinance and (ii) the purposeful remarks of Commission members restating that controlling language, the summary notice from the Office of the City Clerk dated February 7 and set forth on Attachment 1 is plainly in error.

Accordingly, as contemplated by Wis. Stat. § 68.07, Marcus Center hereby requests that the Commission's determination of February 4, and the reasons for such determination, be confirmed with the Commission, reduced to writing, and delivered to the undersigned, as well as to Mr. Paul Mathews, President and CEO of the Marcus Center, at 929 N. Water Street, Milwaukee. Marcus Center further request that, likewise as contemplated by Wis. Stat. § 68.07, the written notice requested under this paragraph further advise Marcus Center of (i) its specific rights to have the Commission's determination reviewed, (ii) the time within which such review may be obtained, and (iii) the office or person to whom a request for review shall be addressed.

Please advise of any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Michael J. Ostermeyer', written over a horizontal line.

Michael J. Ostermeyer

MJO:jmk

Att

cc: Office of the City Attorney
Mr. Paul Mathews, President and CEO, Marcus Center
Jerome Janzer, Esq., Chair, Marcus Center for the Performing Arts
Teig Whaley-Smith, Esq., Milwaukee County Department of Administration
Paul Kuglitsch, Esq., Milwaukee County Office of the Corporation Counsel
Mr. Scott Manske, Milwaukee County Office of the Comptroller
Ms. Stacie Callies, Westown Association (for Business Improvement District No. 15)

Attachment 1



Office of the City Clerk

Jim Owczarski
City Clerk
jowcza@milwaukee.gov

Richard G. Pfaff
Deputy City Clerk
rpfaff@milwaukee.gov

February 7, 2019

Milwaukee County
Business Manager
Performing Arts Center
929 N. Water St.
Milwaukee, WI 53202

RE: Resolution relating to the Temporary Historic Designation of the Marcus Center for the Performing Arts at 929 North Water Street in the 4th Ald. District

Dear Milwaukee County Business Manager:

This letter is to inform you that the above matter was approved at the Historic Preservation Commission meeting of February 4, 2019 as the building meets the criteria of s. 320-21-3-e-1, e-5, e-6 and e-9. Section e-1 relates to its exemplification and development of the cultural, economic, social or historic heritage of the city, state of Wisconsin or the United States. Section e-5 relates to a building's embodiment of distinguishing characteristics of an architectural type or specimen and section e-6 relates to its identification as the works of an artist, architect, craftsman or master builder whose individual works have influenced the development of the city. Section e-9 relates to a building's unique location which represents an established or familiar visual feature of a neighborhood, community or the city.

This designation is in effect for 180 days and within that time period a hearing will be held on the permanent historic designation. You will both be notified of this meeting and have a chance to testify.

Respectfully,

A handwritten signature in black ink, appearing to read "James Owczarski".

James Owczarski
City Clerk

Cc: Ald. Robert Bauman, Jennifer Current and Mark Debrauske

