

00001

1

2

CITY OF MILWAUKEE

3

UTILITIES & LICENSES COMMITTEE

4

* * * * *

5

In the Matter of

6

PATRICK GUENTHER
AGENT FOR S&V, Inc.

7

Kelly's Bleachers
5218 W. Bluemound Road

8

* * * * *

9

COMMITTEE MEMBERS

10

ALD. JAMES WITKOWIAK - Chair

11

ALD. JAMES BOHL, JR., - Vice-Chairman

12

ALD. JOSEPH A. DUDZIK

ALD. ROBERT PUTENTE

13

LICENSING DIVISION by REBECCA BARRON
NEIGHBORHOOD SERVICES by PANDORA BENDER

14

HEALTH DEPARTMENT by PAUL ZEMKE

15

POLICE DEPARTMENT by SEARGENT JOHN HOGAN

16

OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

17

18

Proceedings had and testimony given in
the above-entitled matter, before the UTILITIES &
LICENSES COMMITTEE OF THE CITY OF MILWAUKEE, on
the 12th day of July, 2005.

19

20

21

00002

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

P R O C E E D I N G S

CHAIRMAN WITKOWIAK: Pat Guenther, Kelly's Bleachers, 5218 West Blue Mound Road, request to occupy the entire second floor and outdoor balcony. Good afternoon.

THE APPLICANT: Good afternoon.

CHAIRMAN WITKOWIAK: Swear the applicant in please.

(Whereupon the witness was duly sworn.).

CHAIRMAN WITKOWIAK: Name and address for the record, please.

THE APPLICANT: Patrick Guenther, 2554 South Greenlinks.

CHAIRMAN WITKOWIAK: Patrick, do you admit to receiving notice in the mail that there is a possibility that your application could be denied because of neighborhood objections to littering, loitering, parking, traffic problems, loud music, noise, public urination, trespassing, damaged to private property, disorderly patrons and conduct which is detrimental to the health, safety and welfare of the neighborhood.

THE APPLICANT: I do.

CHAIRMAN WITKOWIAK: Neighborhood Services.

MS. BENDER: Hold for occupancy.

00003

1 CHAIRMAN WITKOWIAK: Health department.

2 MR. ZEMKE: Health Department needs plans
3 submitted for construction and remodeling.

4 CHAIRMAN WITKOWIAK: Okay. Let the record
5 show that Alderman Murphy's office is represented
6 here. Good afternoon.

7 MS. SEWALL: Hello.

8 CHAIRMAN WITKOWIAK: Patrick, why are you
9 applying for this license?

10 THE APPLICANT: To give our business an
11 extra area and something more to offer to our
12 customers, more of an eatery. It wouldn't affect our
13 capacity. It would just give us something else on the
14 second floor. I think it would be unique for the City
15 of Milwaukee to have an outdoor balcony up above. I
16 know we can't do anything on the sidewalk because it's
17 limited on size.

18 CHAIRMAN WITKOWIAK: Can I just see, is
19 there anybody here from the neighborhood to testify on
20 this?

21 (Indication.)

22 CHAIRMAN WITKOWIAK: Okay. There are. Let
23 the record show there are three people. Okay. Could
24 all three of you raise your right hands and we will
25 swear you in.

00004

1 (Whereupon the witnesses were duly sworn.)

2 CHAIRMAN WITKOWIAK: Who's opposed? Would
3 you both come up here and give us your testimony,
4 please.

5 State your name and address for the record.

6 MR. MENKE: My name is Calvin James Menke.
7 I live at 525 North 52nd Street, directly behind the
8 bar.

9 MS. ANDERSON: I am Kathryn Anderson, same
10 address, 525 North 52nd Street.

11 CHAIRMAN WITKOWIAK: Do you live in a duplex
12 or did you live together in the same dwelling?

13 MS. ANDERSON: It's a single family home.

14 MR. MENKE: We own it, the home.

15 CHAIRMAN WITKOWIAK: Okay. Sir, your
16 testimony first.

17 MR. MENKE: I would just like to say that
18 there's enough venue, there's enough restaurants
19 along in that area with bars. We have been living
20 there eight years. There isn't a week gone by that
21 there isn't some type of illegal activity. There is
22 noise, problems with the traffic around the area
23 generated from the bar. They do not have enough
24 parking to take care of what they have now. They also
25 do not take care of what they have now. I have

00005

1 brought pictures for council.

2 CHAIRMAN WITKOWIAK: Could you speak into
3 microphone, please?

4 MR. MENKE: Sure. Certainly. I brought
5 picture for the council. Just as an example, that's
6 how they take care of their property. And any time we
7 try to make any complaints to the police or to our
8 alderman, they all seem to be argumentative at best,
9 and threatening and intimidating at worse. We have a
10 letter here stating that we can no longer make
11 complaints on the bar or we will be considered a
12 nuisance property.

13 CHAIRMAN WITKOWIAK: Who is that letter
14 from?

15 MR. MENKE: This letter is - - when I
16 brought a video tape of activities from the parking
17 lot of the bar to Police Captain Nan Hegarty and she
18 told me that nothing could be done via the video tape,
19 there wasn't enough evidence there for her. I said I
20 would like to have a letter stating that fact, that
21 this video tape wasn't good enough for her. I
22 received a letter -- if I could read segments, I would
23 do so, or pass it around.

24 CHAIRMAN WITKOWIAK: Sure. Go ahead, and
25 read the synopsis. Could you talk into the

00006

1 microphone.

2 MR. MENKE: I'm sorry. On January 30, 2004
3 at 4:16 a phone to the police came from the premises
4 containing loud vehicles revving their engines, and
5 the response by the police found no such problem.
6 They show up an hour, hour and a half later saying
7 there is nothing, no matter whether I take license
8 plate numbers of the vehicles. No matter what is
9 done. They suggest I go down there at 2:30 in the
10 morning and step into this drunken crowd.

11 Also, problems with trash collection. Over
12 the eight years we have been there, the trash has been
13 coming -- garbage truck at four, five, six o'clock in
14 morning. When we bring it to the attention of the
15 police department that this is unlawful, again,
16 argumentative at best. This is also brought up in
17 this letter.

18 The letter had some areas highlighted about
19 us becoming a nuisance property when the paragraph
20 just above it -- when you are trying to state to us
21 that nothing can be done to bar owner, the owner of
22 the premises. They send a letter stating that the
23 owner of the property is responsible for the noise
24 from anyone wherever engaged in nuisance activity
25 entering the premises, visitors attempting to enter

00007

1 the premises, visit a way -- or patronize or visit the
2 premises, the persons on the premises, including any
3 officer, director, customer, agent, employee or
4 independent contractor of the promises or owner,
5 stating that they -- basically the owner of the
6 property is responsible for noise made by these
7 people. That part isn't highlighted. That part is
8 ignored as if to rub it into our face, we are not
9 going to pay attention to the law. I can go ahead and
10 pass this around, if you would like.

11 CHAIRMAN WITKOWIAK: Is that an extra copy?

12 MS. ANDERSON: Yes.

13 CHAIRMAN WITKOWIAK: Would you like to
14 submit that as part of the record?

15 MS. ANDERSON: Sure.

16 MR. MENKE: Sure.

17 CHAIRMAN WITKOWIAK: Okay. Alderman Puente
18 moves to make this letter part of the record in this
19 hearing, and hearing no objections, so ordered.

20 MR. MENKE: I also have a pictures of their
21 grease trap, which I asked them three years ago not to
22 have right up against our fence. I mean, they moved
23 it now. I mean, the stench from this open grease trap
24 was just disgusting. This was the -- this is the
25 grease trap, this is our house. I have talked to them

00008

1 about problems with erosion. That's been an argument
2 for the seven, eight years we have been there.
3 Nothing's done. They can spend plenty of money doing
4 unlawful additions to their property. By nine o'clock
5 at night they are welding up an iron guardrail for
6 their upstairs, where they want to put 40 people
7 overlooking our backyard and depriving us of any
8 privacy we may have remaining.

9 CHAIRMAN WITKOWIAK: Are those extra copies
10 of those pictures?

11 MR. MENKE: They are not, but you can have
12 them.

13 MS. ANDERSON: You can have them.

14 MR. MENKE: We've spoke to them numerous
15 times about disrepair of the property, we wonder why
16 they need a Port-A-John in the parking lot. Disrepair
17 on the fences, garbage into our yard, all types of
18 material. This happens to be a tampon. This is
19 again their grease trap this grease washing down the
20 eroded into our property. Cigarette butts, general
21 disarray, broken glass. There again is another shot
22 of the back of the grease trap. This is the part that
23 washes off into our yard. The bottom of it. Garbage
24 cans out there half full of water breeding insects.
25 Again, pictures of garbage and debris.

00009

1 They also own the property next to us. The
2 property next to us is in disrepair. Any time you
3 call the building inspector's office to complain about
4 the disrepair on the property next to us or on their
5 bar, we end up getting the building inspector on our
6 property, going over it with a fine tooth comb,
7 telling us we need to repair a crack window on our
8 garage and you know -- and his cracked window has been
9 there at least 15 years. Coming again, once six years
10 ago, once three years ago, to complain that we don't
11 have a railing, when we do have a railing on our
12 steps. They come back and say "Well, you don't have a
13 railing." When it would pass three years ago with the
14 railing that was there. I put another railing on the
15 other side.

16 Also went to point of the extent of painting
17 our garage red, white and blue that maybe someone
18 would get the idea that this is United States of
19 America and that we do have rights.

20 This is a mattress that they had stuffed
21 into the eroded property. Their idea of what should
22 be done instead of a retaining wall. They've got
23 plenty of money to fix up the inside of their bar and
24 to do electrical work, plumbing work, and wrought iron
25 work on exterior of the building with out permits.

00010

1 When we make a complaint to the building inspector's
2 office, that's when we get harassed.

3 I think that pretty much covers my portion
4 of it. I am a little distraught because I was awoken
5 at 2:30 in morning by the noise from the bar and I
6 have not gotten to sleep again. This happens two,
7 three times a week, at least.

8 CHAIRMAN WITKOWIAK: Alderman Bohl moves to
9 make the photographs referred to as part of the record
10 in this matter, and hearing no objections, so ordered.

11 ALDERMAN BOHL: Mr. Chairman?

12 CHAIRMAN WITKOWIAK: Alderman Bohl.

13 ALDERMAN BOHL: I want to clarify a few
14 things that were said here. Mr. Menke, you indicated
15 this was as letter from the police chief and I just
16 want to let you know it is not.

17 MR. MENKE: It was in response to my video
18 tape to the police chief and asking her written
19 response to her objection.

20 ALDERMAN BOHL: That's fine. The letter was
21 signed by the captain of the third police district in
22 which you do reside, and it is - - it is not signed or
23 does it indicate this is the view or the position of
24 chief of police. I just wanted to clarify that. It
25 indicates here that a number of instances in which the

00011

1 police department, at least the captain of the third
2 district, through an investigation, indicate where
3 calls or complaints that were made, that the police
4 department determined were baseless.

5 MR. MENKE: Well, when they show up an hour
6 and a half later, and they -- like I said,
7 argumentative at least. They don't want to find
8 problems. They also use our address on the police
9 report so that the address of the tavern doesn't show
10 up on the police report as a problem.

11 ALDERMAN BOHL: Okay. The one issue here is
12 -- indicates that you did submit a two hour long video
13 tape to the police department.

14 MR. MENKE: I did.

15 ALDERMAN BOHL: And you dropped it off at
16 the district station.

17 MR. MENKE: I've dropped off several copies.
18 The last one was to the captain of police.

19 ALDERMAN BOHL: You typically provide them
20 to the captain or CLO or one of the other --

21 MR. MENKE: I dropped them off at the front
22 desk at the third district.

23 ALDERMAN BOHL: CLO?

24 MR. MENKE: Community liaison.

25 ALDERMAN BOHL: Right. I mean, it indicates

00012

1 here in this letter that there were five police
2 department employees who viewed this two hour tape and
3 basically there was consensus that it was found to be
4 severely lacking of constant noise problem.

5 MR. MENKE: It's my understanding they
6 failed to turn up the volume on the equipment that
7 they watched it on, because you got foul language,
8 fights, bottle smashing. This is a weekly event.

9 MS. ANDERSON: Part of what I am afraid of
10 is on the second floor when there is people on the
11 balcony, even if they are talking in a normal tone of
12 voice there, the way sounds carries, we are going to
13 be hearing it in our bedroom window. I mean, in just
14 normal tone of voice it is going to carry. And you
15 know when people are partying and having a good time,
16 they are generally a little bit louder than just a
17 normal tone of voice.

18 ALDERMAN PUENTE: Mr. Chairman?

19 CHAIRMAN WITKOWIAK: Alderman Puente.

20 ALDERMAN PUENTE: When were those
21 photographs taken?

22 MR. MENKE: Those photographs were taken
23 last month on the 17th.

24 ALDERMAN PUENTE: All of these?

25 MR. MENKE: Yes.

00013

1 MS. ANDERSON: Yes.

2 ALDERMAN PUENTE: You say the grease trap
3 has now been removed.

4 MR. MENKE: It been moved closer to their
5 facility.

6 ALDERMAN PUENTE: When was that?

7 MR. MENKE: Probably a few days after the
8 community meeting when I passed these photographs
9 around.

10 ALDERMAN PUENTE: Oh, there was a community
11 meeting?

12 MS. ANDERSON: Yes.

13 MR. MENKE: Concerning this. We got several
14 different answers at that meeting. Well, there is
15 going to be food served up there, well sure, we're
16 going to be serving beer and it may be ten, it may be
17 11 o'clock at night. That's objectionable.

18 ALDERMAN PUENTE: You have referred several
19 times that you "talked to them". Can you identify who
20 you talked to at that establishment?

21 MR. MENKE: I have spoken to Mr. Guenther.
22 Most recently we haven't made any complaints because
23 of that letter stating we -- that we would become a
24 nuisance property should we make any more complaints,
25 either to the alderman, to the police department or to

00014

1 the bar. We are harassing the poor owners of this
2 bar.

3 ALDERMAN PUENTE: There is a letter that
4 says that you would be considered a nuisance property?

5 MS. ANDERSON: Yes, sir.

6 MR. MENKE: Yeah, as if to say 350 drunks
7 leaving on a Saturday night can't be the problem, it
8 must be us.

9 CHAIRMAN WITKOWIAK: Ma'am, could we have
10 your testimony? I assume it is similar but --

11 MS. ANDERSON: Yes, basically I think it has
12 been covered, but I just want to make the point that
13 in our neighborhood between 51st Street and 54th
14 Street we have four entertainment venues that serve
15 alcoholic. Now that is a lot of people in this area.
16 I don't think you need to add any more problems to it.
17 Because we've already got quite a lot to deal with.
18 If you bring in more people, it is going to cause more
19 problems and nobody is going to be able to sleep at
20 night, and that is mostly what we are here for. We
21 need to sleep eight hours at night. You know, I get
22 up to go to a job that starts at six o'clock in the
23 morning, and if I can't sleep from ten o'clock -- if
24 at 2:30 in the morning people leaving the bar, making
25 noise and the employees are throwing the cans and

00015

1 bottles into the dumpster and smashing the dumpster
2 lid closed at 2:30, I have gotten four hours of sleep
3 and have to get up and go to work. This happens
4 regularly. And I understanding it is a bar and, you
5 know, there are certain things you going to have to
6 put up with, but to never be able to sleep is very
7 draining on a person.

8 MR. MENKE: Traffic problems also go from a
9 peaceful afternoon of a car maybe every half hour to
10 on Friday and Saturday nights cars going past our
11 house and using our driveway every thirty seconds.

12 CHAIRMAN WITKOWIAK: Are you directly -- in
13 what direction -- are you directly to the north?

14 MR. MENKE: We are directly to the
15 northeast, northeast, kittycorner.

16 MS. ANDERSON: Our backyard borders the
17 parking lot of the bar.

18 CHAIRMAN WITKOWIAK: Okay. So northeast out
19 of the bar?

20 MR. MENKE: Directly north for our backyard,
21 and northeast for the house.

22 CHAIRMAN WITKOWIAK: Okay. All right.

23 Questions by members of the committee?

24 ALDERMAN DUDZIK: Mr. Chair?

25 CHAIRMAN WITKOWIAK: Alderman Dudzik.

00016

1 ALDERMAN DUDZIK: Ms. Bender. Statement was
2 made by the bar that by adding the outdoor venue
3 upstairs, it wouldn't be increasing their capacity.
4 Is that true?

5 MS. BENDER: They would be able to increase
6 their capacity if they added extra bathrooms on at
7 this point, but until they add an extra bathroom or
8 something of that nature, it would not increase their
9 capacity.

10 ALDERMAN DUDZIK: Outhouse doesn't count,
11 does it?

12 MS. BENDER: No.

13 ALDERMAN DUDZIK: Thank you. How long has
14 the bar been in business?

15 THE APPLICANT: 12 years that I have been
16 involved as the agent. It's been there since '85.

17 ALDERMAN DUDZIK: Thank you.

18 THE APPLICANT: The building itself, though,
19 has been a bar and restaurant since 1898, though.

20 ALDERMAN DUDZIK: I guess, Mr. Chair, I
21 would like to hear what the alderman's office has to
22 say, particularly I am interested in the status of
23 community meeting.

24 CHAIRMAN WITKOWIAK: Jessica from Alderman
25 Murphy's office.

00017

1 MS. SEWALL: Thank you. Alderman Murphy did
2 hold a neighborhood meeting at which over 30 people
3 attended. There were only three or four people that
4 opposed, the rest were in support of this project.

5 Pat has been the president of the Bluemound
6 Business Association and has been a positive presence
7 in the neighborhood and has been -- almost everyone,
8 greatest majority, are very excited to see him
9 developed and expand on to the second floor. In fact,
10 we actually had a neighbor that called and said she
11 was concerned about the possibility of noise if there
12 was increased occupancy, but she did support this
13 project, and Alderman Murphy is supportive of it as
14 well.

15 CHAIRMAN WITKOWIAK: There is one other
16 person that wishes to testify in this matter?

17 ALDERMAN DUDZIK: Mr. Chairman, if I may?
18 Have you seen these picture?

19 MS. SEWALL: No.

20 ALDERMAN DUDZIK: If you could pasS them. I
21 will be real honest, I find it difficult to find
22 Alderman Murphy argumentative. My office is right
23 next door to him and I dare say that he might not be
24 able to say that about me. Those pictures are pretty
25 disturbing in some fashion to me, and particularly, in

00018

1 fact -- I guess my question is, how tall is that floor
2 of the location that you want to put people on top of?
3 THE APPLICANT: Second floor.
4 ALDERMAN DUDZIK: Tall? 17, 18, 20
5 feet?
6 THE APPLICANT: I don't understand your
7 question?
8 CHAIRMAN WITKOWIAK: How high off the
9 ground?
10 THE APPLICANT: Oh, 20 feet.
11 ALDERMAN DUDZIK: 20 feet.
12 THE APPLICANT: Yes.
13 ALDERMAN DUDZIK: So, it would be very easy
14 to see into their yard?
15 THE APPLICANT: From his yard it would be
16 tough to see people sitting up there. Once
17 everything's done -- you know I am not here to argue
18 with you Cal, but I've tried to do everything I can to
19 appease you. You can laugh all you want. Every time
20 that I talk to you, I get the same response that, I
21 don't care about anything. In all the instances, I
22 have corrected them all. I mean, I have three sheets.
23 I don't want to waste anybody's time, but I will
24 rattle them off too, of all the things I have done
25 because of you guys. I respect the fact that you guys

00019

1 moved in to an area and live behind a parking lot
2 that's zoned for business. I think --

3 MR. MENKE: The last time we met with the
4 licensing review board they told you to put a sign up
5 in your parking up to respect the neighbors. The only
6 sign that's put up there, as you see by the pictures,
7 "This is Kelly's parking lot."

8 THE APPLICANT: There are signs at my front
9 door and back door that state, "Please respect our
10 neighbors when you leave. Please be quiet." No open
11 containers go out our building.

12 MR. MENKE: That's not true, I got a video
13 tape of that.

14 MS. SEWALL: My I just say as well, we
15 haven't received any complaints beyond -- I think we
16 received two complaints from Mrs. Menke, but beyond
17 that, we haven't received any complaints in the past
18 two years from anyone else.

19 ALDERMAN DUDZIK: Mr. Chair?

20 CHAIRMAN WITKOWIAK: Alderman Dudzik.

21 ALDERMAN DUDZIK: I will tell you one of
22 the things that's most disturbing, and if it is not a
23 big deal, please doesn't hesitate to correct it and
24 make it a permanent correction, is that grease trap is
25 up against their property line.

00020

1 I happen to have a business in my district
2 that the grease trap is a problem and it happens to be
3 almost a hundred feet away from somebody's house and I
4 sat in their kitchen and I am glad I don't own that
5 house.

6 THE APPLICANT: May I say something about
7 the grease trap?

8 ALDERMAN DUDZIK: Um-hum.

9 THE APPLICANT: The grease trap hasn't been
10 there for three years. The grease trap was moved in
11 April for opening day event that we just had. And it
12 wasn't moved, so it was about there for about three
13 months, and after the neighborhood meeting, I did move
14 it.

15 ALDERMAN DUDZIK: So you are saying that
16 picture wasn't taken June 17th?

17 MS. ANDERSON: It --

18 THE APPLICANT: No, I am saying that - -

19 MS. ANDERSON: It was taken -- when was the
20 meeting?

21 THE APPLICANT: The meeting was two weeks
22 ago, the neighborhood meeting.

23 ALDERMAN DUDZIK: I thought you said that
24 grease trap was moved three years ago.

25 THE APPLICANT: No, that is not what I said.

00021

1 ALDERMAN DUDZIK: I'm sorry.

2 THE APPLICANT: The grease trap wasn't there
3 three years ago.

4 ALDERMAN DUDZIK: Okay.

5 THE APPLICANT: Three years ago when Cal
6 asked us to move it, we did move it. We put it back
7 in April for opening day because we had a special
8 event on the side of our property. I have pictures
9 that will show --

10 ALDERMAN DUDZIK: I will ask the question
11 again. Are you saying on June 17th that that grease
12 trap was not there?

13 THE APPLICANT: That is true, the grease
14 trap is there on June 17th when he took the picture.
15 That is correct. It is gone now, but it wasn't there
16 -- Cal had stated that it was there for three years.
17 That is not true. We moved it back in April for
18 opening day event because we had a party on the side,
19 not in our parking lot, in respect to our neighbors,
20 we had it on the side. Nor do we have live bands out
21 there. We could.

22 ALDERMAN DUDZIK: Thank you.

23 CHAIRMAN WITKOWIAK: Any other questions by
24 members of the committee? Thank you very much for
25 your testimony.

00022

1 We have one more person that wishes to
2 testify on this. Could you come forward please? Sir,
3 your name and address for the record, please?

4 MR. GREITEN: My name is Richard Greiten,
5 449 North 49th Street, just off the Bluemound Road.

6 CHAIRMAN WITKOWIAK: How far away do you
7 live from the premises?

8 MR. GREITEN: About three blocks.

9 CHAIRMAN WITKOWIAK: And your testimony?

10 MR. GREITEN: I have been in the
11 neighborhood and on Bluemound Road for 30 years, and
12 there are four bars and restaurants combined on that
13 street, and the traffic is a problem, parking is a
14 problem, but when you consider the fact you have four
15 restaurants and bars within a two block radius, you
16 are going to have some problems. Kelly's Bleachers
17 and Long Wong's and restaurants on Bluemound have been
18 very cooperative with clean up and handling any
19 problems that the neighborhood association brings up
20 and they are very cooperative in cleaning and taking
21 care of things when something does come up.

22 From what I am seeing, these two people in
23 the neighborhood, in the whole area that have a
24 complaint about it. The rest of the people in that
25 neighborhood are for it. The capacity is not going to

00023

1 change. We are not going to -- it doesn't sound like
2 more people. They are just moving them to a different
3 location in the restaurant. With that consideration
4 and as helpful as they have been in the neighborhood
5 and community, I don't see why - - there are so many
6 businesses in the City of Milwaukee that if you walk
7 down most of your streets and restaurants have their
8 tables and chairs and umbrellas out on the street.
9 They can't do that. They are right on Bluemound Road.
10 And so to keep their business going rather than have a
11 boarded up building, then I'd rather see them have a
12 little better restaurant area upstairs, and with that,
13 I think we should allow them to do that.

14 CHAIRMAN WITKOWIAK: Thank you. Any
15 questions of this witness? Thank you very much for
16 your testimony. We appreciate it.

17 MS. BENDER: In regards to the second floor
18 balcony, there is a lot of concern in regard to that
19 balcony, but there is a possibility that because of
20 the balcony itself, that the construction of the
21 balcony may be residential. We are not quite sure yet
22 whether it is residential or whether it is commercial.
23 So, that's basically what I wanted to let you know,
24 that there is possibility he may not even be able to
25 do it with the balcony that he has there now. He's

00024

1 asking for it and that is why I have a hold on the
2 occupancy, to check to make sure that the balcony he
3 wants to put up is able to sustain and hold the amount
4 of people that he wants to put on it.

5 CHAIRMAN WITKOWIAK: So if the committee
6 recommended granting this, it would still have to go
7 through your office, and if for some reason you deemed
8 it not feasible, then it couldn't happen.

9 MS. BENDER: That is correct.

10 CHAIRMAN WITKOWIAK: Regardless of what this
11 committee did. Thank you for that information.

12 Mr. Guenther, just describe to this
13 committee what you are doing to buffer this from the
14 neighborhood, if you are granted this privilege?

15 THE APPLICANT: On the corner where Mr.
16 Menke's building is, where he would be able to see it,
17 we would put up some kind of a tarp system to make
18 sure that no noise does go back there. We would limit
19 the hours. I don't want to shoot myself in the foot
20 in regards to business. You can only put so many
21 people in that vicinity at one time. I am
22 trying to fill my dead hours, maybe a Sunday brunch,
23 things like that. We close our present beer garden
24 downstairs, right now, at 9:30 every night, so there
25 is no noise out in the neighborhood. Whatever we have

00025

1 to do to live in harmony with the neighbors is what we
2 are going to do. I never wanted complaints. In 24
3 years in this business, my record is impeccable, and
4 the way I treat my own personal life and how I treat
5 my business are one and the same. I think that given
6 the opportunity, if everything is safe, there
7 shouldn't be a reason we couldn't have this
8 opportunity to do this. If the building isn't safe,
9 then I don't want to do it. I don't want that on my
10 record or my conscience. It's got to be safe and it's
11 got to be practicable for the neighborhood.

12 CHAIRMAN WITKOWIAK: Thank you. Anything
13 further? This matter is in committee come.

14 ALDERMAN DUDZIK: Mr. Chairman?

15 CHAIRMAN WITKOWIAK: Alderman Dudzik.

16 ALDERMAN DUDZIK: In light of what Ms.

17 Bender told us, I would like to move hold this until
18 we get an affirmative answer from neighborhood
19 services about that balcony.

20 CHAIRMAN WITKOWIAK: Motion by Alderman
21 Dudzik is to recommend that we hold this matter to the
22 call of the chair. Is there any discussion on that
23 motion? Are there any objections to that motion?
24 Hearing none, so ordered.

25 How long -- Ms. Bender, how long do you

00026

1 think it would be before we get an answer on that?

2 MS. BENDER: Mr. Guenther would actually
3 have to take out a permit for that upstairs porch for
4 us to have to come out and take a look and see exactly
5 what it is he wants to do. He would also have to
6 submit plans for those. So, basically, it is in Mr.
7 Guenther's possession right now.

8 THE APPLICANT: I have submitted plans, I
9 think, to Common Council. Have you receive those?

10 MS. BENDER: I have not received those in my
11 office.

12 THE APPLICANT: Okay. So you have to have
13 an inspector come out and take a look?

14 MS. BENDER: That is correct.

15 THE APPLICANT: Because this has been here
16 for -- we are not building anything new. All we are
17 doing is occupying a space that has been -- always
18 been there, so it has to be inspected and then I come
19 back to Common Council again?

20 MS. BENDER: That is correct.

21 THE APPLICANT: Okay.

22 CHAIRMAN WITKOWIAK: Why don't you
23 coordinate with her office just in case somebody's not
24 passing the information along so we can get that
25 inspected and then we can get to a resolution on this

00027

1 as soon as possible.

2 THE APPLICANT: Understandable.

3 CHAIRMAN WITKOWIAK: Okay. Motion is to
4 hold this matter at the call of the chair, and hearing
5 no objections, so ordered. See you again shortly.

6 THE APPLICANT: Thank you for your time. I
7 will be back.

8

* * * * *

00028

1

2

3

STATE OF WISCONSIN)

4

MILWAUKEE COUNTY)

5

6

7

8

9

10

11

12

13

14

15

16

17

I, JEAN M. BARINA, of Milwaukee Reporters
Associated, Inc., do certify that the foregoing
transcript was reduced to writing under my direction
and that it is a true and accurate transcription of
the Utilities and Licenses Committee Hearing held on
July 12, 2005.

JEAN M. BARINA - COURT REPORTER

Dated this day of September, 2005

