



City of La Crosse

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8TH District Council Member

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June 21st, 2017

To: Adams Street Residents
La Crosse, WI 54601

RE: Concerns regarding Shimmy's Indoor Cabaret License Application

Dear Neighbors,

Thank you for providing me with the letter of June 3rd, 2017 outlining the concerns you share as residents and property owners near Shimmy's. To bring you up to date, the owner (Josh Pogreba) and I spoke on the phone prior to the council meeting and the owner was agreeable to a 30-day referral to address these concerns.

Since the referral, I have had the opportunity to sit down with Josh and review your letter with him in detail. I understand he has also made efforts to reach out to the neighbors and is planning to take some actions to help mitigate some of the ongoing nuisances mentioned, regardless of the final outcome of the cabaret license application.

Overall I was pleased that Josh exhibited a very cooperative attitude towards maintaining harmony and good relationships with neighbors. I understand he has made efforts in the past, beyond what was minimally legally required of him, in the spirit of maintaining goodwill with the neighbors (the concrete barriers blocking his parking lot from being accessed from the alley for example). My impression is that Josh values maintaining a positive relationship with all of you and wants to be a good neighbor.

Josh has explained his intention of having a Cabaret License is not to radically change his bar's business environment, but rather to maintain control over the feel and tone of the bar. Music/entertainment can act as a repellent or an attraction to different kinds of patrons. He provided examples of a 2-man bluegrass set, or an old timer on a guitar. He says he is

THE UNIVERSITY OF CHICAGO
 THE DIVISION OF THE PHYSICAL SCIENCES
 DEPARTMENT OF CHEMISTRY
 5712 S. UNIVERSITY AVENUE
 CHICAGO, ILLINOIS 60637

TO THE DIRECTOR, NATIONAL BUREAU OF STANDARDS
 4300 RESISTANCE AVENUE
 GAITHERSBURG, MARYLAND 20899

Dear Sir:

I am pleased to inform you that the National Bureau of Standards has received the results of the measurements of the standard enthalpy of formation of the gas phase, $\Delta_f H^\circ(g)$, of the hydrocarbon, $C_{10}H_{16}$, at 298.15 K. The measurements were made by the combustion calorimetric method using a bomb calorimeter of the type described in the report of the International Union of Pure and Applied Chemistry (IUPAC) Commission on Thermodynamics of Chemistry, 1970. The results are given in the attached report, which also contains a discussion of the experimental procedure and the uncertainties involved. The results are in good agreement with those reported by other workers in the field.

Very truly yours,
 [Signature]

Enclosed for your information are two copies of the report mentioned above. One copy is being retained in the files of the Division of the Physical Sciences, Department of Chemistry, University of Chicago. The other copy is being sent to you for your files. If you have any questions or need further information, please contact me at the above address. Thank you very much for your interest in this work.

Sincerely,
 [Signature]

not looking to bring in full bands, or do outside promoting. This does make sense to me, since there is no point in a business bringing in more people than it can efficiently and effectively sell products to, and the more interior space is taken up by band equipment, the less space there is for paying customers to fill the room.

I understand Josh has managed Shimmy's for 17 years, which lends credence in my mind to this being a case of a business owner making adaptations to maintain steady and survive changes outside of his control rather than a brand new owner or inexperienced young entrepreneur trying to re-invent and experiment and emulate "Bar Rescue"(As Seen on TV). If I thought this case was the latter I would vote to deny the license.

Josh said his main customer base has historically been neighborhood old timers. He seems very sincere in arguing that this is the customer base he wants to protect, and that by adding the right music/entertainment he can keep the atmosphere of the bar welcoming and hospitable to patrons who do not negatively impact the neighborhood, and prevent new more disruptive patrons from staking a claim. I'm trying to imagine a gang of Hell's Angels sticking around to listen to banjo music.

Josh has also said he will be posting signage on his back doors and parking lot area to remind patrons to behave in a neighborly manner, and will ask his bartenders to keep a better eye on what is going on. He does not want patrons consuming outdoors or drug activity in his parking lot, and welcomes any additional police monitoring the City can offer the neighborhood. Josh has said that any neighbors are welcome to contact him any time day or night there is a problem 608-317-7708 (or the police if he is unable to answer his cell phone).

My understanding is that bars are allowed to have juke boxes and recorded music played over a stereo system without a cabaret license. In that sense, whether music becomes a nuisance to the neighborhood is dependent on where the dial is set on the volume control as opposed to whether a recording or a live person is creating the sound.

Albeit the issuance of a Cabaret License may increase the number of patrons who would be frequenting Shimmy's, the neighborhood is better served having a larger number of targeted patrons who are of a neutral or positive impact type versus a smaller number of completely random patrons of whom only a few need be trouble-making to cause the same nuisances outlined in the neighbors objection letter. Since it is not lawful for a public establishment to hang a sign saying "Neighborhood Old-Timers Only" on the door, music and

entertainment are one of the few methods at the owner's disposal to help maintain the character and harmony of the establishment with the neighborhood.

After careful consideration of the specific circumstances and the conversation with the owner, I am persuaded that effect of this cabaret license, as presented to me, would either prevent negative effects or even have a positive effect on the neighborhood, and will vote to approve it at the next City Council meeting. If the entertainment activity occurring on the premises diverges from what was represented to me, I have no problem withdrawing my support when it comes back for a renewal one year from now.

I am including a copy of this letter to the City Clerk for inclusion with the current application file, which will be permanently part of the public record associated with the license. Both original opposition letters have been scanned in and added to the file the day after they were presented to me.

For the sake of limiting this letter to three pages, I have omitted additional reasoning I made in coming to this position, which I would be more than happy to meet with neighbors on an individual basis to discuss further. My cell phone number is 608-769-7366.

Also, I would extend an invitation to anyone who would like to speak publicly to attend the next Judiciary and Administrative Committee meeting at which there will be another public hearing, taking place at City Hall Council Chambers on July 3rd, 2017 at 6:00pm.

Lastly I apologize that timely notice was not made of the previous public hearing, however, I can personally guarantee there was no malicious or underhanded effort on the part of the applicant or the City Government to deny you the right to be given notice or your rights to declare opposition to the license. The Clerk's office indicated to me there was a fire at the Post Office between the date it was mailed and the date you received your letters, which very likely could have caused the delay.

Thank you for the privilege of serving and representing you on City Council.

Jessica Olson

CC: Josh Progreba

City Clerk Teri Lehrke