

June 27, 2024

A special meeting of the Common Council of the City of Eagle River was called to order at 12:04PM by Mayor Hyslop

Roll Call: Ron Kressin, Kim Schaffer, Jerry Burkett, with Diane Marquart being present via zoom. Also in attendance: Becky Bolte, Robin Ginner, Chris Dobbs, Adam Ross, Steve Garbowicz

A) Andy's Pontoon Saloon – Amplification Permit for Live Music at 220 E Wall St: 7/3/2024 6-9PM, 7/4 3-6PM, 7/6/24 Noon-3PM and 6-9PM, 8/6 8/16 8/17 9/8 9/28 6-9PM and for all other live music events at Andy's Pontoon Saloon Andy Lichtfuss was present and addressed the Council. Mr. Lichtfuss owns Andy's Pontoon Saloon and presented that he has live music scheduled 4-6 days a week, with music ending by 9:00PM and the establishment closing at 11:00PM. He has requested the permit to cover dates when he feels his scheduled musicians may exceed the 85-decibel ordinance limit but not for a sustained period of time. Mayor Hyslop opened up comments from the audience. Mark Slusarczyk, owner of Travelers Inn, located at 309 E Wall Street, spoke against issuing the permit. Mr. Slusarczyk presented video of his decibel meter readings while music was playing at Andy's Pontoon Saloon citing points on the recording that exceeded the 85dB limit. His opposition to the permit was that he runs a hotel that people come to for sleep and rest. Mr. Slusarczyk felt the 9:00PM ran into his customers sleep time, reporting he is losing bookings due to the noise. Jim Holperin, owner at 211 and 223 E Wall St, spoke in favor of approval. Mr. Holperin has 11 occupied residential apartments in his building and requested feedback from them all. A total of four replied with no complaints. Karen Margelofsky, representing the Eagle River Revitalization Program and Eagle River Farmers Market spoke on her experience with public art. All public art, music included, is one of those things that not everyone will love. Margelofsky commended Mr. Lichtfuss stating his forward thinking adds to the community and was in favor of approval of permit. Police Chief Dobbs reported that the only complaint the PD has received has come from Mr. Slusarczyk. The PD uses a calibrated decibel machine, not a phone app, to record decibel levels. Assistant Chief Ross stated that readings have been recorded with music staying within the allowed decibel levels. Ross reported that Mr. Lichtfuss controls the speakers and has turned them in towards the building lowering the decibel levels since mid-June, with Ross stating the issue has been solved by the speaker adjustment. Ross presented a chart of PD decibel readings taken by the PD. Discussion by Council: Burkett stated that Andy's is the best thing to happen to Eagle River downtown in 25 years, revitalizing evenings in downtown Eagle River. As a fellow musician, Burkett gave suggestions on controlling the decibels. Burkett reported that he had received no complaints about the live music at Andy's. Schaffer stated that the presented video by Mr. Slusarczyk did not show that any decibel readings over the maximum 85dB were sustained and appreciates that Mr. Lichtfuss has chosen to close down early (11:00PM). Kressin expressed that noise equates to people and people equates to business, also expressing that Andy's has revitalized Eagle River downtown in the evening. Marquart reported that she hears the weekly Street Dances but not Andy's from her home, stating she likes the activity downtown. Mayor Hyslop compared Andy's to the Arbutus Inn (BMO location) stating when the lively Arbutus left years ago, it was a detriment to the downtown. Hyslop repeated the noise equates to people. Mr. Lichtfuss' hours requested and observed have been within legitimacy. Hyslop encouraged the good neighbor policy and supports the permit. *Motion by Schaffer, 2nd by Kressin to approve the amplifying device permit to Andy's Pontoon Saloon, 220 E Wall Street, for the dates as presented.* Discussion: Mr. Slusarczyk expressed concerns of lost revenue for Travelers Inn, with Attorney Garbowicz stating there is no citation grounds as the ordinance is not being violated. Chief Dobbs discussed the reading location requirements as stated in the City Ordinance, Sec 54-15(a)(2)(e) with Garbowicz agreeing it was not clear, readings have been taken at both Andy's corner and at corner kitty corner from Andy's. When questioned on the definition of sustained readings, Garbowicz stated he would need at least four hours above 85dB to prosecute. Mr. Slusarczyk also expressed concerns about the possibility of hearing loss/tinnitus. Burkett hopes to see cooperation between neighbors. Mayor called the question, *carried on a unanimous roll call vote. Ayes: Schaffer, Kressin, Burkett, Marquardt Nays: None Motion by Schaffer, 2nd by Kressin to adjourn the meeting at 12:53PM. Carried all.*

Becky J Bolte - Clerk