

Special Village Board Meeting Minutes
June 23, 2010 – 5:00 p.m.

Present: Nancy Fisher, Bob Dickson, Chris Anderson, Barbara Cammack, Mike Fitzgerald, Josh Van Lieshout, Pat Gureski and Attorney William Vande Castle

Also present: Peter Devlin, Kim Jensen, Attorney Bill Woodward representing Kim Jensen, Todd Jensen

2. Pledge of Allegiance

3. Approval of the Agenda Cammack moved to approve the agenda, seconded Fitzgerald. Motion passed unanimously.

2. Open Session (10 Minutes) Dickson stated that at Beach Park there is a washout and run off area that needs correction from the 2009 reconstruction project and inquired how the engineers plan to deal with that issue.

Van Lieshout responded the washout is being worked on and a full report on this issue will be made at the July 12 regular board meeting.

At 5:03 p.m. Fisher moved to go into closes session for the below two items, seconded Fitzgerald. Roll call shows Nancy Fisher, Bob Dickson, Chris Anderson, Barbara Cammack, and Mike Fitzgerald present.

4 Adjourn to Closed Session for:

CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation, for the purpose renewing the administrator’s contract and personnel matters
And

5 CLOSED SESSION per 19.85 (1)(e) for the purposes of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session as related to Fire Station Number 1 and the Intergovernmental Agreement.

And

6. Approval of Closed Session Minutes May 10,

7. Return to Open Session: Open Session resumed at 5:47 p.m.

8 Consider Renewal of alcohol licenses for Mojo Rosa Enterprises, III Combination Class “B” and “Class B”; William and Denise Hanusa Combination Class “B” and “Class B”. Several persons are in attendance: Kim Jensen, her attorney, Todd Jenson, Bob Erickson, John Kafka, Jr., and several other persons.

Fisher referenced correspondence and emails that were received in relation to the business of Mojo Rosa’s.

Fisher referenced communication from the Village to Kim Jensen to bring the property into compliance and keep the noise levels down and is hoping to keep MOJO ROSAs e as an active viable business in the community.

Fisher asked for Board discussion.

Attorney Bill Woodward spoke with regard to the noise complaints which appear to relate back two years. Attorney Woodward stated his client has not received citations for the noise ordinance.

There hasn’t been an outside music night this year and it is baffling that the complaints could be triggered from music this year. She has obtained a decibel meter and will use it. Some complaints may be complaining to types of music. It was agreed by both the Village and Mojo Rosas that the decibel

meters will be used by both parties. As far as the sign goes, the client has asked for a variance to the sign code and felt the amending ordinance changes will mean the sign would be in compliance. There are things that have been discussed that are temporary in nature. She intends to comply with the ordinance whether it be with the amended version or the existing if the amendments does not pass.

Van Lieshout stated the only outstanding issue is with the signs. It is true she filed for a variance. A 30 - day non-compliance has passed. Either way the timing is thirty days. Despite Kim's periodic efforts to comply with the Code, she has made some progress.

Fisher stated that she is inclined to take Kim and her attorney at their word and moved to approve the Class "B" and "Class B" permits for Mojo Rosas, seconded Cammack.

Fisher stated that in reference to the William and Denise Hanusa application, the Village has received a written surrender from Bill and Denise Hanusa conditionally surrendering their liquor license. Their condition is upon the license being issued to John Henry Kafka at John Henry's Peninsula Pub .

The surrender and the application by John Kafka resolved the Village concerns about the activity at 7740 for alcohol applications.

Fisher asked for clarification that surrender can be conditional to the Village.

Attorney Vande Castle stated if both parties have held the license the new business coming in would have the application process be granted the license but not until the current license holder surrenders his license.

Van Lieshout stated that the only lapse he sees is that there is a one week lapse for the timing between today's surrender and the application date for the John Kafka's application that was stated for July 1.

Van Lieshout stated that the surrender came as a surprise today.

Attorney Vande Castle said you can approve the license for the new person and the clerk has to hold it until the current holder of the license physically surrenders his license to the clerk.

9. Consider new alcohol licenses for John Henry's Combination Class "B" and "Class B"

Mike Fitzgerald moved to grant the license to John Henry Kafka, Jr. for the class "B" and "Class B" licenses for July 1, seconded Cammack. Motion passed unanimously.

Attorney Vande Castle advised the license be surrendered to the clerk a few days before the end of the month to allow the transition to take place in a timely manner.

10. Consider approval of Operator's Licenses – Bradley Hawks and Halie Struck

Fisher moved to approve the operator's license for Bradley Hawks, seconded Fitzgerald. Motion passed unanimously.

Fisher moved to approve the operator's license for Halie Struck, seconded Cammack. Motion passed unanimously.

11. Approval of Administrator contract

Fisher moved to table action to the July 12 Village board meeting, seconded Fitzgerald. Motion passed unanimously.

12. Commercial Use of slips at the marina Van Lieshout referenced an email in which he received a request from Aaron Mackie to operate a boat service from the marina. The Harbor Committee acted on the request today, and felt they did not have enough information on the business to recommend to the board to allow the business.

The Code reads that "no commercial business activity" may be conducted at the marina but could load and unload at the marina.

Dickson stated that a lot of nearby communities do it.

Fitzgerald stated the Harbor Committee didn't know the size of the boat, how many passengers, the time frame, etc.

Attorney Vande Castle cautioned the Village on allowing commercial operations from the marina as you have the amenity of the recreational use immunity statute to avoid the liability issues. If you allow commercial operations you may need to change your insurance.

13. Appointment of remaining Art Committee members

Fisher moved to appoint Lynn Doneff, Trissa Crowley, Fisher Chairman, Barbara Cammack from Public Works committee and Artist Kathy Mand Beck and Josh Van Lieshout as a non-voting member, seconded Cammack. Motion passed unanimously.

14. Report from Harbor Committee Chair on Marina Improvements

Fitzgerald stated he would like to hold the report until after Thursday's construction meeting. He intends to give a more detailed report at the July 12 regular board meeting.

15. Open Session

Erickson congratulated the Board on the marina construction and beach project. He also commented about the licensing situation. He stated if the Village Plan Commission wanted to bring her signs and noise into compliance, they had the opportunity to do that so the issues would not have to come to the Board. Erickson stated in his opinion there should be many more requirements met before conditional uses are granted. As far as John Henry's alcohol license, he felt the Board made a mistake in issuing the license to Hanusa in 2009 because he hasn't been around to operate the business.

Dickson stated that he has received word that a stone fence was built in the right of way on White Cliff Road. It is important that it is policed and Josh addresses this issue. Van Lieshout stated a letter was written on May 21st stating that Meyer is encroaching the right of way and we are working on this.

Dickson also stated that a tractor is parked at the Beach parking lot in a parking space whereas there are many other places they can park a tractor.

Cross walk signs are now installed at Market Street and State Hwy 42, but some crosswalks are not marked. It was consensus of the board that cross walk at every intersection should be marked.

Fisher asked the board to comment on the two drafts of the invitation for the Marina Grand Opening that she distributed.

16. Adjournment Fisher moved to adjourn, seconded Dickson. Meeting adjourned at 6:28 p.m..

Recorded by
Patricia C. Gureski, Clerk-Treasurer