

COMMON COUNCIL 6/28/2021

The Common Council of the City of Park Falls met in regular session at 5:00 PM on Monday, June 28, 2021. Mayor Michael Bablick called the meeting to order at 5:00 p.m. and the following members were present:

Mayor: Michael Bablick

Aldermen: Chris Hoffman
David Dryer
Michael Mader
Dennis Wartgow
James Corbett
Anthony Thier
Dina Bukachek
Dan Greenwood

City Attorney: Bryce Schoenborn

City Administrator: Brentt Michalek

Also present: Jerry Ernst, Michelle Smith, Bill Hoffman, Deb Hyde, Robert Zoubek, Jeff Seamandel, Larry Reas, Jeff Muse, Beckie Gaskill, Michael Harnois, and Caroline Corbett.

There was a motion by Alderman Mader and seconded by Alderman Thier to adopt the agenda as presented. Motion carried.

There was a motion by Alderman Wartgow and seconded by Alderman Mader to approve the Committee of the Whole meeting minutes of June 14, 2021. Motion carried.

COMMUNICATIONS

City Administrator Michalek informed the council they are all invited to ride on the float for Flambeau Rama...they just need to let Wilma know in the Chamber. There will be a redesign of the BART bus facility coming soon. Clerk and Treasurer Smith asked the council if anyone wants to bartend for Flambeau Rama to let her know. Alderman Bukachek presented a concern regarding the garbage not being picked up near her residency. Alderman Mader asked how long a person can have stuff in their front yard with "free" on it.

PUBLIC COMMENT

There was no public comment.

NEW BUSINESS

Books by mail funding was discussed. The funds that were allocated to this program have been depleted. There are 129 people throughout the county that use this service and 11 of them are City of Park Falls residents. Director Hyde will go to her board and will come back to the council with different options for funding. City Administrator Michalek recommended that the discussion of City Hall moving be brought to the Public Services Committee for discussion. Motion by Alderman Wartgow and seconded by Alderman Hoffman to have the Public Services take charge of different possibilities for City Hall. Motion carried. The CEP office contract was presented for review. Motion by Alderman Wartgow and seconded by Alderman Thier to renew for another year. Motion carried.

The Mayor moved the Pool Director report to this part of the agenda. There will be a pool party from 1 p.m.-4 p.m. on July 2, 2021. Inflatables will be present and there will be a \$5 donation with the proceeds going to the Lions Club Bark Park. Lap swim is seeing an average of 3 in the morning and 5 in the afternoon. The number of swimmers present during open swim is a range of 20-70.

COMMITTEE REPORTS

Mayor Bablick moved 9.B. (Board of Public Works Committee Report) to be discussed next. Jeff Seamandel was present from MSA and informed everyone that the crew will be working on the Friday and Monday of the 4th of July holiday weekend. There are weekly meetings taking place at 1 p.m. on Wednesdays at the City Hall for anyone with concerns about the project. The Safe Drinking Water Loan application has been submitted and there are completed plans for the Hwy 13 sewer extension project. Administrator Michalek spoke with the owner of 219 Division Street and the owner would like to work with the City for a possible joint effort to clean the area up. He would like to donate the property to the City. There was a motion by Alderman Thier and seconded by Alderman Mader to grant the City Administrator the approval to execute an agreement with the landowner on this property. Motion carried, 8-0. There are crane foundation issues with the transfer station. Roughly, the estimates are looking at between \$40,000-\$50,000. An engineer is needed for the final figures and an estimate will be needed. It was discussed that this could be taken out of the capital improvements fund.

Mayor Bablick suspended the agenda at 5:58 p.m. to move onto item number 11.

At 6:02 p.m., the Mayor resumed the meeting for item number 11, hearing on complaint requesting suspension, revocation or nonrenewal of liquor license for Captain Nemo's Pub & Grill-Patricia Bochler. Those in attendance included William Beil, Winter Mitcham, Philip Bochler, Patricia Bochler, William Hoffman, Larry Reas, Robert Zoubek, Beckie Gaskill, Jerry Ernst, Brentt Michalek, Michelle Smith, Bryce Schoenborn, all the Aldermen and Mayor Bablick.

Mayor Bablick asked those in attendance if there was any objection to him passing the gavel over to Bryce Schoenborn to be the moderator. There were no objections. Ms. Bochler would like to go on record stating that she objects to the hearing because she didn't get a full three days notice. Mr. Schoenborn commented that according to the statutes, the day of the hearing does count for a day and because she was served on Wednesday, June 23, she did have three full days with June 24, 25 and 28. She is not objecting to the minor violations but is denying all the other accusations. At 6:10 p.m., Mr. Jerry Ernst is sworn in by Clerk and Treasurer Smith. Mr. Ernst stated that from 2013 to current, there have been 65 violations that he is going to prove that Ms. Bochler should not be allowed to keep her current liquor license. Ms. Bochler stated that she fully objects to the previous years being mentioned...she did not realize all of those years would be brought up at this hearing. Mr. Ernst presented Exhibit 1 at 6:13 p.m.-no objections. Exhibit 2 was presented at 6:15 p.m.-no objections. Exhibit 3 was presented at 6:18 p.m.-Ms. Bochler objects that there are no witnesses here for this exhibit. Mr. Schoenborn overrules the objection. Exhibit 4 was presented at 6:20 p.m.-Ms. Bochler stated she is objecting to all incidents because they are based on hearsay. Mr. Schoenborn overrules all but the objection will be noted in the minutes for all of the exhibits. Exhibit 5 was presented at 6:23 p.m. Exhibit 6 was presented at 6:25 p.m. Exhibit 7 was presented at 6:26 p.m. Exhibit 8 was presented at 6:28 p.m. Exhibit 9 was presented at 6:31 p.m. Exhibit 10 was presented at 6:34 p.m. Exhibit 11 was presented at 6:36 p.m. Exhibit 12 was presented at 6:39 p.m. Exhibit 13 was presented at 6:41 p.m. Exhibit 14 was presented at 6:43 p.m. Exhibit 15 was presented at 6:45 p.m. Exhibit 16 was presented at 6:48 p.m. Exhibit 17 was presented at 6:49 p.m. Exhibit 18 was presented at 6:51 p.m. Exhibit 19 was presented at 6:43 p.m. Exhibit 20 was presented at 6:55 p.m. Exhibit 21 was presented at 6:57 p.m. Exhibit 22 was presented at 6:59 p.m. Exhibit 23 was presented at 7:00 p.m. Exhibit 24 was presented at 7:01 p.m. Exhibit 25 was presented at 7:02 p.m. Exhibit 26 was presented at 7:07 p.m. Exhibit 27 was presented at 7:08 p.m. Exhibit 28 was presented at 7:11 p.m. Exhibit 29 was presented at 7:13 p.m. Exhibit 30 was presented at 7:14 p.m. Exhibit 31 was presented at 7:18 p.m. There was cross examination that began at 7:19 p.m. Recess at 7:20 and will reconvene in five minutes. Reconvened at 7:27 p.m. Ms. Bochler asked if Mr. Ernst is the complaint as a citizen of Park Falls or as police

chief. Mr. Ernst stated that there is nothing personal; he is presenting numerous violations of her holding the liquor license. Ms. Bochler asked if Louis Morenweiser was listed as the person calling in all of the noise complaints. Mr. Ernst stated that there are several complaints regarding noise and yes, Mr. Morenweiser did call in quite a few of those. Mr. Ernst stated that there was another neighbor that did complain as well. Ms. Bochler asked how long Louie lived across from the pub...Mr. Ernst did not know. Mr. Bochler stated that an officer's job is to serve the community and wanted to know when body cameras were bought for the City offices. Mr. Ernst was unsure but he thinks it was 2008. Ms. Bochler asked if the council ever asked to see body cam footage or if they were ever supplied video of Captain Nemo's. Mr. Ernst responded no to both. Ms. Bochler brought up the warning letter that was sent out with her liquor license in 2020. She stated she could have taken this letter as a form letter and not a warning letter. She asked Mr. Ernst if this letter was sent to everyone and Mr. Ernst responded that yes, it was. Ms. Bochler asked Mr. Ernst if other bars have fights? Mr. Ernst responded yes. She then asked if other bars serve minors. The answer from Mr. Ernst was yes. Ms. Bochler asked Mr. Ernst if a bar ever had a bartender that did not have a license. Mr. Ernst responded not that he was aware of. Mr. Bochler asked Mr. Ernst how he decided to become the complainant. He stated that there were a number of violations, and the complaint has to come from a citizen. She asked him if the council asked him to be the complainant and he stated they did not. Ms. Bochler asked if it was correct that there were no noise complaints recently. He confirmed that was correct. Ms. Bochler asked when they the exhibits mention the area of Captain Nemo's, what does that entail. Mr. Ernst responded the area within a block of Captain Nemo's. Ms. Bochler asked Mr. Ernst if he felt she was untruthful at times. He responded with yes. At 7:46 p.m., evidence was closed from Mr. Ernst. At 7:48 p.m., Winter Mitcham was sworn in as a witness by Clerk and Treasurer Smith. Ms. Mitcham stated that her relationship with Ms. Bochler is "like family". She is currently dating Ms. Bochler's brother, Billy Beil and they have been friends for 22-23 years. When Nemo's first opened up, Ms. Mitcham said they did not have much experience running a bar and their clientele was younger which created quite a bit of issues. Ms. Mitcham stated that they do not try to call the cop's because a cop's presence is not good for bar business. Ms. Bochler asked Ms. Mitcham if she felt Captain Nemo's was an in-descent establishment. She stated that he did not believe that. She has frequented numerous bars her entire life and Captain Nemo's does not fall in that category of being in-descent. Captain Nemo's has tried to be a community thing but being blind sighted did doesn't help. Ms. Mitcham stated that she started working at Captain Nemo's about 1-2 months ago and she does not recall fights since she has been the bartender. Ex bartenders were not descent and even though customers liked them, they are no longer working there. The employees left according to Ms. Mitcham were "Billy and I, Rhonda and Brent". She stated that she does not drink while she works, and Ms. Bochler asked Ms. Mitcham if she was on bond right now and she (Ms. Mitcham) stated she was on bond with a no drink stipulation. Previous physical fights that took place between her and Ms. Bochler were because of Winter's boyfriend at the time. Ms. Bochler asked Ms. Mitcham if she was mad at her in the beginning of their business adventure. (It should be noted that they were business owners of Captain Nemo's when they first opened up). Ms. Mitcham stated that yes she was mad at her and she is quite embarrassed now. Ms. Bochler asked Ms. Mitcham to confirm that they both went to jail. Ms. Mitcham confirmed that yes, they did....they were fighting over a sign and that's all she can remember. Ms. Bochler asked if they are over their anger and if they fought before they owned the bar. Ms. Mitcham stated that they are over their anger and yes, they fought a lot before they owned the bar. Ms. Mitcham stated that her boyfriend (Josh) at the time was an instigator and was from the carnival. Ms. Bochler asked if Josh went to prison. Ms. Mitcham stated that he did and he wanted to come back to Captain Nemo's when he got out of prison but Patti wouldn't let him come back to Captain Nemo's. At 7:58 p.m., Ms. Bochler had no further questions for Ms. Mitcham. Mr. Ernst asked Ms. Mitcham what her role was at Captain Nemo's and what hours she was there. She responded bartending and she is usually there all day. She confirmed that she was on bond when Mr. Ernst asked her that question. Mr. Ernst asked her if she had three open felony cases currently against her? Ms. Mitcham stated that she did. Mr. Ernst inquired that if there was problems early on with the bar, why did Ms. Mitcham feel things would be different now? She stated that before there was a conflict as to who was the boss. She stated again that she does not drink when she is bartending. Mr. Ernst inquired as to if she knew Josh was placing drugs on the bar. Ms. Mitcham responded that was a rumor and that there were no drugs placed on the bar. At that time, Mr. Ernst had no further questions. Ms. Bochler asked Ms. Mitcham if she recalls people ever being drugged at Captain Nemo's. Ms. Mitcham stated that was all rumors. Ms. Bochler asked Ms.

Mitcham if she knew her sister-in-law Bonnie works at Weather Shield. Ms. Mitcham responded that she did know that. She asked if Winter had heard a reason for one of the workers not showing up to work at Weather Shield was because they got ruffed up at Captain Nemo's. Winter responded that she did hear that but it was a rumor and it gave Captain Nemo's a bad name. In addition, Ms. Bochler asked Ms. Mitcham if she heard the rumor that Captain Nemo's was a meth bar. She, Winter, stated that she did hear that rumor and she was embarrassed when she heard that rumor. Winter stated that she hears all sorts of things and doesn't believe many of them because they are rumors. Ms. Mitcham stated that she hears from different people that the only place open is Captain Nemo's and they will serve food up until closing. Ms. Bochler asked what type of people frequent Captain Nemo's. Ms. Mitcham stated that blue-collar people frequent the bar. Ms. Bochler posed the question to Ms. Mitcham if she feels Captain Nemo's is an improper house. Winter responded that Park Falls is lacking a sense of community. During the day, they see older people frequent the house and there is a younger population at night. Lastly, Ms. Bochler asked Ms. Mitcham if Captain Nemo's does well financially, and Ms. Mitcham responded with yes. There was no recross examination. There were no other witnesses presented by Ms. Bochler. At 8:12 p.m., Ms. Patricia Bochler was sworn in by Clerk and Treasurer Smith. She went through the individual complaints from this year and stated that she did not realize previous years were going to be brought up. She always tries to cooperate with the police, but the back camera will sometimes not work properly because of the steam. The hallway camera has been off for approximately nine months. She stated that the Council wants Nemo's gone and she feels Mr. Ernst felt that he had to do it; (felt obligated to do it per a conversation she had with him earlier). She does not believe that it is very ethical for the chief to make a complaint especially since this is such an extreme complaint. Ms. Bochler said that most bars have problems but won't call the cops. She stated that she has been told that she runs a tight ship and Captain Nemo's has been pretty busy. Cross examination began at 8:36 p.m. Mr. Ernst asked Ms. Bochler if the patrons are a young crowd. She responded yes. He asked if there are a lot of fights. She responded yes. He asked her if she as looked into getting a bouncer to handle the fights. Ms. Bochler responded with she was uncertain as to who she would get but she would love to have a bouncer. Mr. Ernst asked if she had a procedure in place for the bartenders to check ids. One of her bartenders has an app that they have been using to check ids and she stated she was going to look into that further. She said she doesn't want minors served and she has been watching for young kids getting served. She has been using the cameras a lot. Mr. Ernst asked why she doesn't contact the police if she starts to see a fight breaking out. She responded that people are not always like that and she tries to control the situation before it gets out of hand. Cross examination ended at 8:42 p.m. There were no other witnesses, no other exhibits and no other documents from both parties. Evidence closed at 8:43 p.m. For the closing arguments, Mr. Ernst stated that he is requesting the council to take the license away. They have been given a 2nd chance already and he is stated it is now time to permanently revoke the license. Ms. Bochler had nothing for closing arguments.

At 8:46 p.m., there was a motion by Alderman Mader and seconded by Alderman Dryer to convene into closed session pursuant to Wisconsin Statutes 19.85 (1)(a) deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. (Discussion of liquor license renewal, suspension or revocation) Motion carried, 7-1, with Alderman Hoffman saying no.

At 9:25 p.m., there was a motion by Alderman Greenwood and seconded by Alderman Dryer to come out of closed session. Motion carried, 8-0.

The Mayor directed everyone to the Finance Committee report.

COMMITTEE REPORTS:

Finance - Alderman Wartgow made a motion and seconded by Alderman Hoffman to approve paying the bills in the amount of \$135,793.51. Motion carried, 8-0. Melvin Companies pay application no. 1 was presented in the amount of \$204,264.18. Motion by Alderman Greenwood and seconded by Alderman Wartgow to approve this expenditure. Motion carried, 8-0. City Administrator informed the council that he has been working on legal framework for St. Anthony's School.

Board of Public Works – Speed bumps were discussed at Hines Park. They would be removed in the fall and put back in during the spring. Motion by Alderman Greenwood and seconded by Alderman Hoffman to approve this expenditure of no more than \$1,500 for speed bumps. Motion carried, 8-0.

Public Services – 2021-2022 liquor license applications were presented and there was a motion by Alderman Wartgow and seconded by Alderman Mader to renew all licenses except for Captain Nemo's. Motion carried. Motion by Alderman Mader and seconded by Alderman Wartgow to renew Captain Nemo's liquor license for the 2021-2022 license year except for the month of July. Motion carried. There were three applications for temporary class "b" liquor licenses from the Park Falls Chamber of Commerce for the softball field, from the Park Falls Chamber of Commerce for the big tent and a request from the Park Falls Volunteer Fire and Rescue for 3rd Avenue North (fire pavilion). Motion by Alderman Wartgow and seconded by Alderman Mader to approve these requests. Motion carried.

Personnel - There was nothing to report under Personnel.

CITY OFFICIALS' REPORTS

Mayor Bablick – monthly report – Park Falls Development LLC update

City Administrator Michalek – handed out the 4th of July map for seating for the fireworks. On July 6th, there will be a special meeting to discuss the findings of the PAA report on the Fire Department. The housing study will be discussed in further detail on a later meeting and the forestry study will be discussed on July 12th. The Krist Oil property closing is almost complete. The property closing on the north end of Highway 13 will be taking place on July 6. The Chamber told Brentt Flambeau Rama activities are coming together. DPW and City Hall will be having summer hours. DPW will be 6 a.m.-3:30, Monday through Thursdays and Fridays will be from 7 a.m. until 11 a.m. City Hall hours will be discussed.

Attorney report – nothing to report

Clerk and Treasurer Smith – The City received a complaint from a water/sewer utility customer through the PSC. Through the documentation that was presented, it was found that the complaint was unfounded, and the City was following the PSC rules. The City received the first half of the American Rescue Plan in the amount of \$116,705.44.

Library Director Hyde – nothing to report

DPW Director Hoffman - American Asphalt started paving. Saunders is up first and then River Road will follow. 9th Street North will be starting with the micro surfacing and the bids for 5th Street North will be going into the paper.

Chief of Police Ernst – a 2018 Ford Explorer was purchased as the squad car replacement.

Fire Chief Reas - nothing to report

The meeting adjourned at 9:45 PM

Michelle M. Smith
Clerk and Treasurer