Date: March 5, 2018
From: The Nauti Norske, Kathy Jo Vike and David Eugster
Subject: Request for an exception to limitation of no outdoor amplified sound or music.
To: Stoughton Public Safety Committee

Dear Stoughton Public Safety Committee, Chief Greg Leck, Mayor Donna Olson, Holly Licht, Scott Truehl, Greg Jenson, and Kathleen Johnson,

The NAUTI NORSKE is a new upscale bar and grill that was opened in the summer of 2016. It is located at 324 South Water Street in downtown Stoughton. This property is right on the bank of the Yahara River. This property has been transformed into a beautiful outdoor patio bar and grill.

The property now has a magnificent patio area complete with gas fire pits and seating for approximately 74 people. The interior of the building has been renovated and includes a completely new bar and kitchen area and a dining area that seats another 60 people inside. There is also a pier on the shore which is the home to a 24-foot pontoon boat that is available for river boat rides.

The Nauti Norske offers a host of menu items such as burgers, reuben sandwiches, chicken and steak sandwiches, wraps, brats, cheese curds, quesadillas, steak fries, sweet potato fries, buffalo wings, pizzas, salads, BBQ dinners and several other items and appetizers.

The Nauti Norske presently has a Class B Liquor Combo License, a Permit for Outdoor Consumption and a Cabaret License. The Permit for Outdoor Consumption however comes with a limitation that states, "amplified sound or music shall not be permitted within the outdoor area of the licensed premises". The outdoor area of the Nauti Norske is a perfect fit for food and beverages, family and friends, fire and water, sunshine and fun, and music and relaxation.

The location of the Nauti Norske is very unique. It is in the Stoughton downtown business district. This area is also referred to as the "Arts and Entertainment District". It is surrounded mostly by other small businesses or industry and a parking lot. There are also some residents that live in the immediate area, usually in apartments above other small businesses. The beautiful patio of the Nauti Norske sits on the bank of the Yahara River. Across the river there are more small businesses and several residential home owners and renters.

The Nauti Norske and its wonderful riverside patio has become an attraction or a destination for many people from all around the southern Wisconsin area. Unfortunately, there is something that most guests say is missing and that is what keeps them from coming back to Stoughton more often. That one thing is the lack of music outside on the patio. This limitation of no amplified sound or music doesn't say "loud or excessive sound or music" it just says, "amplified sound or music shall not be permitted within the outdoor area of the licensed premises". Because of this we are unable to provide the one thing that is requested the most at the Nauti Norske, which is amplified sound or music and live music. We have a petition that has been signed by hundreds of people from the area that join us in this request to allow the Nauti Norske to have amplified sound and music on their outdoor patio.

The Public Safety Committee, the police department, the City Council, as well as the Mayor's office have done a great job of trying to redevelop the downtown business area and the Arts and Entertainment district to encourage more people to come to downtown Stoughton. We think that we have also made some wonderful changes by bringing the waterfront property that is now known as the Nauti Norske to life. We would hate for all of yours and our shared efforts to be stifled or even killed by this no amplified sound or music limitation.

So, with that said, we would like to request that an exception be considered to this limitation of no amplified sound or music. We believe that the people of Stoughton want to see their city grow and prosper. We believe they deserve to enjoy the artistic and musical talents that so many talented people in our area possess. We believe that we can work with the residents of our downtown area, so the amplified sound or music does not become a problem. We understand that Stoughton has a noise disturbance and nuisance ordinance that we will be expected to follow and comply with. We do not want to cause problems for our neighbors, for the police department or for ourselves. We will work with the area residents to make this work for everyone. We will work with the Stoughton police department in any way we can to make this a welcomed addition to the downtown area. Together we can accomplish great things for our great city.

Sincerely yours,

Kathy Jo Vike David Eugster

Kathy Jo Vike and David Eugster

The current language in Stoughton's Ordinances regarding this situation is printed below, the only changes we are requesting are written in blue. The underlining in section "a" has been added for reference below:

(6) *Permits for outdoor consumption at Class B premises.*

a. *Required for outdoor consumption.* No licensee shall sell, serve or permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under permit granted by the city council. Such permits are issued by the council as provided in this section after review by the public safety committee. <u>The permits are a privilege in which no rights vest and, therefore, may be revoked by the council at its pleasure at any time or shall otherwise expire on June 30 of each year</u>. No person shall consume or have in his possession alcohol beverages on any unenclosed part of a licensed premises which is not described in a valid permit. <u>The VFW shall be allowed to permit the consumption of alcohol beverages outside their building in the picnic area as an exception to the requirements of this section</u>.

b. *Limitations on issuance of outdoor permits.* Each application for an outdoor permit shall accurately describe the area intended for use and shall indicate the nature of fencing or other measures intended to provide control over the operation. Amplified sound or music shall not be permitted within the outdoor area of the licensed premises. Outdoor areas permitted pursuant to this section shall be not be open or occupied between the hours of 11:00 p.m. Friday through 8:00 a.m. Saturday, 11:00 p.m Saturday through 8:00 a.m. Sunday, and between the hours of 10:00 p.m. and 8:00 a.m. on all other nights. The maximum capacity of the combined indoor and outdoor areas of the licensed premises shall be the legal maximum capacity of the indoor area. A permit holder may apply for approval to exceed the otherwise established maximum capacity to accommodate a special event. Applications to exceed the otherwise established maximum capacity shall be referred to the public safety committee for recommendation to the city council, which shall determine whether to approve the application. The council may impose additional restrictions on a case-by-case basis which shall be incorporated into any outdoor consumption permit including, but not limited to, conditions relating to fencing, screening and noise abatement. The Nauti Norske shall be allowed to have non-live amplified sound or music in their outside licensed area as an exception to the requirements of this section. The Nauti Norske shall also be permitted to have live amplified sound or music, which would only be allowed between the hours of 4:00 p.m. & 9:00 p.m. on weekdays, and between 11:00 a.m. & 10:30 p.m. on Fridays and Saturdays, and between 11:00 a.m. & 8:00 p.m. on Sundays.

As one can see, the VFW is allowed an exception in section a) that has been underlined. One would think that a similar exception could be made for the Nauti Norske regarding this matter in section b) (highlighted in green).

Also, the second part of the language that is underlined above states that “the permits are a privilege in which no rights vest and, therefore, may be revoked by the council at its pleasure at any time or shall otherwise expire on June 30 of each year”. It would seem, that if there is good reason, this exception may be revoked by the council.

Thank you for your time and attention regarding this matter. We look forward to working with everyone to make this request a reality.

Sincerely,

Kathy Jo Vike *David Eugster*