



TAPPING INTO BEER GARDENS

Outdoor brew spots sprout during the summer ▶ TimeOut 8B

WAUKESHA COUNTY



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gmtoday.com

Restaurants face mounting pressure to stay in business

Rising costs, staffing shortages, contribute to businesses closing, per industry expert

By Katherine Beck
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WAUKESHA — With several longtime Waukesha County restaurants closing in recent weeks, people are in dismay and are wondering what is going on to lead to this upsetting news. Rather than it being one factor leading to the small businesses no longer turning on their ovens, it's the culmination of factors that began prior to the COVID-19 pandemic, said Kristine Hillmer, president and CEO of the Wisconsin Restaurant Association. It's also not isolated to Waukesha County, but something that is being seen around the state and country as restaurants face immense pressure.

It all began with staffing shortages before the pandemic, which were then exacerbated with temporary restaurant closures and decreased sales during the pandemic. Now, the prices for goods and labor are really putting the squeeze on an industry where the profit margin is only 3% to 5%, Hillmer explained.

That means as soon as a dollar is spent in a restaurant, 95 cents to 97 cents of that \$1 is already spoken for, she said. "The difficult thing is that these business owners, their staff are exhausted," Hillmer said.

For many restaurant owners, their savings have been spent and they may have taken on additional debt as federal programs like the Payroll Protection Program (PPP loan) have run out.

See RESTAURANTS, PAGE 8A



Freeman file photos

Albanese's Roadhouse is one of the recent Waukesha restaurants to close. It was demolished in June and will eventually be replaced with a car wash.



Gyros West in Waukesha announced recently that it has sold the building and will cease operations by the end of the year.



El Zocalo, which was located on Broadway near downtown Waukesha, closed unexpectedly recently.

WAUKESHA

Public Service Commission to host hearing on water rates

Residents encouraged to make comments, explore conservation options

By Isabella Kostolni
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WAUKESHA — Following Waukesha Water Utility's announced increase in monthly water rates, a public hearing hosted by the Wisconsin Public Service Commission will be held July 19 at 3 p.m.

According to its website, the PSC is an independent regulatory agency that "ensures safe, reliable, affordable, and environmentally responsible utility services and equitable access to telecommunications and broadband services."

At the hearing, the PSC will gather more information from Waukesha Water Utility and consider public comments; no decision regarding the approval of the proposed rates will be made at that time.

See WATER, PAGE 8A

Evers scales back Republican tax cut, signs state budget

MADISON (AP) — Wisconsin Gov. Tony Evers signed off on a two-year spending plan Wednesday after scaling back the size of a Republican income tax cut that would have moved the state closer to a flat rate.

Evers, a Democrat, also used his partial veto power to increase funding for K-12 public schools for more than 400 years unless undone by a future Legislature and governor. The move will increase how much revenue schools can raise per student by \$325 a year until 2025.

Evers, a former state education secretary and teacher, had proposed allowing revenue limits to increase with inflation. Under his veto, which he achieved by striking a hyphen and two numbers, Evers said schools will now have "predictable long-term spending authority."

"There are lots of wins here," Evers said of the budget at a signing ceremony surrounded by Democratic lawmakers, local leaders, members of his Cabinet and others.

Republicans blasted the vetoes, accusing Evers of breaking deals he had reached with them.

See BUDGET, PAGE 8A



Evers

Parent sues Mukwonago school district over bathroom policy

District: School provided options; parent can't show how they will harm student

By Brian Huber
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WAUKESHA — A transgender student and her mother are suing the Mukwonago Area School District and seeking an injunction over a recently passed policy requiring students to use restrooms consistent

with their sex at birth or unisex bathrooms, saying the policy amounts to discrimination that will subject the student to "irreparable injuries."

But the district says it offered accommodations to the student but the student failed to make use of them, and the request for a temporary injunction should be denied

because the student cannot show she will be harmed absent one, and an injunction would be a "poor fit for the present situation" given that there are only a few weeks of summer school remaining.

The school district last month passed a policy requiring students to use the restrooms corresponding to their assigned sex at birth. That came after the district said it received comments of concern from

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Volume 165 No. 71

Waukesha Civic Band concerts, 8 p.m. today, Cutler Park, 301 Wisconsin Ave.
Pop-Up Beer Garden by Raised Grain, 4 p.m. to 9 p.m. Friday and 3 p.m. to 9 p.m. Saturday, Nashotah Park, W330-N5113 Highway C, Nashotah. Local food trucks.
9th Annual Oconomowoc Watershed Protection Program (OWPP) Paddle Event & Nature Walk, 9 a.m. to 2 p.m. Saturday, launch at North Lake Yacht Club, Northwoods Drive, Hartland. Free event. Lunch included. After lunch, proceed to Oconomowoc River Conservancy Park for an optional Nature Walk. Registration required. <https://tallpinesconservancy.org/events2023>

Fun Things To Do This Weekend

Lake Country Art Festival, 9 a.m. to 4 p.m. Saturday, Naga-Waukee County Park, 651 Highway 83, Delafield. \$5 per carload donation to the Delafield Lions Club. Art from 100 juried artists, children's activities, live music, food.
MSDA Milwaukee Area Stamp Show, 10 a.m. to 5 p.m. Saturday and 10 a.m. to 3 p.m. Sunday, Waukesha County Expo Center, 1000 Northview Road, Waukesha. Free admission. <https://sunsetplayhouse.com/>
Pool special event: Bumin' at the Beach!, 6 p.m. to 8 p.m. Saturday, Horeb Spring Aquatic Center, 330 Spring St., Waukesha. Beach-themed games activities and prizes. Daily admission fee or pool pass.

Summer Stars Broadway Cabaret, 2 p.m. and 4 p.m. Sunday, Sunset Playhouse, 700 Wall St., Elm Grove. <https://sunsetplayhouse.com/>
Open House and Garden Walk, 1 p.m. to 4 p.m. Sunday, Dousman Stagecoach Inn Museum, 1075 Pilgrim Parkways, Brookfield.
Eagle Historical Society Free Ice Cream Social, 1:30 p.m. to 3:30 p.m. Sunday, Village Park, 309 S. Parkview Drive, Eagle. With Palmyra Eagle Community Band.
Twilight Concert in Fowler Park, 6:30 p.m. to 9 p.m. Sunday, 500 Oakwood Ave., Oconomowoc. Family friendly event with live music by "American Idol" winner Lee DeWyze with cellist Dave Eggar.

WEATHER



Tomorrow:
Partly cloudy
High 78
Low 55

See complete forecast on 8A



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VISIT DOWNTOWN
WAUKESHA
SUMMER 2023

PROUDLY PRESENTED BY
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WWW.WAUKESHADBA.COM
[WUKESHADBA](https://www.instagram.com/waukeshadba)

Farmers' Market
ORGANIC PRODUCE / DINING / SHOPPING
WWW.WAUKESHADBA.COM

May 6, thru Oct 28

FRIDAYNIGHTLIVE
June 2 thru Sept 1 (NO FNL July 7th)
WWW.WAUKESHADBA.COM

WAUKESHA ART CRAWL
Aug 5, Oct 7, Dec 2
WAUKESHAART.COM

Water

From Page 1A

Nevertheless, Waukesha Water Utility General Manager Dan Duchniak says the hearing with the PSC is the next step toward having those rates approved.

“We apply for the rate increase through the Public Service Commission. And we’re regulated by the Public Service Commission, so they have to review all of our financial records and determine what the rate increase is going to be,” he said. “First, there’s the hearing. They collect all the public comments. They have a chance to respond to all the public comments and then they go through and they make their final decision ... This is one of the steps in the process of us applying for rates and having those rates approved through the Public Service Commission.”

Duchniak said the Waukesha Water Utility requested that the rate increase be completed in two steps over two years. The first increase would come on Oct. 1 of this year, and the next would come on Oct. 1, 2024.

Projected schedule for rate increases (based on average customer using 4,000 gallons of water per month):

Current rate — \$102 per month
October 2023 — \$117 per month (+14.7%)
October 2024 — \$135 per month (+15.4%)
January 2026 — \$147 per month (+8.9%)
January 2027 — \$154 per month (+4.8%)

rise again to \$135 in October 2024. More increases would follow in January 2026 with rates hitting \$147 per month and once more in January 2027 with a monthly charge of \$154. Rates account for the water, return flow, and wastewater charges.

Duchniak notes that though the public isn’t exactly thrilled to be spending more money, residents seem to acknowledge the necessity of finding a new water supply.

“I don’t necessarily know that the public is going to be happy about any rate increase. However, I think that the residents of this city understand the project that we’ve been implementing to address the radium issue here in the city of Waukesha,” he said.

Compared to other options, bringing in water from Lake Michigan was by far the best option for the city, he said. “Going to the Great Lakes water was shown to be the most cost-effective route for us to come into compliance with the radium standard and also provided us with the long-term sustainable supply we needed for our residents,” Duchniak said. “So, while there is going to be a higher cost associated with the water and returning that water to the Great Lakes, this will be a water supply that will be in place for the long-term and our residents won’t ever have to worry about water again.”

Water conservation options

In order to help residents conserve water and minimize costs, Waukesha Water Utility has a number of programs in place. To learn about the rain barrel and high-efficiency toilet and shower head rebate programs, visit <https://waukesha-water.com/wtc.html>. Waukesha Water Utility also offers similar programs for businesses.

Duchniak also recommends eliminating or, at the very least, optimizing one’s water softener once the transition to Great Lakes water has occurred.

“This water will be more than 60 percent softer than our current supply. Which means that (residents) may or may not need a water softener. That will be a personal choice,” he said. “What we’re recommending that people do is turn off their water softeners and bypass them once we have Great Lakes water. Then they can make that decision for themselves.”

According to Duchniak, other communities with Great Lakes water don’t often utilize water softeners. “Ninety-five percent of the people in the city of New Berlin, when they switched from groundwater to Lake Michigan water, eliminated their water softeners within three years. So, there is potential savings that people could have with eliminating their water softeners,” he said. “At a minimum, they will want to have their water softeners optimized ... They’ll want to optimize that for the best performance they can have, which means they’ll use less salt, which also costs less money.”

Accessing the hearing

The hearing will take place via Zoom. The public is encouraged to attend over the internet at <https://us02web.zoom.us/j/psc-hearings> or connect via telephone by dialing 1-312-626-6799 and entering meeting ID 809 513 2930 #.

The PSC also plans on livestreaming the event. To access the livestream, visit <http://psc.wi.gov> and navigate to the “News & Events” dropdown menu. From there, select the item labeled “Broadcasts.”

The public may testify in the hearing. A person may participate in one of three ways. To file a web comment, visit the PSC’s website, navigate to the “Commission Action” dropdown menu and select the item labeled “File a Public Comment.” Select the “File a comment” link that appears on the next page for docket number 6240-WR-111. Web comments will be accepted until July 21.

The public may also make a live comment at the hearing once party and commission staff testimony has concluded. The administrative law judge will receive live comments by stating the name of each member of the public connected to the hearing one at a time and ask if they would like to comment.

Comments may also be submitted by U.S. mail. Comments mailed to the PSC will be accepted until July 21. The following address should be used: Attn: Docket 6240-WR-111 Comments, Public Service Commission, P.O. Box 7854, Madison, WI 53707-7854.

Documents, schedules, and other information regarding the hearing can be accessed via the PSC’s website. Select the “eServices” dropdown menu and select “Docket Search (CMS).” Enter 6240-WR-111 on the next page in the space labeled “Case #” then click “Search.”

For more information about the upcoming switch to Great Lakes water visit <https://greatwateralliance.com/transition/> or call 262-521-5272.

Policy

From Page 1A

parents and community members that the Jane Doe #1 of the lawsuit had been using girls rooms at a grade school despite being assigned a male gender at birth. The child began identifying as a girl at home at age 3 and at school since first grade, using feminine pronouns, and has been diagnosed with gender dysphoria.

Jane Doe #2, the student’s mother, was presented options, such as having the student use a unisex bathroom and work with a trusted adult on such questions at school, but the district said she “vehemently opposed” the alternatives, “instead insisting that Jane Doe #1 be able to use the girls’ bathroom despite parent demands to the contrary.”

The mother filed suit against the district and Superintendent Joe Koch on Friday, saying the student is a transgender girl who has used the girls’ restrooms at her school for nearly three years without incident. But the district has done an “about face” and is now denying permission to use girls rooms, telling her she must now use a gender-neutral or male bathroom at school, and directing staff to monitor and report on her compliance.

The lawsuit said this violates rights identified by the Seventh Circuit Court of Appeals in a Kenosha case that the suit said “leaves no room for doubt: denial of transgender students’ ability to use the bathroom consistent with their gender identity constitutes discrimination in violation of both Title IX and the Equal Protection Clause. ... The law in this case is clear, and Defendants are plainly violating it. Moreover, Defendants’ conduct is causing Plaintiff substantial and irreparable harm.”

The district gave the student and

the mother a map of the high school, where summer classes are held, showing the locations of gender-neutral single-occupancy restrooms, but the suit said those are much further away than girls’ rooms and are not actually gender-neutral, as they are for staff members’ use and separately labeled male and female. The student identifies as a girl and “feels deeply distressed at the idea of using the boys’ restroom,” the suit said.

Because the district is refusing to respect the student’s gender identity, “she is suffering immense harm to her physical and psychological health, her emotional well-being and her ability to learn,” “impeding her ability to take full advantages of the educational activities at school.”

The plaintiffs pointed to the 7th Circuit Court of Appeals decision in a Kenosha case requiring that a transgender boy be allowed to use a boys room at a school there. The ages of the plaintiffs are different, “but their ages have no effect on the students’ statutory or constitutional rights,” the suit said. It pointed to Title IX and its ban on discrimination based on sex, as well as a Supreme Court ruling that discrimination based on transgender status is a form of sex discrimination.

But the district responded, saying the plaintiffs cannot show that, without an injunction, immediate and irreparable harm will occur.

“While the District disagrees Jane Doe #1 faces any irreparable harm, the District has repeatedly attempted to engage in the process set forth in the policy to ensure the absence of any such potential harm. In their plea for relief, plaintiffs fail to acknowledge the measures the District has taken to prevent any potential harm to Jane Doe #1 and to ensure she has adequate educational, social, and emotional support,” the district’s

response, filed Wednesday, read. “Moreover, Plaintiff’s refusal to engage with the District in the accommodation procedure articulated within Board Policy 5514 — which is intended to ensure no harm to the student — negates Plaintiff’s claims of irreparable harm.”

The district added that after meeting with trusted personnel regarding the use of bathrooms on one occasion, the student was able to “self-regulate, demonstrating the efficacy of the support measures in place and negating the notion that irreparable harm has occurred or will in the future.”

Under the policy, a team of district staff is to consider exceptions or accommodations to the bathroom rules on a case-by-case basis by consulting with the student and his or her parents, the director of Student Services, a school psychologist, a school counselor, the class teacher, the principal and others if needed — all in an attempt to collaborate on considering issues that may arise with bathroom accommodations and make sure the student can access district facilities safely.

The district added that while there are similarities to the Kenosha Whitaker case, the age difference of the students — Whitaker was a senior, Jane Doe #1 is 11 — needs to be taken into account as 11-year-olds are less emotionally mature than 18-year-olds. And, the district said, since 2017, when the Kenosha Whitaker case was decided, the current legal landscape is different because a case out of the 11th Circuit “has created a split among the federal appellate courts, setting the stage for resolution at the Supreme Court.” It added Title IX allows for separate bathrooms and shower facilities on the basis of sex.

No hearing dates have been set in the case.

Budget

From Page 1A

Republican Assembly Speaker Robin Vos said allowing the school revenue limit to increase effectively forever would result in “massive property tax increases” because schools will have the authority to raise those taxes if state aid isn’t enough to meet the per-pupil cost. He also said scaling back the tax cut put Wisconsin at an economic disadvantage to neighboring states with lower rates.

“Legislative Republicans worked tirelessly over the last few months to block Governor Evers’ liberal tax and spending agenda,” Vos said in a statement. “Unfortunately, because of his powerful veto authority, he reinstated some of it today.”

Vos did not say if Republicans would attempt veto overrides, an effort that is almost certain to fail because they would need Democratic votes in the Assembly to get the two-thirds majority required by state law.

Republicans proposed tapping nearly half of the state’s projected \$7 billion budget surplus to cut income taxes across the board by \$3.5 billion. Evers did away with rate reductions for the two highest brackets.

The remaining \$175 million in tax cuts over the next two years are directed to the lowest two tax rates, paid by households earning less than \$36,840 a year or individuals

who make less than \$27,630. Wealthier payers will also benefit from the cuts but must continue to pay higher rates on income that exceeds those limits.

Evers was unable to undo the \$32 million cut to the University of Wisconsin, which was funding that Republicans said would have gone toward diversity, equity and inclusion — or DEI — programming and staff. The budget Evers signed does allow for the university to get the funding later if it can show it would go toward workforce development and not DEI.

Evers previously threatened to veto the entire budget over the UW cut. But on Wednesday, he noted that the university can recoup the cut, and he used his partial veto to protect 188 DEI positions at UW that were slated for elimination under the Republican plan.

Evers called cuts to UW funding “shortsighted, misguided and wrong for the workforce and wrong for our state.” But he also said he was confident UW would be able to work with lawmakers to get the \$32 million later.

Another of Evers’ vetoes removed a measure that would have prohibited Medicaid payments for transgender medical procedures. The governor accused Republicans of “perpetuating hateful, discriminatory, and anti-LGBTQ policies and rhetoric” with the proposal.

No Democratic lawmaker voted for the budget, but most stopped

short of calling for a total veto.

Evers rejected a call from 15 liberal advocacy and government watchdog groups that had urged him to “fight like hell for our collective future” and veto the entire budget, which they argued would further racial and economic inequality. Groups endorsing the letter included the League of Women Voters of Wisconsin, Voces de la Frontera, Citizen Action of Wisconsin and the Wisconsin Federation of Nurses and Health Professionals.

Evers said vetoing the entire budget would have left schools in the lurch and meant rejecting \$125 million in funding to combat water pollution caused by so-called forever chemicals known as PFAS, along with turning down \$525 million for affordable housing and pay raises for state workers.

No governor has vetoed the budget in its entirety since 1930. This marks the third time that Evers has signed a budget into law that was passed by a Republican-controlled Legislature. In 2019, he issued 78 partial vetoes and in 2021 he made 50. That year, Evers took credit for the income tax cut written by Republicans and used it as a key part of his successful 2022 re-election campaign.

This year he made 51 partial vetoes.

The budget also increases pay for all state employees by 6% over the next two years, with higher increases for guards at the state’s understaffed state prisons.

Restaurants

From Page 1A

While wages have risen for restaurant workers, owners still can’t find enough staff, which makes it hard to operate as many hours as it takes to turn a profit, Hillmer said. As a result, tables may be left empty, the kitchen may close earlier than it used to or the restaurant may remain closed during one day of the week or no longer offer a breakfast menu — all in an effort to not burn out staff members and to cut costs.

Some of the restaurants that are closing are longtime family busi-

nesses, such as Gyros West in Waukesha, which after 33 years of operation announced Thursday that it has sold the building and will cease making its legendary gyros by the end of the year.

Hillmer said for a family-owned business like Gyros West, trying to navigate all of the recent challenges can be exhausting. Sometimes it’s a matter of wanting to retire and not having a next generation to take over, so the best option is to sell, she said.

“The shoes are not done dropping,” Hillmer said of the obstacles ahead for restaurants, however, adding “restaurateurs are very, very

resilient. They are entrepreneurs at heart.”

What a restaurant visit may look like in the not-so-far future, Hillmer said, is more technology being used, such as kiosks and tablets at tables for ordering. Menu prices may need to rise to keep up with the increasing cost of ingredients and other restaurant operation expenses.

And while it may seem like it’s just the locally-owned, family-run businesses that are closing (El Zocalo, Albanese’s, Pho King, all in Waukesha), Hillmer highlighted that most chain restaurant locations, such as Culver’s, are locally owned, including the one in Sussex which is owned and run by a family.

“Many of them are also small businesses, but face a lot of the same pressures,” she said. However, an advantage they have is the franchise-backed marketing.

No matter which restaurant goes out of business, it’s a real loss for the community.

“They are incredibly important to any community,” Hillmer said. “They are the pillars of the community. When one goes out of business, it is hard. It is difficult and heartbreaking.”

Restaurants, she said, are a place for families to come together to celebrate special occasions or to gather and mourn the loss of a loved one. In rural areas, restaurants may be one of the few food options available.

There is some hope with the recently passed shared revenue bill that could provide a little financial relief to restaurants, Hillmer said.

In addition to eating at local restaurants, Hillmer said another way to support them is to order delivery directly through the restaurant or via their preferred method, which can usually be found on their website. She said the popularity of ordering delivery has not waned in the months after the pandemic ended, but generally the popular delivery apps are not the best way to get the food in a way where it benefits the relationship between the restaurant and customer.

FIVE-DAY FORECAST

- TONIGHT** Mostly Clear 54
- TOMORROW** Partly Cloudy 78/55
- SATURDAY** Partly Cloudy 77/57
- SUNDAY** Partly Cloudy 83/61
- MONDAY** Mostly Sunny 87/60

REGIONAL FORECAST

COMFORT INDEX 10
What the air will feel like tomorrow, based on the temperature, humidity and wind speed. 1 poor; 10 excellent.

HEAT INDEX TOMORROW

8 a.m.	68
Noon	77
4 p.m.	75
8 p.m.	72

COOLING DEGREE

An index of energy consumption indicating how many degrees the day’s mean temperature was above 65 degrees.

Yesterday	16
Month to date	60
Season to date	218
Normal season to date	220

ALMANAC
Statistics for Yesterday

High/Low, Waukesha	90/68
High/Low	91/71
Normal High/Low	81/64
Last year’s high for date	82
Last year’s low for date	69
Precipitation, Waukesha	0.00"
Precip. month to date	0.49"
Normal month to date	0.50"
Precip. year to date	15.79"
Normal year to date	18.06"

Sunset today 8:34 p.m.
Sunrise tomorrow 5:21 a.m.
Moonrise tomorrow 11:47 p.m.
Moonset tomorrow 10:16 a.m.

NATIONAL FORECAST Friday, Jul. 7, 2023

SOUTHEASTERN WISCONSIN

Tonight: Mostly clear. Lows in the mid 50s. North winds up to 10 mph shifting to the northwest after midnight.
Friday: Sunny in the morning then changing to partly sunny. Highs in the upper 70s.

MARINE FORECAST

Lake Michigan near shore forecast:
Tonight: Variable winds 5 kt or less. Mostly clear. Waves 1 ft or less.
Friday: N wind 5 to 10 kt. Mostly sunny. Waves 1 ft or less.

Lake Michigan water temperature is 73 degrees.

ULTRAVIOLET INDEX FORECAST
The UVI forecast for Friday is 8
UV scale and warnings on possible skin damage: 0-2 low risk, 3-5 moderate risk, 6-7 high risk, 8-10 very high risk, 11+ over extreme risk.

TRAVEL ADVISORY FOR TOMORROW

ATLANTA High: 91 Low: 73	CHICAGO High: 74 Low: 62	DALLAS High: 97 Low: 77
DENVER High: 80 Low: 58	LOS ANGELES High: 77 Low: 59	MIAMI High: 91 Low: 80
MINNEAPOLIS High: 79 Low: 58	NEW YORK High: 85 Low: 72	PHOENIX High: 110 Low: 85
SEATTLE High: 80 Low: 58	ST. LOUIS High: 96 Low: 65	WASHINGTON High: 91 Low: 72