

COMMITTEE OF THE WHOLE MEETING

The Common Council of the City of Ashland will meet as the Committee of the Whole on May 26, 2020 immediately following the City Council meeting which begins at 5:30 PM in the Ashland City Hall Council Chambers.

The following items will be considered:

1. Roll Call
2. Council President's Report
3. Administrator's Report
4. Approval of Agenda
5. Committee Updates
6. Discussion Items
 - A. **Discussion and Possible Action Regarding Request to Lower and/or Waive License Renewals Fees for Alcohol Beverage Facilities, Amusement Facilities, and Operator's Licenses**
 - B. **Discussion and Possible Action to Enact a Local Ordinance to Empower Municipal Power to Issue Emergency Orders by the City of Ashland under Wisconsin State Statute 323 in the Absence of County Health Officer Order** *(Mayor)*
7. Adjournment

The City of Ashland does not discriminate on the basis of sex, race, creed, color, national origin, sexual orientation, age or disability in employment or provision of services, programs or activities.

NOTE: Upon reasonable notice, the City of Ashland will accommodate the needs of disabled individuals or individuals with limited English proficiency through auxiliary aids or services. For additional information or to request this service, contact Denise Oliphant at 715-682-7071 (not a TDD telephone number) or FAX: 715-682-7048

SUBJECT: Committee Updates

RECOMMENDATION: Discussion only

DEPARTMENT OF ORIGIN:

CLEARANCES:

EXHIBITS:

FINANCIAL IMPACT:

SUMMARY STATEMENT:

Harbor Commission: Pufall
Plan Commission: MacKenzie
Police & Fire: Lewis
Library Board: Jackson
Housing Authority: Franek
Housing Committee: Tochterman
Parks and Rec Committee: Haas
Public Works Committee: Moore
Sustainability Committee: Ullman
Historic Preservation Committee: Franek
Disabled Parking Committee: Whitebird
Source Water Protection Committee: Ortman

SUBJECT: Discussion and Possible Action Regarding Request to Lower and/or Waive License Renewals Fees for Alcohol Beverage Facilities, Amusement Facilities, and Operator's Licenses

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Clerk

CLEARANCES: Council President

EXHIBITS:

1. Request from Ashland Bayfield County Tavern League
2. League of WI Municipalities Reducing Alcohol Beverage Licensing Fees in Response to COVID-19 Pandemic, April 21, 2020

FINANCIAL IMPACT: TBD

SUMMARY STATEMENT:

The Clerk's office received a letter from Nancy Sztynodor of the Ashland Bayfield County Tavern League, asking for Council to consider lowering or waiving the renewal licensing fees for local bars and taverns. Please refer to the attached letter.

The Clerk has been in contact with other Clerks throughout the State to see if any other municipality of equivalent population (7000 to 10,000) has made a determination. To date, some have reduced their fees by half (\$300) or 3/4 (\$450), and few allowed for the minimum \$50. Very few reduced the fee for Operator's Licenses.

In April of this year, the League of Wisconsin Municipalities offered a guideline according to State law as to the minimum fees acceptable (see attached). The current fee for a Class B Combination is \$600 plus \$50 publication fee. If Council were to reduce Class B Combination renewal fees to be reduced to the minimum fee allowed, the City's revenue would be reduced from \$15,000 to \$1,250, a difference of \$13,750. The City has not historically charged a late fee for payment of licenses.

At the May 5, 2020 Committee of the Whole meeting, Council began discussing the options for Council to consider, such as prorating fees or offering installment payments. According to Rick Uhlig of the Wisconsin Department of Revenue's Alcohol and Tobacco Enforcement, payments cannot be extended or made by installments; all licenses fees must be paid at the time of renewal, or before July 1 of the year, and "current statutes prohibit eliminating fees completely"

Since the May 5, 2020 Committee of the Whole meeting, the Safer at Home order has been reversed, allowing

for non-essential facilities, including bars, to reopen with guidelines. This reopening continues to restrict the numbers of customers allowed inside the facility, and several summer events throughout Northern Wisconsin have already been cancelled, effecting the traffic, tourism and revenue for many of these facilities.

It is the Clerk's recommendation to Council to reduce the Class B Combination Alcohol Beverage Renewal fee to half the rate at \$300 plus the \$50 publication fee, for the 2020-2021 licensing year, and for operator's licenses to remain at \$30 for one year.

Dear Ashland City Councilors,

I am writing on behalf of all liquor license holders in the City of Ashland. First, let me say, we understand the City is suffering a financial hardship in this unprecedented time.

As you all are aware The Restaurants and Bars in Ashland have been shut down since 5pm on March 17th. Governor Evers latest Extension will put us closed until May 26th the Tuesday **AFTER** Memorial Day. That will be a total of 70 days, including St. Patrick's Day, Easter, Mother's Day, and the season starting Memorial Day weekend. We were all left with bills and payroll and no income to pay them.

Some of us have been able to do Carryout orders, but this is nowhere near enough revenue to keep our businesses going. Unfortunately, not all liquor license holders have food forcing them to be shut down completely.

Considering these issues, I am asking on behalf of your small business community that the City of Ashland consider placing on an upcoming agenda the following items:

- Lowering the renewal of existing class b liquor license to \$50, the lowest amount allowed by state statute.
- Waive the renewal fee for class b beer license
- Waive the renewal fee for any amusement license that your municipality may have.
- Waive renewal fees for existing operators license
- Waive the renewal fee for any municipal business or cabaret license

This may not seem like a lot of money to you, but every little bit helps to our small struggling businesses in Ashland. Thank you for your time, if you have any questions please feel free to contact me.

Sincerely,

Nancy Sztynodor

Stagecoach Bar & Grill

Ashland Bayfield County Tavern League



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Reducing Alcohol Beverage Licensing Fees in Response to COVID-19 Pandemic

League of Wisconsin Municipalities

April 21, 2020

The League of Wisconsin Municipalities has received many questions relating to whether municipalities may reduce alcohol beverage licensing fees for the upcoming 2020 licensing renewal period or take other steps to help restaurants and bars hurt by the COVID-19 pandemic and resulting “Safer-at-Home” order.

Reducing Licensing Fees. Municipal governing bodies may reduce alcohol beverage licensing fees for the 2020 licensing renewal period. Licensing fees are determined locally but must be within the maximum and minimum ranges specified by state law.

Maximum and Minimum license fees under state law:

Class “A” beer – no state maximum or minimum; the amount is determined by the municipality

Class “B” beer -- \$100 maximum; no minimum

“Class A” liquor -- \$500 maximum; \$50 minimum

“Class B” liquor -- \$500 maximum; \$50 minimum

Reserve “Class B” liquor renewal -- \$500 maximum; \$50 minimum

“Class C” wine license -- \$100 maximum; no minimum

A community could, at its discretion, reduce the 2020 renewal fees for Class “A” beer, Class “B” beer, and “Class C” wine to zero. The fees for “Class A” liquor, “Class B” liquor, and Reserve “Class B” liquor renewal licenses could be reduced to \$50 each. Restaurants and bars typically hold Class B licenses and restaurants without an intoxicating liquor license may have a Class C wine license. Class A licenses are typically held by stores and sell for consumption off premise.

In communities that set license fees by ordinance, governing bodies wishing to reduce fees will need to adopt an ordinance modifying the alcohol beverage licensing renewal fees for the July 1, 2020 to June 30, 2021 licensing year. In communities with ordinances specifying that fees are amended by resolution of the governing body, the governing body will need to adopt a resolution modifying the fees.

Waiving Late Fees for Alcohol Beverage Renewal Applications. Another step communities might consider taking to provide partial relief to restaurants and bars hurt by the COVID-19 pandemic is to waive any late fees the municipality imposes when applicants file their alcohol beverage renewal applications after the deadline for submittal.

SUBJECT: Discussion and Possible Action to Enact a Local Ordinance to Empower Municipal Power to Issue Emergency Orders by the City of Ashland under Wisconsin State Statute 323 in the Absence of County Health Officer Order (*Mayor*)

RECOMMENDATION: As Council Desires

DEPARTMENT OF ORIGIN: Mayor

CLEARANCES: City Attorney
City Administrator
Council President

EXHIBITS: 1. Copies of ordinances enacted by other WI municipalities will be provided before the meeting

FINANCIAL IMPACT: NA

SUMMARY STATEMENT:

In light of the Wisconsin Supreme Court's decision on May 13, 2020 invalidating the order by the Wisconsin Department of Health Services to remain at home during the coronavirus pandemic, many local municipalities such as the City of Ashland have questioned whether we have the authority to issue local stay-in-place orders that are enforceable and will withstand judicial scrutiny to protect the health, safety and welfare of residents during the coronavirus emergency.

The following is quoted from guidance issued by the Wisconsin League of Municipalities legal counsel on 5/18/20:

“Under [Wis. Stat., section 323.14](#) (14) (a), which governs local governments' powers and duties during a declared emergency, local governments have the general authority to order, by ordinance or resolution, “whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the local unit of government in the emergency,” including the power to bar, restrict, or remove all unnecessary traffic, both vehicular and pedestrian, from the highways...” Although 323.14(14) (a) doesn't explicitly mention controlling communicable diseases—in contrast to [Wis. Stat. sect. 252.03](#) which provides that local health departments may do whatever is reasonable and necessary to prevent and suppress disease, including forbidding public gatherings when deemed necessary to control outbreaks or epidemics, section 323.14(14) (a) is broadly written to grant local governments authority to enact measures to protect the public health and welfare in an emergency.

Exhibit for Item 6B

Copies of ordinances enacted by other Wisconsin municipalities under Wis. Stats. 323.14(14) (a) will be provided before the meeting on 5/26/20