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CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

To: Honorable Mayor and City Council Members
From: Tony Janisch, Assistant City Administrator
Re: Book Across the Bay Event 2023
Date: September 30, 2022

The Book Across the Bay annual event is returning and scheduled for February 17 & 18, 2023. Below are the requests from the Book Across the Bay Board of Directors.

- A waiver of the city's noise ordinance for Thompson's West End Park on Friday, February 17th from noon until 12:00am; and Saturday, February 19th from noon until 1:00am on Sunday, February 19th, 2023.
- A temporary Class "B" retailer's license for the sale of beer in the finish tent, to be consumed in the tent as well as the 50'x30' roped off area just outside of the tent, for Friday, February 17th and Saturday, February 18th.
- Parking and driving restrictions to alleviate congestion around West End Park. No parking on 8th Avenue West on either side, no parking on the south side of Bigelow Street, and no parking on the east side of 6th Avenue West.

Police Chief Johnson is fine with the requested parking and driving restrictions, as well as the alcohol license request. Chief Johnson is again requesting a visual wristband for those able to drink, to help ease enforcement, and for **the motion to include no alcohol outside of the designated areas**. While no alcohol from the event is to be served or consumed outside of the designated areas, the additional motion is to not allow private consumption of alcohol outside of the event designated area.

This request further asks for minimal needs from Public Works at no cost. It also identifies that BATB will provide the plowing at West End Park. Public Works Director Schuette advises that the city crew plow city property. There has been damage to the grounds in the past. And as in 2022, EMS will be available through 911 emergency call and not on standby.

It is recommended that Council not approve this special event request from Book Across the Bay, unless costs incurred by the City are reimbursed.

For several years, there has been discussion about the City recuperating its costs from the Book Across the Bay event; most recently at the Council Meeting on December 13, 2021. It was suggested at this meeting that City Staff meeting BATB leadership to discuss cost reimbursements moving forward. This meeting occurred on July 21, 2022.

During the 2022 event the City incurred \$4,181. These direct costs include Public Works - \$3,467 for personnel & equipment; Police - \$644 for personnel; Administrative - \$70 for personnel. These costs are

The City of Washburn is an equal opportunity provider, employer, and lender.

lower than in previous year because the EMS was not on standby this year.

The direct income/fees received from this event were \$35; \$10 for the temporary Class "B" license and \$25 for the special event permit. Room tax is often cited as a revenue generator from this event. The City does receive a percentage of room tax; but being reported quarterly, I can only give you an estimate. During the 1st Quarter of 2022, there was \$13,180 in room tax collected. On average, this would be \$4,393 of room tax for February, the month of Book Across the Bay. The City only retains 10% of the room taxes. So, the likely room tax income for the month of February is \$439. I cannot specifically itemize the room tax collected for the Book Across the Bay weekend, but the amount received for that weekend would be less than \$439.

The organization states that it makes a profit and shares its proceeds with other non-profit organizations that support the event. The organization also states that they do pay for services rendered; like participant busing, waste removal, porta-potties. It would seem that event site preparation or precautionary emergency services, as in the past, should also be included as payable services.

Again, it is the recommendation is that this request not be approved. It is further recommended that Book Across the Bay pay for the services received from the City from this event.

Included are the Letter of Request from the Book Across the Bay Directors, Temporary Class "B" Alcohol License applications, and Council meeting minutes from December 13, 2021. Please contact me before the meeting if you have any questions.



DEAR CITY COUNCIL MEMBERS,

The Board of Book Across the Bay is once again in the early planning stages of 2023's ski-snowshoe event. As in the previous years, we are seeking the support of the council in the following requests for the event scheduled **Saturday, February 18th, 2023:**

1. A Memorandum of Understanding to alleviate the potential for any increased cost(s) directly to the city administration, specifically the public works department.
 - a. BATB asks that the city provide **ONLY** the following support at no cost to event:
 - i. Unlocking designated power panels within West End Park for power and internet access.
 - ii. Make available as many as 10 parking barricades and as many as 25 orange cones for use.
 - iii. Make available the city-wide Christmas tree collection site for BATB to collect trees from the week prior to the event.
 - iv. Monday, February 20th remove the pile of hay & remaining Christmas trees from the tent site at West End Park (estimated time, 1.5 hours total).
 - b. BATB will provide:
 - i. snow removal from the West End Park tent location as well as the additional parking fields located on Holman Lakeshore Drive and the Upper Tent Grounds of West End Park.
 - ii. A contract with Bayfield County Sheriff's Department for 02/19/23 West End Park security.
 - iii. A contract for private dumpsters for all West End Park trash generated from the event.
2. A waiver from the city's noise ordinance for Thompsons's West End Park on Friday, February 18th and Saturday, February 18th from 12noon until 1:00a.m. on Sunday, February 19th.
 - a. We would like to host a concert on Friday night before the ski-snowshoe event this year as a method to attract more tourists to the region for an additional day of festivities in our tents, night of lodging in hotels, and added support of our community and businesses from the additional revenue Book will generate.
3. A temporary Class "B" Retailers license for the sale of beer by licensed servers inside the finish tent and in one small (50'x30') roped off and secured area just outside the finish tent for the viewing of our fireworks show for Saturday 2/18/22.
 - a. Our intent to designate a specific, roped off, and secure area roughly 50' by 30' outside of the tent is to provide an area for spectators to view fireworks with their beer to ease policing efforts and enforcement required to disallow all beer outside of the tent.
 - i. Our 2022 event found this space highly effective at helping to manage the consumption outside of the tents and the Sheriffs Reserve Officers noted it was very helpful to have a designated space to monitor.
4. Parking and driving restrictions to alleviate congestion around West End Park.
 - a. As in past years, to efficiently move pedestrians, cars, and busses through town to West End Park we are again suggesting road postings. Namely, 8th Avenue West be "No Parking" on either side of the road, "No Parking" on the South side of Bigelow Street, and "No Parking" on the East side of 6th Avenue West. The possibility of snowbanks may mean that we will reevaluate this plan prior to the event if needed. City police and Public Works will be encouraged to meet with the BATB Parking team to ensure that the parking and traffic control plan is agreed upon will be adhered to.

We the Board of Directors of Book Across the Bay believe strongly that the event continues to be important to and relevant by offering an affordable and fun winter experience which has dispersed over \$248,000.00 into the region through the use of Work Groups and Service Partnership Agreements with local clubs, schools, and organizations.

Thank you for your favorable decision as in previous years and know that your consideration on the above matters will make the event once again possible for its 26th year. The council as well as city has always been very much appreciated by BATB. Please feel free to contact us directly if you have any questions.

Sincerely,

Benjamin Thoen & Book Across the Bay Board of Directors

773.710.4937

bookxbay@gmail.com

To Washburn City Council Members:

The purpose of this letter is to help each of you understand our position regarding the request from the City Administration and Public Works Departments to compensate the City of Washburn for expenses related to Book Across the Bay. We feel it is important for each of you to understand our situation.

February 18, 2023 will be our 26th year of providing our unique winter event for the communities of Washburn and Ashland. As always, hundreds of volunteers work year-round to bring this event to life. This event is a critical fundraiser for many school and other non-profit organizations.

Last week we learned that our request for the event permit would be allowed on your agenda but that the City Administration would recommend to the council the request be denied approval. Book Across the Bay board members have met with the Administration several occasions to discuss costs and expenses that, they say, the City of Washburn incurs as a result of Book Across the Bay. The Administration has requested \$4100.00 be paid to the City to cover those expenses. This calculation includes expenses related to police services for \$644.00, \$70.00 for Administrative Time, and \$3500.00 for plowing by the Public Works Department.

Book Across the Bay cannot make a payment like that and we are requesting the same application and fee schedule as other City events are offered.

As you know, we also work with the City of Ashland and there are no excessive fees from them beyond the normal event applications. Making a payment to Washburn would almost certainly end up causing a required payment to Ashland.

The expenses the Administration brings up are not services we have requested nor do we intend to request them. We provide, at our own expense, additional law enforcement with the Sheriff reserves; they patrol the event. We welcome the presence of the City of Washburn police officers, but we do not request them nor do we place any additional requests with them.

The EMS team members of Washburn and Ashland are on stand-by; we have volunteers who coordinate communication in the event of an emergency. On-ice minor injuries and illnesses are managed and transported by our volunteer teams. We provide physician and first aid services to participants at the finish line. In the event of a true emergency, we would rely on the EMS teams as would any event or organization at any time.

In regard to the Public Works Department, we appreciate prior efforts to assist us. They have been critically important in solving inevitable yet unexpected emergencies or complications with the event. However, the stated cost of event plowing is not a request we have made. In fact, quite the contrary. We have requested that the City does not assist with plowing at the event site. The timing and details of plowing are critical; volunteers utilize Book Across the Bay equipment to prepare the site.

In short, we feel that the expenses the City Administration is listing are made by choice by the City of Washburn. We have not asked for these services.

It is important to understand that Book Across the Bay is 100% orchestrated by volunteers; the proceeds pay the expenses and the rest of the earned money goes to the volunteer groups who did the work. We guarantee this to our volunteer groups; otherwise, this event would not be sustainable. For example, the music boosters for Washburn School District have received more than \$30,000.00 in the last ten

years for their efforts to provide the chili feed at the finish line. Athletics teams, Scouts and others in your community have been beneficiaries for years.

We simply cannot run this event without our volunteer groups. In hard years where turnout is low and very little money is earned, Book Across the Bay board members personally carry the debt of the expenses to make sure the volunteer groups are compensated. Extreme weather and the pandemic have caused some hard years.

In addition to our essential volunteers, we rely on donations that are made by individuals and businesses alike. Many of you may be aware of our business sponsors over the years; they are critical to our success. Because local businesses invest in us, we make every effort to purchase our necessary supplies locally. On average the cost to produce Book Across the Bay is over \$65,000.00.

Other than Book Across the Bay being a critical fundraiser for our volunteer groups, it is a beneficial fiscal event for both Washburn and Ashland. It draws more than 4000 participants and spectators. Those people spend money in our communities. They utilize gas stations/convenience stores, restaurants, and shops. They fill hotel rooms and other rental units in the region. Regional economic impact is estimated to be in excess of 1.6 million dollars.

Again, we cannot make a \$4100.00 payment to the City of Washburn and should you decide it to be necessary, we would be forced to change our venue. We are hopeful you will allow us to once again create this unique and valuable experience for the City of Washburn and greater Chequamegon Bay community. The below board members would welcome any conversation via telephone should a council member like to discuss the matter further prior to the meeting.

Sincerely,

Book Across the Bay Board Members

Andrew Matheus, 715.209.1068

Tom Fitz, 715.292.3745

Benjamin Thoen, 773.710.4937

Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$25.00

Application Date: 09/30/2022

Town Village City of Washburn

County of Bayfield

The named organization applies for: (check appropriate box(es).)

A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.

A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning 02/18/2022 and ending 02/18/2022 and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

1. Organization (check appropriate box) →

- Bona fide Club Church Lodge/Society
 Veteran's Organization Fair Association or Agricultural Society
 Chamber of Commerce or similar Civic or Trade Organization organized under ch. 181, Wis. Stats.

(a) Name Book Across the Bay

(b) Address PO Box 307 Ashland, WI 54806

(Street)

Town Village City

(c) Date organized 02/01/1997

(d) If corporation, give date of incorporation 02/01/2003

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box:

(f) Names and addresses of all officers:

President Andrew Matheus

Vice President Benjamin Thoen

Secretary Tom Fitz

Treasurer Benjamin Thoen

(g) Name and address of manager or person in charge of affair: Benjamin Thoen

1202 Tower Avenue, Superior WI 54880

2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number 1048 West Bigelow St.

(b) Lot _____ Block _____

(c) Do premises occupy all or part of building? Alcohol will take place in the BATB tent, not the WEP Pavillion.

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: _____

3. Name of Event

(a) List name of the event Book Across the Bay Chapter 26

(b) Dates of event 02/18/2022

DECLARATION

An officer of the organization, declares under penalties of law that the information provided in this application is true and correct to the best of his/her knowledge and belief. Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

Officer Benjamin Thoen
(Signature / Date)

Book Across the Bay
(Name of Organization)

Date Filed with Clerk 9/30/2022

Date Reported to Council or Board _____

Date Granted by Council _____

License No. _____

December 13, 2021

CITY OF WASHBURN COMMON COUNCIL MEETING

5:30PM

Washburn City Hall & Remote Call-In

City Council Members:

Present, in-person:

Karen Spears-Novachek, Laura Tulowitzky, Tom Neimes,
Carl Broberg, Mary McGrath, Dave Anderson

Present, remote:

Jennifer Maziasz

Municipal Personnel:

Present in-person:

Mayor Mary D. Motiff, City Administrator Scott J. Kluver,
Assistant City Administrator Tony Janisch, City Attorney Max
Lindsey, Director of Public Works Gerry Schuette, Interim
Director of Ambulance Service Jeff Bellile

Present, remote:

none

Absent:

none

Call to Order - Meeting called to order at 5:32PM by Mayor Motiff. Roll call attendance depicted seven (7) of seven (7) members of the Common Council in attendance. Quorum of the Council recognized.

Approval of Minutes – City Council Meeting of November 8, 2021 - A motion was made by Novachek to approve the November 8, 2021 minutes of the City Council, second by Neimes. Motion carried unanimously.

Approval of Expenditures - A motion was made by Novachek to approve the monthly expenditures as reviewed, second by McGrath. Motion carried unanimously.

Public Comment – There was no public comment.

Mayoral Announcements, Proclamations, Appointments- The Mayor began by thanking everyone for keeping things moving this past year. The Mayor next nominated Adeline Swiston, Cheryl Follis, Pauline Jimenez, Sherri Swiston, Lu Ann Opperman, Michelle McCumber, Florence Hagstrom, Valerie Dandeneau, Caroline Nelson, Donald Niles Eilertsen, Sharon Hacker, Eugene Dandenau, Richard Avol, Elsa Brown, Ariadna Chediack, Joseph LeBouton to the Election Board. A motion was made by McGrath to appoint the named individuals to the Election Board for a two-year term expiring 12/31/2023, second by Tulowitzky. Motion passed unanimously.

Discussion & Action on Special Event Request for Book Across the Bay on February 18 and 19, 2022 – Ben Thoen, Petitioner – The Mayor stated the in review of minutes from 2019, there was discussion and feeling for a path for the City to get reimbursed for expenses incurred from this event. Anderson moved to approve the requests for Book Across the Bay 2022 of noise ordinance waiver, temporary Class “B” retailer’s license, parking & driving restrictions, including no alcohol outside of designated areas and without additional fees, second by Novachek. Dalt Collins, 501 W 5th St., board member of Book Across the Bay, acknowledged the expenses to the City and further explained the community support from the proceeds of the event. He further explained that the volunteer labor groups use this event as fundraisers to support the school athletic clubs and music programs. Mr. Collins further stated that after the 2020 event, \$8,200 were paid out to these type of Washburn groups. He added that because the Book did not occur last year, and because of fixed costs, the organization is at a deficit. He concluded that if the City wants to be paid for expenses, then the Book Across the Bay probably would not happen then and asked to suspend any payment to cover City expenses.

Discussion ensued. McGrath stated that discussion of the City seeking reimbursement began with the past mayor. She is fine with no additional fees this year and added that, as a member of the Finance Committee, budgets are tight, and efforts need to be made for the City to recuperate costs. Tulowitzky added that in the past there has been property damage, staff overtime occurring because of lack of clean-up efforts, the Board needs to be accountable for the oversight of their event. Broberg noted that the information provided stated that medical staff are contracted and having worked the event as part of the Washburn EMS crew that this staging appeared to be more of an “above & beyond” service. Broberg recommended, taking Ashland EMS’s lead,

and discontinuing rescue services onsite and be available as a 911 call if needed. Jeff Bellile, Ambulance Service Interim Director, stated that there are currently on 10 EMTs active at this time, and the concern being that if all these staff are servicing the Book, and a call comes in for an emergency, would they be able to respond to it. Bellile added that at one time they approached the Book for a donation to the ambulance service and were told they were too late and needed to apply the next year. He concluded that the ambulance service is seen as an expectation at the event, but that service needs to be available to the service area, the City and surrounding Towns.

Maziasz stated support in reducing the burden to the City and meeting in future to discuss ways of covering costs. She also stated support with not charging additional fees this year but find ways to reduce the City's costs. Anderson suggested looking to local ski patrols to provide transport on the ice to elevate the EMS and stated support with continuing as before through this year and reducing cost for the City. Maziasz further asked about the City of Ashland's contribution to the Event. Janisch answered that Ashland has asked for reimbursement of costs in the past and has received none, and that they have reduced ambulance service to be "on-call" to reduce costs. The Mayor asked if there are any examples elsewhere where communities support private events like this. Collins stated that the City of Hayward did cover the costs of the Birkebeiner, but then a fee was charged per participant to cover city costs.

Melissa Martinez, Washburn Chamber of Commerce Director, stated that for Brownstone Days very little city resources are used. The Fire Department and the EMS are on-call for the fireworks display, but the City is part of this event. The Fire Department is also involved with the water fight, and a donation was given to them this year. Martinez further stated that the Chamber does promote and advertise the event, and when she started as director she met with City and Book representatives to discuss forms of compensation. The Chamber was promised that the participant email list would be shared, but it was not. Martinez concluded that if other communities are receiving compensation of costs for events like this, then why shouldn't Washburn; and that the Book Board has known for several years about paying for expenses, it should not be continually pushed off to the next year.

Neimes asked how much work/time does Public Works do for the event. Kluver responded that the current public works director has not experienced Book Across the Bay yet, and that this varies each year depended on the amount of snow on the ground and clearing needed. It was noted that costs were \$3,014 in 2020 for Public Works. Janisch added the amount of time was 42 hrs. between 3 employees. Neimes added that these expenses must be figured out moving on. Discussion continued.

Janisch added that according to Book Across the Bay's 990 tax information, which is available on-line for non-profits. Janisch noted that in 2019 one of the identified expenses was \$21,000 to Casual Labor Groups, the assumption that these are the donations given to their volunteer groups. It was the same amount in 2018. Janisch concluded that the Book is making a profit, a profit at the expense of the City. The Mayor asked if it was an break even event, or do they carry over a balance. Janisch answered that according to the 990's assets are carried over.

Broberg suggested amending the motion to include that eliminated standby EMS coverage. This amendment was accepted by Anderson and Novachek. The moved to approve the requests for Book Across the Bay 2022 of noise ordinance waiver, temporary Class "B" retailer's license, parking & driving restrictions, including no alcohol outside of designated areas and without additional fees or standby EMS coverage, second by Novachek. Motion carried unanimously.

Discussion & Action on Proposed Amendment to Contract with Republic Services for Refuse Collection Dates – Neimes moved to approve the Contract Amendment with Republic Services for Refuse Collection Dates, second by Novachek. Discussion occurred regarding how utility customers would be notified. Janisch stated this would occur with the January billing. Jane Matthias, Republic Services, stated that they would also contact customers to notify of the change. Motion carried unanimously.

Discussion & Action on 2022 Pay Schedule – Novachek moved to approve the 2022 Pay Schedule, seconded by McGrath. Motion carried unanimously.