

A RESOLUTION ESTABLISHING THE PROCEDURE TO BE FOLLOWED BY PERSONS INTERESTED IN APPLYING FOR A RETAIL LIQUOR LICENSE

WHEREAS, the City is the licensing authority for liquor licenses within its jurisdiction pursuant to the provisions of Wyoming Statute §12-4-101, et seq.; and

WHEREAS, on May 1, 2012, the City awarded the Fox Hole Enterprises, LLC, dba Fox Hole ("Fox Hole") a retail liquor license for the address of 110 South 2nd Street with the issuance of the retail liquor license to be contingent upon certain terms and conditions; and

WHEREAS, the deadline for the Fox Hole to satisfy these contingencies was November 2, 2014;

WHEREAS, the Fox Hole did not satisfy the terms and conditions required by November 2, 2014 in order to be issued the retail liquor licenses; therefore, the retail liquor license was not issued and is available to be awarded and issued by the City to another applicant; and

WHEREAS, it is the desire of the City to see the one (1) available retail liquor license used in a manner that best serves the needs and desires of the community in the foreseeable future, and to create a procedure that is fair to persons interested in applying for the retail liquor license; and

WHEREAS, the City Clerk's office receives the applications for liquor license and has been previously instructed to not accept applications for the available retail liquor licenses until a process is established by Council;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LARAMIE, WYOMING as follows:

1. The availability of the single retail liquor license shall be advertised by the City Clerk to the public in the Laramie Boomerang newspaper and on the City of Laramie's website for a period of not less than four (4) weeks, not less than one (1) time per week, and continuously on the website beginning the week following the adoption of this resolution.

2. Advertisement of the availability of the single retail liquor license shall begin no later than August 1, 2015.

3. The advertisement shall notify the public of the following information: that a retail liquor license is available, that the City will be considering applications for the retail liquor licenses, that the procedure for applying for the retail liquor license has been established by City Council, that the details of the procedure are available from the City Clerk or from the website of the City, that the necessary documents required of interested persons must be fully completed

and submitted to the Clerk, in hard copy by a set date, and that applicants will be given the opportunity to present their proposals to the City Council at a future work session.

4. The City Clerk will accept applications for the retail liquor license beginning on August 1, 2015 through October 15, 2015 at 5:00 p.m. The City Clerk will not accept applications received after April 1, 2015 at 5:00 p.m.

5. In addition to the application for the retail liquor license as required by the Wyoming Statutes and Laramie Municipal Code, the applicant shall submit a letter of interest which includes the following information:

- a. Names and contact information of the person, and all principals in the business organization which is intended to hold the license;
- b. A description of the business entity that is intended to hold the license, including the ownership and location of the business entity;
- c. A description of the business model that is intended to be operated by the license holder, together with a brief business plan of the operations;
- d. The intended location of the business, and how the operation of this license impacts the surrounding area of the community, including zoning and traffic impacts;
- e. A general description of the building to be used in the operation of the business, including parking and accessibility for traffic;
- f. The anticipated time necessary to have the license in operation at the proposed location;
- g. The business niche within which the business intends to operate, and a description how the business fills a need in the community.
- h. Any chain or franchise affiliation;
- i. Any design or drawing, which is readily available to the proposed applicant, or pictures of the existing building.

6. The letters of interest shall be submitted with the application. The letters of interest will be reviewed by staff for completeness, and a report on the letters submitted to Council by staff, together with recommended conditions for each proposed applicant.

7. Applicants will have the opportunity to present their proposal to the Council during a work session on November 12, 2015.

- a. Based upon the number of applications received, each applicant shall be provided a time limit, to be determined, for the applicant's presentation to Council.

b. The format of the presentation shall be left to the proposed applicant.

8. After ~~hearing the presentations from applicants~~ the public hearing each Council Member will evaluate and rate the applicant for the purpose of identifying an order in which motions for consideration on a particular applicant are brought to the table at the November 30, 2015 special meeting. ~~December 1, 2015 regular meeting:~~

- a. Each Council Member will first indicate either “yes” or “no” as to whether that individual Council Member would support by his or her vote each applicant for the award of the retail liquor license.
- b. The Council Member’s “yes” and “no” votes will be tallied to initially determine which applicant or applicants have the most support and the applicants with the most support will be listed in numerical order from greatest to least.
- c. In the event there are ties amongst the applicants, those applicants that have received the same number of yes votes shall be ranked amongst the group of applicants with the same number of yes votes. For example: there are 5 applicants and three applicants receive 7 yes votes, 1 applicant receives 6 yes votes and 1 applicant receives 5 yes votes. Those applicants that received 7 yes votes will be ranked 1st, 2nd and 3rd amongst the group of applicants with the same number of yes votes.
- d. The applicant that receives the most “1st place” votes in this process will be the applicant that will be the subject of the first motion for consideration for awarding of the liquor license at the May 5, 2015 special meeting. If the applicant that is the subject of the first motion does not receive a majority vote by the Council, the applicant that received the most “2nd place” votes from those applicants who originally received 7 yes votes will be the subject of the second motion to consider an award of the retail liquor license and so on.

9. The Council shall consider the ~~proposals and~~ applications of the applicants for award or denial at the November 30, 2015 special meeting. ~~at its December 1, 2015 regular meeting .~~

10. The Council shall determine such conditions as may be required for each applicant to meet prior to being issued the retail liquor license. The successful applicant shall not be issued the retail liquor license until all conditions as set by Council are satisfied.

11. The determination of whether the applicant has met conditions as required by Council in order to be issued the retail liquor license shall be made by Council. No appeal of that determination is permitted.

12. Nothing in this Resolution or otherwise, shall require the Council to award a retail liquor license to any of the applicants.

PASSED AND APPROVED THIS 17th day of ~~January~~ ^{November}, 2015.

Scott Beckman
Mayor and President of the City Council
City of Laramie, Wyoming

ATTEST:

Angie Johnson
~~Sue Morris Jones, MMC~~ *Angie Johnson*
City Clerk