



Agenda Item: Licensing

Title: Consideration of Early Issuance of Bond's Brewing Company LLC Microbrewery Liquor License

Recommended Council MOTION:

Option 1: To approve the issuance of Microbrewery Liquor License No. M-8 for Bond's Brewing Company LLC with the conditions listed in this cover sheet.

Option 2: To deny the request for early issuance of Microbrewery Liquor License No. M-8 for Bond's Brewing Company LLC.

Administrative or Policy Goal:

To issue liquor licenses in accordance with Laramie Municipal Code and Wyoming State Statutes.

Background:

City Council has approved a microbrewery liquor license for Bond's Brewing Company LLC on March 5, 2019 and renewed on April 2, 2019. The license has been approved but not issued at this time due to construction to the building. Standard operating procedures for the City and other municipalities across the state, like Cheyenne, is to not issue the license until the construction has been completed and the following conditions have been met:

1. The licensee has received a Certificate of Occupancy from the Building Inspector signifying that the building has met building code/fire requirements.
2. A Food License has been issued by the State of Wyoming Department of Agriculture signifying that the establishment meets all health code requirements to serve/sell manufactured malt beverages.

This is being presented to City Council for early issuance because the above conditions have not been met and the owners are requesting that City Council make an exception to allow them to begin their brewing process. According to Mallory and Jay Bond they plan to open the doors on July 1, 2019 and would like to have product ready when that occurs.

We have attached copies of the temporary permission given by our Building Official/Building Inspector that allows the owner of Bond's Brewing Co LLC to occupy the production area of the building. No other persons other than those associated with the construction of the facility, are allowed on site until a permanent Certificate of Occupancy is issued by the City of Laramie Code Administration Division. Also, included is the State Health Inspector's report stating "This facility has only been approved to start the brewing process. The facility has a compliant restroom for employees. The facility will need a pre-opening inspection for the rest of the facility prior to utilizing it. If any product is stored, produced, or packaged in any area other than the room with the bulk tanks it will be considered adulterated. The facility may not conduct any construction in the approved area while production is taking place and a full clean-up to include sanitizing the area shall be conducted before production can resume."

The Wyoming Liquor Division does not recommend early issuance but stated it is ultimately up to local licensing authority. They urge Council and staff to look at other examples in the City of Laramie that have been issued prior to completion.

Conditions of Early Issuance:

Staff are asking Council to require the following conditions of approval upon early issuance of this license:

1. Within 30 days of granting the early issuance of this license the owner will have a completed:
 - a) Certificate of Occupancy from the Building Inspector signifying that the building has met building code/fire requirements.
 - b) A Food License has been issued by the State of Wyoming Department of Agriculture signifying that the establishment meets all health code requirements to serve/sell manufactured malt beverages.
2. The early issuance will allow Bond's Brewing Company LLC to begin their brewing in the room with the bulk tanks. No sales or service of the product may occur until the State Health Inspector issues a complete Food License.

Legal/Statutory Authority:

WY S.S. Chapter 12-1-101(a)(xxi) "Operational" means offering for sale on an ongoing weekly basis to the general public alcoholic liquor and malt beverages as authorized under a license or permit issued under this title;

WY S.S. Chapter 12-4-103(a)(iv) (iv) Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within one (1) year after a license or permit has been issued or transferred, or if holding a license, fails to open his business in a functional building within one (1) year after license issuance or transfer and remain operational thereafter. Upon a showing of good cause by the licensee and for an additional period of not to exceed one (1) year, the local licensing authority may extend the time period in which the business or enterprise of the licensee is required to become operational or open for business pursuant to this paragraph. Any license or permit in violation of this paragraph shall not be renewed by the local licensing authority and once the enterprise is operational or open for business, no licensee shall be eligible to repeat the grace periods made available by this paragraph without the consent of the local licensing authority due to extraordinary circumstances. For purposes of this paragraph "remain operational" means operational consecutively, in any license term year, for twelve (12) months or for not less than three (3) months if determined by the local licensing authority to be a seasonal operation;

Responsible Staff:

Nancy Bartholomew, City Clerk
Robert Southard, City Attorney

City Clerk's Office was approached June 3, 2019 to request the early issuance of their liquor license. Revisited the Clerk's Office June 4, 2019. City Clerk, Deputy Clerk, Assistant City Manager, and Executive Assistant toured location progress on June 5, 2019.