

LEGISLATIVE/LICENSING COMMITTEE MEETING
EAST SIDE COMMUNITY CENTER
6156 DOUGLAS AVENUE, RACINE, WI 53402
Monday, March 6, 2017

Trustee Wanggaard called the meeting to order at 6:00 p.m. In attendance were:

Committee Members: Trustee Kevin Wanggaard, Trustee Dave Prott

Department Managers: Village Administrator Tom Christensen; Village Clerk Karie Torkilsen

Also present: Trustee Kathy Trentadue; Attorney Elaine Ekes

1. Approval of minutes

Trustee Prott moved to approve the minutes as printed from February 6, 2017, Trustee Wanggaard second. Motion carried.

2. Dog Fancier's Application/Barbara Poulos, 9825 4 Mile Road, Franksville, WI 53126.

Present were Barbara and Phillip Poulos.

Torkilsen stated everything was submitted and in order. The Owners had no questions for the committee.

Trustee Prott moved to approve Dog Fancier's Application/Barbara Poulos, 9825 4 Mile Road, Franksville. Trustee Wanggaard second. Motion Carried. This will be forwarded to the Village Board meeting this evening.

Trustee Wanggaard wanted to make a comment before proceeding to the liquor license applicants. The questions he was going to ask them will help the committee to formulate anything that may come up within the three applications. Wanggaard explained the committee never had three applicants with two licenses available and one in reserve.

Wanggaard asked each applicant to state where they were from and their timeframe for opening and any construction related issues at their facilities:

Randall Larson, Ives Station, LLC. Stated they had a target date of 7/1/2017.

James Ladwig, Mulligan's Mini Golf, Inc. Stated their target date is 6/1/2017.

Chad Londre, C & C's Mosquito Inn, said they will be open the end of March, 2017.

Attorney Ekes stated this is a difficult situation where you have two available and one in reserve. As a committee you act on applications and make decisions. Essentially when in a licensing situation you approve or deny. It appears all applications are in order with no unusual circumstances. A decision has

to be made to approve two outright, and one will be a reserve without conditions. If you impose conditions, you could set a time frame for conditions. The committee could add a condition that a Certificate of Occupancy needs to be secured and upon an issuance of a Certificate of Occupancy they would be issued a license. Holders have different rights. For example, if the committee would approve without conditions and the Board approves, the Clerk would issue it the next day, but the Holder would not be operational. When the Holder comes back in June to apply, they would apply to renew and have that same rights that go along with any other Holder in the Village. If the committee puts a condition on a license, say 60 days, the condition that would have to be fulfilled is the Certificate of Occupancy and if 60 days comes and goes, that license is now available to be issued to somebody else and a prior applicant would be able to obtain that license. A decision needs to be made whether the committee wants to approve outright and recommend to the Board, or if the committee wants to approve with conditions and if the Board agrees, holding of that license until fulfilled. If not fulfilled it would go back into the pool of licenses available.

Wanggaard also noted there was a timing issue with reapplying for next year that runs thru June 30th. The first of June is the drop dead date for reapplication for the following year. If the conditions are 90 days, a license would be good for one month, and then they would have to reapply. It is a first come first serve for a license. First in was Ives Station, second was Mulligan's and third was Mosquito Inn. Unfortunately somebody is going to pay \$10,000. Effective 7/1/2016 we cannot even give any portion of that back to the Grantee according to statute. We are allowed to grant a certain amount of licensing and when that is reached, we have to go into the reserve.

Pratt stated there were two options: 1) a deadline date to meet, or; 2) just give applications as of tonight.

Torkilsen stated that the committee can issue a license with no conditions. Even if that entity was not in operation, they would have to renew in June. Then it would come back in front of the committee and if it appeared they were sitting on it, the Board could decide not to renew. If the entity did not relinquish the rights to that license, the committee would need a hearing to revoke it if it was issued without conditions. If you put conditions on issuance, they have to fulfill the conditions to be able to receive it, then if a license goes back into the pool, they lose that license and have to reapply and be treated just like a new application, not a renewal.

Pratt asked if from a legal standpoint would it be cleaner to issue with conditions? Ekes stated if it lapses, the entity would have to reapply, so they would apply to renew. If the committee issues and grants, and they do not open but keep renewing, the committee is forced into a due process procedure.

3. New Class B Combo Liquor License/Mulligan's Mini Golf, Inc., Debra A. Ladwig Agent/6633 Douglas Avenue

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Present was James Ladwig and Debra Ladwig. James Ladwig stated they are about 90 days out and hopefully would be ready June 1st.

Wanggaard stated June 1 is the deadline for renewal. The renewal has to be in by June 1 in order to have enough time to publish and go to two Village Board meetings. The situation the committee is trying to avoid is giving a license out and then nothing gets done.

Ekes said a motion could be to recommend the granting of a license, conditioned upon obtaining an occupancy permit by 6/1/2017. If the condition is fulfilled the Clerk can issue a license.

Randall Larson from Ives Station (in audience) asked if the committee is basing it on who can get done first, then Ives Station would lose its first in line place. Wanggaard stated that is why the committee has to figure out what can be done for everybody. Larson stated if the committee is going to grant Jim his license based on days, do the same for us, do the same for Chad and then say whoever gets done first gets a license, is that the scenario? Wanggaard said perimeters would be set that someone gets their license by this date. The Village cannot hold onto a license for months. Larson stated he did his business plan based on thinking he could get a license. He was wondering why they were not going by date of application. If he knew this, he would have taken care of it.

Torkilsen stated it has always been Caledonia's rule its based on occupancy, regardless of when you come in. Right now one application will get a reserve, but the committee has the right to say you have to be open by such a date.

Wanggaard stated the committee wants to give people who applied first to be first in line to get the licenses. Wanggaard asked Ladwig if he understood what it meant if they did not meet the deadline. Ladwig understood. Ekes said if the deadline was 6/6, they would have to reapply even before they got the application.

Prott moved to approve New Class B Combo Liquor license/Mulligan's Mini Golf, Inc., Debra A. Ladwig Agent/6633 Douglas Avenue, with condition of June 6, 2017 as the deadline for an Occupancy Permit and reapplication prior to that. Wanggaard second. Motion Carried. This will move to the Board meeting this evening for adoption.

4. New Class B Combo Liquor License/Ives Statin, Peggy Larson Agent/4344 Douglas Avenue

Present was Randall Larson, Peggy Larson.

Wanggaard asked if they understood the timeline. Randall Larson said he had anticipated 7/1 all along rather than having to renew, that was why their intent was 7/1. He asked if there is an extension because July 1 is the following year and this application is for 2016. Ekes stated Certificate of Occupancy would come before opening day of 7/1. Occupancy is the key. Randall Larson hoped by

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the first part of June all the trades would be done. Torkilsen stated if they were opening any time after June, they would have to reapply. Ekes stated procedurally if the applicant does not receive occupancy, they have not received a license, and would have to reapply. If the applicant complied with conditions, then the Village Board could treat 6/19 as a renewal of a new application for the next year if deadline was the 16th at the latest. Randall Larson asked what would be the result if he does not get occupancy by the 16th, would it go back into the pool and someone else could get it?

Ekes stated you need to be consistent, first in qualified applicants, who under any scenario would get a license. It is how the committee makes its decisions.

Randall Larson asked if every new applicant was going to have a timeline?

Wanggard said from now on, the committee is going to have to do that to be as fair as possible. After this, all licenses are in reserve.

Peggy Larson asked if the committee gave them until June 15, would they still have to renew at the end of May? Torkilsen stated that was correct, they would have to come in and renew for a license they do not even have yet. Ekes stated you have to have the building ready, you can still work on business function. Randall Larson asked if they could get partial occupancy. The answer was yes.

Trustee Prott moved to approve New Class B Combo Liquor License/Ives Station, Peggy Larson Agent, 4344 Douglas Avenue, with the conditions of a deadline date of June 16, 2017 for Occupancy and a June 1st reapplication for the following year. Trustee Wanggaard second. Motion carried. This will move to the Board meeting tonight for adoption.

5. New Class B Combo Liquor License/C&C Mosquito Inn, Chad Londre Agent/3208 4 Mile Road

Present was Chad Londre and Cynthia Londre.

Chad Londre stated they were going to be done in 30 days, end of March. Plumbing will be done by the end of the week. Wanggaard stated this was going to be a reserve license because they have to go in order. Cynthia Londre said they thought this was going to go by occupancy, she said it was frustrating because they are ready to go.

Torkilsen said conditions are not necessary on a reserve license.

Prott made a motion to approve a reserve license for a New Class B Liquor License/C&C Mosquito Inn, Chad Londre Agent/3208 4 Mile Road with the conditions of payment of \$10,000 and a Certificate of Occupancy. Wanggaard second. Motion carried. This will move to the Board meeting tonight.

6. Resolution 2017-17 Supporting The Restoration Of Funding For, And The Reconstruction Of Interstate 94 Through Racine County

Trustee Wanggaard explained that he worked with Senator Wanggaard's office on this Resolution. This resolution is in support of finishing the Interstate. Caledonia is experiencing growth and does not want this project put off. The resolution is done so it can be sent to Joint Finance and also the Governor's Office and Senator Van Wanggaard's office.

Pratt moved to approve Resolution 2017-17 Supporting The Restoration Of Funding For, And The Reconstruction Of Interstate 94 Through Racine County and move to the Board for consideration and approval. Wanggaard second. Motion Carried. This will go to the Board meeting tonight.

7. Adjournment

There being no further business, Trustee Pratt moved to adjourn the meeting at 6:55 p.m. Trustee Wanggaard seconded. Motion carried.

Respectfully submitted,

Mary Jo Schmidt
Eng./Bldg. Adm. Asst. II
Village of Caledonia