

City Council Agenda Memo

From: Bonnie Foster, City Clerk

Council Meeting: September 12, 2023

Subject: On-Off Sale Malt License legal description update: The Crown, dba Danger Von Dempsey's

Person(s) Responsible: Bonnie Foster, City Clerk

Summary:

Request to update the legal description for the On-Off Sale Malt License for The Crown, dba Danger von Dempsey's located at 770 22nd Avenue South.

Background:

A public hearing and action by the local governing body is required. The On-Off Sale Malt License was approved by the City Council on August 8, 2023. Staff was made aware shortly before the business's grand opening, they wanted to utilize the outside patio area for alcohol sales and consumption. This area was not included in the legal description of the original application. If approved, the updated legal description will be forwarded to the State Department of Revenue for final action.

Item Details:

The City Council approved an on-off sale malt license for The Crown, dba Danger Von Dempsey's, located at 770 22nd Avenue South, on August 8, 2023. The legal description submitted with the application included only the interior portion of this location. The owner has requested to update the legal description area to include the exterior patio area for alcohol sales and consumption.

This request would be to change the legal description from Lot 2 Brookings Mall Addition, Suite 770, to Legal description, Restaurant: East 75 feet of the West 318 feet of the North 20 feet of the South 467 feet of Lot 2 in Brookings Mall Addition; Legal description, Patio: East 16 feet of the West 334 feet of the North 20 feet of the South 467 feet of Lot 2 in Brookings Mall Addition.

Legal Consideration:

City Attorney Steve Britzman has been consulted.

Strategic Plan Consideration:

Economic Growth – established business expanding from another community into Brookings.

Financial Consideration:

License Fee: \$150 (\$75 to the City / \$75 to the State of SD)

The City has waived the \$75 fee to correct the legal description error. The State will not waive their portion of the fee.

Options and Recommendation:

The City Council has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Refer to a Study Session
5. Discuss / take no action / table

Staff recommends approval.

Supporting Documentation:

Legal Notice

Location Map