

City Council Agenda Item Memo

From: Bonnie Foster, City Clerk

Council Meeting: May 28, 2024

Subject: Public Hearing: Malt License Renewals for establishments which have failed an alcohol compliance check within the past 12 months

Person(s) Responsible: Bonnie Foster, City Clerk

Summary:

A public hearing is required to be held for the alcohol license renewals for establishments which have failed an alcohol compliance check within the past 12 months. Staff recommends approval of the alcoholic beverage license renewals.

Background:

Compliance Checks are conducted by the Brookings Police Department. The focus of the Compliance Checks is sales/service of alcoholic beverages to individuals under the age of 21. The BPD has recently focused efforts to regularly conduct Compliance Checks.

State Statute 35-2-1.2 requires a public hearing be held for the alcohol license renewals if the establishment has failed a compliance check within the past 12 months (April 2023-April 2024).

The SD Dept. of Revenue is required to impose monetary penalties for the first two underage violations within a 24-month period. Any additional violations within a 24-month period result in temporary suspension of the alcoholic beverage license. The SDDOR has no instances where there were enough underage violations within a 24-month period to revoke an alcoholic beverage license.

Item Details:

Within the past 12 months (April 2023-April 2024), 10 establishments holding an On-Off Sale Malt License failed one or more compliance checks. The establishments were:

- 1 - Boss's Pizzeria / On In 2 LLC, 2515 6th Street
- 1 - BP of Brookings, 2420 6th Street
- 1 - Casey's General Store #1694, 620 8th Street South
- 1 - Casey's General Store #2198, 122 6th Street West
- 1 - Casey's General Store #2419, 534 22nd Avenue South
- 1 - The Depot Casino / MG Oil, Co., 921 20th Street South
- 1 - Deuces Casino / Common Wealth Gaming & Holdings, Co., 223 6th Street

- 1 - Guadalajara, 1715 6th Street, Suite F
- 1 - Hy-Vee Food Store / Hy-Vee Food Stores Inc., 790 22nd Avenue South
- 2 - Schoon's Pump N Pak North / Schoon's Properties, Inc., 202 South Main Avenue

Establishment representatives have been asked to attend the City Council meeting in order to answer any questions the Council may have. Establishments were also asked to submit in writing the steps they have taken, or will take, to prevent additional sales to underage individuals. This information has been provided to the City Council under separate cover.

The City Council needs to determine at the public hearing whether the applicant is still a suitable applicant and whether the location is still a suitable location for an alcohol license.

All state-required processes for the compliance check violations have been completed.

If City Council approval is granted, all renewal applications will be forwarded to the SD Department of Revenue for final action and issuance of the 2024-2025 licenses.

Legal Consideration:

None.

Strategic Plan Consideration:

This item falls under Fiscal Responsibility in ensuring the City's licensed alcoholic beverage licensees are in compliance with requirements set forth in State Statute.

Financial Consideration:

Malt License Renewal Fee: \$150 for City / \$150 for State

Options and Recommendation:

The City Council has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Move the item to a study session
5. Discuss / take no action / table

Staff recommends approval.

Supporting Documentation:

Memo

Hearing Notice

SDCL