

City Council Agenda Item Memo

From: Bonnie Foster, City Clerk
Council Meeting: May 7, 2024
Subject: Annual On-Off Sale Malt Renewals
Presenter: Bonnie Foster, City Clerk

Summary:

Staff recommends approval of the On-Off Sale Malt Alcohol Licenses renewals for fiscal year 7/1/2024 to 6/30/2025. There are Video Lottery renewals associated with several of the On-Off Sale Malt Licenses.

Background:

On-Off Sale Malt Licenses are effective for one year (July 1st – July 30th).

The renewal process involves: background checks, verifying State Sales Tax and Property Taxes are current, and ensuring they are a business in good standing with the City's Finance office.

The licensee renewals within this agenda item do not have any compliance check failures in the past 12 months.

SDCL 35-2-1.2. Applications submitted to local governing body--Fee--Approval or disapproval. Any applicant for a new retail license, except as set forth in § 35-2-1.1, or the transfer of an existing license shall submit an application to the governing body of the municipality in which the applicant intends to operate, or if outside the corporate limits of a municipality, to the governing body of the county in which the applicant intends to operate. The applicant shall submit the required fee with the application. The governing body may approve the application for a new retail license or the transfer of an existing license if the governing body considers the applicant suitable to hold the license and the proposed location is suitable.

The governing body may disapprove an application for a new retail license or the transfer of an existing license issued under subdivision 35-4-2(4), (6), or (13) if:

- 1) The approval of the application permits a person, corporation, or business entity to possess more than one-third of the licenses available to be issued in the jurisdiction; and
- 2) The governing body determines that possession of more than one-third of licenses available is not in the public interest.

Any application for the reissuance of a retail license may be approved by the municipal or county governing body without a hearing unless in the past year the licensee or one

or more of the licensee's employees have been subjected to a criminal penalty for violation of the alcoholic beverage control law or the license has been suspended. Source: SDC 1939, §§ 5.0206, 5.0305; SL 1945, ch 21, § 1; SL 1951, ch 11; SDC Supp 1960, § 5.0204 (14); SL 1961, ch 14; SL 1964, ch 9; SL 1965, ch 12; SDCL §§ 35-4-32, 35-4-33, 35-6-15; SL 1971, ch 211, § 13; SL 2008, ch 37, § 140; SL 2011, ch 171, § 1; SL 2017, ch 164, § 1; SL 2018, ch 213, § 12.

Item Details:

Attached is a list of the establishments requesting renewal of their On-Off Sale Malt Licenses. All documentation has been provided.

Following Council action, all applications will be forwarded to the SD State Department of Revenue for final action and issuance of licenses.

Legal Consideration:

None.

Strategic Plan Consideration:

Service and Innovation Excellence – annual alcohol renewals provide the City an opportunity to ensure establishments are compliant with the requirements set forth in state statute for alcohol licensing.

Financial Consideration:

On-Off Sale Malt renewal fee: \$300
(\$150 payable to the City of Brookings / \$150 payable to the State of South Dakota)

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:

Renewals List
Video Lottery List