

# City Council Agenda Memo

**From:** Bonnie Foster, City Clerk

**Council Meeting:** November 14, 2023

**Subject:** Public Hearing: Liquor / Wine 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. City Council action is requested on these alcohol license renewals following the public hearing. Staff recommends approval.

## **Background:**

A public hearing is required by SDCL 35-2-1.2 for any licensee where one or more of the licensee's employees have been subjected to a criminal penalty for violation of the alcoholic beverage control law.

SDCL 35-2-1.2. Applications submitted to local governing body--Fee--Approval or disapproval. ....

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:**

A public hearing is required for the renewal of an alcohol license if the establishment has failed a compliance check within the past 12 months. Within the past 12 months, 4 establishments holding an On-Sale Liquor or an On-Off Sale Wine License failed a compliance check. The 4 establishments were:

- Applebee's Neighborhood Grill & Bar / Apple BRK, LLC, 3001 Lefevre Dr.
- Buffalo Wild Wings Bar & Grill, 1801 6<sup>th</sup> Street
- Hy-Vee Food Store / Hy-Vee Food Stores Inc., 790 22<sup>nd</sup> Ave. So.
- Park Hospitality Inc., / La Cantina, 2500 6<sup>th</sup> Street

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

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

**Legal Consideration:**

None.

**Strategic Plan Consideration:**

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

**Financial Consideration:**

Wine License Renewal Fee: \$500

Liquor License Renewal Fee: \$1,500

**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