

City Council Agenda Item Memo

From: Bonnie Foster, City Clerk

Council Meeting: May 27, 2025

Subject: On-Off Sale Malt License Transfer, with video lottery authorization:
2515 6th Street

Presenter: Bonnie Foster, City Clerk

Summary and Recommended Action:

The City of Brookings has received an application to transfer the On-Off Sale Malt License, with video lottery authorization, for 2515 6th Street, from Den Wil Hospitality Group, Inc., dba The Lodge, Dennis Bielfeldt, owner, to Shorty's Burgers & Brew, Kim Dokken-Nelson, owner. Staff recommends approval.

Item Details:

A public hearing and action by the local governing body is required for the transfer of an existing alcoholic beverage license, with video lottery authorization.

This is an application to transfer the On-Off Sale Malt License, with video lottery authorization, from Den Wil Hospitality Group, Inc., dba The Lodge, Dennis Bielfeldt, owner, to Shorty's Burgers & Brew, Kim Dokken-Nelson, owner. Legal description: Block 12, Telkamp Addition.

If approved, the On-Off Sale Malt License, with Video Lottery authorization, would be effective upon State Department of Revenue and SD State Video Lottery Office approval and license issuance, and subject to an annual renewal.

Chapter 6, Article 2, Section 6-42 of the City Code of Ordinances pertains to the Application Review Procedure. The city council shall review all applications submitted to the city for available on-sale alcoholic beverage agreements and for all alcoholic beverage licenses in accordance with SDCL Chapter 35-2 (SDCL 35-2-1 et seq.) and in accordance with the following factors:

- 1) Type of business which applicant proposes to operate;
- 2) The manner in which the business is operated;
- 3) The extent to which minors are employed in such a place of business;
- 4) Adequacy of the police facilities to properly police the proposed location;
- 5) Other factors: The hours that business is conducted.

(Code 1996, § 5-20) State Law reference - Local license approval, SDCL 35-2-1.2.

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.

Legal Consideration:

None.

Strategic Plan Consideration:

Economic Growth – The City of Brookings will support effective diversified community investment and equitable opportunities for prosperity.

Financial Consideration:

License Transfer Fee: \$150 (\$75 City of Brookings / \$75 State of South Dakota.)

Video Lottery Fee: \$50/ machine.

Supporting Documentation:

Legal Notice

City Code and SDCL References

Location Map