

City Council Agenda Memo

From: Bonnie Foster, City Clerk

Council Meeting: August 8, 2023

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

Person(s) Responsible: Bonnie Foster, City Clerk

Summary:

The City of Brookings has received an application to transfer the On-Off Sale Malt License, with Video Lottery authorization, from 25th Avenue LLC, dba The Lodge, Dennis Bielfeldt, owner, to On In 2 LLC, dba Boss' Pizzeria & Sports Bar, Dallas Wilkinson and Darren Newborg, owners. Legal description: Block 12, Telkamp Addition.

Background:

A public hearing and action by the local governing body is required. The On-Off Sale Malt License would be effective upon State Department of Revenue approval and license issuance, and subject to an annual renewal.

Item Details:

This is an application to transfer the On-Off Sale Malt License, with video lottery authorization, from 25th Ave. LLC, dba The Lodge, Dennis Bielfeldt, owner, to On In 2 LLC, Dallas Wilkinson and Darren Newborg, owners. This restaurant has been in operation since January 2023, and this transfer will allow On In 2 LLC to hold the alcohol license for 2515 6th Street.

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 the transfer of an existing license shall submit an application to the governing body of the municipality in which the applicant intends to operate, The applicant shall submit the required fee with the application. The governing body may approve 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 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.

Complete City Code and SDCL References are in the attached document.

Legal Consideration:

City Attorney Steve Britzman has reviewed this alcohol license transfer.

Strategic Plan Consideration:

Economic Growth – existing business transfer.

Financial Consideration:

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

Video Lottery Fee: \$50/ machine.

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

City Code and SDCL References

Location Map