

City Council Agenda Memo

From: Bonnie Foster, City Clerk

Council Meeting: August 23, 2022

Subject: Video Lottery Request for Tee'd Off Golf, LLC

Presenter: Bonnie Foster, City Clerk

Summary:

The City of Brookings has received a request for Video Lottery for Tee'd Off Golf, LLC, 2508 Wilbert Court. Legal description: Lot 10, Block 1, Wilbert Square Addition. All required documents have been submitted. Pending permit issuance and final inspection per the Community Development Dept.

Background:

Tee'd Off Golf, LLC, Brian & Sharon Brecher, Joe & Mary Schulte, Chris Thompson, owners, are wanting to expand their business by adding Video Lottery. This video lottery issuance will be associated with the On-Off Sale Malt License for this location.

A public hearing and action by the local governing body is required. If approved, and following the issuance of the Occupancy Permit by the Community Development Department, the application would be forwarded to the State Lottery Office for final action and issuance of the license, and then subject to annual renewal processes.

Item Details:

Tee'd Off Golf, LLC, has submitted a Video Lottery request for 2508 Wilbert Court. This Video Lottery License will be associated with the On-Off Sale Malt License for this location. Any licenses approved would be effective pending occupancy permit issuance and final inspection of the property per the Community Development Department.

This location will undergo some remodeling in order to add a space for Video Lottery. See attached proposed floor plan.

SDCL [42-7A-64](#). Additional criteria for on-sale alcoholic beverage licensees in video lottery licensed establishments. A municipality or county may consider, in addition to the criteria for the issuance of an on-sale alcoholic beverage license, the following criteria for authorizing video lottery machine placement in establishments issued an on-sale alcoholic beverage license pursuant to subdivisions 35-4-2(12) and (16):

1. The number of establishments currently licensed for video lottery;
2. The proximity of the business to other establishments licensed for video lottery;
3. The type of business and manner in which the applicant proposes to operate it;

4. The location of the business in relation to other businesses, residential areas, or activities within the same general area;
5. The extent to which minors frequent a business connected to the one proposed; and
6. The effect the proposed business has on economic development.

The governing board shall certify on each application filed with the Department of Revenue for a license granted under subdivisions 35-4-2(12) and (16) whether the business premises is authorized for video lottery machine placement. An existing video lottery license may not be denied renewal or transfer based upon the criteria set forth in this section. The lottery may issue a video lottery license to those establishments certified pursuant to this section. Notwithstanding the above provisions, a county or municipality may not restrict the number of alcoholic beverage licenses issued under subdivisions 35-4-2(12) and (16) and certified for video lottery to a number less than those licensed as video lottery establishments on March 1, 1994.

Source: SL 1994, ch 329, § 1; SL 2003, ch 272 (Ex. Ord. 03-1), § 82; SL 2011, ch 1 (Ex. Ord. [11-1](#)), § 161, eff. Apr. 12, 2011.

Legal Consideration:

City Attorney Steve Britzman has reviewed the application.

Strategic Plan Consideration:

Economic Growth – Tee'd Off Golf, LLC, will have the opportunity for additional revenue in their business with the addition of video lottery.

Financial Consideration:

Video Lottery fees: \$50 per machine per year.

Options and Recommendation:

The City Council has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Move to a Study Session
5. Discuss / take no action / table

Staff recommends approval.

Supporting Documentation:

City Attorney Memo on Video Lottery - 2018

Video Lottery: SDCL and Administrative Rule

Legal Notice

Location Map

Proposed Building Plan

Current Video Lottery List