

City Council Agenda Memo

From: Bonnie Foster, City Clerk

Council Meeting: March 10, 2020

Subject: Transfer of an On-Sale Malt License for Yessica's Restaurant from Yessica Argueta, owner, to Edwin Alvarez, owner, 1300 Main Ave. So. Brookings, South Dakota, legal description: Lot 1 excluding S 92' of W 40', Block 3, Fishback Second Addition.

Person(s) Presenting: Bonnie Foster, City Clerk

Summary:

The City of Brookings has received an application to transfer the On-Sale Malt License for Yessica's Restaurant from Yessica Argueta, owner, to Edwin Alvarez, owner, 1300 Main Ave. So., Brookings, South Dakota. All required documents have been submitted for this application.

Background:

A public hearing and action by the local governing body is required for all alcohol licenses. This license would be effective following state approval, and then subject to an annual renewal. If approved, the application would be forwarded to the State Department of Revenue for final action and issuance of the license.

Further Information: SDCL 35-2-1.2 provides all applications for retail licenses ...shall be submitted to the governing board of the municipality within which the applicant intends to operate...The governing board: "shall have discretion to approve or disapprove the application depending on whether it deems the applicant a suitable person to hold such license and whether it considers the proposed location suitable."

SDCL 35-2-6.2 provides the "character" requirements for alcoholic beverage licensees: "Any license under this title...must be a person of good moral character, never convicted of a felony, and, if a corporation, the managing officers thereof must have like qualifications."

Procedure for issuance of licenses: Procedurally, SDCL 35-2-3 provides that "no license for the on or off-sale at retail of alcoholic beverages...shall be granted to an applicant for any such license, except after public hearing, upon notice." SDCL 35-2-5 provides the procedure for the time and place of hearing and for publication of notice. If an application for a license is refused, "no further application may be received from a person until after the expiration of one year from the date of a refused application."

Legal Consideration:

None.

Financial Consideration:

This license would be effective upon state approval, and then subject to an annual renewal.

Options:

The City Council has the following options:

1. Approve as presented
2. Approve with recommended adjustments
3. Deny
4. Do Nothing

Recommendation:

Staff recommends approval.

Action Requested:

Recommend approval of the transfer of the Malt License.

Supporting Documentation:

1. Notice of Public Hearing