

City Council Agenda Memo

From: Bonnie Foster, City Clerk

Council Meeting: March 10, 2020

Subject: Resolution authorizing the City Manager to enter into an Operating Agreement for a Wine License for Yessica's Restaurant, Yessica Argueta, owner, to Edwin Alvarez, owner, 1300 Main Ave. So., Brookings, SD, 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 Wine License from Yessica's Restaurant, Yessica Argueta, owner, to Edwin Alvarez, owner, 1300 Main Ave. So., Brookings, SD, legal description: Lot 1 excluding S 92' of W 40', Block 3, Fishback Second Addition. An operating agreement is required for Wine Licenses. This Resolution allows the City Manager to enter into the first five years of the 10-year agreement effective through 2025.

Background:

A public hearing and action by the local governing body is required for all alcohol licenses. This license would be effective until December 31, 2020 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.

Listed below is specific information related to on-sale alcohol license request and other procedures that are following with an application.

City Ordinances:

Listed below is Chapter 6, Article 2, Section 6-42 of the City Code of Ordinances pertaining to 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 35-2 and in accordance with the following factors:

- 1) Type of business which applicant proposes to operate: on-sale alcoholic beverage operating agreements and on-sale alcoholic beverage licenses may not be issued to convenience grocery stores, gas stations, or other stores where groceries or gasoline are sold unless it can be established that minors do not regularly frequent the establishment.

- 2) The manner in which the business is operated: on-sale alcoholic beverage operating agreements and alcoholic beverage licenses may not be issued to establishments which are operated in a manner which results in minors regularly frequenting the establishment.
- 3) The extent to which minors are employed in such a place of business: on-sale alcoholic beverage operating agreements and on-sale alcoholic beverage licenses may not be issued to convenience grocery stores, gas stations, or other stores where groceries or gasoline are sold and which regularly employ minors.
- 4) Adequacy of the police facilities to properly police the proposed location: The city council shall inquire of the city manager whether the police department can adequately police the proposed location.
- 5) Other factors: The hours that business is conducted shall be considered by the city council in its review of applications for on-sale alcoholic beverage operating agreements and on-sale alcoholic beverage licenses.

Legal Consideration:

None.

Financial Consideration:

This license would be effective until December 31, 2020 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 Wine License.

Supporting Documentation:

1. Notice of Public Hearing