

City Council Agenda Memo

From: Bonnie Foster, City Clerk

Council Meeting: August 11, 2020

Subject: Transfer of an On-Sale Malt License, with Video Lottery, for Carpy's Pub

Person(s) Presenting: Bonnie Foster, City Clerk

Summary:

The City of Brookings has received an application to transfer the On-Off Sale Malt License, with Video Lottery, for Carpy's Pub from Verla Carpenter, owner, to George Faehnrich, owner, 714 22nd 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 on-sale alcohol and video lottery 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 and the State Video Lottery Office for final action and issuance of the licenses.

SD Codified Law References:

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."

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."

SDCL [42-7A-64](#) provides criteria for on-sale alcoholic beverage licensees in video lottery licensed establishments. "...An existing video lottery license may not be denied renewal or transfer based upon the criteria set forth in this section..."

Item Details:

If the On-Off Sale Malt License and the Video Lottery Licenses are approved by the City Council, they would be effective August 2020, and are subject to annual renewal. If approved, the alcohol application would be forwarded to the State Dept. of Revenue and the Video Lottery application would be forwarded to the State Lottery Office for final action and issuance.

Legal Consideration:

None

Strategic Plan Consideration:

None

Financial Consideration:

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

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. Do Nothing

Staff recommends approval.

Supporting Documentation:

1. Notice of Public Hearing
2. Location Map