



Legislation Details (With Text)

File #: RES 17-089 **Version:** 1 **Name:**
Type: Resolution **Status:** Passed
File created: 9/13/2017 **In control:** City Council
On agenda: 9/26/2017 **Final action:** 9/26/2017
Title: Public Hearing and Action on Resolution 17-089, a Resolution authorizing the City Manager to sign an On-Off Sale Wine Operating Agreement for for Commonwealth Gaming & Holdings, Co., dba Deuces Casino, Bryant Soberg and Kirby Muilenburg, owners, 223 6th Street, Brookings, South Dakota, legal description: South 114' of the West 69.3' of Lot 20, and the South 114' of Lot 21, Block 21, Block 3, Henry's Addition.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution, 2. Hearing Notice, 3. Operating Agreement - Wine

Date	Ver.	Action By	Action	Result
9/26/2017	1	City Council	approved	Pass

Public Hearing and Action on Resolution 17-089, a Resolution authorizing the City Manager to sign an On-Off Sale Wine Operating Agreement for for Commonwealth Gaming & Holdings, Co., dba Deuces Casino, Bryant Soberg and Kirby Muilenburg, owners, 223 6th Street, Brookings, South Dakota, legal description: South 114' of the West 69.3' of Lot 20, and the South 114' of Lot 21, Block 21, Block 3, Henry's Addition.

Summary:

Bryant Soberg and Kirby Muilenburg, owners, Commonwealth Gaming & Holdings, Co., dba Deuces Casino, 223 6th Street, has applied for an On-Off Sale Wine Alcohol license. A public hearing and action by the local governing body is required for all new alcohol licenses. Additionally, 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 2022. This license would be effective immediately and 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.

Background:

City Ordinances:

Listed below is Chapter 5, Article 2, Section 5-20 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 On-Sale Malt Beverage and Wine Licenses in accordance with SDCL 35-2 and in accordance with the following factors:

- Type of business which applicant proposes to operate: On-Sale Alcoholic Beverage Operating Agreements and On-Sale Malt Beverage and Wine 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.
- The manner in which the business is operated: On-Sale Alcoholic Beverage Operating Agreements and On-Sale Malt Beverage and Wine Licenses may not be issued to

establishments which are operated in a manner which results in minors regularly frequenting the establishment.

c) The extent to which minors are employed in such a place of business: On-Sale Alcoholic Beverage Operating Agreements and On-Sale Malt Beverage and Wine 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.

d) The adequacy of the police facilities to properly police the proposed location: The City Council shall inquire of the Police Chief whether the Police Department can adequately police the proposed location.

e) 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 malt beverage and wine licenses.

Recommendation:

Staff recommends approval.

Attachments:

Resolution

Hearing Notice

Operating Agreement