

RESOLUTION 2020 - 18

A RESOLUTION AUTHORIZING THE CITY OF DELL RAPIDS, SOUTH DAKOTA, TO ENTER INTO AN OPERATING AGREEMENT WITH THE HOLDER OF AN OFF-SALE LIQUOR LICENSE PURSUANT TO AND IN CONFORMITY WITH SDCL CHAPTER 35-4.

WHEREAS, the City of Dell Rapids, South Dakota, is engaged in the ownership and operation of a municipal on-sale and off-sale liquor store within the City of Dell Rapids, South Dakota; and

WHEREAS, pursuant to SDCL 35-4-10 and City Ordinance Sec. 4-16, the City has authority to issue to itself three (3) additional off-sale alcoholic beverage licenses in conformity with SDCL 35-4-2(5); and

WHEREAS, pursuant to SDCL 35-4-6 off-sale licenses may be issued only to operate within a municipality; and

WHEREAS, SDCL 35-4-19 allows the City to enter into an operating agreement with another person for the purpose of operating one of the additional off-sale licenses described above; and, in fact, no off-sale license may compete with and within the City unless such operating agreement is entered into, except as otherwise provided by law; and

WHEREAS, "Cubby's Inc.", d/b/a Cubby's, 9229 Mormon Bridge Plaza, Suite 6, Omaha, NE 68152-1942 herein called "OPERATOR" has made application to the City for the use of one of the additional off-sale licenses, and has made request of the City for an operating agreement therefore;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DELL RAPIDS, SOUTH DAKOTA, that the Operating Agreement between the City and the above named operator, be and the same hereby is approved and adopted and the Mayor and Municipal Finance Officer are hereby authorized and directed to execute the same on behalf of the City of Dell Rapids, South Dakota, said Operating Agreement being hereby incorporated herein by this reference thereto as if set forth herein in full.

Dated this 7th day of December 2020.

FOR THE GOVERNING BODY OF THE
CITY OF DELL RAPIDS, SOUTH DAKOTA

By _____
Tom Earley, Mayor

ATTEST:

By _____
Claire Baartman, Finance Officer