



City of Grand Island

Tuesday, November 14, 2017

Council Session

Item E-1

**Public Hearing on Request from Bearded Buffalo Golf, LLC dba
Bearded Buffalo Golf, LLC, 217 E. Stolley Park Road, Suite I & J
for a Class “C” Liquor License**

Council action will take place under Consent Agenda item G-4.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: November 14, 2017

Subject: Public Hearing on Request from Bearded Buffalo Golf, LLC dba Bearded Buffalo Golf, LLC, 217 E. Stolley Park Road, Suite I & J for a Class “C” Liquor License

Presenter(s): RaNae Edwards, City Clerk

Background

Section 4-2 of the Grand Island City Code declares the intent of the City Council regarding liquor licenses and the sale of alcohol.

Declared Legislative Intent

It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this chapter:

- (A) To express the community sentiment that the control of availability of alcoholic liquor to the public in general and to minors in particular promotes the public health, safety, and welfare;
- (B) To encourage temperance in the consumption of alcoholic liquor by sound and careful control and regulation of the sale and distribution thereof; and
- (C) To ensure that the number of retail outlets and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the abuse of alcohol and the occurrence of alcohol-related crimes and offenses is kept to a minimum.

Discussion

Bearded Buffalo Golf, LLC dba Bearded Buffalo Golf, LLC, 217 E. Stolley Park Road, Suite I & J has submitted an application for a Class “C” Liquor License. A Class “C” Liquor License allows for the sale of alcohol on and off sale inside the corporate limits of the city.

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Clerk, Building, Fire, Health, and Police Departments. See attached Police Department report.

Also submitted was a request for Liquor Manager Designation for Nicholas Papke, 727 So. Blaine Street. Staff recommends approval contingent upon final inspections and completion of a state approved alcohol server/seller training program.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

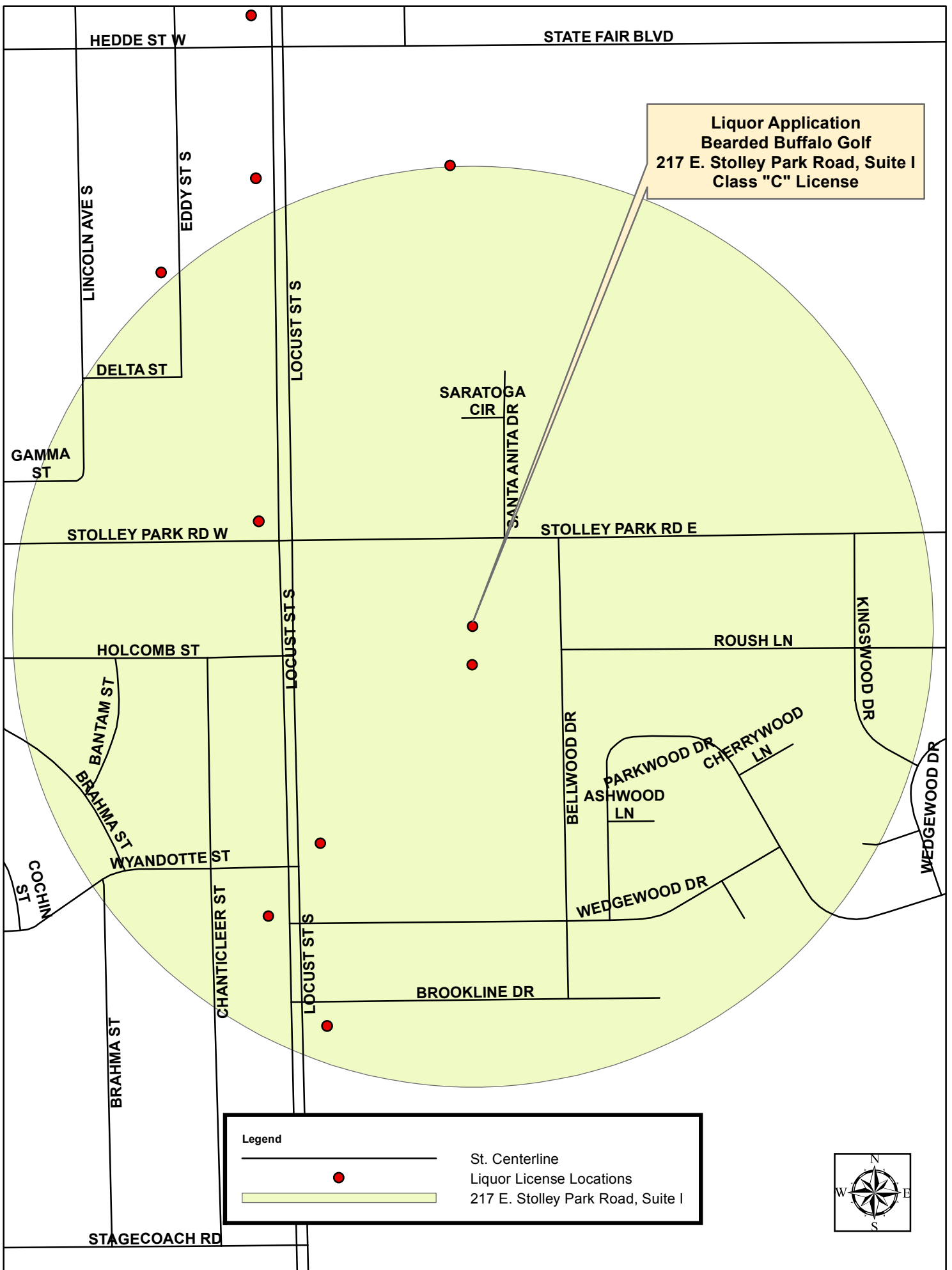
1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

Recommendation

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council approve this application.

Sample Motion

Move to approve the application for Bearded Buffalo Golf, LLC dba Bearded Buffalo Golf, LLC, 217 E. Stolley Park Road, Suite I & J for a Class "C" Liquor License contingent upon final inspections and Liquor Manager Designation for Nicholas Papke, 727 So. Blaine Street contingent upon completion of a state approved alcohol server/seller training program.



11/01/17
16:10

Grand Island Police Department
LAW INCIDENT TABLE

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City : Grand Island
 Occurred after : 11:27:34 10/17/2017
 Occurred before : 11:27:34 10/17/2017
 When reported : 11:27:34 10/17/2017
 Date disposition declared : 10/17/2017
 Incident number : L17101584
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor Lic Inv
 Incident address : 217 STOLLEY PARK RD E
 State abbreviation : NE
 ZIP Code : 68801
 Contact or caller :
 Complainant name number :
 Area location code : PCID Police - CID
 Received by : Vitera D
 How received :
 Agency code : GIPD GIPD Grand Island Police Dept
 Responsible officer : Vitera D
 Offense as Taken :
 Offense as Observed :
 Disposition : ACT Active
 Misc. number : RaNae
 Geobase address ID : 13824
 Long-term call ID :
 Clearance Code : CL CL Case Closed
 Judicial Status :

=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	223835	11/01/17	Bearded Buffalo Golf,	Business
NM	223675	10/26/17	Papke, Ashley M	Member
NM	8912	10/18/17	Papke, Nicholas A	Owner/Manager

LAW INCIDENT CIRCUMSTANCES:

Se Circu Circumstance code : Miscellaneous

 1 LT24 LT24 Specialty Store

LAW INCIDENT NARRATIVE:

Grand Island Police Department

Date, Time: Wed Oct 18 11:37:53 CDT 2017
 Reporting Officer: Vitera
 Unit #: CID

Bearded Buffalo Golf is applying for a Class C (beer, wine, distilled spirits, on and off sale) LLC Retail liquor license. Nicholas Papke is applying to become the liquor manager.

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Grand Island Police Department
LAW INCIDENT TABLE

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LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

1 Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq Name

Date

1 Vitera D

13:42:09 10/26/2017

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Grand Island Police Department
Supplemental Report

Date, Time: Thu Oct 26 13:42:20 CDT 2017
Reporting Officer: Vitera
Unit- CID

Bearded Buffalo Golf is applying for a Class C (beer, wine, distilled spirits, on and off sale) LLC Retail liquor license. Nicholas Papke is applying to become the liquor manager. A business plan was submitted with the application which describes Bearded Buffalo Golf as an "indoor golf simulation facility."

While perusing the application, I noticed that the only two people involved with the application are Nicholas and his wife, Ashley Papke. According to the application, Nicholas has continuously lived in Grand Island since 2007, and Ashley has lived in Grand Island since 2009. Prior to that, she lived in Doniphan and Omaha. It appears that Ashley may have originally signed a Spousal Affidavit of Non-Participation form and then withdrawn it. As far as criminal history goes, Nicholas disclosed two speeding convictions, reckless driving, disturbing the peace, following too closely, and an "overweight" violation. Ashley disclosed two speeding convictions and a conviction for following too closely.

I checked on Nicholas and Ashley through Spillman and NCJIS. I found Ashley in Spillman under the last name of Binfield. I didn't see any undisclosed violations in Spillman or NCJIS. Nicholas didn't have any undisclosed convictions in Spillman, but it was a little harder to sort out what he had disclosed versus what was listed in NCJIS. I didn't find the speeding convictions he disclosed or the following too closely conviction, but I did find undisclosed convictions for negligent driving in Lincoln in September of 2002, violation of motor carrier safety regulations in Hall County in June of 2008 and again in Howard County in July of 2009. The reckless driving he disclosed in Grand Island was actually a more serious offense of willful reckless driving. I did not find the disturbing the peace charge, but I found two convictions for a disorderly house in 1998 and 2001.

After checking Nicholas and Ashley through Spillman and NCJIS, I checked to see if either of them had any outstanding warrants for their arrest. Neither had any arrest warrants, and they each have a valid Nebraska driver's license. I also checked them through a paid, law enforcement-only database which tends to provide mostly personal identifying information and information about civil matters. I didn't find anything out of the ordinary on Ashley. However, it appears that Nicholas filed for Chapter 7 bankruptcy in 2004.

I called Nicholas on 10/27/17 and arranged to meet him on 10/31/17 at 1100 hours at Bearded Buffalo Golf which is located at 217 E. Stolley Suite J. Nebraska State Patrol Investigator Joe Hansen and I met with Nicholas at the agreed upon time and place.

I asked Nicholas how he came up with the name of his business. He said he thinks a buffalo makes a good logo, and Nicholas has a beard. I also asked about the discrepancy in the address for his business listed on the application. In one area of the application (business plan), the business was going to be located on State Street while the rest of the application referred to the business as being on Stolley. Nicholas said that he was originally looking at

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the State Street address, but that particular piece of property was leased to someone else prior to him formally coming to terms with the owner.

Nicholas advised he applied for a Class C license because it includes a lot of options, and he doesn't want to go through the licensing process again if he doesn't have to. Nicholas confirmed that his wife's maiden name is Binfield. He said that Ashley didn't really want to be involved in the business, but he thought that she should be on the application in case she has to fill in for him when he is sick or can't make it to work.

Nicholas also confirmed that he filed for bankruptcy back in 2004. He said that he was involved with trying to start up a bar in Lincoln. The property he chose got flooded by some frozen pipes that burst in an adjoining area he didn't own. While the landlord was responsible for the damage, he said the decision was made not to continue with the project. He advised that he had a lot of credit card debt that was associated with the attempt at starting the bar business.

I also asked Nicholas about some of the criminal convictions he disclosed and didn't disclose. Nicholas said he tried to run a report and get all of his convictions, but he was told that the report wouldn't go back far enough to include everything he'd been convicted of. Therefore, after calling the Nebraska Liquor Control Commission (NLCC), he tried to do it from memory. I told Nicholas about his reckless driving conviction actually being willful reckless. He described the event to me and didn't argue that he was convicted of willful reckless. He also acknowledged that he failed to disclose the motor carrier regulations convictions from 2008 and 2009 and said he just forgot about them. When told about the disorderly house convictions, he looked surprised and said he thought there was only one; and he thought that conviction was for disturbing the peace.

Nicholas showed us around and told us about his business plans. The one thing that I am a little concerned about is that Nicholas said during the summer months if business is slow, he plans on hooking up gaming consoles to the golf screens and allowing kids to play video games. I originally thought that could potentially violate the city code dealing with unaccompanied minors being in a liquor-licensed establishment after 9 PM. However, Nicholas had previously told Investigator Hansen that he expects about one third of his profits to come from alcohol sales which wouldn't violate the code if he did have unaccompanied minors in the business after 9 PM.

All in all, Nicholas listed some traffic convictions that I didn't find, and the convictions that I found that he didn't list seem to be an honest mistake. In addition, none of his convictions rise to the level of a Class I Misdemeanor in Chapter 28 article 3,4,7,8,10,11, or 12 of Nebraska State Statute 53-125 which would preclude him from receiving a license; and all of the convictions are at least eight years ago.

The Grand Island Police Department has no objection to Bearded Buffalo Golf having a liquor license or to Nicholas Papke being the liquor manager.