



City of Grand Island

Tuesday, June 28, 2022

Council Session

Item H-1

Consideration of Approving the Request from the Nebraska State Board of Agriculture for a Special Designated Liquor License for the Nebraska State Fair

Staff Contact: RaNae Edwards

Council Agenda Memo

From: Jerry Janulewicz, City Administrator

Meeting: June 28, 2022

Subject: Consideration of Request from the Nebraska State Board of Agriculture for a Special Designated Liquor License for the Nebraska State Fair

Presenter(s): Jerry Janulewicz, City Administrator

Background

On June 8, 1998 the City Council approved Resolution #98-147 establishing the City Clerk, or her designee to administratively approve Special Designated Liquor Licenses (SDL) in accordance with established criteria (see attached).

Discussion

On June 3, 2022 the Nebraska State Board of Agriculture submitted their request for a SDL for the State Fair for the dates of August 25, 2022 thru September 5, 2022. They are requesting a “walk around” liquor license which allows alcohol consumption throughout the grounds of the State Fair unlike in past years where alcohol was restricted to certain areas.

After review and concerns from the Police Department, Building Department, Fire Department, and the Health Department it was recommended by Administration to bring this request before the City Council for their approval.

Alternatives

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

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration makes no recommendation to Council.

Sample Motion

Move to either approve or deny the request.

RESOLUTION 98-147

WHEREAS, Neb. Rev. Stat. §53-124.11 allows local governing bodies to approve or deny special designated for consumption of alcoholic liquors; and

WHEREAS, state law provides the local government body to establish criteria for approving or denying a special designated license, and for designating an agent to determine wither a special designated license shall be approved or denied; and

WHEREAS, the determination of such agent shall be considered the determination of the local governing body unless otherwise provided by the local governing body; and

WHEREAS, it is recommended that the City Clerk or her designee shall be designated as the agent on behalf of the City of Grand Island to approve or deny special designated liquor license applications in accordance with established criteria; and

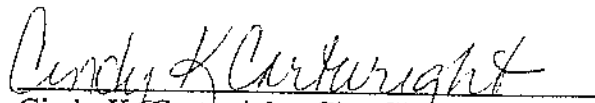
WHEREAS, it is further recommended that the guidelines as outlined in Exhibit "A" attached hereto and incorporated herein by reference be adopted as the basis for approving or denying such special designated liquor license applications; and


WHEREAS, special designated liquor licenses determined to be denied in accordance with such guidelines may be heard before the City Council if the applicant chooses to do so.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that:

1. The City Clerk, or her designee, is hereby designated as the agent of the City of Grand Island to determine whether a special designated liquor license is to be approved or denied in accordance with established criteria.
2. The criteria for approving or denying a special designated liquor license attached hereto as Exhibit "A" is hereby approved and adopted.

Adopted by the City Council of the City of Grand Island, Nebraska, June 8, 1998.


Cindy K. Cartwright, City Clerk

Approved as to Form June 5, 1998	•  • City Attorney
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GUIDELINES FOR SPECIAL DESIGNATED LIQUOR LICENSES

The following guidelines will be applied by the City Clerk in reviewing applications for special designated liquor licenses for the consumption of alcoholic liquors.

An application for a special designated liquor license will be approved by the City Clerk only when:

1. A favorable police report has been issued relating to the type and level of security to be provided to insure that the liquor laws, and in particular the liquor laws relating to the sale to and consumption by minors, will be complied with.
2. Adequate restroom facilities are available or will be provided.
3. The granting of such a permit will not create traffic congestion or hazards, and will not violate any of the provisions of the Grand Island City Code.
4. The application otherwise complies with the requirements of Neb. Rev. Stat. §53-134.
5. The application for special designated liquor license is submitted for review at least twenty one (21) days prior to the event date.
6. The application is approved by the local building, fire, and health departments.

An application for a special designated liquor license will be denied by the City Clerk when:

1. The application is made by a licensee to authorize the consumption of alcoholic liquors on other property owned or leased by the licensee, which property is not adjacent to the licensee's existing licensed premises.
2. The building department, health department, or fire department notifies the City Clerk that the issuance of such special designated liquor license will result in the violation of any applicable fire code, building code, health code, or other applicable ordinance or regulation.
3. The application is made by a corporation, association, or organization whose membership consists of individuals the majority of whom are under the legal drinking age where the use of such special designated liquor license is for a social event for such corporation, association or organization.
4. The area included within a special designated permit is outside of any fully enclosed structure, except when the application is made in conjunction with a festival or other similar community sponsored or supported event.

Exhibit "A"

5. The application requests authorization to sell or consume alcoholic liquors beyond the hours for sale at retail and dispensing authorized in Chapter 4 of the Grand Island City Code.

These guidelines shall be applied to all applications for special designated liquor licenses for the consumption of alcoholic liquors. Any applicant denied a special designated liquor license based upon the above guidelines may request that such application be heard by the City Council. Nothing herein shall preclude the Council from deviating from the above-stated guidelines when exceptional or peculiar circumstances exist warranting such a deviation.

