



City of Grand Island

Tuesday, January 24, 2023

Council Session

Item E-1

**Public Hearing on Request from Duysen Enterprises, LLC dba
The Upper Deck, 2110 West 2nd Street for a Class “C” Liquor
License**

Council action will take place under Resolution item I-1.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: January 24, 2023

Subject: Public Hearing on Request from Duysen Enterprises, LLC dba The Upper Deck, 2110 West 2nd Street 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

Duysen Enterprises, LLC dba The Upper Deck, 2110 West 2nd Street 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. After further review by the Police Department it was found that Mr. Duysen has an active warrant in the state of Minnesota. (See attached Police Report). So at this time we are recommending denial of the

application which will automatically go before the Liquor Control Commission for a hearing.

Also submitted was a request for Liquor Manager Designation for Aaron Duysen, 1507 West 1st Street. Mr. Duysen has completed a state approved alcohol server/seller training program. Staff recommends denial of the liquor license and liquor manager designation for Aaron Duysen, 1507 West 1st Street.

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.

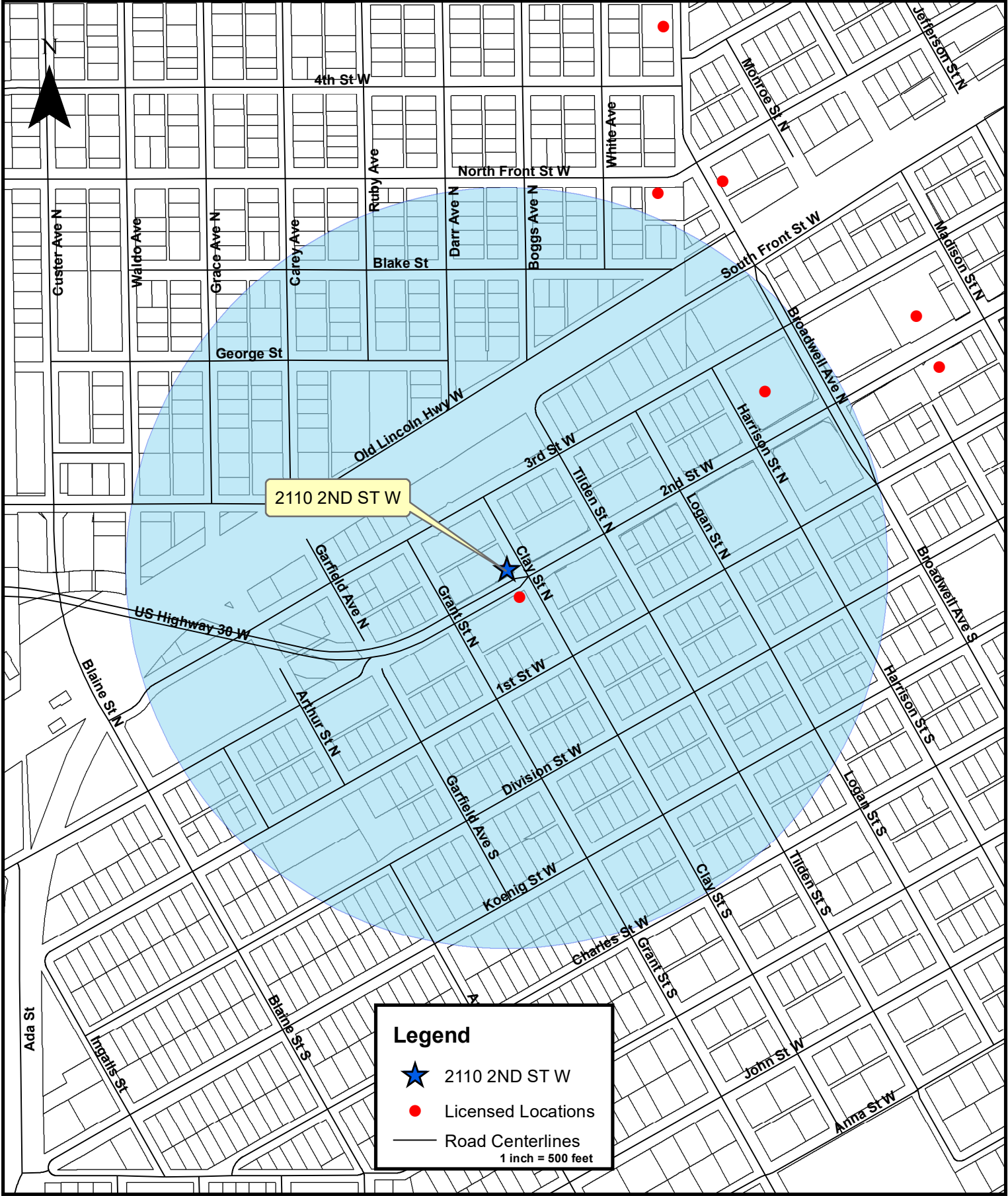
Recommendation

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

Sample Motion

Move to deny the application for Duysen Enterprises, LLC dba The Upper Deck, 2110 West 2nd Street for a Class "C" Liquor License and Liquor Manager Designation for Aaron Duysen, 1507 West 1st Street.

**Liquor License Application:
Class “C”: The Upper Deck**





Grand Island Police Department

Officer Report for Incident L23010123

Nature: Liquor Lic Inv

Address: 2110 2ND ST W; UPPER DECK
SPORTS BAR AND GRILL
Grand Island NE 68803

Location: PAOS

Offense Codes:

Received By: Dvorak T

How Received: T

Agency: GIPD

Responding Officers: Dvorak T

Responsible Officer: Dvorak T

Disposition: CLO 01/04/23

When Reported: 15:26:56 01/03/23

Occurred Between: 15:26:56 01/03/23 and 15:26:56 01/03/23

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant:

Last:

First:

Mid:

DOB: **/**/**

Dr Lic:

Address:

Race: **Sex:**

Phone:

City: ,

Offense Codes

Reported:

Observed:

Circumstances

LT03 LT03 Bar/Night Club

Responding Officers:

Unit :

Dvorak T

309

Responsible Officer: Dvorak T

Agency: GIPD

Received By: Dvorak T

Last Radio Log: **:*.**: **/**/**

How Received: T Telephone

Clearance: CL CL Case Closed

When Reported: 15:26:56 01/03/23

Disposition: CLO **Date:** 01/04/23

Judicial Status:

Occurred between: 15:26:56 01/03/23

Misc Entry:

and: 15:26:56 01/03/23

Modus Operandi:

Description :

Method :

Involvements

Date	Type	Description
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01/04/23

01/03/23	Name	Duysen, Aaron M	owner/manager
01/03/23	Name	Upper Deck,	location

01/04/23

Narrative

309 Liquor License
Grand Island Police Department

1. Date, time, reporting officer, Unit#: 1-2-23 Sgt Dvorak #309

A new liquor license for the Upper Deck Bar has been requested for Duysen Enterprises LLC, owner Aaron Duysen. The new owner has requested a Class C Liquor License; beer, wine and distilled spirits on and off sale; for the Upper Deck Bar.

Responsible LEO:

Approved by:

Date

01/04/23

Supplement

309

Upper Deck

Grand Island Police Department
Supplemental Report

Date, Time: 1-3-23

Reporting Officer: Sgt Dvorak #309

Unit #: CID

Aaron Duysen formed a new LLC, Duysen Enterprises LLC, to purchase and operate the Upper Deck bar. Duysen applied for a class C Liquor license; beer, wine and distilled spirits on and off sale; for the business.

The first background check for any licensing application is to determine that the principles of each business do not have active warrants for their arrest.

In this case, I found that Aaron Duysen has an active warrant for his arrest in the State of Minnesota. I confirmed that the warrant was active, and was advised that there is no extradition outside the State of Minnesota. I later called Duysen and informed him that the warrant from Minnesota would need to be cleared before his licensing application could be approved, or even considered.

The Grand Island Police Department will not consider this application due to this information, and will deny any subsequent attempt until the warrant is recalled/cancelled and the matter is taken care of.

01/04/23