



# City of Grand Island

Tuesday, February 14, 2006

Council Session

## Item E1

**Public Hearing on Request of Douglas & Sherri Luth dba Gas Island II, 2012 N. Webb Road for a Class "B" Liquor License**

Staff Contact: RaNae Edwards

# Council Agenda Memo

**From:** RaNae Edwards, City Clerk

**Meeting:** February 14, 2006

**Subject:** Public Hearing on Request of Douglas & Sherri Luth dba Gas Island II, 2012 N. Webb Road for a Class “B” Liquor License

**Item #'s:** E-1 & I-1

**Presenter(s):** RaNae Edwards, City Clerk

## Background

Douglas & Sherri Luth dba Gas Island II, 2012 N. Webb Road have submitted an application for a Class “B” Liquor License. A Class “B” Liquor License allows for the sale of beer off sale only inside the corporate limits of the city.

## Discussion

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. This license if approved will replace license “D-55018 for Gas Island located at 2012 North Webb Road. Attached is the Police Department memo. Approval is recommended.

## 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 request.

## **Sample Motion**

Move to approve the Resolution for the request of Douglas & Sherri Luth dba Gas Island II, 2012 N. Webb Road for a Class "B" Liquor License.



INTEROFFICE  
MEMORANDUM  
*Police Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: January 16, 2006

TO: RaNae Edwards, City Clerk

FROM: Robert Falldorf, Police Captain *Robert Falldorf*

RE: Class B #71196, Beer, Off Sale Only Liquor License

Douglas and Sherri Luth DBA Gas Island II, 2012 N Webb Road, Grand Island, Nebraska has made application for Class B #71196, 'Beer, Off Sale Only', Liquor License for their address.

The Grand Island Police Department has no objection to the issuance of the Class B #71196, 'Beer, Off Sale Only', liquor license and will have adequate officers on duty should the need arise.

RBF/rkk

**CITY OF GRAND ISLAND  
LIQUOR APPLICATION CHECKLIST**

     **Retail: Individual \*\***

- Applicant is Nebraska Resident.
- Applicant is of good character and reputation in the community in which he or she resides.
- Applicants is citizen of the United States.
- Applicant has no Felony or Class I Misdemeanor convictions or guilty pleas.
- Applicants has had no prior liquor licenses issued under the Nebraska Liquor Control Act revoked.
- Applicant's spouse must qualify the same as applicant.
- Applicant owns premise or has a lease of premise for the full period for which the license is issued.
- Premise meets State Fire Marshal codes.
- Applicant is not a law enforcement officer.
- Applicant is at least 21 years of age.

**Retail: Partnership \*\***

- One partner must be a resident of Nebraska.
- All partners and spouses must be citizens of the United States.
- All partners must be of good character and reputation in the community.
- All partners must not have been convicted or plead guilty to a Felony or Class I Misdemeanor. *None*
- All partners must not have had a liquor license issued under the Nebraska Liquor Control Act revoked.

**\_\_\_ Retail: Limited Liability Company \*\***

\_\_\_ One of the members must be a resident of Nebraska.

\_\_\_ All members of such company must qualify to above individual restrictions.

**\_\_\_ Retail: Corporation \*\***

\_\_\_ Any officer, manager, or director of the corporation or any stockholder owning more than 25% of the stock must qualify to above individual restrictions.

\_\_\_ The manager and spouse of the corporation must be a resident of Nebraska and qualify to above individual restrictions.

\_\_\_ Corporation must be registered with the Secretary of State.

\_\_\_ Corporation owned by a corporation, the owning corporation must register with the Secretary of State.

**\_\_\_ Manufacturer, Wholesaler, Railroad, Airline, Boat, Nonbeverage**

\_\_\_ Application filed in duplicate.

\_\_\_ Beer Wholesaler must file sales territory of their brands.

\_\_\_ Must file a bond.

\_\_\_ Must pay registration fee and license fee.

\_\_\_ No Manufacturer or Wholesaler may have interest as owner, part owner, lessee, or lessor in any retail establishment.

**\*\*All Retail Licenses:**

Premise is not within 150' from any church, school, hospital, or home for aged or indigent persons or for veterans, their wives or children.

Premise is not within 300' from any college campus.

**Other Comments or Concerns:**

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01/16/06  
10:54

Grand Island Police Dept.  
LAW INCIDENT TABLE

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City : Grand Island  
 Occurred after : 14:00:00 01/13/2006  
 Occurred before : 10:15:40 01/16/2006  
 When reported : 14:00:00 01/13/2006  
 Date disposition declared : 01/16/2006  
 Incident number : L06012211  
 Primary incident number :  
 Incident nature : Liquor Lic Inv Liquor License Investigation  
 Incident address : 2012 N Webb Rd  
 State abbreviation : NE  
 ZIP Code : 68803  
 Contact or caller :  
 Complainant name number :  
 Area location code : PAO Police - Within limits of GI  
 Received by : Falldorf R  
 How received : P In Person  
 Agency code : GIPD Grand Island Police Department  
 Responsible officer : Falldorf R  
 Offense as Taken :  
 Offense as Observed :  
 Disposition : INA Inactive  
 Misc. number : Printed  
 Geobase address ID :  
 Long-term call ID :  
 Clearance Code : CL Case Closed  
 Judicial Status : NCI Non-criminal Incident

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	45116		Luth, Douglas C	Owner
NM	47771		Luth, Sherri L	Owner
NM	67092		Gas Island,	Business

LAW INCIDENT NARRATIVE:

Class B Liquor License Investigation for Gas Island.

LAW INCIDENT OFFENSES DETAIL:

Se	Offe	Offense code	Arson	Dama
1				0.00

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
1	Falldorf R	104	Falldorf R

01/16/06  
10:54

Grand Island Police Dept.  
LAW INCIDENT TABLE

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LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Falldorf R	10:16:50 01/16/2006

Grand Island Police Department  
Supplemental Report

On the date of 1-13-06 I received a liquor license application for Gas Island II from the City Clerk to complete an investigation on. This application was listed as a partnership with the two partners being listed as Douglas C. Luth and Sherri L. Luth, husband and wife.

I checked through the Nebraska Criminal Justice Information System data base for Nebraska criminal or traffic violations involving Douglas or Sherri Luth. Sherri had a clean record. I was able to locate two traffic related charges for Douglas Luth, which he plead guilty to by waiver on both. The first was for No Valid Registration, Class 3 Misdemeanor, in Merrick County in 1999 and the second was for Violation of Motor Carrier Safety Regulations, Class 3 Misdemeanor, in Hall County in 1999. I noted that on the top of page 3 of the liquor application, the form asks the applicants to indicate all convictions or any charges that the applicants plead guilty to, to include a felony, misdemeanor, violation of a federal or state law, a violation of a local law, ordinance, or resolution. I also noted that the box was checked "NO" to indicate that the applicant(s) had no convictions or guilty pleas to list.

I don't feel that this omission of the guilty pleas on the part of Douglas Luth should disqualify Mr. and Mrs. Luth for their liquor license and both appear to have good character and reputation in the community. They just need to read carefully all paperwork involved in the application process and assume the reporting responsibilities that go along with every process within obtaining a liquor license.

The Grand Island Police Department has no objection to this liquor license being issued, with the understanding that all requested forms in the future should be thoroughly read and requested information supplied.

Date, Time: 1-16-06, 10:45 AM  
Reporting Officer: Captain Robert Falldorf