



City of Grand Island

Tuesday, February 14, 2006

Council Session

Item G5

Approving Minutes of February 7, 2006 City Council Study Session

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

February 7, 2006

Pursuant to due call and notice thereof, a Study Session of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on February 7, 2006. Notice of the meeting was given in the *Grand Island Independent* on February 1, 2006.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmember's Meyer, Pielstick, Nickerson, Cornelius, Pauly, Walker, and Haase. Councilmember's Gilbert, Whitesides, and Hornady were absent. The following City Officials were present: City Administrator Gary Greer, City Clerk RaNae Edwards, and City Attorney Doug Walker.

INVOCATION was given by Pastor Rob Inge, Harvest Time Baptist Church, 1125 North Beal Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek commented on the attendance of other leadership from surrounding towns.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Random Acts of Kindness Week" February 5-11, 2006. Mayor Vavricek proclaimed the week of February 5-11, 2006 as "Random Acts of Kindness Week". Mrs. Dick DeMay was present on behalf of the AOK Ladies to receive the proclamation.

Central Nebraska Liquor Summit. City Clerk RaNae Edwards gave a PowerPoint presentation on the liquor license processes for the City of Grand Island. The following points were presented:

- Applications received by the City Clerk from the Nebraska Liquor Control Commission (LCC)
- City Clerk routs application to the Fire, Health, Building, and Police Departments for inspections
- City Clerk sends letter to applicant of date, time, and place of hearing
- Departments return application with recommendation to City Clerk
- Public Hearing held by the City Council
- City Council makes one of four decisions on application:
 - a.) Approve application
 - b.) No recommendation without stipulations
 - c.) No recommendation with stipulations
 - d.) Deny application
- City Clerk notifies LCC of decision from City Council

- LCC requires review from State Patrol, Health, State Fire Marshal, and Local Governing Body
- LCC makes one of four decisions:
 - a.) If local governing body approves application, LCC will hold license for 10 days to allow for protests, if no protests license will be issued to the Clerk.
 - b.) If no local recommendation without stipulations, LCC will hold license for 45 days to allow for protests, if no protests license will be issued to the Clerk.
 - c.) If no local recommendation with stipulations, LCC will review stipulations and determine if a hearing is needed. License will either be approved and sent to the Clerk or a hearing will be held.
 - d.) If local governing body denies the application, LCC will automatically set a hearing date. Commission will decide to either deny or approve the license.
- If LCC approves, the license is sent to the Clerk.

Briefly discussed were the processes for change of locations, reconstruction, additions, and deletions to liquor licenses. This process was similar to a new license except no license fee or occupation tax was collected at the local level. Long form renewals were presented which were the same processes as the new application.

The following procedures were presented for Short Form Renewal of Liquor Licenses:

- Liquor Control Commission issues renewals to the Clerk's
- Clerk issues notification of renewals and form to applicant's
- Applicant sends renewal form to LCC with application fee
- LCC sends license to the Clerk for distribution and collection of fee

Discussion was held with regards to Special Designated Liquor Licenses (SDL). Ms. Edwards reported that this was a 1 day license and was covered under the LCC Rules and Regulations Section 53-124.11. Retail licensee's can have up to 6 SDL's per year for a fee of \$40.00 each paid to the state and \$20.00 paid to the City. If the retail licensee holds a catering designation there was no fee.

The following procedures were presented for SDL's:

- Applicant obtains and initiates the process with the local Clerk
- Clerk routs the application to the Fire, Health, and Police Departments
- Routed applications are returned to the Clerk with recommendation (Police Department memo must be favorable in order to continue with process)
- Clerk sends application and money, if required to LCC
- LCC issues permit to the Clerk
- Clerk notifies applicant to pick up license

Ms. Edwards presented the City of Grand Island Liquor Application Checklist and reported that this list was from the LCC Rules and Regulations Section 53-125 and 53-132 and was the same qualification the Liquor Control Commission used for reviewing applications. Each department reviewing an application used the checklist to make their recommendation.

Definitions were covered concerning suspend, cancel, and revoke along with the Classes of Liquor Licenses.

Police Chief Steve Lamken reported on bar checks, compliance checks, tavern violations, and license application investigations. Police Captain Robert Falldorf reported on the background investigations.

State Patrol Investigator Lori Rogers reported on State Patrol procedures for liquor licenses. Mentioned was the 17 county area that she was responsible for and the importance of working with the Police and Sheriff's Departments. Discussed was the background checks done by the State Patrol for each license. Sting operations were mentioned.

City Clerk RaNae Edwards reported that all Class "C" licenses expire October 31st of each year and all Non-Class "C" licenses expire April 30th of each year. Statewide, there were 5,203 liquor licenses. Grand Island had 52 Class "C" and 64 Non-Class "C" liquor licenses. Ms. Edwards mentioned that all new licenses were to be approved by resolution. Section 53-133 and 53-132.04 was discussed with regards to state and local hearings.

Executive Director Hobert Rupe with the Nebraska Liquor Control Commission reported on the processes at the state for liquor licenses. Mentioned was the importance of having someone from the local governing body represented at the LCC hearings. Mr. Rupe explained the Liquor Commission's role and appointments.

A lengthy discussed was held with regards to the city's ability to cancel or revoke a license, distance from churches, schools or hospitals, liquor manager's responsibilities, stipulations that could be added to licenses by the governing body, and felony and Class I Misdemeanors of applicants.

Stan Clouse, City Councilmember from Kearney asked questions concerning retail licensees with regards to Class I Misdemeanors.

ADJOURNMENT: The meeting was adjourned at 9:35 p.m.

RaNae Edwards
City Clerk