



City of Grand Island

Tuesday, November 28, 2006

Council Session

Item G2

Approving Minutes of November 21, 2006 City Council Study Session

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL STUDY SESSION

November 21, 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 November 21, 2006. Notice of the meeting was given in the *Grand Island Independent* on November 15, 2005.

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

INVOCATION was given by Reverend Dr. George Mullins, First Christian Church, 2400 West 14th Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek commented on the following:

- City Council Retreat scheduled for January, ideas should be submitted to City Administrator Gary Greer

Review of Chapter 4 of the Grand Island City Code Relative to Alcoholic Beverages. Dale Shotkoski, Interim City Attorney reported that one of the goals set this year by Administration, Mayor and City Council was to revise and update the Grand Island City Code.

The City Code Revision Committee, along with the City Administrator, Chief of Police, and Building Department Director met to review and discuss changes to Chapter 4 of the Grand Island City Code, Alcoholic Beverages.

The following revisions were presented:

- **Section 4-1. Definitions.** Current definitions in Section 4-1 would be replaced with definitions of the State Statutes of Nebraska, which would allow the City of Grand Island to be in conformity with state statutes.
- **Section 4-6. Liquor Application Procedure** The language in Section 4-6 pertaining to the specifics of the order of the proceedings has been simplified to conform with state statutes.
- **Section 4-7. Applications for Liquor Licenses.** The language in Section 4-7 would be replaced with language contained in Section 53-131.01 of the Revised Statutes of Nebraska. This would allow the city to be in conformity with state statutes. Added to Section 4-7 is paragraph (H), wherein it is stated that the license shall not be issued until approval of all inspections has been met.

- **Section 4-8. Grounds for Revocation.** Section 4-8 would be amended to include not only possible revocation, but also cancellation. Included in this section is paragraph (G), which allows for revocation or cancellation when successive violations occur.

The City received requests for policy changes to the code from outside agencies regarding Section 4-9 Hours of Operation and Section 4-20 Minors Not Permitted After 9:00 p.m. Mr. Shotkoski stated the current hours of operation section in the code was somewhat confusing. There had been several requests to allow alcohol sales on New Year's Eve which falls on a Sunday this year. Current code does not allow sales after midnight on Sunday's. It was proposed by many liquor license establishments to adopt the same hours as many other cities, such as Lincoln. The following is their code language:

- (A) No alcoholic liquor, including beer, shall be sold at retail or dispensed on any day between the hours of 1:00 a.m. and 6:00 a.m.
- (B) No alcoholic liquor, including beer, shall be sold at retail or dispensed between the hours of 6:00 a.m. and 12:00 noon on Sunday.
- (C) Alcoholic liquor, including beer, may be sold at retail and dispensed from 12:00 noon on Sunday until 1:00 a.m. the following Monday.

Project Extra Mile was concerned about minors being given access to the bar environment and requested Section 4-20 be amended to read as follows:

“It shall be unlawful for any licensed retailer or his, her, or its agent or employee to suffer or permit any minor to be or remain in any room or compartment of such licensed premises after 9:00 p.m. of any day; provided, that this section shall not apply to any licensed premises which derives sixty percent (60%) or more of its principal business from the sale or services or other commodities other than alcoholic liquor.”

The following people spoke regarding the liquor license changes:

Jim Phipps representing Skagway spoke in support of changes to the hours of operation.

Dale Nielson representing the Elks Lodge spoke of concerns to minors in business after 9:00 p.m. and questioned whether minors attending wedding receptions, anniversary celebrations, etc. would have to leave at 9:00 p.m.

Deb Wetzel spoke of concerns of minors in bars after 9:00 p.m. and teen nights in bars.

Lex Ann Roach representing Project Extra Mile spoke in support of not allowing minors in bars after 9:00 p.m.

Rick Wiseman representing Grand Island Liquor Mart spoke in support of extending hours of operation on Sunday.

Heather Tjaden representing Central Nebraska Council on Alcoholism spoke in support of limiting minors in bars after 9:00 p.m.

A lengthy discussion was held regarding minors in bars after 9:00 p.m. and the definition of a restaurant versus a bar and how this would be enforced. Definition of a minor would be anyone under 21 years of age.

City Administrator Gary Greer commented that non-profit corporations would be exempt from this part of the code regarding minors. Also it was the intent of the committee that wedding receptions, anniversary, birthday celebrations, etc. would be exempt.

Lorri Rogers with the Nebraska State Patrol answered the question regarding the number of minors in bars and that it was very hard to enforce. Mentioned were teen nights at night clubs and the problems of kids in the streets, parking lots, etc.

Police Chief Steve Lamken stated the Police Department does bars checks after 11:00 p.m. as often as possible. Mentioned were establishments that allow and serve minors in their business which causes the Police Department the most trouble.

Mayor Vavricek stated this issue would be brought back to the City Council at the November 28, 2006 meeting.

ADJOURNMENT: The meeting was adjourned at 8:25 p.m.

RaNae Edwards
City Clerk