



City of Grand Island

Tuesday, May 02, 2006

Council Session

Item E3

Public Hearing on Request of Keetay, Inc. dba Downtown Copper Mill, 115 West 3rd Street for a Class "C" Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: May 2, 2006

Subject: Public Hearing on Request of Keetay, Inc. dba
Downtown Copper Mill, 115 West 3rd Street for a Class
“C” Liquor License

Item #'s: E-3 & I-3

Presenter(s): RaNae Edwards, City Clerk

Background

Keetay, Inc. dba Downtown Copper Mill, 115 West 3rd 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.

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. Attached is the Police Department’s background investigation and recommendation.

Also included with this application is the request from Dana S. Harris, 1726 Allen Court for a Liquor Manager Designation.

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 the application of Keetay, Inc. dba Downtown Copper Mill, 115 West 3rd Street for a Class "C" Liquor License and the request of Dana S. Harris, 1726 Allen Court for a Liquor Manager Designation with the stipulation that a state approved alcohol server/seller training program be completed.

Sample Motion

Move to approve the application of Keetay, Inc. dba Downtown Copper Mill, 115 West 3rd Street for a Class "C" Liquor License and the request of Dana S. Harris, 1726 Allen Court for a Liquor Manager Designation with the stipulation that a state approved alcohol server/seller training program be completed.



INTEROFFICE
MEMORANDUM
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: April 14, 2006
TO: RaNae Edwards, City Clerk
FROM: Brad Brush, Lt, Grand Island Police Department
RE: Class "C" Liquor License Application and Manager Designation
for Downtown Copper Mill, 115 West 3rd St, Grand Island, NE

The Grand Island Police Department has received applications from Keetay Inc DBA Downtown Copper Mill, 105 West 3rd Street for Class "C" Liquor License and for Dana Harris, 1726 Allen Court, Grand Island, NE. 68801 to assume the position of manager of this establishment.

The application for the Liquor Manager and the application for the liquor license itself are accurate. It is the Grand Island Police Department's recommendation to accept this Liquor Manager Designation Application in the name of Dana Harris, as well as the Liquor License application for the business Downtown Copper Mill, 115 West 3rd, Grand Island, NE 68801.

BB/rk

A handwritten signature in cursive script that reads "Lt. Brad Brush".

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Grand Island Police Dept.
LAW INCIDENT TABLE

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City : Grand Island
 Occurred after : 13:14:09 04/03/2006
 Occurred before : 13:14:09 04/03/2006
 When reported : 13:14:09 04/03/2006
 Date disposition declared : 04/03/2006
 Incident number : L06040379
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor License Investigation
 Incident address : 115 W 3rd
 State abbreviation : NE
 ZIP Code : 68801
 Contact or caller : Captain Falldorf
 Complainant name number :
 Area location code : PCID Police - CID
 Received by : Brush B
 How received : T Telephone
 Agency code : GIPD Grand Island Police Department
 Responsible officer : Brush B
 Offense as Taken :
 Offense as Observed :
 Disposition : CLO Closed Case
 Misc. number :
 Geobase address ID :
 Long-term call ID :
 Clearance Code : CL Case Closed
 Judicial Status :

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	71758		Hormachea, Ruth	mentioned/translato
NM	112018		Venegas, Priscilla	mentioned
NM	77046		Venegas, Julio J	mentioned
NM	73146		Love is God Church,	mentioned
NM	79227		Sebastians,	mentioned
NM	111931		Jehova Es Mi Paz Church,	mentioned
NM	110471		Harris, Dana S	corporate president
NM	110851		Harris, Jeanie M	corporate sect/treas
NM	111905		Downtown Copper Mill,	corp liquor license

LAW INCIDENT NARRATIVE:

Request for assessment & recommendation-Liquor Manager Designation Application and Retail Corporation Liquor License.

The Liquor Manager Designation Applicant's name is Dana Harris Business-Downtown Copper Mill, GI, NE 68801

In summation, the application for the Liquor manager and the application for the liquor license itself is accurate. It is the police department's recommendation to accept this Liquor Manager Designation Application in the

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name of Dana Harris, as well as the Liquor License application for the business, Downtown Copper Mill, 115 W 3rd, GI, NE 68801.

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Brush B	13:17:15 04/03/2006

208, 040306 DANA & JEANIE HARRIS
Grand Island Police Department
Supplemental Report

Date, Time: 040306
Reporting Officer: Lieutenant Brush
Unit #: CID

I queried the following databases for convictions;
Grand Island Police Department (Spillman)
Nebraska Criminal Justice Information System (NCJIS)

Nothing was found that had not already been reported on the applications. None of the convictions found were class I Misdemeanor or more serious, which, by statute, would disqualify the applicant from being issued a liquor license by the State of Nebraska. There were no discrepancies found within the applications.

However it was pointed out that the building housing the Downtown Copper Mill is approx fifty-five (55) feet from a church, located at 112 W 2nd. This places the proposed liquor dispensing business well within the one hundred and fifty (150) feet, set out in the Nebraska State Statute, (53-177).

I determined from the Grand Island city utilities that the church, Jehova Es Mi Paz (Jehovah is my Peace), began paying utilities in June of 2005.

04-04-06 I determined from Mary Messman, of Nebraska Liquor Control Commission, that 115 W 3rd did house a restaurant named Sebastians, that had a liquor license from 11-18-02 through 10-31-05. The prohibition set out in (53-177) does not apply, because the building had housed a business with a liquor license prior to the Jehova Es Mi Paz Church being located within the one hundred and fifty (150) feet.

While discussing the situation with the Grand Island city utilities personnel, I also determined prior to Jehova Es Mi Paz Church occupying 112 W 2nd, the Dios Es Amor Church occupied 112 W 2nd, due to payment of utilities from 10-16-02 through 05-03-05.

It appears, from those dates, the liquor license that was issued to Sebastians restaurant on 11-18-02 should have been prohibited from being issued due to 115 W 3rd being within the one hundred and fifty (150) feet from 112 W 2nd, the Dios Es Amor Church according to Nebraska State Statute (53-177).

This situation was discussed by this officer with NSP Investigator Rogers. Rogers contacted the legal department of the Nebraska Liquor Control Commission

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and advised me that the following is the Nebraska Liquor Control Commission's position;

Due to the 45 day delay in the issuing a liquor license, the actual submittal date of the application would have been at least 45 days prior to 11-18-02, which would be approximately 10-05-02. Eleven days prior to 10-16-02, when Dios Es Amor began paying utilities. Therefore it was appropriate for the state to have issued the liquor license to Sebastians.

While conferring with George Bartenbach of Bartenbach Real Estate, I was advised that prior to Dios Es Amor Church, an antique store was at 112 W 2nd. He also advised that prior to Dios Es Amor was at 112 W 2nd, another church had been in 116 W 2nd, for about 1 year, also owned by Bartenbach Real Estate. The building at 116 W 2nd would also be within the one hundred and fifty (150) feet limit stated in the Nebraska State Statute (53-77).

Grand Island city utilities records shows Inglesia Del Nazareno (Church of the Nazarene) Church, paid utilities at 116 W 2nd from 07-03-01 through 07-31-02.

Bartenbach also advised that there had been a restaurant at 115 W 3rd prior to Sebastians, for about 3 or 4 years. I was able to determine that would have been Harrison's Downtown Restaurant.

I determined from Mary Messman, of Nebraska Liquor Control Commission, that 115 W 3rd did house a restaurant named Harrison's Downtown which did have a liquor license. Sebastians Restaurant took the liquor license over from Harrison's Downtown. Harrison's Downtown had their liquor license from up and until Sebastians took it over on 11-18-02.

04-06-06 I called Pastor Julio Venegas' residence and attempted to talk to the Pastor. I talked to Pastor's wife Priscilla Venegas, dob 10-08-78, with the assistance of Priscilla's sister, Ruth Hormacheason, dob 12-20-83. I was able to determine the Jehova Es Mi Paz Church is moving from 112 W 2nd, by the 31st of May of 2006.