



City of Grand Island

Tuesday, January 23, 2007

Council Session

Item E1

**Public Hearing on Request of Hoch, Inc. dba H & H Distributing,
4221 Juerrgen Road for a Class "X" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: January 23, 2007

Subject: Public Hearing on Request of Hoch, Inc. dba H & H Distributing, 4221 Juergen Road for a Class "X" Liquor License

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

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

Hoch, Inc. dba H & H Distributing, 4221 Juergen Road has submitted an application for a Class "X" Liquor License. A Class "X" Liquor License allows for the whole sale of liquor to be sold and distributed statewide. This will be an additional license as they currently have a Class "W" Liquor License which allows for the wholesale of beer only.

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 a request from Harry H. Hoch, Jr., 2417 Cottonwood Road 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.

Sample Motion

Move to approve the application of Hoch, Inc. dba H & H Distributing, 4221 Juergen Road for a Class "X" Liquor License and Liquor Manager Designation for Harry A. Hoch, Jr., 2417 Cottonwood Road with the stipulation that Mr. Hoch complete a state approved alcohol server/seller training program.



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: January 2, 2006

TO: RaNae Edwards, City Clerk

FROM: Brad Brush, Lieutenant, Police Department

RE: Class "X" Liquor License Application for
H & H Distributing, 4221 Juergen Rd, Grand Island, Nebraska:
Liquor Manager Designation for H & H Distributing,
4221 Juergen Rd, Grand Island, Nebraska

The Grand Island Police Department has received applications from H & H Distributing for Class "X" Liquor License and Liquor Manager Designation in the name of Harry A. Hoch Jr.

The application for Liquor Manager is technically inaccurate, thus a false application. If the convictions had been declared they would not have risen to the level of a Class I Misdemeanor, in articles 3, 4, 7, 8, 10, 11, or 12, Chapter 28, thus disqualifying the application.

It is the Police Department's recommendation to accept this Liquor Manager Designation Application in the name of Harry A. Hoch Jr., as well as the Liquor License Application for the business, Hoch Inc. dba H & H Distributing, 4221 Juergen Rd, Grand Island, Nebraska 68803.

BB/rk

A handwritten signature in cursive script, appearing to read "B. Brush", written in black ink.

12/29/06
15:17

Grand Island Police Dept.
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : 13:20:23 12/29/2006
Occurred before : 13:20:23 12/29/2006
When reported : 13:20:23 12/29/2006
Date disposition declared : **/**/****
Incident number : L06124056
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 4221 Juergen Rd
State abbreviation : NE
ZIP Code : 68803
Contact or caller : RaNae Edwards
Complainant name number :
Area location code : PCID Police - CID
Received by : Brush B
How received : T Telephone
Agency code :
Responsible officer :
Offense as Taken :
Offense as Observed :
Disposition : CLO Closed Case
Misc. number :
Geobase address ID : 19035
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status :
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INVOLVEMENTS:

| Px | Record # | Date | Description | Relationship |
|----|----------|------|---------------------|--------------|
| NM | 60947 | | H & H Distributing, | mentioned |
| NM | 120314 | | Hoch, Harry A Jr | mentioned |
| NM | 120315 | | Hoch, Jane C | mentioned |

LAW INCIDENT NARRATIVE:

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

The Liquor Manager Designation Applicant's name is Harry A Hoch Jr Business-Hoch Inc dba H & H Distributing, 4221 Juregen Road, GI, NE 68803.

Nebraska Criminal Justice Information System (NCJIS) was searched and the following convictions not declared by Jane C Hoch, 39% owner of Hoch Inc dba H & H Distributing, were found;

- 1) No Valid Registration ; Infraction, Offense Date is 07/01/1998
Plea is Guilty/Admit
- 2) Speeding 21+ MPH Municipal ; Infraction, Offense Date is 02/20/2000
Plea is Guilty/Admit
- 3) Speeding 11-15 MPH County/State ; Infraction, Offense Date is 09/12/2003
Plea is Guilty/Admit

12/29/06
15:17

Grand Island Police Dept.
LAW INCIDENT TABLE

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Failure to declare the above convictions causes the application to be false.

National Crime Intelligence Center (NCIC) search reflected no other convictions.

In summation;

The application for the Liquor manager is technically inaccurate, thus a false application. If the convictions had been declared they would not have risen to the level of a Class I Misdemeanor, in articles 3, 4, 7, 8, 10, 11, or 12, Chapter 28, thus disqualifying the applicant.

It is the police department's recommendation to accept this Liquor Manager Designation Application in the name of Harry A Hoch Jr, as well as the Liquor License application for the business, Hoch Inc dba H & H Distributing, 4221 Juregen Road, GI, NE 68803.

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

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