



# **City of Grand Island**

**Tuesday, October 09, 2007**

**Council Session**

## **Item E1**

**Public Hearing on Request of Hall County Livestock Improvement Association dba Fonner Park, 700 East Stolley Park Road for a Class "CK" Liquor License**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** October 9, 2007

**Subject:** Public Hearing on Request of Hall County Livestock Improvement Association dba Fonner Park, 700 East Stolley Park Road for a Class “CK” 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**

Hall County Livestock Improvement Association dba Fonner Park, 700 East Stolley Park Road has submitted an application for a Class “CK” Liquor License. A Class “C” Liquor License allows for the sale of alcohol on and off sale inside the corporate limits of the city. A class “K” Liquor License allows for catering.

Also included with the application was a request from Todd Otto, 1304 Phillips Spur, Phillips, Nebraska for a Liquor Manager Application.

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.

### **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**

Motion to approve the application of Hall County Livestock Improvement Association dba Fonner Park, 700 East Stolley Park Road for a Class "CK" Liquor License and the request from Todd Otto, 1304 Phillips Spur, Phillips, Nebraska for a Liquor Manager designation, contingent upon Mr. Otto completing a state approved alcohol server/seller training program.



**INTEROFFICE  
MEMORANDUM**  
*Police Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: September 21, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Liquor License Application for Hall County  
Livestock Improvement Association dba  
Fonner Park; Liquor Manager Designation for Todd Otto

The Grand Island Police Department received an application from the Hall County Livestock Improvement Association dba Fonner Park and a Liquor Manager Designation application for Todd Otto.

The liquor license application lists the following people: James Cannon, Mary Cannon, Larry Toner, Rose Toner, Roger Luebbe, Barbara Luebbe, Ken Gnadt, Bonnie Gnadt, Charles Bosselman, Janet Bosselman, and Hugh Miner Jr.

Checks indicated that Janet Bosselman had two traffic violations (undisclosed); James Cannon had a traffic violation (undisclosed); Larry Toner had a Unlawful Entry w/o Permit – Class 5 misdemeanor (undisclosed); Roger Luebbe had a DUI conviction (undisclosed); and Charles Bosselman had a speeding conviction (undisclosed). The failure of each of these individuals to disclose their violations makes the application false under the Nebraska Liquor Control Act. However, none of their undisclosed violations rise to the level of a Class I Misdemeanor in specified statutes that would automatically exclude them from receiving a liquor license.

The applicants should be cautioned to carefully read the requirements of the application and proceed accordingly. However, the Police Department will recommend that the application be approved.

\* \* \* \*

With respect to the Liquor Manager designation, Todd Otto disclosed a DUI for which he was convicted over 20 years ago. Dawyn Otto disclosed nothing and actually had an undisclosed traffic violation. Dawyn did sign an affidavit of non-participation.

The Police Department recommends that Todd be approved as a liquor manager.

DV/rk

A handwritten signature in cursive script, appearing to read "Dave Vitera", is written over the typed name "DV/rk".

09/21/07  
10:31

Grand Island Police Dept.  
LAW INCIDENT TABLE

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City : Grand Island  
Occurred after : \*\*:\*\*:\*\* \*\*/\*\*/\*\*\*\*  
Occurred before : \*\*:\*\*:\*\* \*\*/\*\*/\*\*\*\*  
When reported : 14:00:00 09/17/2007  
Date disposition declared : 09/19/2007  
Incident number : L07092557  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License Investigation  
Incident address : 700 Stolley Park Rd E  
State abbreviation : NE  
ZIP Code : 68801  
Contact or caller :  
Complainant name number :  
Area location code : PCID Police - CID  
Received by : Vitera D  
How received : T Telephone  
Agency code : GIPD Grand Island Police Department  
Responsible officer : Vitera D  
Offense as Taken :  
Offense as Observed :  
Disposition : CLO Closed Case  
Misc. number :  
Geobase address ID : 18880  
Long-term call ID :  
Clearance Code :  
Judicial Status : NCI Non-criminal Incident  
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	13744	09/19/07	Gnadt, Kenneth L	Secretary/Director
NM	45683	09/19/07	Otto, Dawyn E	Todd's Wife
NM	51098	09/19/07	Bosselman, Janet K	Charles' Wife
NM	114562	09/19/07	Bosselman, Charles D	Treasurer/Director
NM	128432	09/19/07	Cannon, James L	President/Director
NM	128433	09/19/07	Toner, Rose A	Larry's Wife
NM	128434	09/19/07	Luebbe, Barbara A	Roger's Wife
NM	128435	09/19/07	Miner, Hugh M JR	CEO
NM	128436	09/19/07	Gnadt, Bonnie L	Ken's Wife
NM	128481	09/19/07	Otto, Todd W	Liquor Manager
NM	13353	09/18/07	Luebbe, Roger L	2nd VP
NM	67492	09/18/07	Fonner Park,	Liquor License
NM	87369	09/18/07	Cannon, Mary H	James' spouse
NM	88879	09/18/07	Toner, Larry J	1st VP

LAW INCIDENT NARRATIVE:

Liquor License Investigation for Fonner Park and a Liquor Manager Designation Investigation on Todd Otto

09/21/07  
10:31

Grand Island Police Dept.  
LAW INCIDENT TABLE

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LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

1 Vitera D 318 Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq Name Date

1 Vitera D 09:52:27 09/19/2007

Liquor License Investigation

Grand Island Police Department  
Supplemental Report

I received an application for a liquor license for the Hall County Livestock Improvement Association doing business as Fonner Park. I also received an application from Todd Otto to be the Liquor Manager for Fonner Park.

The liquor license application lists the following people: James Cannon (President/Director), Mary Cannon (James' wife), Larry Toner (1st VP/Director), Rose Toner (Larry's wife), Roger Luebbe (2nd VP/Director), Barbara Luebbe (Roger's wife), Ken Gnadt (Secretary/Director), Bonnie Gnadt (Ken's wife), Charles Bosselman (Treasurer/Director), Janet Bosselman (Charles' wife), Hugh Miner Jr. (Executive VP/CEO).

Each person listed on the application is required to list any criminal convictions. The question clearly asks, "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law, a violation of a local law, ordinance or resolution." Bonnie Gnadt listed a shoplifting conviction, and Hugh Miner Jr. listed traffic violations.

I checked Spillman on all of the people listed above. No one had any violations with the exception of Janet Bosselman who showed a speeding conviction on 1/4/02. I also checked NCJIS on all of the people listed on the application.

James Cannon was convicted of a traffic sign or signal violation on 12/21/2000. Larry Toner was convicted of "unlawful entry without a permit" on 7/30/04. The conviction was a Class five misdemeanor, and the citation was issued by Game and Parks. Roger Luebbe has a DUI conviction on 11/15/74. It also appears that he may have a couple of pending citations from April and June of this year. Charles Bosselman has a speeding conviction from 3/30/2000. He may also have a pending traffic violation from Octoboer of '06. Besides the speeding violation found in Spillman for Janet Bosselman, she has another speeding conviction on 10/9/98.

The failure of James Cannon to disclose his traffic violation, Larry Toner's conviction from the Game and Parks incident, Roger Luebbe's DUI, Charles and Janet Bosselman's speeding convictions, makes the application false under the Nebraska Liquor Control Act Part II Chapter 2 "Falsification of Application" 010.01.

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Grand Island Police Dept.  
LAW INCIDENT TABLE

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None of their disclosed or undisclosed violations rise to the level of a Class I Misdemeanor in specified statutes that would automatically exclude them from receiving a liquor license.

The applicants should be cautioned to carefully read the requirements of the application and proceed accordingly. However, the Police Department will recommend that the application be approved.

With respect to the Liquor Manager designation investigation on Todd and Dawyn Otto, I also checked Spillman and NCJIS. Todd wasn't in Spillman, and Dawyn didn't have any violations in Spillman. Todd disclosed a DUI on the application and Dawyn disclosed nothing. Todd didn't have any undisclosed violations. Dawyn had an undisclosed no passing zone conviction on 12/12/01.

Todd's DUI conviction is over 20 years old, and Dawyn's conviction is only an infraction. Also, Dawyn signed an affidavit of non-participation. The Police Department recommends that Todd be approved as a liquor manager.

Date, Time: Wed Sep 19 14:49:41 CDT 2007  
Reporting Officer: Vitera  
Unit #: 835