



City of Grand Island

Tuesday, October 09, 2007

Council Session

Item E2

Public Hearing on Request of Fonner Park Exposition and Events Center dba Heartland Events Center, 690 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 Fonner Park Exposition and Events Center dba Heartland Events Center, 690 East Stolley Park Road for a Class “CK” Liquor License

Item #'s: E-2 & I-2

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

Fonner Park Exposition and Events Center dba Heartland Events Center, 690 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 Bruce Swihart, 339 Ponderosa Drive 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 Fonner Park Exposition and Events Center dba Heartland Events Center, 690 East Stolley Park Road for a Class "CK" Liquor License and the request from Bruce Swihart, 339 Ponderosa Drive for a Liquor Manager designation, contingent upon Mr. Swihart 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: Application for Class "CK" Liquor License
Fonner Park Exposition and Events Center
dba Heartland Events Center; Liquor Manager
Designation for Bruce Swihart

The Grand Island Police Department is in receipt of an application for a Class "CK" Liquor License for Heartland Events Center, 700 E Stolley Park Road; and an application for Liquor Manager Designation for Bruce Swihart.

Individuals whose names were listed on the application (James Cannon, Nancy Dowding, James Zana, and Reba Zana) each have traffic violations and failed to disclose their violations on the application. As a result this makes the application false under the Nebraska Liquor Control Action. None of their 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 read the requirements of the application and proceed accordingly, however, the Police Department will recommend that the application be approved.

* * * * *

Bruce Swihart has no violations listed. His wife, Cloetha, had no undisclosed violations and also signed an "Affidavit of non-participation".

Therefore the Police Department recommends that Bruce Swihart be approved as liquor manager for the Heartland Events Center.

DV/rk *Dave Vitera*

09/20/07
14:50

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 : 09/20/2007
Incident number : L07092565
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 690 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 : 20348
Long-term call ID :
Clearance Code :
Judicial Status : NCI Non-criminal Incident
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	65694	09/20/07	Swihart, Bruce A	Liquor Manager
NM	107720	09/20/07	Swihart, Cloetha C	Bruce's Wife
NM	C32	09/19/07	Dowding, Vincent L	President/Director
NM	14265	09/19/07	Zana, Reba G	James' Wife
NM	17482	09/19/07	Zana, James Scott	VP/Director
NM	79203	09/19/07	Sandstrom, Barry G	VP/Director
NM	87369	09/19/07	Cannon, Mary H	James' Wife
NM	128432	09/19/07	Cannon, James L	VP/Director
NM	128435	09/19/07	Miner, Hugh M JR	Secretary/Treasurer
NM	128483	09/19/07	Dowding, Nancy G	Vince's Wife
NM	128485	09/19/07	Wanitschke, George H	VP/Director
NM	128486	09/19/07	Wanitschke, Donna M	George's Wife
NM	128487	09/19/07	Sandstrom, Judy A	Barry's Wife
NM	128488	09/19/07	Heartland Events Center,	Licensee

LAW INCIDENT NARRATIVE:

Liquor License Investigation for Heartland Events Center and Liquor Manager
Designation for Bruce Swihart.

09/20/07
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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	14:21:51 09/20/2007

Grand Island Police Department
Supplemental Report

I received an application for a liquor license for the Heartland Events Center. The following people are listed on the application: Hugh Miner Jr. (Secretary/Treasurer), Vincent Dowding (President/Director), Nancy Dowding (Vincent's wife), George Wanitschke (VP/Director), Donna Wanitschke (George's wife), James Cannon (VP/Director), Mary Cannon (James' wife), Barry Sandstrom (VP/Director), Judy Sandstrom (Barry's wife), James Zana (VP/Director), and Reba Zana (James' wife).

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." The applicants advised that Bary and Judy Sandstrom and Hugh Miner Jr. have some traffic violations. No other violations were listed.

According to NCJIS, James Cannon has a conviction for a traffic sign or signal violation on 12/21/2000. Nancy Dowding has a conviction for speeding on 2/1/99. James Zana has a conviction for speeding on 2/1/99. Reba Zana has a conviction in 2003 and 2005.

The failure of James Cannon, Nancy Dowding, James Zana, and Reba Zana to disclose their violations makes the application false under the Nebraska Liquor Control Act Part II Chapter 2 "Falsification of Application" 010.01.

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 sought by Bruce Swihart, he didn't have any violations listed in Spillman or NCJIS. Cloetha Swihart (Bruce's wife) didn't have any undisclosed violations. She also signed an "Affidavit of non-participation." The Police Department recommends that Bruce Swihart be approved as a liquor manager for the Heartland Events Center.

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Grand Island Police Dept.
LAW INCIDENT TABLE

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Date, Time: Thu Sep 20 14:46:52 CDT 2007
Reporting Officer: Vitera
Unit #: 835