



City of Grand Island

Tuesday, November 13, 2007

Council Session

Item E1

**Public Hearing on Request of JR Enterprises LLC dba JR Liquor,
624 West 4th Street for a Class "D" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: November 13, 2007

Subject: Public Hearing on Request from JR Enterprises LLC dba JR Liquor, 624 West 4th Street for a Class “D” 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

JR Enterprises LLC dba JR Liquor, 624 West 4th Street has submitted an application for a Class “D” Liquor License. A Class “D” Liquor License allows for the sale of alcohol off sale only inside the corporate limits of the city.

Also included with the application was a request from Judy Sheeks-Rivas, 3207 East Seedling Mile Road 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

Move to approve the application of JR Enterprises LLC dba JR Liquor, 624 West 4th Street for a Class "D" Liquor License contingent upon final inspections and the request from Judy Sheeks-Rivas, 3207 East Seedling Mile Road for a Liquor Manager designation, contingent upon Ms. Sheeks-Rivas completing a state approved alcohol server/seller training program.



INTEROFFICE
MEMORANDUM
Police Department

*Working Together for a
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DATE: October 19, 2007

TO: RaNae Edwards, City Clerk

FROM: Sgt. Dave Vitera, Police Department

RE: Application – JR Enterprises LLC dba
JR Liquor, 624 West 4th Street, Grand Island,
Nebraska Class “D” Liquor License/Liquor
Manager Designation/Judy Sheeks-Rivas

The Grand Island Police Department has received the applications from JR Enterprises LLC dba JR Liquor, 624 West 4th Street, Grand Island, Nebraska for a Class “D” Liquor License and the application for Liquor Manager Designation for Judy Sheeks-Rivas.

Judy Sheeks-Rivas lists her spouse as Julio Rivas aka Julio Rivas-Garcia. Judy was checked through Spillman and NCJIS and she had no information listed in Spillman and didn’t have any violations listed in NCJIS. Julio disclosed 4 traffic violations and an assault conviction. No undisclosed violations were found in Spillman, however NCJIS revealed one undisclosed traffic violation. Jose was convicted on June 17, 2005 of having an overweight truck. The assault conviction has been “set aside” and as such can not be held against him for the purpose of the liquor license investigation.

Julio’s undisclosed traffic violation technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The application asks, “Has anyone who is a party to this application, or their spouse, ever been convicted of or pled guilty to any ordinance, or resolution,” The undisclosed traffic violation would fall under state law or local ordinance. However, it is an infraction, and it does not rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically exclude JR Liquor from getting a Liquor License.

Therefore, the Police Department has no objection to the issuance of the Class “D” Liquor License to JR Liquor and the Liquor Manager Designation for Judy Sheeks-Rivas.

DV/rk *Dave Vitera*

10/19/07
09:05

Grand Island Police Dept.
LAW INCIDENT TABLE

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City : Grand Island
 Occurred after : **:**:** **/**/****
 Occurred before : **:**:** **/**/****
 When reported : 10:00:00 10/17/2007
 Date disposition declared : 10/19/2007
 Incident number : L07102648
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor License Investigation
 Incident address : 624 4th St W
 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 : printed
 Geobase address ID : 13050
 Long-term call ID :
 Clearance Code :
 Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	24627	10/18/07	Rivas-Garcia, Julio A	Judy's Husband
NM	129307	10/18/07	Rivas-Sheeks, Judy J	Liquor Manager

LAW INCIDENT NARRATIVE:

Liquor License Investigation for JR Liquor and Liquor Manager Designation Investigation on Judy Sheeks-Rivas

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	15:35:07 10/18/2007

10/19/07
09:05

Grand Island Police Dept.
LAW INCIDENT TABLE

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Grand Island Police Department
Supplemental Report

I received a copy of an application for a liquor license for JR Liquor. I also received a copy of an application for Judy Sheeks-Rivas for a liquor manager designation for the business. Judy lists Julio Rivas as her spouse on the application.

I checked Judy through Spillman and NCJIS. I couldn't find any information on her in Spillman, and she didn't have any violations listed in NCJIS. Julio disclosed four traffic violations and an assault conviction. I did not find any undisclosed violations in Spillman. While checking NCJIS, I found one undisclosed traffic violation. Jose was convicted on 6/17/05 of having an overweight truck. The assault conviction has been "set aside." It can not be held against him for the purposes of the liquor license investigation.

Julio's undisclosed traffic violation technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The application clearly asks, "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge." It further states that a charge includes federal, state, "local law, ordinance, or resolution." The undisclosed traffic violation would fall under state law or local ordinance. However, it is an infraction, and it does not rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically exclude JR Liquor from getting a liquor license.

The Police Department has no objection to the issuance of the license and the liquor manager designation for Judy Sheeks-Rivas.

Date, Time: Fri Oct 19 09:01:15 CDT 2007
Reporting Officer: Vitera
Unit #: 835

INTEROFFICE
MEMORANDUM
Department Name



*Working Together for a
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DATE: November 1, 2007

TO: RaNae Edwards -- City Clerk

FROM: Craig Lewis -- Building Department Director *CL*

RE: JR Liquor, 624 West 4th Street, Grand Island, NE,

The above referenced property is currently under a construction and renovation project and as such a walk through inspection can not be accomplished. Approval of the license should be contingent upon a final inspection being conducted at the conclusion of the renovation project and a certificate of occupancy being issued to allow for the legal occupancy of the facility.

If you have any questions or need any additional information please contact me.