



City of Grand Island

Tuesday, September 09, 2008

Council Session

Item E2

**Public Hearing on Request from Roadhouse Garage, Inc. dba
Roadhouse Garage & Grill, 2710 Diers Avenue, Suite B for a Class
“C” Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: September 9, 2008

Subject: Public Hearing on Request from Roadhouse Garage, Inc. dba Roadhouse Garage & Grill, 2710 Diers Avenue, Suite B for a Class “C” 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

Roadhouse Garage, Inc. dba Roadhouse Garage & Grill, 2710 Diers Avenue, Suite B 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.

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.

After review of the Police Department report (see attached) it is recommended that the City Council approve the application of Roadhouse Garage, Inc. with the restrictions that Sarah Tjaden and Jeff Leo have no involvement in the operation of the business and contingent upon final inspections.

Also included with the application was a request from Simon Jensen, 642 4th Street, Hampton, Nebraska 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 the Roadhouse Garage, Inc. dba Roadhouse Garage & Grill, 2710 Diers Avenue, Suite B for a Class "C" Liquor License contingent upon final inspection and with the restrictions that Sarah Tjaden and Jeff Leo have no involvement in the operation of the business. Also approve the request from Simon Jensen, 642 4th Street, Hampton, Nebraska for a Liquor Manager designation, contingent upon Mr. Jensen completing a state approved alcohol server/seller training program.

INTEROFFICE
MEMORANDUM
Police Department



*Working Together for a
Better Tomorrow. Today.*

DATE: September 3, 2008

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Class "C" Liquor License Application Roadhouse Garage, Inc,
dba Roadhouse Garage & Grill, 2710 Diers Avenue, Suite B,
Grand Island, Nebraska; liquor manager application – Simon Jensen

A copy of a liquor license application for the Roadhouse Bar and Grill and a copy of Liquor Manager Application for Simon Jensen, pending purchaser of the Roadhouse Garage, Inc. The business is currently owned by Sarah Tjaden who has an upcoming hearing with the Liquor Control Commission for alleged violations of her liquor license. Sara had an agreement to sell the business to Thomas Schutte. Thomas withdrew his application for a liquor license.

I checked Simon through Spillman and NCJIS and did not find any undisclosed violations. According to his application, Simon has lived in Nebraska for at least the last ten years.

On August 27, 2008, I spoke to Simon over the phone on two different occasions for a total of about forty minutes. Simon told me that he is currently living in Hampton, but is in the process of moving to Grand Island. I told Simon that I didn't have any objections to the approval of his license at this time. However, I also told him that there would probably be a recommendation that a restriction be placed on the license that excludes involvement of any kind by Sara Tjaden and Jeff Leo.

Simon said that he had planned on asking Sarah to tend bar. I told him that if he gets a license with the Tjaden/Leo exclusion restriction, she will not be able to tend bar.

I noticed that a hand-written letter from Simon is included in the application. The letter states that Lois A. Bare is just cosigning on the lease agreement and has no other interest in the bar. I also noticed that Lois Ann Caster is listed as Simon's mother on his birth certificate. Simon said that Lois Bare is his mother, and she recently remarried.

Simon went on to say that his mother is "fronting" him the money to buy the bar. On Simon's application, he listed that he is borrowing money from Cornerstone Bank to establish and/or operate the business. Simon said he planned on borrowing money from Cornerstone when he filled out the application, but he has since changed his plans. He informed me that Lois A. Bare or Jensen Farms should be listed on the application instead of Cornerstone Bank.

Simon also told me that he was at the Roadhouse last week when there was a live band playing. He thought the music was too loud, so he took it upon himself to check with one of the neighbors. Simon said he could hear the music in the neighbor's living room. Simon said it wasn't as bad as a booming car stereo, but it was constant. Simon went back to the bar to tell them to turn it down, and the police were already there.

All in all, after Simon made a clarification on his application, I did not find any other problems. Simon is aware of the possibility of a restriction being placed on his license that excludes involvement of any kind by Sara Tjaden and Jeff Leo, and he pledged to abide by it. He also appears to have good intentions about having the Roadhouse Bar & Grill be a good neighbor to the surrounding residential area. The Police Department has no objection to the issuance of a liquor license to the Roadhouse Garage, Inc, dba Roadhouse Garage and Grill and to Simon Jensen being the liquor manager.

DV/rk

Don Vetter