



City of Grand Island

Tuesday, September 23, 2008

Council Session

Item E1

**Public Hearing on Request from Balz Banquet & Reception Hall,
Inc. dba Balz Banquet & Reception Hall, 213 North Sycamore
Street for a Class “C” Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: September 23, 2008

Subject: Public Hearing on Request from Balz Banquet & Reception Hall, Inc. dba Balz Banquet & Reception Hall, 213 North Sycamore Street for a Class “C” 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

Balz Banquet & Reception Hall, Inc. dba Balz Banquet & Reception hall, 213 North Sycamore Street 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.

This application would cover the south portion of the 1st floor and kitchen area, approximately 93' x 134' of what is known as the Eagles building. The Eagles Fraternal Order #378 would retain their current license for the basement area. Council action will take place under the Consent Agenda for a deletion of the 1st floor area from the Eagles liquor license.

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.

Also included with the application was a request from James K. Jeffries, 40 Kuester Lake 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 Balz Banquet & Reception Hall, Inc. dba Balz Banquet & Reception Hall, 213 North Sycamore Street for a Class "C" Liquor License contingent upon final inspections and the request from James K. Jeffries, 40 Kuester Lake for a Liquor Manager designation, contingent upon Mr. Jeffries completing a state approved alcohol server/seller training program.



INTEROFFICE
MEMORANDUM
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: September 10, 2008

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Application for Class "C" Liquor License – Balz Banquet & Reception Hall, Inc. dba Balz Banquet & Reception Hall; Application for Liquor Manager – James Jeffries

A liquor license application for Balz Banquet and Reception Hall and a copy of a liquor manager application for James Jeffries. Jeffrey Richardson is listed as the President of the corporation, and his wife Jane Richardson. Jane signed a "Spousal Affidavit of Non Participation."

I checked Spillman and NCJIS for all four subjects. None of them had an undisclosed violation in Spillman. Through NCJIS, I learned that Jeffrey had two undisclosed speeding violation convictions. James had one undisclosed speeding violation conviction.

On the application, it 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 "No" box was checked.

Jeffrey and James' failure to disclose their traffic convictions technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The traffic convictions would fall under state law or local ordinance. Either way, the convictions are either an infraction or a misdemeanor that does not rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically nullify the liquor license.

The applicants should be cautioned about reading and filling out the application completely, but the Grand Island Police Department has no objection to the issuance of a liquor license for the Balz Banquet and Reception Hall and no objection to James Jeffries becoming the liquor manager.

DV/rkk *Dave Vitera*