



City of Grand Island

Tuesday, April 14, 2009

Council Session

Item E1

**Public Hearing on Request from Skagway Discount Dept. Stores,
Inc. dba Skagway, 620 State Street for a Class "CK" Liquor
License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 14, 2009

Subject: Public Hearing on Request from Skagway Discount Dept. Stores, Inc. dba Skagway, 620 State Street 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

Skagway Discount Dept. Stores, Inc. dba Skagway, 620 State Street has submitted an application for a Class "CK" Liquor License. A Class "C" Liquor License allows for the sale of beer on and off sale only inside the corporate limits of the city and a Class "K" Liquor License allows for catering. If approved, this license will replace their existing Class "DK-42944" 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 submitted was an application for Liquor Manager Designation for James Phipps, 1809 West Anna Street.

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 Skagway Discount Dept. Stores, Inc. dba Skagway, 620 State Street for a Class "CK" Liquor License contingent upon final inspections and the request from James Phipps, 1809 West Anna Street for a Liquor Manager Designation.

04/08/09
15:43

Grand Island Police Dept.
LAW INCIDENT TABLE

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LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	14:48:10 04/08/2009

Grand Island Police Department
Supplemental Report

I received a copy of a liquor license application for Skagway North and a copy of a liquor manager application from James Phipps. The people listed on the liquor license application are: William Martin (President), Donna Martin (William's wife), James Phipps (VP/Liquor Manager), Louann Phipps (James' wife), Timothy Bolton (Secretary), and Maryann Bolton (Timothy's wife). Louann Phipps and Maryann Bolton each filled out a "Spousal Affidavit of Non Participation" form.

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.

From checking Spillman and NCJIS, I learned that Donna Martin had an undisclosed speeding conviction, James Phipps had an undisclosed speeding violation, Timothy Bolton had three undisclosed speeding violations, and Maryann Bolton had one undisclosed speeding violation.

The failure of Donna, James, Timothy and Maryann 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 Skagway North and no objection to James Phipps becoming the liquor manager.

Date, Time: Wed Apr 08 15:16:29 CDT 2009
Reporting Officer: Vitera
Unit #: 865