



City of Grand Island

Tuesday, April 13, 2010

Council Session

Item E1

**Public Hearing on Request from Highway Motels of Nebraska, Inc.
dba Holiday Inn Express, 3404 West Faidley Avenue for a Class “I”
Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 13, 2010

Subject: Public Hearing on Request from Highway Motels of Nebraska, Inc. dba Holiday Inn Express, 3404 West Faidley Avenue for a Class “I” 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

Highway Motels of Nebraska, Inc. dba Holiday Inn Express, 3404 West Faidley Avenue has submitted an application for a Class “I” Liquor License. A Class “I” Liquor License allows for the sale of alcohol on sale only 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.

Also included with this application is a Manager Designation request from Melvin Wichman, 2518 Jan 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 this application.

Sample Motion

Move to approve the application for Highway Motels of Nebraska, Inc. dba Holiday Inn Express, 3404 West Faidley Avenue for a Class 'T' Liquor License contingent upon final inspections and Liquor Manager request from Melvin Wichman, 2518 Jan Street contingent upon Mr. Wichman completing a state approved alcohol server/seller training program.

03/24/10
14:24

Grand Island Police Department
LAW INCIDENT TABLE

Page: 450
1

City : Grand Island
Occurred after : 15:08:31 03/23/2010
Occurred before : 15:08:31 03/23/2010
When reported : 15:08:31 03/23/2010
Date disposition declared : 03/23/2010
Incident number : L10032935
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 3404 Faidley Ave W
State abbreviation : NE
ZIP Code : 68803
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 : ACT Active
Misc. number : RaNae
Geobase address ID :
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	13804	03/23/10	Wichman, Melvin B	Liquor Manager?
NM	14388	03/23/10	Wichman, Verla E	William's Wife
NM	96714	03/23/10	Marshall, William W III	President
NM	146648	03/23/10	Hagglund, Judith A	Director
NM	152637	03/23/10	Holiday Inn Express & Suites,	Business

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT14	Hotel/Motel/Etc.	

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application for the Holiday Inn Express & Suites and a Copy of a Liquor Manager Application for Melvin Wichman.

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
---	-----	-----	-----

03/24/10
14:24

Grand Island Police Department
LAW INCIDENT TABLE

Page: 450
2

1 Vitera D 318 Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	13:44:18 03/24/2010

03/24/10
14:24

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 3

318

Grand Island Police Department
Supplemental Report

Date, Time: Wed Mar 24 13:44:57 CDT 2010
Reporting Officer: Vitera
Unit- CID

I received a copy of a Class I liquor license application from the Holiday Inn Express & Suites. Class I is for beer, wine, and distilled spirits on sale only. I also received a copy of a liquor manager application from Melvin Wichman for the Holiday Inn Express & Suites.

The following people were listed on the application: William Marshall III, Sharon Marshall, Lawrence H. Huwaldt, Lawrence E. Huwaldt, Kathie Huwaldt, Judith Hagglund, Dennis Milfeld, Jennifer Hall, John Hall III, Pamela Sweeney, Walter Burgess, Tonya Milfeld, Christopher Sweeney, Sara Sweeney, Shannon Sweeney Kruse, Shawn Kruse, Patrick Sweeney, Victoria Sweeney, Melvin Wichman, and Verla Wichman.

I checked all of the people listed on the application through Spillman and NCJIS. William Marshall III, Judith Hagglund, Melvin Wichman, and Verla Wichman are all in Spillman. Lawrence H. Huwaldt has an OLN listed in NCJIS. William Marshall III, Melvin Wichman, and Verla Wichman are all listed in NCJIS. William has a speeding conviction from 6/1/09. Melvin has a speeding conviction on 3/2/99, and Verla has a speeding conviction on 11/10/08.

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 for all the people listed on both applications.

Three of the applicants' failure to disclose their speeding convictions technically makes the applications false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The undisclosed convictions would fall under state law or local ordinance. Either way, the convictions are either an infraction or a misdemeanor that do 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.

From what I could find, there is nothing criminally alarming about the people involved in this application, at least through the State of Nebraska. However, there could be criminal history on the applicants in other states. If so, the history should show up on the applicants who had to submit fingerprints. Barring an unfavorable report from the Nebraska State Patrol, the Grand Island Police Department has no objection to the Holiday Inn Express & Suites obtaining a liquor license and no objection to Melvin Wichman being the liquor manager.