



City of Grand Island

Tuesday, July 13, 2010

Council Session

Item E3

**Public Hearing on Request from Doc & Fritz's Shady Bend LLC
dba Doc & Fritz's Shady Bend, 3409 East Highway 30 for a Class
"C" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: July 13, 2010

Subject: Public Hearing on Request from Doc & Fritz's Shady Bend LLC dba Dock & Fritz's Shady Bend, 3409 East Highway 30 for a Class "C" Liquor License

Item #'s: E-3 & I-3

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

Doc & Fritz's Shady Bend LLC dba Doc & Fritz's Shady Bend, 3409 East Highway 30 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.

Also submitted with this application was a Liquor Manger Designation request from Craig Woodward, 819 Stockyards Lane.

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 Doc & Fritz's Shady Bend LLC dba Doc & Fritz's Shady Bend, 3409 East Highway 30 for a Class "C" Liquor License contingent upon final inspections and Liquor Manager designation for Craig Woodward, 819 Stockyards Lane contingent upon Mr. Woodward completing a state approved alcohol server/seller training program.

06/28/10
13:18

Grand Island Police Department
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : 13:19:36 06/23/2010
Occurred before : 13:19:36 06/23/2010
When reported : 13:19:36 06/23/2010
Date disposition declared : 06/23/2010
Incident number : L10063771
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 3409 US Highway 30 E
State abbreviation : NE
ZIP Code : 68801
Contact or caller :
Complainant name number :
Area location code : PCID Police - CID
Received by : Vitera D
How received : O Officer Report
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 : 33480
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	157444	06/24/10	Woodward, Karen	Owner
NM	20940	06/23/10	Woodward, Craig O	Owner/Liquor Manage

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT03	Bar/Night Club	

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application from Doc & Fritz's Shady Bend and a copy of a Liquor Manager Application from Craig Woodward.

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

1 Vitera D 318 Vitera D

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13:18

Grand Island Police Department
LAW INCIDENT TABLE

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LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	11:11:41 06/24/2010

318

Grand Island Police Department
Supplemental Report

Date, Time: Thu Jun 24 11:11:58 CDT 2010
Reporting Officer: Vitera
Unit- CID

I received a copy of a liquor license application from Doc & Fritz's Shady Bend and a copy of a liquor manager application from Craig Woodward. On the liquor license application, Craig disclosed that he has been convicted of trespassing back in 1965 and of speeding a few years ago. Craig's wife (Karen Woodward) is also listed on the application. She disclosed a conviction for having a dog at large in Omaha around 1991 or 1992.

I checked Spillman for Craig and Karen. There wasn't an entry for Karen. Craig was in Spillman but didn't have any violations listed. I also checked NCJIS for each of them. Karen didn't have any convictions listed in NCJIS. Craig has two convictions for speeding.

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."

Craig's failure to disclose his speeding conviction technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The undisclosed conviction would fall under state law or local ordinance. Either way, the conviction is 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.

In summary, the Grand Island Police Department has no objection to Doc & Fritz's Shady Bend receiving a liquor license or to Craig Woodward being the liquor manager.