



# **City of Grand Island**

**Tuesday, September 14, 2010**

**Council Session**

## **Item E1**

**Public Hearing on Request from Tokyo Station, Inc. dba Tokyo Station, 2425 N. Diers Avenue for a Class "I" Liquor License**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** September 14, 2010

**Subject:** Public Hearing on Request from Q-Mex GI, LLC dba Qdoba, 1010 Diers Avenue, Suite 1 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**

Tokyo Station, Inc. dba Tokyo Station, 2425 N. Diers 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 submitted with this application was a Liquor Manger Designation request from Charlie Canfield, 3221 Ponca Circle.

### **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 Tokyo Station, Inc. dba Tokyo Station, 2425 N. Diers Avenue for a Class 'I' Liquor License contingent upon final inspections and Liquor Manager designation for Charlie Canfield, 3221 Ponca Circle contingent upon Mr. Canfield completing a state approved alcohol server/seller training program.

09/08/10  
14:50

Grand Island Police Department  
LAW INCIDENT TABLE

450  
Page: 1

City : Grand Island  
Occurred after : \*\*:\*:\* \*\*/\*\*/\*\*\*\*  
Occurred before : \*\*:\*:\* \*\*/\*\*/\*\*\*\*  
When reported : 00:00:00 08/27/2010  
Date disposition declared : 08/31/2010  
Incident number : L10084832  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License Investigation  
Incident address : 2425 Diers Ave N  
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 : 34256  
Long-term call ID :  
Clearance Code : CL Case Closed  
Judicial Status : NCI Non-criminal Incident  
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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	19415	09/08/10	Canfield, Susan K	Charlie's Spouse
NM	74665	09/08/10	Canfield, Charlie	Liquor Manager
NM	108034	09/08/10	Huang, Ling M	Owner's Spouse
NM	158660	09/08/10	Tokyo Station,	Restaurant
NM	158661	09/08/10	Yang, Ning	Owner

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT21	Restaurant	

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application from Tokyo Station and a Liquor Manager Application from Charlie Canfield.

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

09/08/10  
14:50

Grand Island Police Department  
LAW INCIDENT TABLE

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1 Vitera D 318 Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	12:41:51 09/08/2010

318

Grand Island Police Department  
Supplemental Report

Date, Time: Wed Sep 08 12:42:14 CDT 2010  
Reporting Officer: Vitera  
Unit- CID

I received a copy of a liquor license application from Tokyo Station and a copy of a liquor manager application from Charlie Canfield. Ning Yang is listed as the sole stockholder and director of the company. Ling Huang is Ning's wife.

On the portion of the application that asks if anyone associated with the application has any convictions, the "No" box was checked. I checked Spillman and found an entry for Ning and Ling. Nothing in Spillman indicated any local criminal history.

I also checked Ning and Ling through NCJIS. Ning has two traffic related convictions. One for a traffic sign or signal and one for speeding. Ling didn't show any convictions. According to the application, Ning and Ling have lived in Grand Island since 2000.

After checking on Ning and Ling, I looked up the Canfield's. Susan has one conviction for speeding. Charlie has a conviction for speeding and for not having his registration certificate in his vehicle.

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 failure of the applicants 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 undisclosed convictions would fall under state law or local ordinance. Either way, the convictions are 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.

With only a few minor traffic convictions scattered among the applicants, the Grand Island Police Department has no objection to the approval of the liquor license for Tokyo Station or to the liquor manager, Charlie Canfield.

