



City of Grand Island

Tuesday, June 12, 2012

Council Session

Item E2

**Public Hearing on Request from Sunrise Restaurants LLC dba
Denny's, 3333 Ramada Road for a Class "I" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: June 12, 2012

Subject: Public Hearing on Request from Sunrise Restaurants LLC dba Denny's, 3333 Ramada Road for a Class "I" Liquor License

Item #'s: E-2 & I-2

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

Sunrise Restaurants LLC dba Denny's, 3333 Ramada Road 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 the application was a request from Christine Kramer, 603 Highland Drive, Ogallala, NE 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 this application.

Sample Motion

Move to approve the application for Sunrise Restaurants LLC dba Denny's, 3333 Ramada Road for a Class "I" Liquor License contingent upon final inspections and Liquor Manager Designation for Christine Kramer, 603 Highland Drive, Ogallala, NE contingent upon completion of a state approved alcohol server/seller training program.

06/06/12
10:12

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
 Occurred after : 15:49:32 05/25/2012
 Occurred before : 15:49:32 05/25/2012
 When reported : 15:49:32 05/25/2012
 Date disposition declared : 05/25/2012
 Incident number : L12053802
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor License
 Investigation
 Incident address : 3333 Ramada Rd
 State abbreviation : NE
 ZIP Code : 68801
 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 : 14250
 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	165895	06/04/12	Kramer, Christine A	Manager
NM	176596	06/04/12	Denny's,	Restaurant
NM	176598	06/04/12	Spongberg, Roland C	Owner
NM	176599	06/04/12	Spongberg, Sandra D	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 Denny's and a Copy of a Liquor Manager Application from Christine Kramer.

LAW INCIDENT OFFENSES DETAIL:

Se Offe Offense code : Arson Dama

1 AOFF Alcohol Offense 0.00
LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
1	Vitera D	318	Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	13:55:12 06/04/2012

318

Grand Island Police Department
Supplemental Report

Date, Time: Mon Jun 04 13:55:22 CDT 2012
Reporting Officer: Vitera
Unit- CID

Denny's is applying for a Class I (beer, wine, distilled spirits, on sale only) LLC retail liquor license. Roland and Sandra Spongberg will be the local Denny's owners. They live in California. Christine Kramer will be the manager. She was born in Ogallala, NE and has recently lived there since at least 2001.

The Spongberg's didn't disclose any convictions on their liquor license application, nor did Christine disclose any convictions on the manager application. I checked all of them in Spillman and NCJIS. Christine was in Spillman and NCJIS. According to Spillman, she was warned for speeding last year. NCJIS shows that she has been convicted of a seat belt and left of center violation in 2005, stop sign violation in 2008, and speeding in 2009.

The Spongberg's weren't in Spillman. Roland had an entry in NCJIS for a speeding conviction in Ogallala in 2010. Sandra was not located in NCJIS. Since I am unable to run out-of-state criminal history checks on liquor

license applications, we will have to rely on the applicants' fingerprint submissions to the NLCC.

I checked all of the applicants through a law enforcement- only Internet database which contains lots of personal, business, and other civil information. It appears that Roland is a big businessman. It looks like he has 32 U.S. business affiliations and 56 corporate affiliations. There wasn't nearly as much information on Sandra as there was on Roland.

Christine may have some liens against her, but nothing else shocking appeared. None of the applicants have any warrants for their arrest.

On the retail application and the liquor manager 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." It further asks that the applicant, "List the nature of the charge, where the charge occurred and the year and the month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name."

Roland and Christine's failure to disclose their traffic convictions technically makes the applications false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01) which states:

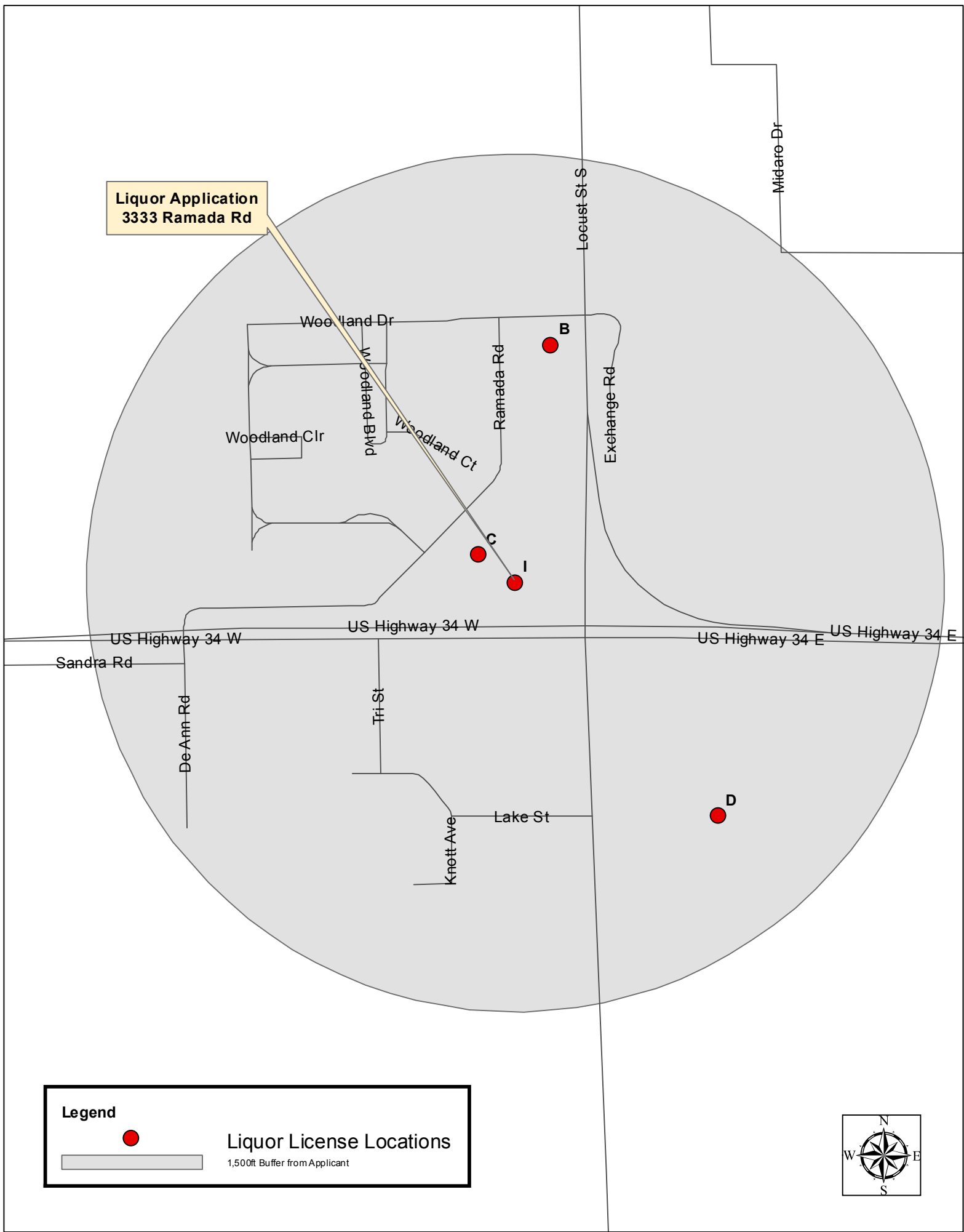
"No applicant for a liquor license, or partner, principal, agent or employee of any applicant for a liquor license shall provide false or misleading information to the Nebraska Liquor Control Commission, its executive director, or employees. Any violation of this provision may result in denial of application for a liquor license or, in the event

that a license has already been issued, suspension, cancellation or revocation of such license."

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 application.

Based on the limited access to nationwide criminal history information on the owners, the Grand Island Police Department has no objection to Denny's having a liquor license or to Christine Kramer becoming the liquor manager.

Liquor Application
3333 Ramada Rd



Legend

-  Liquor License Locations
-  1,500ft Buffer from Applicant

