



City of Grand Island

Tuesday, June 26, 2012

Council Session

Item E2

**Public Hearing on Request from Dreisbach's Steak House, Inc. dba
Dreisbach's Carry-Out, 3337 West State Street #D for a Class
"CK" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: June 26, 2012

Subject: Public Hearing on Request from Dreisbach's Steak House, Inc. dba Dreisbach's Carry-Out, 3337 West State Street #D for a Class "CK" 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

Dreisbach's Steak House, Inc. dba Dreisbach's Carry-Out, 3337 West State Street #3 has submitted an application for a Class "CK" Liquor License. A Class "C" Liquor License allows for the sale of alcohol on and off sale inside the corporate limits of the city. A Class "K" Liquor License allows for catering.

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 Angela Dowd, 2140 2nd Avenue, Boelus, 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 Dreisbach's Steak House, Inc. dba Dreisbach's Carry-Out, 3337 West State Street #D for a Class "CK" Liquor License contingent upon final inspections and Liquor Manager Designation for Angela Dowd, 2140 2nd Avenue, Boelus, NE contingent upon completion of a state approved alcohol server/seller training program.

06/18/12
15:40

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
Occurred after : 10:38:12 06/04/2012
Occurred before : 10:38:12 06/04/2012
When reported : 10:38:12 06/04/2012
Date disposition declared : 06/05/2012
Incident number : L12060732
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License
Investigation
Incident address : 3337 State St 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 : 4944
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	54898	06/07/12	Dowd, Suzanne M	Board Member
NM	54903	06/07/12	Dowd, Patrick F	Board Member
NM	166657	06/07/12	Dowd, Angela M	Owner/Manager
NM	176709	06/07/12	Dreisbach's Carry Out,	Business

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT21	Restaurant	

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application from Dreisbach's Carry-Out and
a Copy of a Manager Application from Angela Dowd.

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	13:48:51 06/07/2012

Grand Island Police Department
Supplemental Report

Date, Time: Thu Jun 07 13:49:03 CDT 2012
Reporting Officer: Vitera
Unit- CID

Dreisbach's Carry-Out is applying for a Class CK (beer, wine, distilled spirits, on & off sale, plus a catering license) corporate liquor license. Angela Dowd is applying to be the liquor manager. Patrick & Suzanne Dowd (appear to be Angela's parents) are listed as directors of the corporation.

One of the questions on the liquor license application asks who will be able to make financial transactions on the business account. Angela, Suzanne, and David Dowd are listed. At this point, I don't know why Patrick isn't listed, and I don't know who David is. Patrick's middle initial is F, not D for David.

According to both applications, Angela was born in Grand Island.

According to the manager's application, she lived in Grand Island from 1998 until 2002. She then lived in Los Angeles until 2010 when she moved to Boelus, NE where she currently resides.

Angela disclosed that she has been convicted of speeding in 2009 and a broken taillight in 2011. Patrick and Suzanne did not disclose any convictions. I checked Spillman and NCJIS on Angela and her parents. They all have entries in Spillman but nothing that would indicate any convictions. Angela has two undisclosed traffic convictions in NCJIS. Patrick and Suzanne don't have any convictions listed in NCJIS. I checked the Dowd's through a law enforcement-only online database which contains a lot of personal, business, and other civil information. Angela didn't have anything detrimental. Patrick and Suzanne may have some old judgments against them, but I didn't confirm that.

I met with Angela on 6/18/12 at the restaurant. She told me that David Dowd is her brother. He works at the restaurant as a manager. David and her mother are listed as being able to make business transactions on her account in her absence. Angela wasn't aware of her parents having any unpaid bills. She said they have always been good about making sure their bills get paid. However, she did mention it was possible when their restaurant closed, there could have been some actions against them.

I ran some checks on David Dowd. If he were listed on the application as a member of the corporation or a liquor manager, I didn't find any criminal convictions in the State of Nebraska that would preclude Dreisbach's from getting a liquor license.

In summary, the Grand Island Police Department has no objection to Dreisbach's receiving a liquor license or to Angela Dowd becoming the liquor manager.