

A RESOLUTION RECOMMENDING AN UNFAVORABLE RECOMMENDATION TO THE OREGON LIQUOR CONTROL COMMISSION FOR A NEW OUTLET LIQUOR LICENSE AND MAKING FINDINGS IN SUPPORT OF SUCH RECOMMENDATION FOR GAME TIME SPORTS BAR & GRILL, INC.) **RESOLUTION NO. 39**
)
) **FOR 2009**
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)

WHEREAS, the City Council for the City of Lebanon is charged with the duty to consider and recommend to the Oregon Liquor Control Commission(OLCC) the Council's determination of whether or not to approve a "Full On-Premises Sales" license for the new outlet GameTime Sports Bar & Grill; and

WHEREAS, the Chief of Police has conducted a background check on the applicants of GameTime Sports Bar & Grill, owned by Christerpher Borgmann and Kurt Waggle, to be located at 3130 South Santiam Hwy, Lebanon, OR; and

WHEREAS, the City Council has heard recommendations from the Chief of Police of the City of Lebanon; and

WHEREAS, the City Council has considered the evidence; and

WHEREAS, the Lebanon Municipal Code, Section 5.10.060, provides criteria to be considered by the Council in making recommendations to the Oregon Liquor Control Commission (OLCC) on the renewal of liquor licenses.

NOW, THEREFORE, THE CITY OF LEBANON RESOLVES AS FOLLOWS:

Section 1. Based upon the evidence submitted at the public hearing, the City Council finds as follows:

- A. Approval would be recommended if Mr. Waggle's application were standing alone on this application, as his background reveals no problems.
- B. Mr. Borgman was convicted of Driving Under the Influence of Intoxicants in 2001 and of Providing Liquor to a Visibly Intoxicated Person in June of 2008. Both of these convictions are addressed in Lebanon Municipal Code 5.10.060. Sections of the code which are applicable to this issue:
 - 1. Driving while under the influence of intoxicants;
 - 2. The applicant does not display a good record of compliance with the alcoholic liquor laws of this state and the rules of the OICC when previously licensed; and
 - 3. The applicant's record shows, through convictions, guilty pleas, civil compromises, administrative rulings or other means, violation(s) of law(s) or ordinance(s) connected in time, place and manner with a liquor establishment, including state alcoholic liquor and gambling laws

Section 3. This resolution shall become effective immediately upon its passage.

Passed by the Lebanon City Council on the 9th day of December, 2009 by a vote of ____ In favor and ____ against.

CITY COUNCIL OF LEBANON, OREGON

Kenneth I. Toomb, Mayor
Bob Elliott, Council President

Attested by:

Linda Kaser, City Clerk/Recorder

UNAPPROVED

NOTICE IS HEREBY given that the Lebanon City Council will conduct a Special Meeting at noon on Wed., December 23, at 750 3rd Street to consider staff's denial recommendation of the following liquor license to OLCC:

New Full On and Off Premises Sales filed by owner Kurt Waggle for Gametime Sports Bar and Grill, Inc., 3130 S. Santiam Hwy., Lebanon, Or. This meeting is a continuance of the December 9, 2009 Public Hearing.



CITY OF LEBANON
It's easier from here.

Administration

City Clerk/Recorder

Mr. Kurt Waggle
Game Time Sports Bar & Grill, Inc.
35409 Laura Lane
Albany, OR 97322

December 11, 2009

RE: GameTime Sports Bar & Grill Liquor License Application – 3130 S. Santiam Hwy.

Dear Mr. Waggle:

The Finance Department issued a letter dated December 2, 2009 informing you of a public hearing to be held on December 9 to consider the Police Chief's recommendation to deny the above mentioned liquor license application.

At the December 9 hearing, the Lebanon City Council moved to continue the public hearing to make certain you had been properly notified of the recommendation to deny. Please be advised that the Lebanon City Council will continue the hearing to allow you the opportunity to provide testimony. The meeting will be held:

December 23, 2009
Santiam Travel Station
750 3rd Street
12 p.m. (noon)

Enclosed you'll find a memo from Chief Healy explaining the reasons for his denial recommendation. If you have any questions, I can be reached at lkaser@ci.lebanon.or.us or (541)258-4264.

Sincerely,


Linda Kaser
City Clerk

/lgk

Enclosure: Memo dated 12/1/09 to City Manager Hitt

C: City Council
Chief Healy
City Manager John Hitt
City Attorney Tom McHill
File Copy



Kurt Waggle
Gametime Sportsbar & Grill Inc.
35409 Laura Lane
Albany, OR 97322

December 2, 2009

Dear: Kurt Waggle

Attached please find a copy of the request for publishing of notice of public hearing. It tells you what City Council Meeting your request for liquor license is being addressed. You are invited to be present if you wish.

Information about public hearing procedures and your rights may be obtained from the office of the City Manager.

Should you have any questions, please contact me at (541) 258-4216.

Sincerely,

Martha Stiffler
Finance Department
City of Lebanon