



City of Grand Island

Tuesday, June 14, 2016

Council Session

Item E-1

**Public Hearing on Request from Calm Nights, LLC dba Hotel
Grand Conference Center, 2503 South Locust Street for a Class
“C” Liquor License**

Council action will take place under Consent Agenda item G-4.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: June 14, 2016

Subject: Public Hearing on Request from Calm Nights, LLC dba Hotel Grand Conference Center, 2503 South Locust Street for a Class “C” Liquor License

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

Calm Nights, LLC dba Hotel Grand Conference Center, 2503 South Locust Street 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 the application was a request from Rhonda Saalfeld, 823 Austin Avenue 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 Calm Nights, LLC dba Hotel Grand Conference Center, 2503 South Locust Street for a Class "C" Liquor License contingent upon final inspections and Liquor Manager Designation for Rhonda Saalfeld, 823 Austin Avenue contingent upon completion of a state approved alcohol server/seller training program.

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Grand Island Police Department
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : 15:29:30 05/13/2016
Occurred before : 15:29:30 05/13/2016
When reported : 15:29:30 05/13/2016
Date disposition declared : 05/13/2016
Incident number : L16051297
Primary incident number :
Incident nature : Liquor Lic Inv Liquor Lic Inv
Incident address : 2503 Locust St S
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 GIPD Grand Island Police Dept
Responsible officer : Vitera D
Offense as Taken :
Offense as Observed :
Disposition : ACT Active
Misc. number : RaNae
Geobase address ID : 14122
Long-term call ID :
Clearance Code : CL CL Case Closed
Judicial Status :
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	14052	06/09/16	Holiday Inn Midtown,	Prior Business Name
NM	9542	06/07/16	Saalfeld, Rhonda L	Liquor Manager
NM	77460	06/07/16	Saalfeld, Richard D	Rhonda's Husband
NM	210270	05/26/16	Hoffart, Jeffrey L	Owner
NM	210272	05/26/16	Hoffart, Kristen	Owner
NM	210273	05/26/16	Beller, Steve L	Owner
NM	210274	05/26/16	Beller, Tina L	Steve's Wife
NM	210275	05/26/16	Stock, Mark F	Owner
NM	210276	05/26/16	Stock, Kristine M	Mark's Wife
NM	210277	05/26/16	Stock, Daniel R	Owner
NM	209926	05/13/16	Hotel Grand Conference Center,	Business Involved

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT14	LT14 Hotel/Motel/Etc.	

LAW INCIDENT NARRATIVE:

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Grand Island Police Department
LAW INCIDENT TABLE

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Liquor License Investigation
Grand Island Police Department

The Hotel Grand Conference Center is applying for a Class C (beer, wine, distilled spirits, on and off sale) LLC Retail Liquor License. Rhonda Saalfeld is applying to be the liquor manager.

mw

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	15:10:28 05/24/2016

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Grand Island Police Department
Supplemental Report

Date, Time: Tue May 24 15:10:41 CDT 2016
Reporting Officer: Vitera
Unit- CID

The Hotel Grand Conference Center is applying for a Class C (beer, wine, distilled spirits, on and off sale) LLC Retail Liquor License. Rhonda Saalfeld is applying to be the liquor manager. Rhonda is married to Richard Saalfeld, and he signed a Spousal Affidavit of Non-Participation form. The company is Calm Nights, and it is comprised of the following members: Jeffrey and Kristen Hoffart who each own 16.66% of the company, Steve (33.33%) and Tina Beller, Mark (16.66%) and Kristine Stock, and Daniel Stock (16.66%). Tina and Kristine each signed a Spousal Affidavit of Non-Participation form. Jeffrey and Kristen are from Norfolk, NE while Rhonda Saalfeld has lived in Grand Island since 1952. I didn't see on the application where the other applicants are currently residing.

Steve Beller disclosed three DUI convictions which occurred between 1983 and 1996. Mark Stock disclosed five speeding convictions, a conviction for no proof of ownership, no valid registration, and misuse of a dealer plate. Daniel Stock disclosed an MIP and open container conviction, aiding and abetting a class III misdemeanor, a stop sign and a couple of speeding convictions. Rhonda and Richard Saalfeld didn't disclose any convictions on the manager's application.

I checked on all the applicants through Spillman and NCJIS. None of the liquor license applicants are listed in Spillman. Rhonda and Richard Saalfeld each have an entry in Spillman but no indication of any convictions.

Jeffrey Hoffart has undisclosed convictions listed in NCJIS for speeding, "overweight capacity plates," and no valid registration. Kristen Hoffart has one undisclosed speeding conviction listed in NCJIS. Steve Beller has four undisclosed speeding convictions and a conviction for not using his seatbelt listed in NCJIS. Tina Beller doesn't have any convictions listed in NCJIS. Mark Stock has three undisclosed speeding convictions listed in NCJIS. Kristine Stock has one undisclosed speeding conviction listed in NCJIS, and Daniel Stock has an undisclosed juvenile adjudication for viewing a person in a state of undress which falls under Nebraska State Statute 28-311.08 (3)(A) and is a Class I Misdemeanor.

According to Nebraska State Statute 53-125, if Daniel is an officer in the company or owns more than 25% of the company, his conviction could preclude the Hotel Grand Conference Center from receiving a liquor license. I will follow up on this matter with Jeffrey Hoffart.

Rhonda Saalfeld has five undisclosed speeding convictions in NCJIS, and Richard has two undisclosed speeding convictions and one violation of a traffic signal conviction listed in NCJIS.

None of the applicants have any outstanding arrest warrants, and they all have a valid Nebraska driver's license. I also checked all of the applicants through a paid law enforcement-only database which tends to mostly provide personal identifying information and information on civil issues. Jeffrey Hoffart shows that he has had nine personal judgments filed against him between 1998 and 2010.

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Grand Island Police Department
LAW INCIDENT TABLE

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It appears that six of them are still pending. I will attempt to confirm that. Kristen shows that she had a personal bankruptcy back in 1999. I didn't find anything out of the ordinary on any of the other applicants.

I spoke to Jeffrey Hoffart over the phone on 6/6/16 at 1500 hours. Jeffrey was advised that all of the applicants need to disclose all of their convictions ranging from the least serious traffic violation to the most serious crime committed. Jeffrey said that's how he interpreted the question, but someone at the Nebraska State Patrol who handled the fingerprint submissions said they didn't need to include the minor traffic convictions.

Jeffrey said he is part owner in seven different hotels with four different ownership configurations. When asked about Daniel Stock's position and ownership in the company, Jeffrey said Daniel is not an officer or director of the company, and Daniel owns 16.6 percent of the company. I explained to Jeffrey why I asked about Daniel, and he advised that he was aware of Daniel's adjudication in juvenile court; and their attorney who helped with the application was aware of the adjudication and how it relates to Nebraska State Statute 53-125.

I discussed Jeffrey's judgments against him and his wife's bankruptcy. Jeffrey said he and Kristen each went through "nasty" divorces which resulted in some financial issues. Jeffrey said all of his judgments have been settled. I also asked Jeffrey who Angela Mueller is and why she is listed on the application as someone who has access to the business account. Jeffrey told me that Angela is an assistant general manager at the hotel and has been at the hotel for about eighteen years. Prior to ending our conversation, Jeffrey gave me several examples of how his hotels are good community partners.

Investigator Hansen and I met with Rhonda Saalfeld at the Hotel Grand Conference Center on 6/7/16 at 1015 hours. Investigator Hansen went through a checklist of questions. Since I had already spoken to Jeffrey Hoffart, I didn't have too many questions for Rhonda. Rhonda advised that the breakdown between their food and alcohol sales is more than three to one food to alcohol. She also said that the bar (Images) inside the hotel is open until 11:00 p.m. Monday through Thursday and until 1:00 a.m. on Friday and Saturday nights. Off duty police officers are also employed by the hotel to provide security on Friday and Saturday nights. Rhonda said she has worked at the hotel for over forty years, and she can't recall any alcohol violations that would have gone in front of the NLCC. I checked Spillman for the Mid-Town Holiday Inn. We have contacts going back as far as 2002, and I didn't find any indication of alcohol related problems.

All in all, the location of the Hotel Grand Conference Center has had a liquor license for many years as the Mid-Town Holiday Inn. The Grand Island Police Department has had very few alcohol related problems there, and the management has not changed. Off duty police officer still provide some security at the business, and the new owners seem like they will continue to facilitate the operation of the business in a way that cooperates with law enforcement and contributes to the betterment of the community. The Grand Island Police Department has no objection to the Hotel Grand Conference Center receiving a liquor license or to Rhonda Saalfeld being the liquor manager.

