



City of Grand Island

Tuesday, February 28, 2017

Council Session

Item E-1

**Public Hearing on Request from Hy-Vee, Inc. dba Hy-Vee
Restaurant, 115 Wilmar Avenue for a Class “I” Liquor License**

Council action will take place under Consent Agenda item G-2.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: February 28, 2017

Subject: Public Hearing on Request from Hy-Vee, Inc. dba Hy-Vee Restaurant, 115 Wilmar Avenue for a Class “I” 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

Hy-Vee, Inc. dba Hy-Vee Restaurant, 115 Wilmar 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. See attached Police Department report.

Also submitted was a request for Liquor Manager Designation for Rob Reif, 930 Twin Ridge Road, Lincoln, Nebraska. Mr. Reif has completed a state approved alcohol server/seller training program. Staff recommendation is to approve the liquor license and 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 Hy-Vee, Inc. dba Hy-Vee Restaurant, 115 Wilmar Avenue for a Class "I" Liquor License contingent upon final inspections and Liquor Manager Designation for Rob Reif, 930 Twin Ridge Road, Lincoln, Nebraska.

02/16/17
15:08

Grand Island Police Department
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : 00:00:00 02/15/2017
Occurred before : 00:00:00 02/15/2017
When reported : 00:00:00 02/15/2017
Date disposition declared : 02/16/2017
Incident number : L17021344
Primary incident number :
Incident nature : Liquor Lic Inv Liquor Lic Inv
Incident address : 115 WILMAR AVE
State abbreviation : NE
ZIP Code : 68803
Contact or caller :
Complainant name number :
Area location code : PCID Police - CID
Received by : Vitera D
How received :
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 : 20359
Long-term call ID :
Clearance Code : CL CL Case Closed
Judicial Status :

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INVOLVEMENTS:

| Px | Record # | Date | Description | Relationship |
|----|-----------|----------|----------------|----------------|
| LW | L08011762 | 02/16/17 | Liquor Lic Inv | Related |
| LW | L16031507 | 02/16/17 | Liquor Lic Inv | Related |
| NM | 208260 | 02/16/17 | Reif, Robert A | Liquor Manager |
| NM | 131753 | 02/15/17 | Hy-Vee, | Business |

LAW INCIDENT CIRCUMSTANCES:

| Se | Circu | Circumstance code | Miscellaneous |
|----|-------|-------------------|---------------|
| 1 | LT21 | LT21 Restaurant | |

LAW INCIDENT NARRATIVE:

02/16/17
15:08

Grand Island Police Department
LAW INCIDENT TABLE

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Grand Island Police Department

Date, Time: 2/15/17
Reporting Officer: Vitera
Unit- CID

Hy-Vee Restaurant is applying for a Class I (beer, wine, distilled spirits, on sale only) Retail Corporate Liquor License. Rob Reif is applying to become the liquor manager.

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

1 Vitera D

LAW SUPPLEMENTAL NARRATIVE:

| Seq | Name | Date |
|-----|----------|---------------------|
| 1 | Vitera D | 14:25:08 02/16/2017 |

02/16/17
15:08

Grand Island Police Department
LAW INCIDENT TABLE

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Grand Island Police Department
Supplemental Report

Date, Time: Thu Feb 16 14:25:20 CST 2017
Reporting Officer: Vitera
Unit- CID

Hy-Vee Restaurant is applying for a Class I (beer, wine, distilled spirits, on sale only) Retail Corporate Liquor License. Rob Reif is applying to become the liquor manager.

I checked Spillman and found that I had done the original liquor license investigation for Hy-Vee and Hy-Vee Gas in 2008 (L08011762). At that time, I noted that all of the members of the corporation lived out of State, and Hy-Vee had already been granted many liquor licenses. Hy-Vee and Hy-Vee Gas in Grand Island were approved.

Fast forward to this application, Hy-Vee and Hy-Vee Gas each still have a liquor license. In addition, I did a liquor manager investigation in March of 2016 on Rob Reif for Hy-Vee and Hy-Vee Gas. Rob is still the liquor manager at those locations.

In looking at the current application, all of the corporate members live in Iowa, and I can't run out of State criminal history checks for liquor licenses. According to the application, Hy-Vee has forty-four liquor licenses in Nebraska. They also hold liquor licenses in Iowa, South Dakota, Kansas, Minnesota, Illinois, Wisconsin, and Missouri.

On 2/15/17, I did a quick check on Rob Reif through Spillman and NCJIS. He doesn't have anything new in Spillman and doesn't have any criminal convictions listed in NCJIS. Rob has lived in Nebraska since 2009.

With the Hy-Vee corporation previously being approved for several liquor licenses in Nebraska and surrounding States, Rob Reif being approved as the liquor manager for the stores in Grand Island less than a year ago and not having any criminal record, and the GIPD not having many liquor issues with the Hy-Vee stores in Grand Island; the Grand Island Police Department has no objection to the Hy-Vee Restaurant receiving a liquor license or to Rob Reif becoming the liquor manager.

