



City of Grand Island

Tuesday, June 12, 2018

Council Session

Item E-1

Public Hearing on Request from Conoco C Store, LLC dba Conoco C Store, 2105 West 2nd Street for a Class “D” Liquor License

Council action will take place under Consent Agenda item G-3.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: June 12, 2018

Subject: Public Hearing on Request from Conoco C Store, LLC
dba Conoco C Store, 2105 West 2nd Street for a Class
“D” 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

Conoco C Store, LLC dba Conoco C Store, 2105 West 2nd Street has submitted an application for a Class “D” Liquor License. A Class “D” Liquor License allows for the sale of alcohol off 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 Lenny Everson, 701 Turtle Beach, Marquette, Nebraska. Staff recommends approval contingent upon final inspections and completion of a state approved alcohol server/seller training program.

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 Conoco C Store, LLC dba Conoco C Store, 2105 West 2nd Street for a Class "D" Liquor License contingent upon final inspections and Liquor Manager Designation for Lenny Everson, 701 Turtle Beach, Marquette, Nebraska contingent upon completion of a state approved alcohol server/seller training program.

Grand Island Police Department
Supplemental Report

Date, Time: Fri May 18 14:07:21 CDT 2018
Reporting Officer: Vitera
Unit- CID

Lenny and Cindy Everson are applying for a Class D (Beer, wine, distilled spirits, off sale only) LLC Retail Liquor license for Conoco C Store. Lenny is applying to become the liquor manager. While perusing the application, I noticed that the applicants: didn't disclose any criminal convictions, applied for a Temporary Operating Permit (TOP), have never had a liquor license before, and have lived in Marquette, NE since 2004. Lenny currently works at JBS and has since 1998.

I checked the applicants through Spillman and NCJIS. They each have an entry in Spillman. Lenny is associated with thirteen code violations between August of 2013 and March of 2018. It appears that he owns a duplex on South Sycamore that generates a lot of complaints of litter, junk, and high grass and weeds. Every complaint was eventually addressed without citations. No other negative information was found in Spillman concerning Lenny. Cindy has seven entries for code violations between July of 2012 and March of 2017. At least three of those complaints had different addresses than all of Lenny's. The other four could have been included in the complaints attributed to Lenny. All of her complaints were also taken care of without enforcement action. Cindy didn't have any other concerning entries in Spillman. Lenny has four speeding convictions listed in NCJIS, and Cindy doesn't have any convictions listed in NCJIS.

Lenny and Cindy each have a valid Nebraska driver's license and no outstanding warrants for their arrest. I also checked the Everson's through a paid online law enforcement-only database which tends to provide mostly personal identifying information and information about civil issues. I did not find anything out of the ordinary.

I called Lenny on 5/22/18 and set up an interview on 5/25/18 at 1000 hours at the Conoco C Store. Nebraska State Patrol Investigator Joe Hansen and I met with Lenny at the scheduled time and place. Jeremy Everson (Lenny's son) was also present. We learned that Jeremy bought the property which includes the hotel with the exception of the block of rooms across the street to the east. Investigator Hansen asked Lenny a checklist of questions. When he was through, I asked Lenny about some of the issues I had seen with his rental properties. Lenny said most of the problems they had at the South Sycamore property were attributed to one renter who fought eviction. Code violations at other properties were due to being new landlords at the time. I asked Lenny about the surveillance system at the convenience store and mentioned some of the problems the police have encountered in the area. Lenny said he is still learning about the surveillance system and acknowledged problems in the area of his store. He assured me of a good working relationship with law enforcement personnel. Jeremy said they won't be selling gas at the store, and he is in the process of getting the fuel tanks removed. Shortly after receiving a copy of the liquor license application, I was included on an email from Fire Marshal Fred Hotz who said that he has concerns about the timetable for getting the fuel tanks removed.

All in all, Lenny and Cindy have virtually no criminal history in Nebraska. Other than failing to disclose Lenny's traffic convictions, the application was filled out properly. While Lenny is going to continue working at JBS, it appears that he will be a responsible business owner who will cooperate with law

enforcement. Aside from the fuel tanks or any other issues uncovered by other agencies, the Grand Island Police Department has no objection to the Everson's receiving a liquor license for the Conoco C Store or to Lenny Everson becoming the liquor manager.

Class "D" Liquor License Application: Conoco C Store

