



City of Grand Island

Tuesday, May 25, 2021

Council Session

Item E-1

**Public Hearing on Request from Chipotle Mexican Grill, Inc. dba
Chipotle Mexican Grill 26-3809, 3440 W. State Street 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: May 25, 2021

Subject: Public Hearing on Request from Chipotle Mexican Grill, Inc. dba Chipotle Mexican Grill 26-3809, 3440 W. State Street 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

Chipotle Mexican Grill, Inc. dba Chipotle Mexican Grill 26-3809, 3440 W. State Street has submitted an application for a Class “I” Liquor License. A Class “I” 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 Brian Hexsel, 5211 Seward Street, Omaha, Nebraska. Mr. Hexsel has completed a state approved alcohol server/seller training program. Staff recommends approval of the liquor license contingent upon final inspections.

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 Chipotle Mexican Grill, Inc. dba Chipotle Mexican Grill 26-3809, 3440 W. State Street for a Class "I" Liquor License contingent upon final inspections and Liquor Manager designation for Brian Hexsel, 5211 Seward Street, Omaha, Nebraska.



Grand Island Police Department

Officer Report for Incident L21050421

Nature: Liquor Lic Inv
Location: PAON

Address: 3440 STATE ST W; CHIPOTLE
Grand Island NE 68803

Offense Codes:

Received By: Dvorak T **How Received:** T **Agency:** GIPD
Responding Officers: Dvorak T
Responsible Officer: Dvorak T **Disposition:** CLO 05/12/21
When Reported: 13:07:56 05/05/21 **Occurred Between:** 13:07:56 05/05/21 and 13:07:56 05/05/21

Assigned To: **Detail:** **Date Assigned:** **/**/**
Status: **Status Date:** **/**/** **Due Date:** **/**/**

Complainant:

Last: **First:** **Mid:**
DOB: **/**/** **Dr Lic:** **Address:**
Race: **Sex:** **Phone:** **City:** ,

Offense Codes

Reported: **Observed:**

Circumstances

LT21 LT21 Restaurant

Responding Officers: **Unit :**
Dvorak T 309

Responsible Officer: Dvorak T **Agency:** GIPD
Received By: Dvorak T **Last Radio Log:** **.***.*** **/**/**
How Received: T Telephone **Clearance:** CL CL Case Closed
When Reported: 13:07:56 05/05/21 **Disposition:** CLO **Date:** 05/12/21
Judicial Status: **Occurred between:** 13:07:56 05/05/21
Misc Entry: **and:** 13:07:56 05/05/21

Modus Operandi: **Description :** **Method :**

Involvements

Date	Type	Description
05/07/21	Name	Brito, Fernando C Local manager

05/05/21	Name	Chipotle Mexican Grill,	location
05/05/21	Name	Hexsel, Brian D	Liquor Manager

05/12/21

Narrative

Liquor License Investigation
Grand Island Police Department

Chipotle Mexican Grill Incorporated has applied for a Class I Liquor License, beer, wine and distilled spirits; on sale only for their new restaurant location in Grand Island. A Liquor Manager was named.

Responsible LEO:

Approved by:

Date

05/12/21

Supplement

309

Liquor License Investigation

Chipotle Mexican Grill has applied for a Class I Liquor License, which includes beer, wine and distilled spirits, on sale only. The application was made by ownership corporation Cogency Global Inc.

The application lists Brian Niccol of California as the managing partner and CEO of Cogency Global Inc. Brian's spouse, Jennifer Niccol is also listed on the application. Cogency Global and Chipotle Inc are both registered corporations in Ohio. There are four persons listed for the Board of Directors for Chipotle Inc.

Brian Hexsel is listed as the Nebraska representative, and proposed Liquor Manager. Hexsel lives in Omaha. I learned he is the Liquor Manager for the Omaha and Lincoln Chipotle locations as well. Because Hexsel lives in Omaha, and the other names listed for the Corporation all live out of State, I perused the information provided on the application, and searched for Hexsel in local Spillman files, as well as NCJIS. I found no entries for Hexsel in either database.

On 5-5-21 I met with NSP Investigator McCoy at the Grand Island Chipotle, where we interviewed the local store manager, Fernando Brito. Brito answered the Commission questions posed by McCoy. Brito told us that he has two or three years experience in the service industry, and served as Asst Manager for Chipotle since this location opened in 2020. Brito said he was made store manager last month.

I discussed local concerns with security/surveillance and what to do about disturbances that might occur on site. McCoy covered the age requirements and training that is needed for other employees, there are 29 total, to serve alcohol. Brito said he would prefer that his store not sell margaritas or mixed drinks, and just stick to bottled beer, because it would make it simpler all around. Brito said he will give his recommendations to Brian Hexsel but did not know if they would act on his advice.

I later checked backgrounds through a paid, law enforcement only, database that checks public records and civil disclosures. I found no entries of concern.

The Grand Island Police Department has no objections in granting a Class I Liquor license to Chipotle Mexican Grill, with Brian Hexsel as the designated Liquor Manager.

05/12/21

Liquor License Application: Class "I": Chipotle Mexican Grill 26-3809

