



City of Grand Island

Tuesday, June 23, 2009

Council Session

Item E1

**Public Hearing on Request from Alm, LLC dba Senior Lucky's,
115 West 3rd Street for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: June 23, 2009

Subject: Public Hearing on Request from Alm, LLC dba Senor Lucky's, 115 West 3rd Street for a Class "C" Liquor License

Item #'s: E-1 & I-1

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

Alm, LLC dba Senor Lucky's, 115 West 3rd 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 was a Liquor Manager Designation for Abbigail Meyer, 328 South Plum Street.

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 the application.

Sample Motion

Move to approve the application of Alm, LLC dba Senor Lucky's, 115 West 3rd Street for a Class "C" Liquor License contingent upon final inspections and the request from Abbigail Meyer, 328 South Plum Street for a Liquor Manager Designation contingent upon Ms. Meyer completing a state approved alcohol server/seller training program.

06/09/09
14:19

Grand Island Police Dept.
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : 14:52:07 06/05/2009
Occurred before : 14:52:07 06/05/2009
When reported : 14:52:07 06/05/2009
Date disposition declared : 06/05/2009
Incident number : L09060683
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 115 3rd St W
State abbreviation : NE
ZIP Code : 68801
Contact or caller :
Complainant name number :
Area location code : PCID Police - CID
Received by : Viterra D
How received : T Telephone
Agency code : GIPD Grand Island Police Department
Responsible officer : Viterra D
Offense as Taken :
Offense as Observed :
Disposition : ACT Active
Misc. number :
Geobase address ID : 11226
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	58943	06/05/09	Meyer, Abbigail L	Owner

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application for Senor Lucky's and a Copy of a Liquor Manager Application from Abigail Meyer.

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
1	Viterra D	318	Viterra D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Viterra D	15:10:22 06/05/2009

06/09/09
14:19

Grand Island Police Dept.
LAW INCIDENT TABLE

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Supplemental Report

On 6/5/09, I received a copy of a liquor license application for Senor Lucky's which is to be located at 115 W. 3rd St. Abbigail Meyer is the only person listed on the application. She also applied to be the liquor manager.

I checked Spillman and NCJIS for Abbigail. I found an entry in Spillman that did not indicate any criminal convictions. When I checked NCJIS, I found that Abbigail plead guilty to speeding on 2/22/05.

On the application, it clearly asks "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law, a violation of a local law, ordinance or resolution." The "No" box was checked.

Abbigail's failure to disclose her traffic conviction technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The traffic conviction would fall under state law or local ordinance. Either way, the conviction is either an infraction or a misdemeanor that does not rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically nullify the liquor license.

On 6/8/09, I stopped by 115 W. 3rd St. The business was open but not operating. I spoke to Jesus Lopez (verbally identified the next day) who advised that Abbigail was working at Victoria Secret at the time. He said the he is Abbigail's boyfriend and had been helping her clean the building. Jesus advised that Abbigail would be home the next morning.

On 6/9/09, I stopped by Abbigail's house. We discussed expectations of her business from a law enforcement perspective. I stressed to her that cooperation with law enforcement personnel is vital to her business. I also shared with her some common problems we've had with other bars. I suggested that she check the Nebraska Liquor Control Commission's web site, and the City of Grand Island's web site where she could access city codes.

I asked Abbigail if she had any questions and then told her that at this point, the police department doesn't have any objections to Senor Lucky's liquor license and to her becoming a liquor manager.

Date, Time: Tue Jun 09 13:18:24 CDT 2009
Reporting Officer: Vitera
Unit #: 865