



City of Grand Island

Tuesday, April 28, 2015

Council Session

Item E-1

Public Hearing on Request from Gas Island II, LLC dba Gas Island II, 2012 North Webb Road for a Class “D” Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 28, 2015

Subject: Public Hearing on Request from Gas Island II, LLC dba Gas Island II, 2012 North Webb Road for a Class “D” 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

Gas Island II, LLC dba Gas Island II, 2012 North Webb Road has submitted an application for a Class “D” Liquor License. A Class “D” Liquor License allows for the sale of alcohol off sale inside the corporate limits of the city.

Gas Island II currently has a Class “B” Liquor License which allows for beer off sale only. They are requesting a change to a Class “D” Liquor License which will allow for

the sale of all alcohol off sale only. In order to make that change they had to file a new application. If this request is approved the Class "B" license will be voided.

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 Doug Luth, 4390 No. 9th, Wood River, NE 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 Gas Island II, LLC dba Gas Island II, 2012 North Webb Road for a Class "D" Liquor License contingent upon final inspections and Manager Designation for Doug Luth, 4390 No. 90th, Wood River, NE contingent upon completion of a state approved alcohol server/seller training program.

04/20/15
15:00

Grand Island Police Department
LAW INCIDENT TABLE

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Page: 1

City : Grand Island
 Occurred after : 13:05:00 04/10/2015
 Occurred before : 13:05:00 04/10/2015
 When reported : 13:05:00 04/10/2015
 Date disposition declared : 04/16/2015
 Incident number : L15041428
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor Lic Inv
 Incident address : 2012 Webb Rd N
 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 : 4696
 Long-term call ID :
 Clearance Code : CL CL Case Closed
 Judicial Status :

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	45116	04/15/15	Luth, Douglas C	Owner
NM	47771	04/15/15	Luth, Sherri L	Owner
NM	67092	04/15/15	Gas Island,	Business

LAW INCIDENT CIRCUMSTANCES:

Se Circu Circumstance code Miscellaneous

 1 LT07 LT07 Convenience Store

LAW INCIDENT NARRATIVE:

Liquor License investigation Gas Island is requesting to change their liquor license from Class B (beer off sale only) to Class D (beer, wine, distilled spirits off sale only).

LAW INCIDENT OFFENSES DETAIL:

LAW SUPPLEMENTAL NARRATIVE:

Seq Name Date

Grand Island Police Department
Supplemental Report

Date, Time: Fri Apr 17 14:13:45 CDT 2015

Reporting Officer: Vitera

Unit #:

Gas Island submitted a new liquor license application requesting that they be able to sell wine and distilled spirits off sale as well as the beer that they currently sell off sale (change license from Class B to Class D). The current license is a partnership between Douglas and Sherri Luth. The new license would be an LLC with Douglas and Sherri Luth and Douglas being the liquor manager.

I found a report done by Captain Falldorf in January of '06 which said that Sherri had a clean record, and Douglas had a couple of undisclosed traffic convictions. Otherwise, there was nothing in that investigation that precluded them from receiving a license.

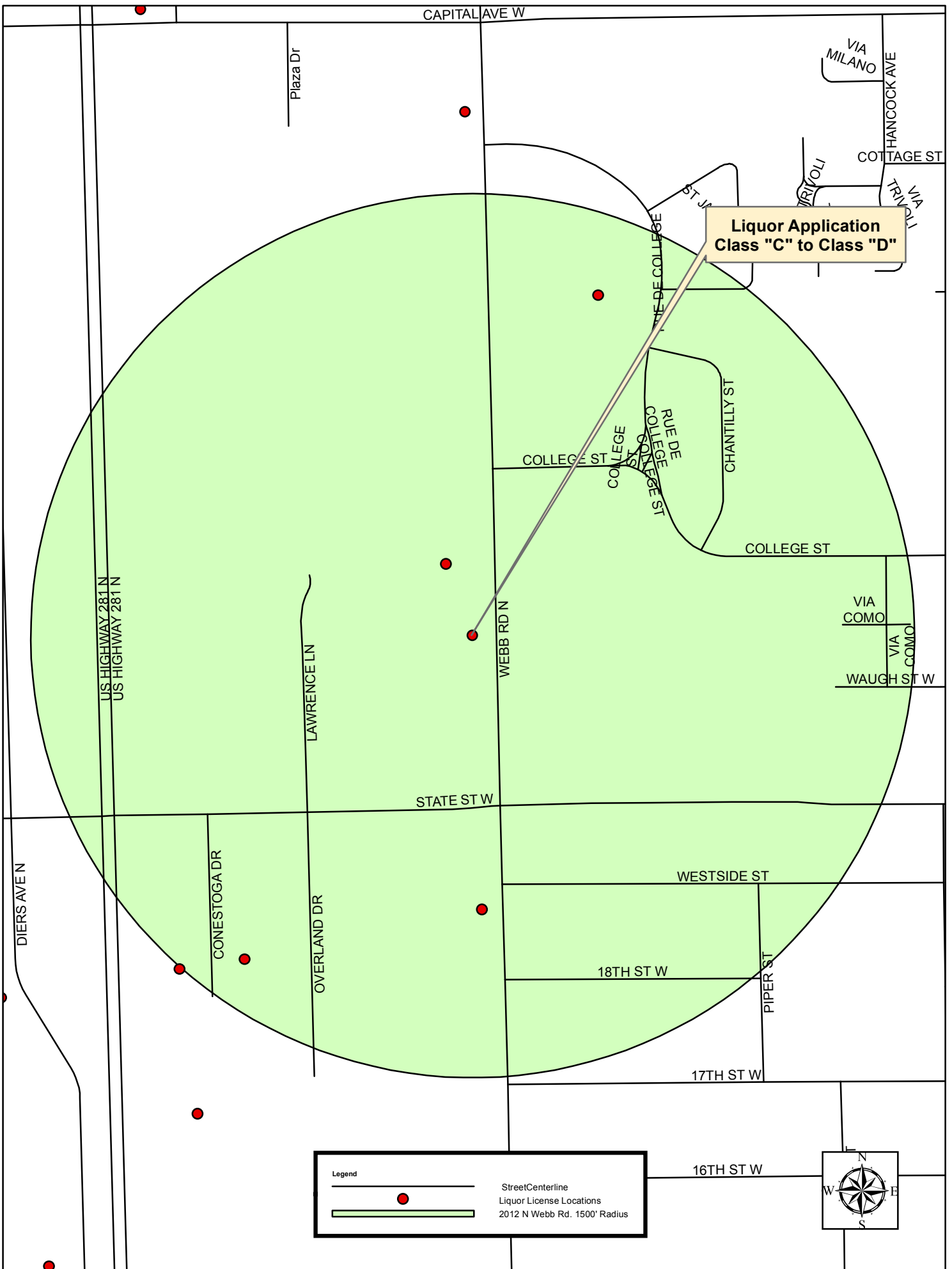
I checked Douglas and Sherri through Spillman and NCJIS. Sherri has an entry in Spillman where it looks like she was cited for speeding. NCJIS didn't show any convictions for Sherri. Douglas appears to have had some issues with code violations according to Spillman. NCJIS didn't have any undisclosed convictions listed for Douglas who had disclosed a few traffic convictions over the last several years.

In looking at Gas Island's contacts in Spillman, it appears that they have failed a couple of alcohol compliance checks and one tobacco compliance check within the last nine years. According to the NLCC's Web Site, Gas Island has had their license suspended three times for selling to minors.

On 4/21/15, I spoke to Douglas "Doug" Luth over the phone. He acknowledged that his employees have failed a couple of compliance checks within the last nine years but said each time it was a mistake or oversight instead of an intentional act or complete disregard of the law. I also asked Doug about his contacts with our Community Service Officers (CSO's) regarding code violations. Doug said that he had a tenant on some property he owns on Carey Avenue who let the weeds get too tall and parked unregistered vehicles on the property. Doug said that the tenant eventually rectified the situation after Doug kept telling him to get it cleaned up.

All in all, Doug and Sherri Luth have had a liquor license for over nine years and haven't had an inordinate amount of problems, and there haven't been any drastic changes with them from a law enforcement perspective since the first liquor license investigation. In addition, their request to change from a Class B to a Class D liquor license is also something that isn't out of the ordinary. Some of the other convenience stores in Grand Island have a Class D license.

The Grand Island Police Department has no objection to Gas Island switching from a Class B to a Class D liquor license or to Doug Luth becoming the liquor manager.



Liquor Application
Class "C" to Class "D"

Legend	
	Street Centerline
	Liquor License Locations
	2012 N Webb Rd. 1500' Radius

