



City of Grand Island

Tuesday, July 14, 2015

Council Session

Item E-1

Public Hearing on Request from GNS Corporation dba Git 'N Split, 3320 Langenheder Street for Class "D" Liquor License

Council action will take place under Resolutions item I-1.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: July 14, 2015

Subject: Public Hearing on Request from GNS Corporation dba
Git ‘N Split, 3320 Langenheder 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

GNS Corporation dba Git ‘N Split, 3320 Langenheder Street 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. They currently hold a Class “B” Liquor License which allows for beer off sale only. If approved this change would allow them to sell all types of alcohol off sale instead of just beer.

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 Jess Vetrovsky, 200 South Lasall Street, Beatrice, NE for a Liquor Manager Designation. Mr. Vetrovsky has completed 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 GNS Corporation dba Git 'N Split, 3320 Langenheder Street for a Class "D" Liquor License contingent upon final inspections and Liquor Manager Designation for Jess Vetrovsky, 200 South Lasall Street, Beatrice, NE.

06/27/15
16:38

Grand Island Police Department
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : **:**:** **/**/****
Occurred before : **:**:** **/**/****
When reported : 14:15:00 06/26/2015
Date disposition declared : **/**/****
Incident number : L15062498
Primary incident number :
Incident nature : Liquor Lic Inv Liquor Lic Inv
Incident address : 3320 Langenheder
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 :
Misc. number : RaNae
Geobase address ID :
Long-term call ID :
Clearance Code : CL CL Case Closed
Judicial Status :
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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	42431	06/27/15	Vetrovsky, Jess D	Liquor Manager
NM	201828	06/27/15	Coffey, Larry W	Applicant
NM	201829	06/27/15	Coffey, Connie F	Larry's Spouse
NM	201830	06/27/15	Vik, Thomas C	Applicant
NM	201831	06/27/15	Vik, Christine E	Thomas' Spouse
NM	201832	06/27/15	Smetter, Sue A	Secretary
NM	201833	06/27/15	Vetrovsky, Cythia L	Jess' Spouse
NM	43755	06/26/15	Git N Split,	Business Involved

LAW INCIDENT CIRCUMSTANCES:

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Se Circu Circumstance code      Miscellaneous
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1  LT07  LT07 Convenience Store

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LAW INCIDENT NARRATIVE:

Grand Island Police Department
Supplemental Report

Date, Time: Sat Jun 27 15:31:58 CDT 2015

Reporting Officer: Vitera

Unit- CID

Git 'N Split currently has a Class B liquor license. They are requesting a change to a Class D liquor license. According to the Nebraska Liquor Control Commission's (NLCC) web site, Git 'N Split in Grand Island has had a liquor license for just over eleven years and has one sale to a minor. The NLCC's web site also lists a total of sixteen liquor licenses held by the GNS Corporation which is doing business as Git 'N Split, Discount City, and Cappy's.

Larry Coffey is listed as the president and CEO of GNS Corporation. He has lived in Nebraska since 1971. Larry's wife, Connie, has lived in Nebraska since 1986. She signed a Spousal Affidavit of Non Participation form.

Thomas Vik is listed as the V.P. of Finance for the GNS Corporation. He and his wife Christine have lived in Lincoln since 1992. Christine signed a Spousal Affidavit of Non Participation form.

Sue Smetter is listed as the secretary of the GNS Corporation. She has lived in Nebraska since 1985. She also signed a Spousal Affidavit of Non Participation form.

Jess Vetrovsky is applying to be the liquor manager. He has lived in Nebraska since 1974, and his wife, Cynthia, has lived in Nebraska since 1999. Cynthia signed a Spousal Affidavit of Non Participation form.

As far as the liquor license application goes, Thomas Vik is the only person who claimed any convictions. He stated that he was convicted of DUI in 1975. On the manager's application, Jess Vetrovsky disclosed that he was convicted of a DUI in 1978 and a DUI in 1979.

I checked all of the applicants, spouses, and liquor manager through Spillman and NCJIS. The only person who has an entry in Spillman is Jess Vetrovsky. He has a traffic contact, and he was contacted as a representative of Git 'N Split during a robbery investigation. Jess has eleven undisclosed traffic convictions in NCJIS. Cynthia Vetrovsky has one traffic conviction in NCJIS. Larry Coffey has four traffic and an open burning violation listed in NCJIS. Connie Coffey has one traffic conviction in NCJIS. Thomas Vik has a couple of additional DUI convictions. One occurred in 1973 and the other in 2001. He also has a reckless driving conviction in 1989. Christine Vik doesn't have any convictions listed in NCJIS. Sue Smetter has no convictions listed in NCJIS.

In summary, the applicants should have disclosed all of their convictions. With the exception of Thomas Vik's undisclosed DUI's and reckless driving convictions, all the other convictions are traffic-related. Thomas' undisclosed DUI's were fourteen and forty-two years ago. The reckless driving conviction was twenty-six years ago. While those charges are fairly serious, they were

quite a while ago and don't automatically preclude Git 'N Split from receiving/upgrading their license. In addition, GNS Corporation has sixteen existing licenses in Nebraska including the Git 'N Split in Grand Island which has a good record according to the information on the NLCC's web site. The Grand Island Police Department has no objection to Git 'N Split upgrading their current license to a Class D license or to Jess Vetrovsky being the liquor manager.

