



# City of Grand Island

Tuesday, June 27, 2017

Council Session

## Item E-2

**Public Hearing on Request from Bosselman Pump & Pantry, Inc.  
dba Tommy Gunz Bistro/Tommy Gunz Liquor Warehouse, 1607  
South Locust Street, Suite B for a Class “CK” Liquor License**

*Council action will take place under Consent Agenda item G-5.*

Staff Contact: RaNae Edwards

# Council Agenda Memo

**From:** RaNae Edwards, City Clerk

**Meeting:** June 27, 2017

**Subject:** Public Hearing on Request from Bosselman Pump & Pantry, Inc. dba Tommy Gunz Bistro/Tommy Gunz Liquor Warehouse, 1607 South Locust Street, Suite B for a Class “CK” 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

Bosselman Pump & Pantry, Inc. dba Tommy Gunz Bistro/Tommy Gunz Liquor Warehouse, 1607 South Locust Street, Suite B has submitted an application for a Class “CK” Liquor License. A Class “CK” Liquor License allows for the sale of alcohol on and off sale inside the corporate limits of the city and a catering designation.

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 Fausch, 2009 W Hwy 34. Mr. Fausch has completed a state approved alcohol server/seller training program. Staff recommends approval 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 Bosselman Pump & Pantry dba Tommy Gunz Bistro/Tommy Gunz Liquor Warehouse, 1607 South Locust Street, Suite B for a Class "CK" Liquor License contingent upon final inspections and Liquor Manager Designation for Brian Fausch, 2009 W Hwy 34.

06/14/17  
09:14

Grand Island Police Department  
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : 00:00:00 06/02/2017
Occurred before : 00:00:00 06/02/2017
When reported : 00:00:00 06/02/2017
Date disposition declared : 06/05/2017
Incident number : L17060198
Primary incident number :
Incident nature : Liquor Lic Inv Liquor Lic Inv
Incident address : 1607 LOCUST ST S
State abbreviation : NE
ZIP Code : 68801
Contact or caller : RaNae
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 :
Geobase address ID : 15032
Long-term call ID :
Clearance Code : O O Open Case
Judicial Status : OPEN Active-Open investigation

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
LW	L15072342	06/02/17	Liquor Lic Inv	Related
NM	43928	06/12/17	Lutz-Sukraw, Ann L	Contacted
NM	43709	06/06/17	Fausch, Brian T	Liquor Manager
NM	5453	06/02/17	Bosselman-Lofing, Brandi K	VP
NM	17868	06/02/17	Bosselman, Charles D Jr	Corporate President
NM	80208	06/02/17	Lofing, Dustin	Owner/Applicant
NM	219623	06/02/17	Tommy Gunz Bistro,	Business Involved

LAW INCIDENT CIRCUMSTANCES:

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Se Circu Circumstance code      Miscellaneous
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1  LT21  LT21 Restaurant

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INCIDENT M.O. DETAIL:

Seq	M.O. Factor	M.O. Factor	M.O. Method
1	Crime Class	Crime Class	Civil

LAW INCIDENT NARRATIVE:



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09:14

Grand Island Police Department  
LAW INCIDENT TABLE

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Grand Island Police Department

Date, Time: Fri Jun 02 12:58:56 CDT 2017  
Reporting Officer: Vitera  
Unit #: CID

Tommy Gunz Bistro/Tommy Gunz Liquor Warehouse is applying for a Class C (beer, wine, distilled spirits, on and off sale) and Class K (Catering) Corporate Retail Liquor license. Brian Fausch is applying to become the liquor manager.

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

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1 Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	13:38:58 06/02/2017



06/14/17  
09:14

Grand Island Police Department  
LAW INCIDENT TABLE

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Grand Island Police Department  
Supplemental Report

Date, Time: Fri Jun 02 13:39:11 CDT 2017  
Reporting Officer: Vitera  
Unit- CID

Tommy Gunz Bistro/Tommy Gunz Liquor Warehouse is applying for a Class C (beer, wine, distilled spirits, on and off sale) and Class K (Catering) Corporate Retail Liquor license. The controlling corporation is Bosselman Pump & Pantry, Inc. Brian Fausch is applying to become the liquor manager. Members of the corporation are listed as: Charles D. Bosselman Jr., Laura L. Bosselman, Brandi K. Bosselman, and James D. Lofing. Laura signed a Spousal Affidavit of Non-Participation form. Brian Fausch's wife, Lori Fausch, also signed a Spousal Affidavit of Non Participation form.

Bosselman Pump & Pantry Inc. have several liquor licenses in Grand Island and many more within the State of Nebraska and the Midwest. Brian Fausch is currently the liquor manager for all of the liquor licenses in the State of Nebraska. I did the last liquor license investigation involving Bosselman Pump & Pantry Inc. and the above listed applicants about two years ago. They received a positive recommendation.

On 6/6/17, I checked all of the applicants listed in the "Involvements" of this report through Spillman and NCJIS. I could not find any new criminal convictions between the timeframe of the last investigation two years ago and the present time.

Nebraska State Patrol Investigator Joe Hansen and I met with Ann Sukraw-Lutz and Matthew Krieser on 6/8/17 at 1607 S. Locust. Ann filled out the liquor license application for Tommy Gunz Bistro/Liquor Warehouse. Matthew is in charge of the construction of the facility. After the meeting was completed, I didn't note any concerns.

In summary, Bosselman Pump & Pantry Inc. is the controlling corporation for Tommy Gunz Bistro/Liquor Warehouse. Bosselman Pump & Pantry Inc. has numerous liquor licenses. I checked on the people involved in this application two years ago for a different application. They received a positive recommendation at that time. I checked on those same people for this application and saw that none of them have any new criminal convictions since the last investigation. With the number of licenses held by this corporation and finding very few law enforcement-related problems, the Grand Island Police Department has no objection to Tommy Gunz Bistro/Tommy Gunz Liquor Warehouse receiving a liquor license or to Brian Fausch becoming the liquor manager.

