



# **City of Grand Island**

**Tuesday, October 10, 2017**

**Council Session**

## **Item E-2**

**Public Hearing on Request from Irish Pub of Grand Island, Inc.  
dba McKinney's Irish Pub, 123 West 3rd Street for a Class “CK”  
Liquor License**

*Council action will take place under Consent Agenda item G-4.*

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** October 10, 2017

**Subject:** Public Hearing on Request from Irish Pub of Grand Island, Inc. dba McKinney's Irish Pub, 123 West 3<sup>rd</sup> Street 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**

Irish Pub of Grand Island, Inc. dba McKinney's Irish Pub, 123 West 3<sup>rd</sup> Street 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 along with 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.

McKinney's Irish Pub currently has a Class "I" Liquor License. If approved this license would replace the current liquor license along with a change in ownership and Liquor Manager.

Also submitted was a request for Liquor Manager Designation for Nathan Stewart, 5230 West Thatcher Lane, Lincoln, Nebraska. Staff recommends approval contingent upon final inspections and completion of 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:

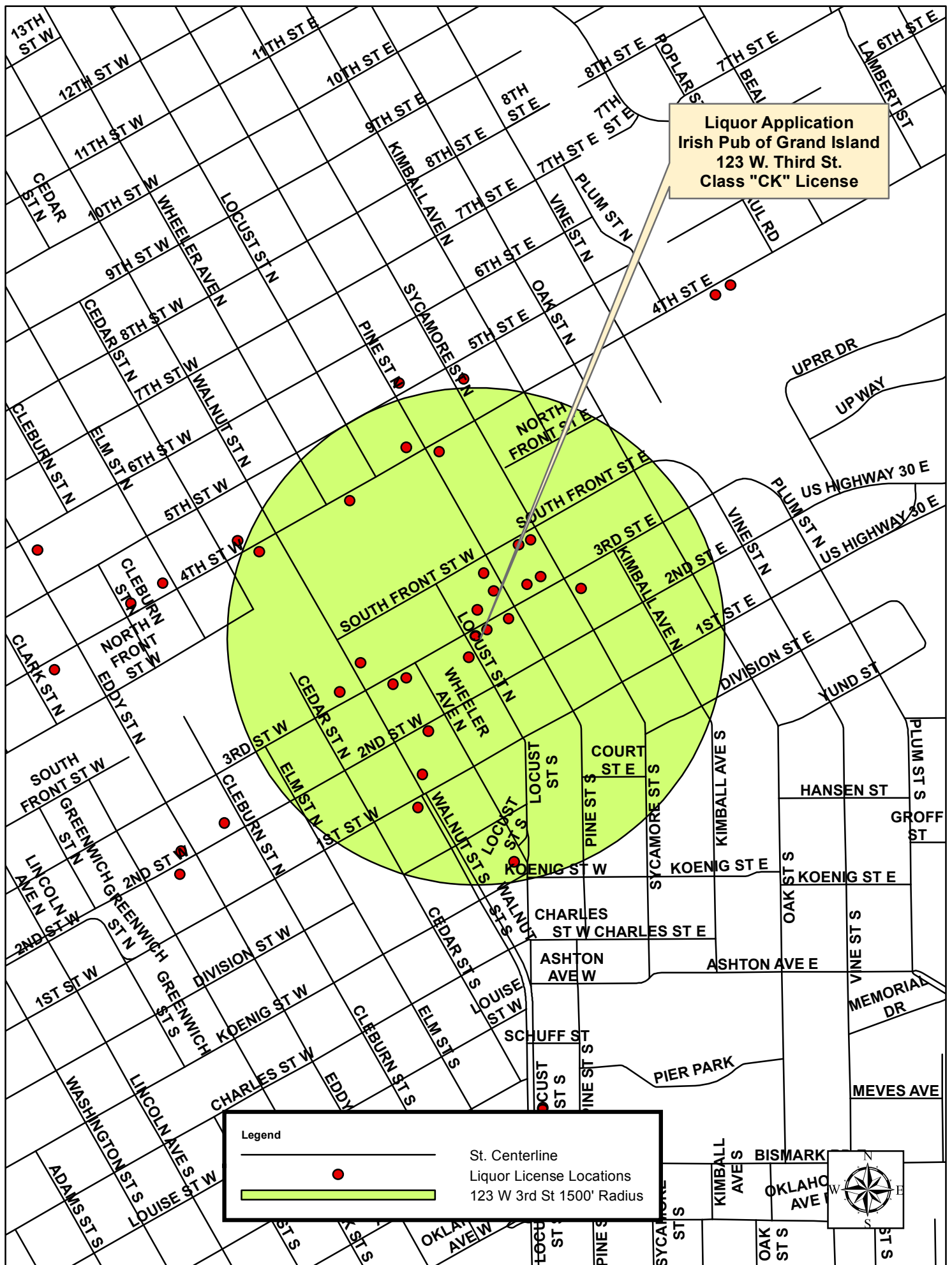
1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

### **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 Irish Pub of Grand Island, Inc. dba McKinney's Irish Pub, 123 West 3<sup>rd</sup> Street for a Class "CK" Liquor License contingent upon final inspections and Liquor Manager Designation for Nathan Stewart, 5230 West Thatcher Lane, Lincoln, Nebraska contingent upon completion of a state approved alcohol server/seller training program.



10/02/17  
14:40

Grand Island Police Department  
LAW INCIDENT TABLE

450  
Page: 1

City : Grand Island  
Occurred after : \*\*:\*\*:\*\* \*\*/\*\*/\*\*\*\*  
Occurred before : \*\*:\*\*:\*\* \*\*/\*\*/\*\*\*\*  
When reported : 08:00:00 09/21/2017  
Date disposition declared : \*\*/\*\*/\*\*\*\*  
Incident number : L17092432  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor Lic Inv  
Incident address : 123 3RD ST W  
State abbreviation : NE  
ZIP Code : 68801  
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 :  
Geobase address ID : 11223  
Long-term call ID :  
Clearance Code : 0 0 Open Case  
Judicial Status : OPEN Active-Open investigation  
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	222988	09/28/17	Stewart, Shandie	Nathan's Spouse
NM	20485	09/26/17	Pegg, Kim M	Dean's Spouse
NM	50361	09/26/17	Stewart, Nathan Lynn	Owner
NM	55430	09/26/17	Schilling, Robin L	Owner
NM	107758	09/26/17	Pegg, Dean R	Owner
NM	202208	09/26/17	McKinney's Irish Pub,	Business Involved

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT03	LT03 Bar/Night Club	

LAW INCIDENT NARRATIVE:

McKinney's Irish Pub currently has a Class I license (beer, wine, distilled spirits on sale only). They are now applying for a Class C (beer, wine, distilled spirits, on and off sale) along with a catering license. They are also changing ownership.



10/02/17  
14:40

Grand Island Police Department  
LAW INCIDENT TABLE

Page: 450  
2

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

-----  
1 Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	10:25:12 09/28/2017



10/02/17  
14:40

Grand Island Police Department  
LAW INCIDENT TABLE

450  
Page: 3

318

Grand Island Police Department  
Supplemental Report

Date, Time: Thu Sep 28 10:25:24 CDT 2017  
Reporting Officer: Vitera  
Unit- CID

McKinney's Irish Pub currently has a Class I license (beer, wine, distilled spirits on sale only). They are now applying for a Class C (beer, wine, distilled spirits, on and off sale) along with a catering license. They are also changing ownership. Joel Schossow was the controlling owner of the business, but he is selling out to Nathan Stewart (50%), Dean Pegg (25%), and Robin Schilling (25%). Nathan Stewart is also applying to become the liquor manager.

According to the application, Dean is married to Kim Pegg, and they have lived in Lincoln for at least the last sixteen years. Nathan is married to Shandie Stewart, and they have lived in Lincoln for at least the last eleven years. Robin is not married and has lived in Hastings for almost fifty years. Kim and Shandie each signed a Spousal Affidavit of Non-Participation form.

I checked Spillman and NCJIS for all the people listed in the application. All of the applicants were in Spillman with the exception of Shandie. Spillman shows that Kim was cited for speeding in 2004. Spillman shows Dean was cited for speeding in 2006 and 2007. He was also contacted about a code compliance issue in 2015. It appears that the issue was satisfactorily rectified. Spillman shows that Nathan was cited for No Operator's license and MIP in 2001, a stop sign violation in 2001, speeding in 2003, and speeding and MIP in 2003. Spillman also shows that Nathan was arrested for DUI in 2009. Spillman doesn't show any potential convictions for Robin.

NCJIS records have Shandie as being convicted of Improper Backing in 2012 and No Valid Registration in 2017. Nathan attached a Nebraska DMV sheet to the liquor license application disclosing that he has been convicted of : DUI in 2007, DUI 2nd in 2009, speeding and no seat belt in 2012, speeding (twice) in 2013 along with not having a driver's license on his person. In addition, when searching Nathan in NCJIS, I discovered that he has also been convicted of: violating a traffic signal in June of '01, MIP in July of '03, MIP and littering in September of '03, speeding in October of '03, maintaining a disorderly house in December of '03, speeding in June of '04, MIP and speeding in September of '04, urinating in public in November of '06, and urinating in public in June of '07.

A Nebraska DMV record for Dean Pegg was also attached to the application. Dean disclosed that he has been convicted of four speeding violations all occurring in 2013 and 2014. In searching NCJIS, I found that Dean has also been convicted of six more speeding charges between 1995 and 2014.

Kim Pegg didn't disclose any convictions on the application, NCJIS shows that she has been convicted of: speeding in July of '96, stop sign violation in August of 2000, speeding in February of 2001, speeding in August of 2003, speeding in January of 2005, and speeding in April of 2006.

Robin Schilling didn't disclose any convictions on the application, NCJIS shows



10/02/17  
14:40

Grand Island Police Department  
LAW INCIDENT TABLE

450  
Page: 4

that she was convicted of speeding in 1999, and speeding/no seatbelt/no insurance in January of 2003.

The application 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. ...Include traffic violations...

Even though Nathan attached a DMV record with some of his convictions, he didn't list all of them. Dean did the same thing by just attaching a DMV record which didn't include all of his convictions. The other three applicants didn't disclose any convictions, and they each had some. However, none of the applicants' convictions were felonies or Class I Misdemeanors from specified chapters in Nebraska State Statute Chapter 28 which would automatically preclude them from receiving a license.

I also checked all of the applicants through a paid, online, law enforcement-only database which tends to provide mostly personal identifying information and information about civil issues. I didn't find anything out of the ordinary on anyone. All of the applicants also have a valid Nebraska driver's license, and none of them have any warrants for their arrest.

I have a meeting set up with Nathan and possibly Robin on 10/2/17 at 1300 hours. I met with Nathan and Robin at McKinney's at the agreed upon time. Nebraska State Patrol Investigator Joe Hansen was going to attend the meeting but called about fifteen minutes ahead of time and said that something had come up, and he was unable to make it. Robin told me that she is a CPA and is currently involved in keeping the books for Dean Pegg's businesses. Nathan said he knows Dean since Dean owns the Chicken Coop down the street, and Dean owns the building where McKinney's is located.

I went over the application with Dean and Robin and asked who filled it out since there were some mistakes with dates of birth not matching up with the associated name. I was told the filling out of the application was a "group effort." I also pointed out that Nathan and Dean attached DMV sheets, but that didn't include all of their convictions. Nathan was under that impression that some of his convictions wouldn't show up since he had gone through diversion. Nathan and Robin were also told that spouses need to list their convictions even if they filled out a Spousal Affidavit of Non-Participation form. I pointed out the instructions on the application that I mentioned above which talks about anyone who is a party to the application or their spouse needs to list all of the charges they've ever been convicted of.

I asked Nathan why he wants to make the additions to his license. Nathan said that McKinney's carries a lot of craft beers and beers that their customers can't find anywhere else. They've had a lot of requests to take some home with them. Nathan also said that he envisions catering about eight to ten events a year. Nathan went on to say that he wants to be able to sell growlers. I told him to check with his attorney or the NLCC on the process which would enable him to do that.

I also discussed Nathan's relationship with law enforcement. About a year ago, a nightshift GIPD patrol officer was doing some follow-up on a sexual assault complaint that lead him to McKinney's. The officer noted in his report that Nathan was not glad to see him in his bar and talked over him. A couple of days later, I went to McKinney's and spoke to Nathan about what had happened. Nathan



10/02/17  
14:40

Grand Island Police Department  
LAW INCIDENT TABLE

450  
Page: 5

was upset because he said multiple officers came in on a Friday at 1800 hours. He said some of his customers left when law enforcement showed up. Nathan went on to tell me that he felt like the GIPD was doing too many bar checks at McKinney's. He said that they rarely had bar checks at the McKinney's in Lincoln. I told Nathan that I would ask our patrol sergeants how, when, and where they decide to do bar checks. The simple answer I received is that they do more checks at the bars that are the busiest. Nathan said the checks aren't as frequent as they used to be, and they seem to be appropriately timed.

At the end of the interview, I asked Nathan and Robin if they had any questions and then gave Nathan my business card and told him to call me if he has any law enforcement-related concerns regarding his business.

In conclusion, while the applicants didn't fully disclose all of their convictions, most of the convictions aren't that serious and/or happened quite awhile ago. In addition, McKinney's already has a liquor license, and the police department has had very few problems there. The Grand Island Police Department has no objection to McKinney's changing their license, to the new ownership, or to Nathan being the liquor manager.