



City of Grand Island

Tuesday, August 27, 2013

Council Session

Item E-1

**Public Hearing on Request from Bosselman Pump & Pantry, Inc.
dba Pump & Pantry #3, 2511 N. Diers Avenue for a Class “D”
Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: August 27, 2013

Subject: Public Hearing on Requests from Bosselman Pump & Pantry, Inc. dba:
Pump & Pantry #3, 2511 N. Diers Avenue
Pump & Pantry #6, 3355 West Stolley Park Road
Pump & Pantry #10, 3212 South Locust Street
Pump & Pantry #15, 2028 E. Highway 30
for Class "D" Liquor Licenses

Item #'s: E-1, E-2, E-3, E-4, I-1, I-2, I-3 & I-4

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 Pump & Pantry #3, 2511 N. Diers Avenue; Pump & Pantry #6, 3355 West Stolley Park Road; Pump & Pantry #10, 3212 South Locust Street; and Pump & Pantry #15, 2028 E. Highway 30 have submitted applications for Class “D” Liquor Licenses. Currently these four locations have a Class “B” Liquor License which is for beer off sale only. A Class “D” Liquor License allows for the sale of all alcohol off sale only 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 with the application was a request from Brian Fausch, 2009 W. Hwy 34 for a Liquor Manager Designation.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

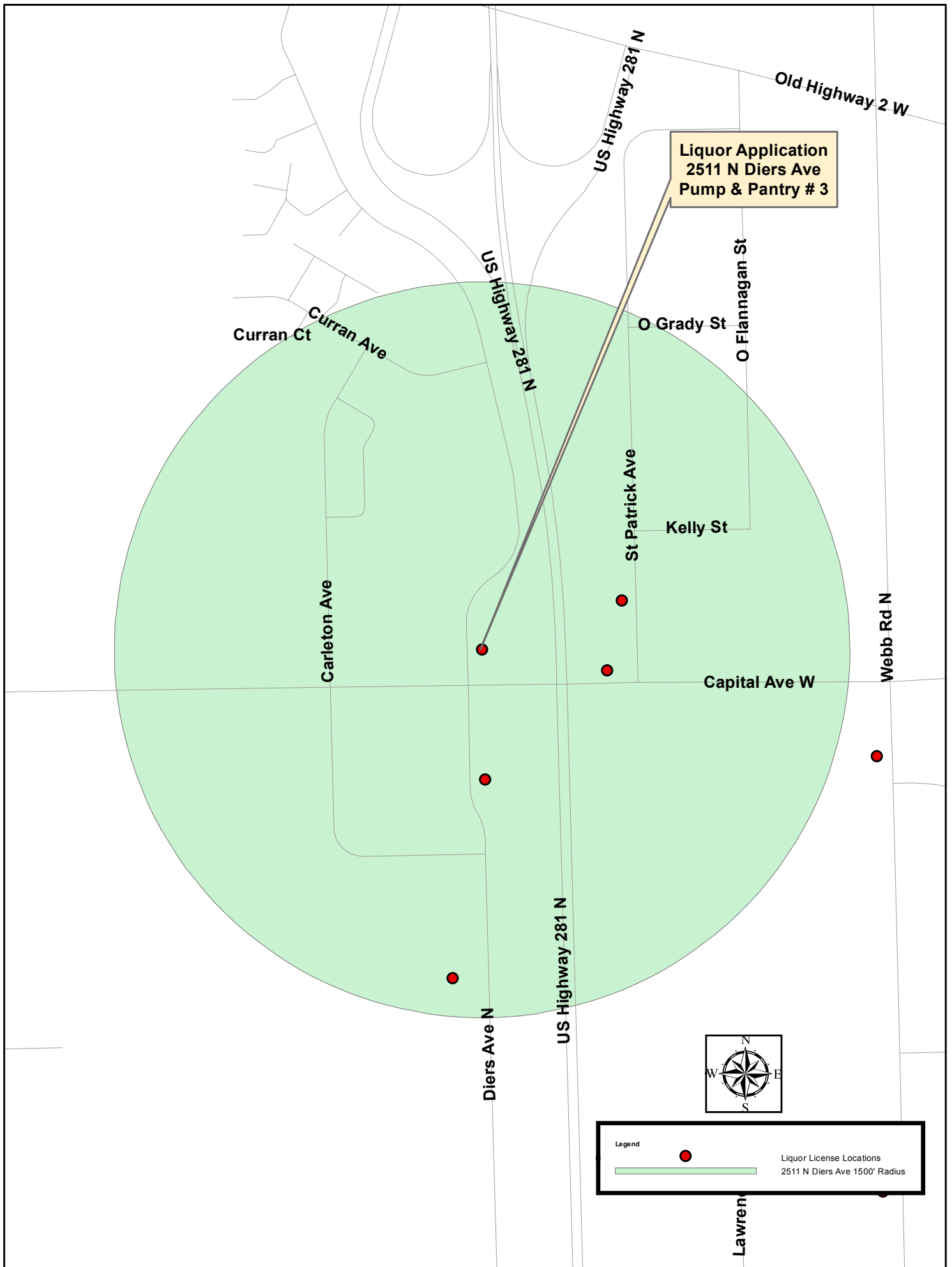
1. Approve the applications.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the applications.

Recommendation

Based on the Nebraska Liquor Control Commission’s criteria for the approval of Liquor Licenses, City Administration recommends that the Council approve these applications.

Sample Motion

Move to approve the applications for Bosselman Pump & Pantry, Inc. dba Pump & Pantry #3, 2511 N. Diers Avenue; Pump & Pantry #6, 3355 West Stolley Park Road; Pump & Pantry #10, 3212 South Locust Street; and Pump & Pantry #15, 2028 W. Highway 30 for Class “D” Liquor Licenses and Manager Designation for Brian Fausch, 2009 W Hwy 34 contingent upon completion of a state approved alcohol server/seller training program.



08/14/13
14:20

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
Occurred after : 14:47:10 08/09/2013
Occurred before : 14:47:10 08/09/2013
When reported : 14:47:10 08/09/2013
Date disposition declared : 08/09/2013
Incident number : L13081250
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License
Investigation
Incident address : 3123 Stolley Park Rd 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 : T Telephone
Agency code : GIPD Grand Island Police Department
Responsible officer : Vitera D
Offense as Taken :
Offense as Observed :
Disposition : ACT Active
Misc. number : RaNae
Geobase address ID : 7446
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
LW	L12073982	08/09/13	Liquor Lic Inv	Related
NM	5453	08/14/13	Bosselman, Brandi K	Involved
NM	17868	08/14/13	Bosselman, Charles D Jr	Involved
NM	23148	08/14/13	Bosselman, Laura	Involved
NM	51098	08/14/13	Bosselman, Janet K	Involved
NM	65426	08/14/13	Lofing, James D	Involved
NM	66141	08/14/13	Fausch, Lori	Involved
NM	43709	08/09/13	Fausch, Brian T	Liquor Manager
NM	51767	08/09/13	Pump & Pantry; #15,	Store Involved
NM	55236	08/09/13	Pump & Pantry; #10,	Store Involved
NM	59519	08/09/13	Pump & Pantry; #3,	Store Involved
NM	60231	08/09/13	Pump & Pantry #6,	Store Involved

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT07	Convenience Store	

LAW INCIDENT NARRATIVE:

Some of the Pump & Pantry Stores are Requesting to Change Their Liquor License from a Class B to a Class D License.

LAW INCIDENT OFFENSES DETAIL:

Se	Offe	Offense code	Arson Dama
1	AOFF	Alcohol Offense	0.00

LAW INCIDENT RESPONDERS DETAIL:

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

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	13:43:10 08/14/2013

318

Grand Island Police Department
Supplemental Report

Date, Time: Wed Aug 14 13:43:20 CDT 2013
Reporting Officer: Vitera
Unit- CID

Pump & Pantry store # 3 (Capital & Diers), # 6 (Stolley & Hwy 281), # 10 (Locust & Hwy 34), and # 15 (2024 E. Hwy. 30) are requesting to change their liquor license from a Class B (beer off sale only) to a Class D (beer, wine, & distilled spirits off sale only) license.

I checked all the applicants through Spillman and NCJIS and didn't locate any new criminal charges that would preclude anyone from getting a new license. Brian Fausch is the current liquor manager and will remain the liquor manger with the new license. Brian and his wife, Lori didn't have any new convictions either.

There are numerous Pump & Pantry stores within the city limits of Grand Island. Besides occasionally failing a compliance check, the police department doesn't encounter many problems at the stores.

Since all of the stores already have a liquor license, the Grand Island Police Department doesn't object to the addition of wine and distilled spirits being sold off sale. Also, we don't have any reason to object to Brian Fausch remaining as the liquor manager.