



City of Grand Island

Tuesday, September 24, 2013

Council Session

Item E-1

**Public Hearing on Request from Nebraska CVS Pharmacy LLC,
dba CVS/Pharmacy 10243, 1710 West 2nd Street for a Class “C”
Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: September 24, 2013

Subject: Public Hearing on Request from CVS Pharmacy LLC
dba CVS/Pharmacy 10243, 1710 West 2nd Street for a
Class “C” 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

CVS Pharmacy LLC dba VCS/Pharmacy 10243, 1710 West 2nd Street has submitted an application for a Class “C” Liquor License. A Class “C” Liquor License allows for the sale of alcohol on and off sale 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 Dale ZurKammer, 18601 Chandler Street, Omaha, NE for a Liquor Manager Designation.

Alternatives

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

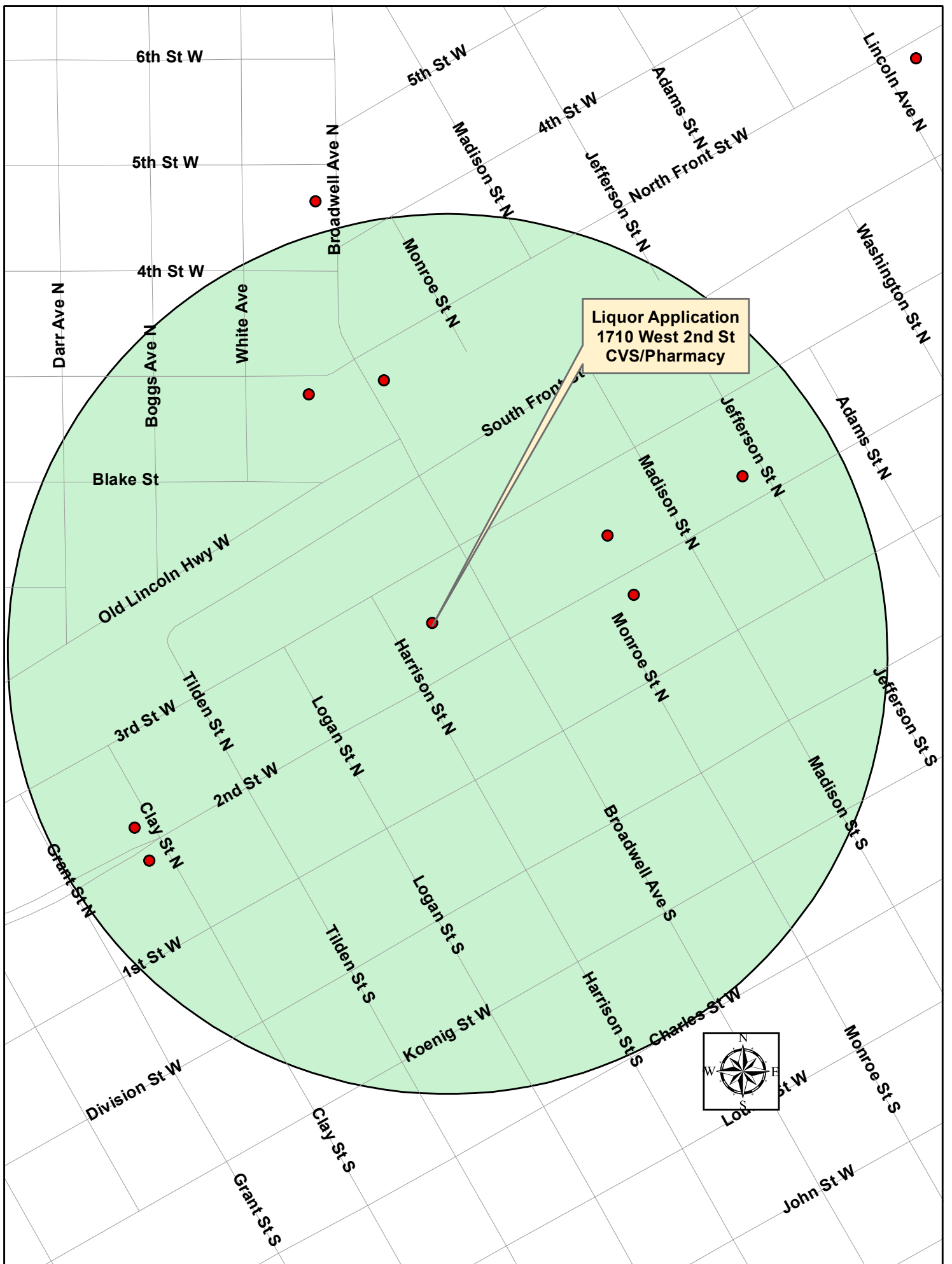
1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

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 CVS Pharmacy LLC dba CVS/Pharmacy 10243, 1710 West 2nd Street for a Class "C" Liquor License contingent upon final inspections and Manager Designation for Dale ZurKammer, 18601 Chandler Street, Omaha, NE contingent upon completion of a state approved alcohol server/seller training program.



09/19/13
12:02

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
Occurred after : 08:00:00 08/29/2013
Occurred before : 16:00:00 08/29/2013
When reported : 09:44:04 09/13/2013
Date disposition declared : 09/13/2013
Incident number : L13091785
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License
Investigation
Incident address : 1710 2nd St W
State abbreviation : NE
ZIP Code : 68803
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 : 18114
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
NM	187304	09/13/13	CVS Pharmacy,	Business
NM	187306	09/13/13	ZurKammer, Dale W	Liquor Manager
NM	187307	09/13/13	ZurKammer, Beverly K	Dale's Spouse

LAW INCIDENT CIRCUMSTANCES:

Se Circu	Circumstance code	Miscellaneous
1	LT09 Drug Store/Dr Office/Hospital	

LAW INCIDENT NARRATIVE:

The New CVS Pharmacy Located at 1710 W. 2nd Street has Requested a Class C Liquor License. Dale ZurKammer Applied to be the Liquor Manager.

LAW INCIDENT OFFENSES DETAIL:

Se Offe	Offense code	Arson Dama
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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 09:54:16 09/13/2013

318

Grand Island Police Department
Supplemental Report

Date, Time: Fri Sep 13 09:54:31 CDT 2013
Reporting Officer: Vitera
Unit- CID

The new CVS Pharmacy located at 1710 W. 2nd St. is applying for a Class C (beer, wine, distilled spirits on and off sale) LLC retail liquor license. Dale ZurKammer is applying for the position of liquor manager. The first thing I noticed about the application is the fact that CVS is applying for a Class C license which includes "on sale." There is a handwritten note on the application beside the Class C request that reads, "Restricted Class C is preferred." I called Jackie Matulka at the NLCC who advised that the Class C request is so CVS can have promotions where customers can sample some of their alcoholic beverages without having to obtain an SDL. A restriction will be placed on the license which typically states, "On sale consumption restricted to promotional tasting by consumers."

While continuing to peruse the application, I noticed that the corporate office is located in Woonsocket, Rhode Island, and all of the corporate officers live in Rhode Island or Massachusetts. One corporate officer disclosed a DUI which occurred in Massachusetts in 1984. No other convictions were disclosed by any of the other corporate officers. According to the application there are currently sixteen CVS Pharmacies in Nebraska with a liquor license.

Since I can't run criminal history checks for liquor license investigations and all of the applicants live out of state, this investigation will have to rely on the fingerprint submissions, NSP investigation, and the NLCC decision. Since there are several other CVS Pharmacy stores in Nebraska that sell alcoholic beverages, they have gotten licenses in the past. I can't imagine that there have been any significant changes from the prior applications to this one. I would assume the applicant is still qualified to receive a license. All in all,

when all the people on the application aren't local, local input is hard to come by.

I will turn my attention to the liquor manager application. Dale ZurKammer and his wife Beverly have lived in Omaha since 2011. They lived in Lavista, NE in 2010 and 2011. Prior to that, the ZurKammer's lived in Greenwood, MO from 2002 until 2010. Dale and Beverly didn't disclose any convictions, and Beverly signed a Spousal Affidavit of Non-Participation form. Dale is currently the liquor manager at five CVS stores in the Omaha area and has one application pending in Lavista.

I tried contacting the Greenwood, Missouri Police Department several times on 9/13/13 but kept getting a recording with voicemail options. I was able to speak with someone on 9/16/13 and faxed them a request for information on the ZurKammer's. 9/17/13, I received a response from Greenwood saying that their agency had no record of the ZurKammer's. I did some Internet searches for the ZurKammer's and didn't find anything disturbing. The ZurKammer's weren't in Spillman, and no convictions were listed in NCJIS.

In summary, there are several CVS Pharmacies in Nebraska with liquor licenses. Dale ZurKammer is already a liquor manager in Nebraska for CVS Pharmacies. Neither one of the ZurKammer's have a criminal record in Nebraska, and after living in Greenwood, Missouri for eight years, the police department there has no record of them. The Grand Island Police Department has no objection to CVS Pharmacy obtaining a Class C restricted license or to Dale ZurKammer becoming the liquor manager.