



City of Grand Island

Tuesday, November 14, 2006

Council Session

Item E1

**Public Hearing on Request of B & R Stores, Inc. dba Super Saver
#19, 1602 West 2nd Street for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: November 14, 2006

Subject: Public Hearing on Request of B & R Stores, Inc. dba Super Saver #19, 1602 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

B & R Stores, Inc. dba Super Saver #19, 1602 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. At the October 24, 2006 City Council meeting, discussion was held concerning the plans for the sampling of alcohol within the store. The City Council referred the action of this item to the November 14, 2006 meeting to allow Super Saver to submit a plan. (See attached plan.)

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. Attached is the Police Department's background investigation and recommendation.

Also included with this application is a request from Fred M. Groenke, 2308 West Charles Street 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 the application.

Sample Motion

Move to approve the application of B & R Stores, Inc. dba Super Saver #19, 1602 West 2nd Street for a Class "C" Liquor License and Liquor Manager Designation for Fred M. Groenke, 2308 West Charles Street with the stipulation that Mr. Groenke complete a state approved alcohol server/seller training program.



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: October 18, 2006

TO: RaNae Edwards, City Clerk

FROM: Brad Brush, Lieutenant, Grand Island Police Department

RE: Class C Retail Corporation Liquor License Application &
Application for Liquor Manager Designation
Super Saver, #19, 1602 W 2nd St, Grand Island, NE 68801

The Grand Island Police Department is in receipt of an application for Liquor Manager Designation in the name of Fred Groenke for Super Saver, #19, 1602 West 2nd Street, Grand Island, NE 68801 and the Class C Retail Corporation Liquor License Application for Super Saver, #19, 1602 West 2nd Street, Grand Island, NE 68801.

The application for the Liquor Manager is technically inaccurate, thus a false application. If the convictions had been declared they would not have risen to the level of a Class I Misdemeanor in articles 3, 4, 7, 8, 10, 11, or 12, Chapter 28, thus disqualifying the applicant.

It is the Police Department's recommendation to accept this Liquor Manager Designation Application in the name of Fred M. Groenke, for the business of Super Saver, 1602 West 3rd, Grand Island, Nebraska, 68801 as well as the application for New Class C Retail Corporation Liquor License for the Super Saver #19, 1602 West 3rd Street, Grand Island, Nebraska 68801, to replace their existing Class D Retail Corporation Liquor License.

BB/rk

A handwritten signature in cursive script that reads "B. Brush".

10/18/06
08:33

Grand Island Police Dept.
LAW INCIDENT TABLE

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City : Grand Island
 Occurred after : 12:33:16 10/03/2006
 Occurred before : 12:33:16 10/03/2006
 When reported : 12:33:16 10/03/2006
 Date disposition declared : 10/18/2006
 Incident number : L06100375
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor License Investigation
 Incident address : 1602 W 2nd
 State abbreviation : NE
 ZIP Code : 68801
 Contact or caller : RaNae Edwards
 Complainant name number :
 Area location code : PCID Police - CID
 Received by : Brush B
 How received : T Telephone
 Agency code : GIPD Grand Island Police Department
 Responsible officer : Brush B
 Offense as Taken :
 Offense as Observed :
 Disposition : CLO Closed Case
 Misc. number :
 Geobase address ID :
 Long-term call ID :
 Clearance Code : CL Case Closed
 Judicial Status :

=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	34156		Super Saver,	liq lic location
NM	39109		Groenke, Donna M	wife of 52012
NM	52012		Groenke, Fred M	liq lic designee
NM	112538		Raybould, Jane M	corp v president
NM	117863		Raybould, Patrick R	corp president
NM	117864		Chung, Janet C	wife of 117863
NM	117871		Raybould, Michael W	corp v president
NM	117872		Raybould, Willa M	wife of 117871
NM	117873		Raybould, Russell W	corp chair BOD
NM	117874		Raybould, Anita C	wife of 117873
NM	117875		Herrero, Jose M	husband of 112538

LAW INCIDENT NARRATIVE:

Request for assessment & recommendation-Liquor Manager Designation Application for Retail Corporation Liquor License.

The Liquor Manager Designation Applicant's name is Fred M Groenke Business-Super Saver, 1602 W 3rd, GI, NE 68801, applying for a New Class C Retail Corporation Liquor License, to replace their existing Class D Retail Corporation Liquor License.

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Nebraska Criminal Justice Information System (NCJIS) was searched and the following convictions not declared by Fred M Groenke were found;

- 1.) Speeding 11-15 MPH Merrick County/State ; Infraction
Offense Date is 01/23/1996 Plea is Guilty/Admit
- 2.) Speeding 16-20 MPH Municipal, Douglas County ; Infraction
Offense Date is 03/21/1996 Plea is Guilty/Admit
- 3.) Stop Sign Violation/Failure to Yield ; Hall County Infraction
Offense Date is 11/06/1998 Plea is Guilty/Admit
- 4.) Speeding 6-10 MPH Interstate Seward County ; Infraction
Offense Date is 06/14/1999 Plea is Guilty/Admit
- 5.) Speeding 11-15 MPH Hall County/State ; Infraction
Offense Date is 01/07/2002 Plea is Guilty/Admit
- 6.) Speeding 6-10 MPH Municipal ; Hall County Infraction
Offense Date is 01/24/2006 Plea is Guilty/Admit

Failure to declare the above convictions causes the application to be false.

National Crime Intelligence Center (NCIC) search reflected no other convictions.

Nebraska Criminal Justice Information System (NCJIS) was searched and no convictions were found for Donna M Groenke, wife of Fred M Groenke.

The application for a New Class C Retail Corporation Liquor License for the business, B & R Stores Inc DBA Super Saver #19, 1602 W 2nd, GI, NE 68801, to replace the Class D Retail Corporation Liquor License is a concern for the Grand Island Police Department. The concerns of Law Enforcement are set out as follows;

- *Necessity for a responsible party to check identification/ages of customers
- *Sale of alcohol by the drink
- *Unchaperoned minors present, especially after 9PM which would constitute a potential violation of City Ordinance
- *The presence of the large backroom/staging area/warehouse that would be difficult to monitor by Law Enforcement

However, if Super Saver #19, receives a Class C license with a sampling designation restricting consumption on the premises to sampling and would show the city what their intentions are as to implementing the sampling, such as;

- *An adult serving the beverages
- *A responsible party checking identification of the potential sampler
- *Restricting the sampling to an agreed upon designated area within the store
- *If sampling occurred after 9PM, a determination that all minors be accompanied by a guardian of the minor

It would be understood that the sampling designation shall not affect sales for consumption off the premises under such license.

In summation;

The application for the Liquor manager is technically inaccurate, thus a false application. If the convictions had been declared they would not have risen to the level of a Class I Misdemeanor, in articles 3, 4, 7, 8, 10, 11, or 12, Chapter 28, thus disqualifying the applicant.

It is the police department's recommendation to accept this Liquor Manager Designation Application in the name of Fred M Groenke, for the business of Super Saver, 1602 W 3rd, GI, NE 68801, as well as the application for a New

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Class C Retail Corporation Liquor License for the Super Saver #19, 1602 W 3rd, GI, NE 68801, to replace their existing Class D Retail Corporation Liquor License.

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
1		NSP1	NSP Monitor

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Brush B	08:16:55 10/18/2006

208, 101706 Fred M Groenke inter
Grand Island Police Department
Supplemental Report

Date, Time: 101706
Reporting Officer: Lieutenant Brush
Unit #: cid

Out of the concern for how Super Saver was going to utilize a class C liquor license if obtained, Nebraska State Patrol Liquor Enforcement Officer Lorri Rogers and I interviewed Groenke at Super Saver and learned the following;

- *Their intent was to implement the sampling program
- *Restrictions and instructions were shared w/ Groenke by Lorri Rogers
- *They were instructed as to only distributor &/or Manufacturer would be able to distribute the samples
- *Their intentions were to confine the sampling area to a yet to be designated area within the public area of the store
- *We were advised they were anticipating the sampling to be once a month to correspond with wine specialty ads, probably during a week day, more than likely Friday, the hours likely to be 4pm-6pm or 5pm-7pm

Super Saver #19
1602 W. 2nd Street
Grand Island, NE 68801

ACTION PLAN FOR SAMPLING WINE W/ CLASS “C” LICENSE:

First let me state that I understand and appreciate the City Council’s concern in our application for a Class “C” Liquor License. Although sampling alcohol is new to this store, it is not new to our company. B&R Stores have been sampling in Lincoln and Omaha for quite some time and as a company we feel that we can do it in a manner that will be safe and effective.

1. **Location:** Our sampling will be done in the northwest corner of our store. This is in the bakery area, and it is at the end of the beer aisle. We chose this location because it is fairly secluded at the end of the traffic flow. Being in a corner limits the flow of customers behind the demo stand.
2. **Who will Do The Sampling?** There will always be a representative of the liquor distributor at the sampling. I apologize for an erroneous comment that I made to the Council on 10/24. Only 1 of the 4 distributors now allow their reps to actually pour the sample. The rep’s main function will be to “sell” the product. We will have an employee who will actually pour the sample. This employee will also be responsible for checking the I.D. of potential tasters. This person will be a long-term associate who will be trained in liquor sales, sampling and carding procedures. We will also have our “WE CARD” signage up on the demo stand.
3. **How Will the Sampling Be Done?** One of the main concerns that the Council had was how the sampling would be done to ensure that children and minors didn’t have access to the samples. Here’s how it will go: If a customer approaches the demo table, they will be asked if they would like a sample. If they do, we will card them if they look under 30yrs old, then our employee will pour the sample while the rep talks about the product. After the customer tastes the sample, our employee will take the cup from them and dispose of it into a covered waste can. **THEY WILL NOT BE ALLOWED TO LEAVE THE DEMO STAND WITH THE CUP!!** They will also not be allowed to give the sample to anyone else. A new sample would be poured for multiple parties after I.D.’s are checked. There will be unopened bottles on the table for viewing and purchasing. The open bottles will be in the control of the sampler. I have spoken to the State Patrol and

have been given the guidelines for the amount of sampling allowed by law and will keep the amount sampled under the legal amounts.

4. **What is Our Schedule For Sampling?** Our schedule for the end of the year will depend on when we actually get our license. We will not plan anything for November. If possible, we would look at setting something up prior to Christmas, either the weekend of 12/16 or 12/22. Beyond December, I foresee us doing our samplings to coincide with our monthly liquor ads. We would like to sample for 2 or 3 hours at a time. We would likely do them on Thursday and Friday or Friday and Saturday, depending on the availability of the reps. The hours would be 3pm-6pm (or 4pm-6pm) on Thursdays and Fridays and afternoon hours on Saturdays. Again, hours could fluctuate with availability of personnel, but that's what I envision as I look ahead to 2007.
5. **What Will We Demo?** We will do mostly wines. We might want to do an occasional beer, mostly new or unique beverages. We wouldn't do the common everyday beers that sell themselves. A microbrew or seasonal beer might lend itself to tasting, but I envision wine being our most-tasted beverage.

I hope this information will help answer questions and ease some uncertainty. Feel free to contact me if you feel you need more information. The main point that I would like to make is that B&R Stores, Super Saver and myself want to serve the community in a positive manner. Protecting our young people is a top priority. I feel strongly that we can do the sampling responsibly.

Sincerely,



Fred Groenke
Super Saver #19
1602 W. 2nd st.
Grand Island, NE 68801
308-382-6822

CAKES FROZEN PIZZA MARGARINE CHEESE

EGGS YOGURT MILK
FRESH MEAT

DAIRY
FROZEN MEAT
MEAT
MEAT
MEAT

SEAFOOD

DELI

15 Beer Dairy
Desserts · Breads · Ice Cream

14 Frozen Veggies · Frozen Pasta
Frozen Potatoes · Frozen Fish

13 Juices · Frozen Dinners
Bread · Napkins · Plates · Cups

12 Paper Towels · Tissue · Bath Tissue
Automotive · Air Freshener · Cleaners

11 Bleach · Fabric Softener · Laundry Soap
Dry Cat Food · Cat Litter · School Supply · Party Hose

10 Can Cat Food · Bag Dog Food · Can Dog Food
Toothpaste · Aspirin · Vitamins · Hair Care

9 Liquor · Wine · Water · Popcorn
Pop Pop Pop Pop

8 Snacks · Pretzels · Potato Chips
Fruit Snacks · Pop Tarts · Diapers · Baby Food

7 Oatmeal · Cold Cereals
Coffee · Tea · Sugar · Spices

6 Cooking Oil · Baking Chips · Flour · Cake Mix
Nuts · Foil Pans · Cookies · Crackers

5 Syrup · Pancake Mix · Dry Soup · Can Soup
Dry Pasta · Pasta Sauce · Box Potatoes · Dry Beans/Rice

4 Box Dinners · Can Fish · Can Pasta
Oriental · Can Veggie · Tomato Sauce · Can Beans

3 Mexican Foods · Salsa
Drink Box · Hi-C · Juice

2 Candy · Can Fruit · Applesauce
Diet · KoolAid · Utensils · Dressings

1 Peanut Butter/Jelly · Pickles · Condiments
PRODUCE

BAKERY

CUSTOMER SERVICE

MAGAZINES

BATTERIES
FILM

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9

CHECKSTANDS

CARTON CIGARETTES
SOFTENER SALT
ICE

BULK FOODS
WALL OF VALUES

GREETING
CARDS

WATER
DISPENSER

WALL OF VALUES

WALL OF VALUES

PRODUCE

FLORAL

DEMO
AREA

