



# **City of Grand Island**

**Tuesday, December 02, 2008**

**Council Session**

## **Item E1**

**Public Hearing on Request from Bosselman, Inc. dba Pump & Pantry #42, 1235 Allen Drive for a Class “B” Liquor License**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** December 2, 2008

**Subject:** Public Hearing on Request from Bosselman, Inc. dba Pump & Pantry #42, 1235 Allen Drive for a Class “B” 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**

Bosselman, Inc. dba Pump & Pantry #42, 1235 Allen Drive has submitted an application for a Class “B” Liquor License. A Class “B” Liquor License allows for the sale of beer 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 included with the application was a request from Susan McAfee, 1863 7<sup>th</sup> Avenue, Dannebrog, Nebraska 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 Bosselman, Inc. dba Pump & Pantry #42, 1235 Allen Drive for a Class "B" Liquor License contingent upon final inspections and the request from Susan McAfee, 1863 7<sup>th</sup> Avenue, Dannebrog, Nebraska for a Liquor Manager designation, contingent upon Ms. McAfee completing a state approved alcohol server/seller training program.

INTEROFFICE  
MEMORANDUM  
*Police Department*



*Working Together for a  
Better Tomorrow. Today.*

DATE: November 20, 2008

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Application for a Liquor License for Pump and Pantry 42  
and a Liquor Manager Designation in the name of Susan McAfee  
for Pump and Pantry 42, 1235 Allen Drive, Grand Island, NE

The Grand Island Police Department has received the application for a Liquor License and the Liquor Manager Designation in the name of Susan McAfee for Pump and Pantry #42, 1235 Allen Drive, Grand Island, Nebraska.

The following people are listed on the liquor license application: Charles "Chuck" Bosselman, Janet Bosselman, Fred Bosselman, Deanna Bosselman, Charles "Charlie" Bosselman, and Laura Bosselman.

In the spot on the application that asks if anyone has ever been convicted of any charge, Fred Bosselman is the only person who lists any convictions. Fred advised that he was convicted of a DUI in 1992. NCJIS also shows that Fred was convicted of a speeding violation in 2001. Chuck Bosselman did not have any violations. Janet Bosselman had speeding convictions in 1998 and 2001. Deanna Bosselman had a speeding conviction in 2007. Laura Bosselman didn't have any violations. Charlie Bosselman had a DUI conviction in 1983.

On the application, it 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."

The Bosselman's failure to disclose their traffic convictions technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The traffic convictions would fall under state or local ordinance. Either way, the convictions are either an infraction or a misdemeanor that does not rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically nullify the liquor license.

On the liquor manager application, Susan McAfee disclosed four speeding violations. Her husband signed a "Spousal Affidavit of Non-Participation Insert." Susan did not have any undisclosed violations.

The Grand Island Police Department has no objection to the issuance of a liquor license at the new Pump and Pantry on Allen Drive or to Susan McAfee being the liquor manager.

*Dave Vitera*