



City of Grand Island

Tuesday, July 28, 2015

Council Session

Item E-2

**Public Hearing on Request from Shopko Stores Operating Co.,
LLC dba, Shopko #38, 2208 North Webb Road for a Class “B”
Liquor License**

Council action will take place under Resolutions item I-2.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: July 28, 2015

Subject: Public Hearing on Request from Shopko Stores Operating Co., LLC dba Shopko #38, 2208 North Webb Road for a Class “B” 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

Shopko Stores Operating Co., LLC dba Shopko #38, 2208 North Webb Road 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 submitted with the application was a request from James Larson, 17212 U Street, Omaha, NE for a Liquor Manager Designation. Mr. Larson has completed 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 Shopko Stores Operating Co., LLC dba Shopko #38, 2208 North Webb Road for a Class "B" Liquor License contingent upon final inspections and Liquor Manager Designation for James Larson, 17212 U Street, Omaha, NE.

07/21/15
15:25

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 1

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City : Grand Island
Occurred after : **:**:** **/**/****
Occurred before : **:**:** **/**/****
When reported : 14:25:00 06/26/2015
Date disposition declared : 06/29/2015
Incident number : L15062499
Primary incident number :
Incident nature : Liquor Lic Inv Liquor Lic Inv
Incident address : 2208 Webb Rd N
State abbreviation : NE
ZIP Code : 68803
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 : ACT Active
Misc. number : RaNae
Geobase address ID : 4605
Long-term call ID :
Clearance Code : CL CL Case Closed
Judicial Status :

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	202335	07/21/15	McMahon, Peter K	CEO
NM	202336	07/21/15	Steinhorst, Russell L	SVP/CFO
NM	202337	07/21/15	Vandenhouten, Peter G	SVP/Secretary
NM	202338	07/21/15	Gibson, Gary L	VP/Treasurer
NM	202339	07/21/15	Larson, James	Manager
NM	202340	07/21/15	Larson, Mary Jo A	James' Wife
NM	13956	06/26/15	Shopko,	Busines

Involved

LAW INCIDENT CIRCUMSTANCES:

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Se Circu Circumstance code      Miscellaneous
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1  LT08  LT08 Deptmnt/Discount Store

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IMAGE CODES FOR INCIDENT:

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Seq Imag Image code for a users description field
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1  DOC  DOCUMENT      mobile report

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LAW INCIDENT NARRATIVE:

Liquor License Investigation
Grand Island Police Department

Shopko is applying for a Class B (beer, off sale only) LLC retail liquor license, and James Larson is applying to be the liquor manager.

ap

~~~~~ (lwmain14244906262015)~~

LAW INCIDENT OFFENSES DETAIL:

| Se | Offe | Offense code         | Arson | Dama |
|----|------|----------------------|-------|------|
| 1  | AOFF | 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 | 13:16:06 07/21/2015 |

Grand Island Police Department  
Supplemental Report

Date, Time: Tue Jul 21 13:16:18 CDT 2015  
Reporting Officer: Vitera  
Unit- CID

Shopko is applying for a Class B (beer off sale only) liquor license, and James Larson is applying to be the liquor manager. The Grand Island Shopko hasn't sold alcohol as long as I can remember. This is a new application. Peter K. McMahon (CEO), Russell L. Steinhorst (SVP/CFO), Peter G. Vandenhouten , and Gary Gibson (VP- Treasurer) are listed as the applicants. If married, their spouses each signed an Affidavit of Non-Participation form.

With the exception of the manager and his wife, all of the applicants live in Wisconsin. None of them were in Spillman or NCJIS. I am unable to run national criminal history checks on liquor license applications. From the information I received, it appears that Shopko has 144 liquor

licenses in thirteen states including Nebraska. Since Shopko has numerous liquor licenses already, I can't imagine that the criminal history reports generated from the applicants' fingerprints would contain any information that would preclude Shopko in Grand Island from receiving a liquor license. If there is an issue, it should be caught at the State level.

James Larson (Liquor Manager) and his wife (Mary Jo Larson) have lived in Omaha since at least 1998. Neither one of them were in Spillman. They are both in NCJIS. James didn't disclose any convictions on his application. He has a couple of traffic convictions. Mary Jo doesn't have any convictions in Nebraska.

I checked Shopko through the NLCC's web site and found that James Larson is listed as the liquor manager for seventeen Shopko stores in Nebraska. According to Nebraska State Statute 53-103.18, "Manager means a person appointed by a corporation or limited liability company to oversee the daily operation of the business licensed in Nebraska. A manager shall meet all the requirements of the Nebraska Liquor Control Act as though he or she were the applicant, including residency and citizenship."

Question three on the Manager Application asks the applicant if he "...intend(s) to supervise, in person, the management of the business?" James checked the "Yes" box. Between the state statute definition of a manager saying he needs to "oversee the DAILY operation" of the business and the applicant saying he's going to do it in person, I believe it's impossible for James to be a liquor manager at seventeen Shopko stores. However, I've been told that having one liquor manager for larger companies and corporations with numerous stores is kind of the trend now, and there doesn't seem to be any opposition from the NLCC.

As long as all the applicants' national criminal history checks through their fingerprint submissions comes back okay, and there are no liquor-related problems or only minor problems at Shopko in Grand Island, the Grand Island Police Department has no objection to Shopko getting a Class B Liquor License or to James Larson being the liquor manager.

