



City of Grand Island

Tuesday, August 11, 2015

Council Session

Item E-1

**Public Hearing on Request from Bosselman Pump & Pantry, Inc.
dba, Pump & Pantry #8, 2028 No. Broadwell Avenue for a Class
“D” Liquor License**

Council action will take place under Resolutions item I-1.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: August 11, 2015

Subject: Public Hearing on Request from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #8, 2028 North Broadwell Avenue for a Class “D” 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

Bosselman Pump & Pantry, Inc. dba Pump & Pantry #8, 2028 North Broadwell Avenue has submitted an application for a Class “D” Liquor License. A Class “D” Liquor License allows for the sale of alcohol off sale inside the corporate limits of the city. Currently they hold a Class “B” Liquor License which is for beer off sale only and would like to upgrade to a Class “D”.

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 West Highway 34 for a Liquor Manager Designation. Mr. Fausch has completed a state approved alcohol server/seller training program and is currently the manager at this location.

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 Bosselman Pump & Pantry, Inc. dba Pump & Pantry #8, 2028 North Broadwell Avenue for a Class "D" Liquor License contingent upon final inspections and Liquor Manager Designation for Brian Fausch, 2009 West Highway 34.

07/24/15
15:15

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 1

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City : Grand Island
Occurred after : **:**:** **/**/****
Occurred before : **:**:** **/**/****
When reported : 15:00:00 07/23/2015
Date disposition declared : **/**/****
Incident number : L15072342
Primary incident number :
Incident nature : Liquor Lic Inv Liquor Lic Inv
Incident address : 2028 Broadwell Ave 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 : AOFF AOFF Alcohol Offense
Disposition :
Misc. number : RaNae
Geobase address ID : 1779
Long-term call ID :
Clearance Code : CL CL Case Closed
Judicial Status :

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
LW	L12073982	07/23/15	Liquor Lic Inv	Related
NM	5453	07/23/15	Bosselman-Lofing, Brandi K VP/Sec/Treasurer	
NM	17868	07/23/15	Bosselman, Charles D Jr	President
NM	23148	07/23/15	Bosselman, Laura	Charles' Wife
NM	43709	07/23/15	Fausch, Brian T	Liquor Manager
NM	54422	07/23/15	Pump & Pantry; #8,	Store Involved
NM	66141	07/23/15	Fausch, Lori L	Brian's Wife
NM	80208	07/23/15	Lofing, Dustin	Brandi's Husband

LAW INCIDENT CIRCUMSTANCES:

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Se Circu Circumstance code      Miscellaneous
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1  LT07  LT07 Convenience Store

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IMAGE CODES FOR INCIDENT:

Seq Imag Image code for a users description field

1 DOC DOCUMENT mobile report

LAW INCIDENT NARRATIVE:

Liquor License Investigation
Grand Island Police Department

I received a copy of a new liquor license application from Pump & Pantry Store #8. They are upgrading their existing license from a Class B (Beer, off sale only) to a Class D (Beer, wine, distilled spirits, off sale only), and Brian Fausch is applying to be the liquor manager.

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	15:29:37 07/23/2015

Grand Island Police Department
Supplemental Report

Date, Time: Thu Jul 23 15:29:48 CDT 2015
Reporting Officer: Vitera
Unit- CID

Pump & Pantry located at 2028 N. Broadwell Avenue is applying to upgrade their current Class B (beer, off sale only) liquor license to a Class D (beer, wine, distilled spirits, off sale only) liquor license, and Brian Fausch is applying to be the liquor manager.

Charles Bosselman Jr. is listed as the president of the corporation. He is married to Laura Bosselman, and they have lived in Grand Island since at least 1992. Brandi Bosselman is listed as the vice president, secretary, and treasurer of the corporation. She is married to James Lofing. Brandi has lived in Grand Island since at least 1996, and James has lived in Grand Island since at least 2000.

I checked Spillman and NCJIS on all of the applicants. None of the applicants have anything alarming in Spillman. Brandi has an undisclosed traffic conviction listed in NCJIS while James has two undisclosed traffic convictions listed in NCJIS. Charles doesn't have any undisclosed convictions, and Laura doesn't have any convictions.

Moving on to the Manager's Application, I checked Brian and Lori (wife) Fausch through Spillman and NCJIS. Lori signed a Spousal Affidavit of Non-Participation. Brian and Lori didn't have anything out of the ordinary in Spillman. Brian has one undisclosed traffic conviction listed in NCJIS. Lori has a couple of DUI's and a traffic conviction.

All in all, nothing in any of the applicants' Nebraska criminal history would preclude them from having a liquor license or being a liquor manager. In addition, Pump & Pantry on Broadwell already has a liquor license, and Brian Fausch has been the liquor manager for at least three years. The Grand Island Police Department has no objection to Pump & Pantry located at 2028 N. Broadwell upgrading their liquor license or to Brian Fausch remaining as the liquor manager.

