



City of Grand Island

Tuesday, January 12, 2010

Council Session

Item E1

**Public Hearing on Request from Walgreens Co. dba Walgreens
#03467, 1515 West 2nd Street for a Class “D” Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: January 12, 2010

Subject: Public Hearing on Request from Walgreens Co. dba
Walgreens #03467, 1515 West 2nd Street for a Class “D”
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

Walgreens Co. dba Walgreens #03467, 1515 West 2nd Street has submitted an application for a Class “D” Liquor License. A Class “D” Liquor License allows for the sale of alcohol 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 requested is a Liquor Manager Designation for James Karins, 4601 Browning Court, Lincoln, Nebraska.

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 Walgreens Co. dba Walgreens #03467, 1515 West 2nd Street for a Class 'D' Liquor License and the request for Liquor Manager Designation from James Karins, 4601 Browning Court, Lincoln, Nebraska contingent upon Mr. Karins completing a state approved alcohol server/seller training program.

12/17/09
16:17

Grand Island Police Department
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : 15:48:40 12/14/2009
Occurred before : 15:48:40 12/14/2009
When reported : 15:48:40 12/14/2009
Date disposition declared : 12/14/2009
Incident number : L09121607
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 1515 2nd St W
State abbreviation : NE
ZIP Code : 68801
Contact or caller :
Complainant name number :
Area location code : PCID Police - CID
Received by : Viterra D
How received : T Telephone
Agency code : GIPD Grand Island Police Department
Responsible officer : Viterra D
Offense as Taken :
Offense as Observed :
Disposition : ACT Active
Misc. number : RaNae
Geobase address ID : 26370
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
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LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
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1	LT03	Bar/Night Club	
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LAW INCIDENT NARRATIVE:

I received a copy of a liquor license application for Walgreens on 2nd St. and Webb Road and a liquor manager application for James Karins

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
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1	Viterra D	318	Viterra D
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LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
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12/17/09
16:17

Grand Island Police Department
LAW INCIDENT TABLE

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1 Vitera D 15:13:48 12/17/2009

Grand Island Police Department
Supplemental Report

On 12/14/09, I received a copy of a liquor license application for Walgreens located at 1515 W. 2nd Street and 1230 N. Webb Road. I also received a liquor manager application from James Karins for each Walgreens store. James Karins listed an address in Lincoln, NE. He is married, but his wife signed a spousal affidavit of non participation.

The application for the license at the Walgreens on 2nd St. and the one on Webb Road each list the same people as corporate officers. Gregory Wasson is listed as the president and CEO. Mark Wagner is listed as the executive vice president. Jason Dubinsky is listed as the treasurer, and Margarita Kellen is listed as the assistant secretary. All of them are married, and each spouse signed a spousal affidavit of non participation. They all live in Illinois.

I could not find any of the applicants in Spillman. I checked NCJIS and was not able to find an entry on any of the out of State applicants. I did however, find information on James Karins. He was convicted of speeding on 5/8/01 and on 7/18/06. Melanie Karins does not have any violations.

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." James checked the "No" box.

James' failure to disclose his convictions technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The undisclosed convictions would fall under state law 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.

The Grand Island Police Department has no objection to James Karins being the liquor manager at the two Walgreens stores. However, since I can't run criminal histories on liquor license investigations, I am unable to do a quick and simple check on the out of State applicants. The Grand Island Police Department can not make a recommendation on these two applications. We will have to defer to the State investigation.

Date, Time: Thu Dec 17 16:07:41 CST 2009
Reporting Officer: Vitera
Unit #: 865