



City of Grand Island

Tuesday, April 27, 2010

Council Session

Item E1

**Public Hearing on Request from Casey's Retail Company dba
Casey's General Store #2882, 1404 West 2nd Street for a Class "B"
Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 27, 2010

Subject: Public Hearing on Request from Casey's Retail Company dba Casey's General Store #2882, 1404 West 2nd Street 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

Casey's Retail Company dba Casey's General Store #2882, 1404 West 2nd Street 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 this application is a Manager Designation request from Tina Krings, 1009 Milan Dr. #7, Norfolk, 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 this application.

Sample Motion

Move to approve the application for Casey's Retail Company dba Casey's General Store #2882, 1404 West 2nd Street for a Class "B" Liquor License contingent upon final inspections and Liquor Manager request from Tina Krings, 1009 Milan Dr. #78, Norfolk, Nebraska contingent upon Ms. Krings completing a state approved alcohol server/seller training program.

04/20/10
16:13

Grand Island Police Department
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : 14:30:40 04/12/2010
Occurred before : 14:30:40 04/12/2010
When reported : 08:30:00 04/09/2010
Date disposition declared : 04/12/2010
Incident number : L10041478
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 1404 2nd St W
State abbreviation : NE
ZIP Code : 68801
Contact or caller :
Complainant name number :
Area location code : PCID Police - CID
Received by : Vitera D
How received : T Telephone
Agency code : GIPD Grand Island Police Department
Responsible officer : Vitera D
Offense as Taken :
Offense as Observed :
Disposition : ACT Active
Misc. number : RaNae
Geobase address ID : 2895
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 |
|----|----------|----------|------------------------|-------------------|
| NM | 52291 | 04/20/10 | Casey's General Store, | Business Involved |
| NM | 56754 | 04/20/10 | Casey's General Store, | Business Involved |
| NM | 114448 | 04/20/10 | Krings, Tina M | Liquor Manager |

LAW INCIDENT CIRCUMSTANCES:

| Se | Circu | Circumstance code | Miscellaneous |
|----|-------|-------------------|---------------|
| 1 | LT07 | Convenience Store | |

LAW INCIDENT NARRATIVE:

I received a copy of a liquor license application for Casey's General Store located at 1404 W. 2nd and 1420 S. Locust. Both locations are currently Holiday Stores and are being purchased by Casey's. I also received a copy of a liquor manager application for Tina Krings.

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

04/20/10 Grand Island Police Department
16:13 LAW INCIDENT TABLE

450
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1 Vitera D 318 Vitera D

LAW SUPPLEMENTAL NARRATIVE:

| Seq | Name | Date |
|-----|----------|---------------------|
| 1 | Vitera D | 14:47:49 04/20/2010 |

318-Casey's- both new stores

Grand Island Police Department
Supplemental Report

Date, Time: Tue Apr 20 14:48:18 CDT 2010
Reporting Officer: Vitera
Unit- CID

I received a copy of a Class B liquor license application for Casey's at 1420 S. Locust and Casey's at 1404 W. 2nd Street. Each one of these locations used to be a Holiday store. I also received a copy of an application for Tina Krings to be the liquor manager at both stores.

The first thing I noticed about the liquor license application was that it listed seven people involved with the Casey's Corporation. All seven people are married which puts the total number of people listed on the application at fourteen. All fourteen people have Iowa addresses. Ten of the fourteen people disclosed violations where the application asks if anyone has been convicted of or plead guilty to any charge. All of the convictions were traffic related.

Since I can't run criminal history checks for liquor license investigations, and all of the applicants live out of state, this investigation will have to rely on the fingerprint submissions, NSP investigation, and the NLCC decision. Since there are other Casey's stores in town that sell alcoholic beverages, they have gotten licenses in the past. I can't imagine that there have been any significant changes from the old applications to this one.

I will focus more on the liquor manager position since that applicant has lived in Nebraska for the last 42 years. Tina Krings' application indicates that she was born in California in 1967 but has lived in Norfolk, Nebraska from 1967 until now. I checked Tina through Spillman and NCJIS.

Tina is in Spillman as being involved in a liquor license investigation for two Casey's stores back in April of 2007. No problems were uncovered during that investigation. I checked Tina again through NCJIS. She has no convictions listed.

Assuming there are no problems at the State level, the Grand Island Police Department (GIPD) has no objection to Casey's obtaining a liquor license at their new 2nd Street and South Locust location. The GIPD also has no objection to Tina Krings being the liquor manager.