



City of Grand Island

Tuesday, October 26, 2010

Council Session

Item E1

**Public Hearing on Request from Casey's Retail Company dba
Casey's General Store #2903, 3428 West Capital Avenue for a
Class "B" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: October 26, 2010

Subject: Public Hearing on Request from Casey's Retail Company
dba Casey's General Store #2903, 3428 West Capital
Avenue 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 #2903, 3428 West Capital Avenue has submitted an application for a Class "B" Liquor License. A Class "B" Liquor License allows for the sale 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 this application was a Liquor Manger Designation request from Tina Krings, 1009 Milan Drive #7, Norfolk, Nebraska.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

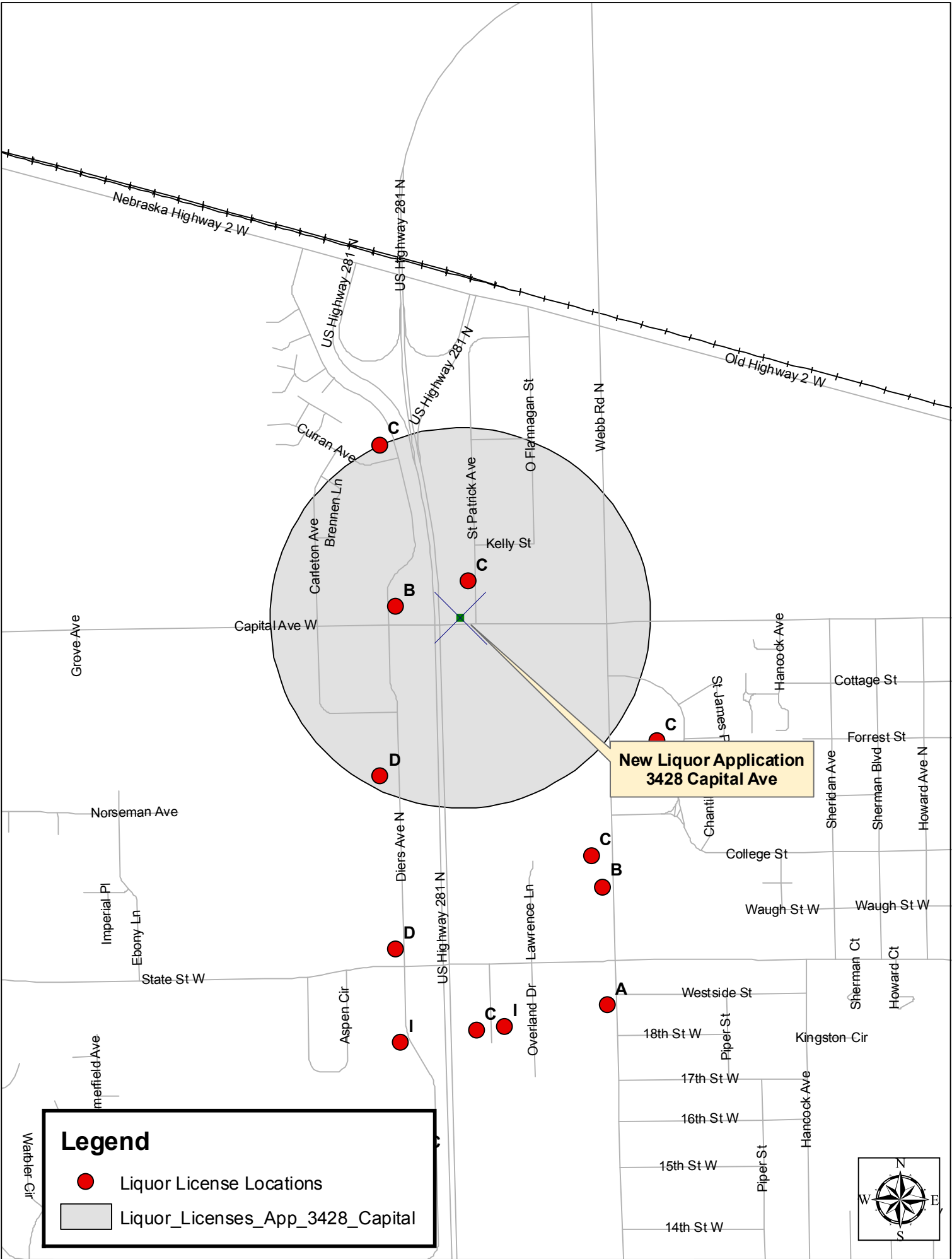
1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

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 #2903, 3428 West Capital Avenue for a Class "B" Liquor License contingent upon final inspections and Liquor Manager designation for Tina Krings, 1009 Milan Drive #7, Norfolk, Nebraska contingent upon Ms. Krings completing a state approved alcohol server/seller training program.



Legend

- Liquor License Locations
- Liquor_Licenses_App_3428_Capital

10/07/10
15:30

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
Occurred after : 11:10:01 10/06/2010
Occurred before : 11:10:01 10/06/2010
When reported : 11:10:01 10/06/2010
Date disposition declared : 10/06/2010
Incident number : L10100762
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 3428 Capital Ave W
State abbreviation : NE
ZIP Code : 68803
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 : 4612
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident

= = = = =

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	114448	10/07/10	Krings, Tina M	Liquor Manager
NM	160318	10/07/10	Casey's General Store,	Business

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 and a Liquor Manager Application from Tina Krings.

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

1 Vitera D 318 Vitera D

10/07/10
15:30

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 2

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	13:41:06 10/07/2010

318

Grand Island Police Department
Supplemental Report

Date, Time: Thu Oct 07 13:41:21 CDT 2010
Reporting Officer: Vitera
Unit- CID

It appears that this new Casey's store is going to be at the northeast corner of Capital and Hwy. 281 where the Sapp Brother's store used to be. Grand Island has several other Casey's stores that sell beer. I received applications in April when Casey's bought out the Holiday Stores on South Locust and West 2nd Street. I've also looked at liquor license applications from Casey's at Five Points and on North Eddy. I'm not aware of any alcohol related problems at any of the Casey's stores.

On the current application, Tina Krings is listed as the liquor manager. She was also listed on the Eddy store's application in 2007 and on the South Locust and West 2nd Stores' applications in 2010. There were no problems with Tina in 2007 or earlier this year. I checked her again through Spillman and NCJIS to make sure no criminal concerns popped up in the last six months, and I didn't find anything.

The following information has been copied from one of my earlier Casey's investigations and pertains to this one:

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 obviously gotten licenses in the past. I can't imagine that there have been any significant changes from the old applications to this one.

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 for their new store at Capital and Hwy. 281. The GIPD also has no objection to Tina Krings being the liquor manager.

10/07/10
15:30

Grand Island Police Department
LAW INCIDENT TABLE

Page: 450
3