



# City of Grand Island

Tuesday, November 08, 2011

Council Session

## Item E1

**Public Hearing on Request from Bosselman Pump & Pantry, Inc.  
dba Pump & Pantry #43, 1222 South Locust Street for a Class "D"  
Liquor License**

Staff Contact: RaNae Edwards

# Council Agenda Memo

**From:** RaNae Edwards, City Clerk

**Meeting:** November 8, 2011

**Subject:** Public Hearing on Request from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #43, 1222 South Locust 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

Bosselman Pump & Pantry, Inc. dba Pump & Pantry #43, 1222 South Locust 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 submitted with the application was a request from Susan McAfee, 1863 7<sup>th</sup> Avenue, Dannebrog, Nebraska for a Liquor Manager designation.

### **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 #43, 1222 South Locust Street for a Class "D" Liquor License contingent upon final inspections and Liquor Manager designation for Susan McAfee, 18963 7<sup>h</sup> Avenue, Dannebrog, Nebraska contingent upon Ms. McAfee completing a state approve alcohol server/seller training program.

11/02/11  
450

Grand Island Police Department

11:18  
1

LAW INCIDENT TABLE

Page:

City : Grand Island

Occurred after : 10:40:00 10/31/2011

Occurred before : 10:40:00 10/31/2011

When reported : 10:40:00 10/31/2011

Date disposition declared : 10/31/2011

Incident number : L11104038

Primary incident number :

Incident nature : Liquor Lic Inv    Liquor License  
Investigation

Incident address : 1309 Diers 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 : 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 : 4967  
 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
LW	L11104040	11/02/11	Liquor Lic Inv	Related
NM	5453	10/31/11	Bosselman, Brandi K	Secretary
NM	17868	10/31/11	Bosselman, Charles D Jr	President
NM	22099	10/31/11	McAfee, Larry Scott	Susan's Spouse
NM Spous	23148	10/31/11	Bosselman, Laura	Charles Jr.'s
NM Spouse	51098	10/31/11	Bosselman, Janet K	Charles'
NM Spouse	65426	10/31/11	Lofing, James D	Brandi's
NM	94953	10/31/11	McAfee, Susan R	Manager
NM	114562	10/31/11	Bosselman, Charles D	Chairman
NM	171097	10/31/11	Pump & Pantry # 44,	Business

LAW INCIDENT CIRCUMSTANCES:

Se Circu Circumstance code

Miscellaneous

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1 LT07 Convenience Store

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application from Pump & Pantry and a

Liquor Manager Application from Susan McAfee.

Date, Time: Tue Nov 01 15:06:07 CDT 2011

Reporting Officer: Vitera

Unit- CID

Bosselman Pump & Pantry bought the Byco Stores at 1222 S. Locust and 1309 N.

Diers. They are currently selling alcohol on a Temporary Operating Permit (TOP)

issued by the NLCC. Each new Pump & Pantry has applied for a Class D corporate

liquor license which is for beer, wine, and distilled spirits off sale only.

Members of the corporation are: Charles Bosselman (Chairman), Charles Bosselman

Jr. (President), and Brandi Bosselman (Secretary/Treasurer). Spouses listed

are: Janet Bosselman, Laura Bosselman, and James Lofing.

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."

The "No" box was checked. It also asks that the charges be associated to the

person convicted if there is more than one person on the application.

I checked all parties through NCJIS and found that Charles has an undisclosed

speeding conviction from 2000, Janet was convicted of speeding on '98 and 2002,

Charles Jr. was convicted of DUI in 1983 and speeding in 2009, Brandi was

convicted of a stop sign/fail to yield violation in '06, and James was convicted

of speeding in 1998.

The information stated in the preceding paragraph are examples of why this

application is technically false according to the Nebraska Liquor Control Act

(Part II Chapter 2 Section 010.01) which states:

"No applicant for a liquor license, or partner, principal, agent or employee of any applicant for a liquor license shall provide false or

misleading information to the Nebraska Liquor Control Commission, its

executive director, or employees. Any violation of this provision may

result in denial of application for a liquor license or, in the event that

a license has already been issued, suspension, cancellation or revocation

of such license."

The traffic convictions would fall under state law or local ordinance. Either

way, the convictions are an infraction or a misdemeanor that do 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.

I also checked Susan and Larry McAfee through NCJIS in regard to the manager

application. Larry signed a Spousal Affidavit of Non Participation form. They

each disclosed multiple traffic convictions. I found one undisclosed traffic

conviction for each of them. Susan has been listed on many manager applications

for Pump & Pantry. The new convictions are fairly recent. It appears that she

just hasn't updated her application.

As far as I know, the GIPD has not had any significant problems with the

numerous Pump & Pantry stores in Grand Island, nor are there any issues with

Susan McAfee.

The applicants should be cautioned about reading and filling out the application



completely and keeping it updated, but the Grand Island Police Department has no

objection to the issuance of a liquor license for the new Pump & Pantry stores

or to Susan McAfee being the liquor manager.