



City of Grand Island

Tuesday, March 07, 2006

Special/Council Session

Item E1

**Public Hearing on Request of Casey's Retail Company dba Casey's
General Store #2707, 806 N. Eddy Street for a Class "D" Liquor
License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk
Meeting: March 7, 2006
Subject: Public Hearing on Request of Casey's Retail Company
dba Casey's General Stores for Liquor Licenses
Item #'s: E-1, E-2, E-3, E-4, E-5 & I-1, I-2, I-3, I-4, I-5
Presenter(s): RaNae Edwards, City Clerk

Background

Casey's Retail Company has submitted the following applications for the following five (5) Casey's General Stores Liquor Licenses:

Casey's General Store #2707, 806 N. Eddy Street	Class "D"
Casey's General Store #2727, 1219 West 2 nd Street	Class "B"
Casey's General Store #2732, 4150 West U.S. Highway 30	Class "B"
Casey's General Store #2737, 1814 N. Eddy Street	Class "D"
Casey's General Store #2742, 2223 South Locust Street	Class "B"

A Class "B" Liquor License allows for the sale of beer off sale only inside the corporate limits of the city. A Class "D" Liquor License allows for the sale of spirits, wine, and beef off sale only inside the corporate limits of the city.

Discussion

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. These applications have been reviewed by the Clerk, Building, Fire, Health, and Police Departments. These licenses if approved will replace those licenses currently held by Gas 'N Shop. Attached is the Police Department memo and recommendation.

Alternatives

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

1. Approve the applications.
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 these requests with the stipulation that the manager complete a state approved alcohol server/seller training program.

Sample Motion

Move to approve the Resolutions for the five (5) requests of Casey's Retail Company dba Casey's General Stores Liquor Licenses with the stipulation that the manager complete a state approved alcohol server/seller training program.

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**CITY OF GRAND ISLAND
LIQUOR APPLICATION CHECKLIST**

 Retail: Individual **

- ok Applicant is Nebraska Resident.
- ok Applicant is of good character and reputation in the community in which he or she resides.
- ok Applicants is citizen of the United States.
- ok Applicant has no Felony or Class I Misdemeanor convictions or guilty pleas.
- ok Applicants has had no prior liquor licenses issued under the Nebraska Liquor Control Act revoked.
- ok Applicant's spouse must qualify the same as applicant.
- ok Applicant owns premise or has a lease of premise for the full period for which the license is issued.
- Premise meets State Fire Marshal codes.
- ok Applicant is not a law enforcement officer.
- ok Applicant is at least 21 years of age.

 Retail: Partnership **

- One partner must be a resident of Nebraska.
- All partners and spouses must be citizens of the United States.
- All partners must be of good character and reputation in the community.
- All partners must not have been convicted or plead guilty to a Felony or Class I Misdemeanor.
- All partners must not have had a liquor license issued under the Nebraska Liquor Control Act revoked.

Retail: Limited Liability Company **

 One of the members must be a resident of Nebraska.

 All members of such company must qualify to above individual restrictions.

 Retail: Corporation **

OR Any officer, manager, or director of the corporation or any stockholder owning more than 25% of the stock must qualify to above individual restrictions.

OR The manager and spouse of the corporation must be a resident of Nebraska and qualify to above individual restrictions.

OR Corporation must be registered with the Secretary of State.

OR Corporation owned by a corporation, the owning corporation must register with the Secretary of State.

 Manufacturer, Wholesaler, Railroad, Airline, Boat, Nonbeverage

 Application filed in duplicate.

 Beer Wholesaler must file sales territory of their brands.

 Must file a bond.

 Must pay registration fee and license fee.

 No Manufacturer or Wholesaler may have interest as owner, part owner, lessee, or lessor in any retail establishment.

****All Retail Licenses:**

OR Premise is not within 150' from any church, school, hospital, or home for aged or indigent persons or for veterans, their wives or children.

OR Premise is not within 300' from any college campus.

Other Comments or Concerns:

 See Investigative Report

02/10/06
10:00

Grand Island Police Dept.
LAW INCIDENT TABLE

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City : Grand Island
 Occurred after : 10:00:00 02/08/2006
 Occurred before : 09:00:00 02/10/2006
 When reported : 10:00:00 02/08/2006
 Date disposition declared : 02/10/2006
 Incident number : L06021185
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor License Investigation
 Incident address : 806 N Eddy St
 State abbreviation : NE
 ZIP Code : 68801
 Contact or caller :
 Complainant name number :
 Area location code : PAO Police - Within limits of GI
 Received by : Falldorf R
 How received : T Telephone
 Agency code : GIPD Grand Island Police Department
 Responsible officer : Falldorf R
 Offense as Taken :
 Offense as Observed :
 Disposition : INA Inactive
 Misc. number : Printed
 Geobase address ID :
 Long-term call ID :
 Clearance Code : CL Case Closed
 Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	110559		Pinkham, Charles Scott	Store Manager
NM	110560		Pinkham, Lorie A	Spouse
NM	110562		Handley, Terry W	President/CEO

LAW INCIDENT CIRCUMSTANCES:

Se Circu Circumstance code : Miscellaneous

 1 LT07 Convenience Store

LAW INCIDENT NARRATIVE:

Liquor License background investigation for Caseys General Store, 806 N. Eddy Street.

LAW INCIDENT OFFENSES DETAIL:

Se Offe Offense code : Arson Dama

 1 : 0.00

02/10/06
10:00

Grand Island Police Dept.
LAW INCIDENT TABLE

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LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
1	Falldorf R	104	Falldorf R

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Falldorf R	09:20:58 02/10/2006

Grand Island Police Department
Supplemental Report

On the date of 2-8-06 I received a liquor license application for Caseys General Store from the City Clerk to complete an investigation on. This application was listed as a retail corporation with the president of the corporation listed as Terry Handley of Bondurant, Iowa and the local store manager listed as Charles Pinkham. Charles' wife was also listed on the application as Lorie Anne (Mathies) Pinkham. There were no other stockholders listed in the application as owning 25% or more of stock in the corporation.

I checked through the Nebraska Criminal Justice Information System data base for Nebraska criminal or traffic violations involving Terry Handley, Charles Pinkham, and Lorie Pinkham. I also ran a driving history on Terry Handley, since he had listed an out of state address. Terry Handley and Lorie Pinkham both came back with clean records. I was able to locate two traffic related charges for Charles Pinkham, which he plead guilty to by waiver on both. The first was for Speeding, Infraction, in Adams County in 2002 and the second violation was also for Speeding, Infraction, in Adams County in 1997. I noted that on question #1 of the application for a corporate manager, the form asked the applicants to indicate all convictions or any charges that the applicants plead guilty to, to include a felony, misdemeanor, violation of a federal or state law, a violation of a local law, ordinance, or resolution. I also noted that the box was checked "NO" by Mr. Pinkham to indicate that the applicant(s) had no convictions or guilty pleas to list. The two speeding guilty pleas would be considered violations of local law or ordinance.

I don't feel that this omission of the guilty pleas on the part of Charles Pinkham should disqualify the corporation for their liquor license and all parties investigated appear to have good character and reputation in their respective communities. Mr. Pinkham just needs to read carefully all paperwork involved in the application process and assume the reporting responsibilities that go along with every process within obtaining a liquor license.

The Grand Island Police Department has no objection to the corporate liquor license for Caseys General Store being issued, with the understanding that all requested forms in the future should be thoroughly read and requested information supplied.

Date, Time: 2-10-06, 9:00 AM
Reporting Officer: Captain Robert Falldorf