



City of Grand Island

Tuesday, December 17, 2013

Council Session

Item E-1

**Public Hearing on Request from Carnivores Meat Supply LLC
dba Carnivores Meat Supply, 3721 W. Old Potash Highway for a
Class “C” Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: December 17, 2013

Subject: Public Hearing on Request from Carnivores Meat Supply LLC dba Carnivores Meat Supply, 3721 W. Old Potash Highway for a Class “C” 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

Carnivores Meat Supply LLC dba Carnivores Meat Supply, 3721 W. Old Potash Highway has submitted an application for a Class “C” Liquor License. A Class “C” Liquor License allows for the sale of alcohol on and off sale 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 Eric Muth, 3527 South Blaine Street 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 Carnivores Meat Supply LLC dba Carnivores Meat Supply, 3721 W. Old Potash Highway for a Class "C" Liquor License contingent upon final inspections and Manager Designation for Eric Muth, 3527 South Blaine Street contingent upon completion of a state approved alcohol server/seller training program.

12/06/13
15:18

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
Occurred after : 13:40:48 11/21/2013
Occurred before : 13:40:48 11/21/2013
When reported : 13:40:48 11/21/2013
Date disposition declared : 11/21/2013
Incident number : L13112782
Primary incident number :
Incident nature : Liquor Lic Inv Liquor Lic Inv
Incident address : 3721 Old Potash Hwy 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 GIPD Grand Island Police Dept
Responsible officer : Vitera D
Offense as Taken :
Offense as Observed :
Disposition : ACT Active
Misc. number : RaNae
Geobase address ID : 8573
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	9609	12/03/13	Muth, Eric D	Owner/Manager
NM	73142	12/03/13	Reiners, Michael E	Owner
NM	93512	12/03/13	Reiners, Charlene A	Owner
NM	108232	12/03/13	Dinkelman, Jennifer L	Owner
NM	121695	12/03/13	Dinkelman, Brian M	Owner
NM	171707	12/03/13	Muth, Emily C	Owner

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT24	LT24 Specialty Store	

LAW INCIDENT NARRATIVE:

Carnivores Meat Supply is Requesting a Class C Liquor License, and Eric Muth Applied to be the Liquor Manager.

LAW INCIDENT OFFENSES DETAIL:

Se	Offe	Offense code	Arson Dama
1	AOFF	AOFF Alcohol Offense	0.00

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
1	Vitera D	318	Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	13:53:12 12/05/2013

Grand Island Police Department
Supplemental Report

Date, Time: Thu Dec 05 13:53:27 CST 2013
Reporting Officer: Vitera
Unit- CID

Carnivores Meat Supply is applying for a Class C (beer, wine, distilled spirits, on and off sale) LLC liquor license. Three couples are listed on the application, and all of them have lived in Grand Island for at least the last ten years. The couples are: Brian and Jennifer Dinkelman, Michael and Charlene Reiners, and Eric and Emily Muth. Eric is applying to be the liquor manager.

Part of the application asks if anyone has been convicted or plead guilty to any charge. Brian Dinkelman disclosed a DUI from 1999, but no one else disclosed anything. I checked Spillman and NCJIS on all six applicants. Eric Muth has a speeding ticket listed in Spillman. NCJIS shows five traffic convictions. One was for no valid registration, and the other four were for speeding. Emily Muth doesn't have any violations listed in Spillman or NCJIS. Michael Reiners doesn't have any potential violations in Spillman and has one speeding conviction listed in NCJIS. Charlene Reiners doesn't show any possible convictions in Spillman. She has one conviction for speeding listed in NCJIS. Brian Dinkelman doesn't have any undisclosed convictions in Spillman or NCJIS. Jennifer Dinkelman doesn't have any convictions listed in either Spillman or NCJIS. I also did some Internet checks on the applicants and didn't find anything damaging to the application.

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." It further asks that the applicant, "List the nature of the charge, where the charge occurred and the year and the month of the conviction or plea. Also list any charges pending at the

time of this application. If more than one party, please list charges by each individual's name."

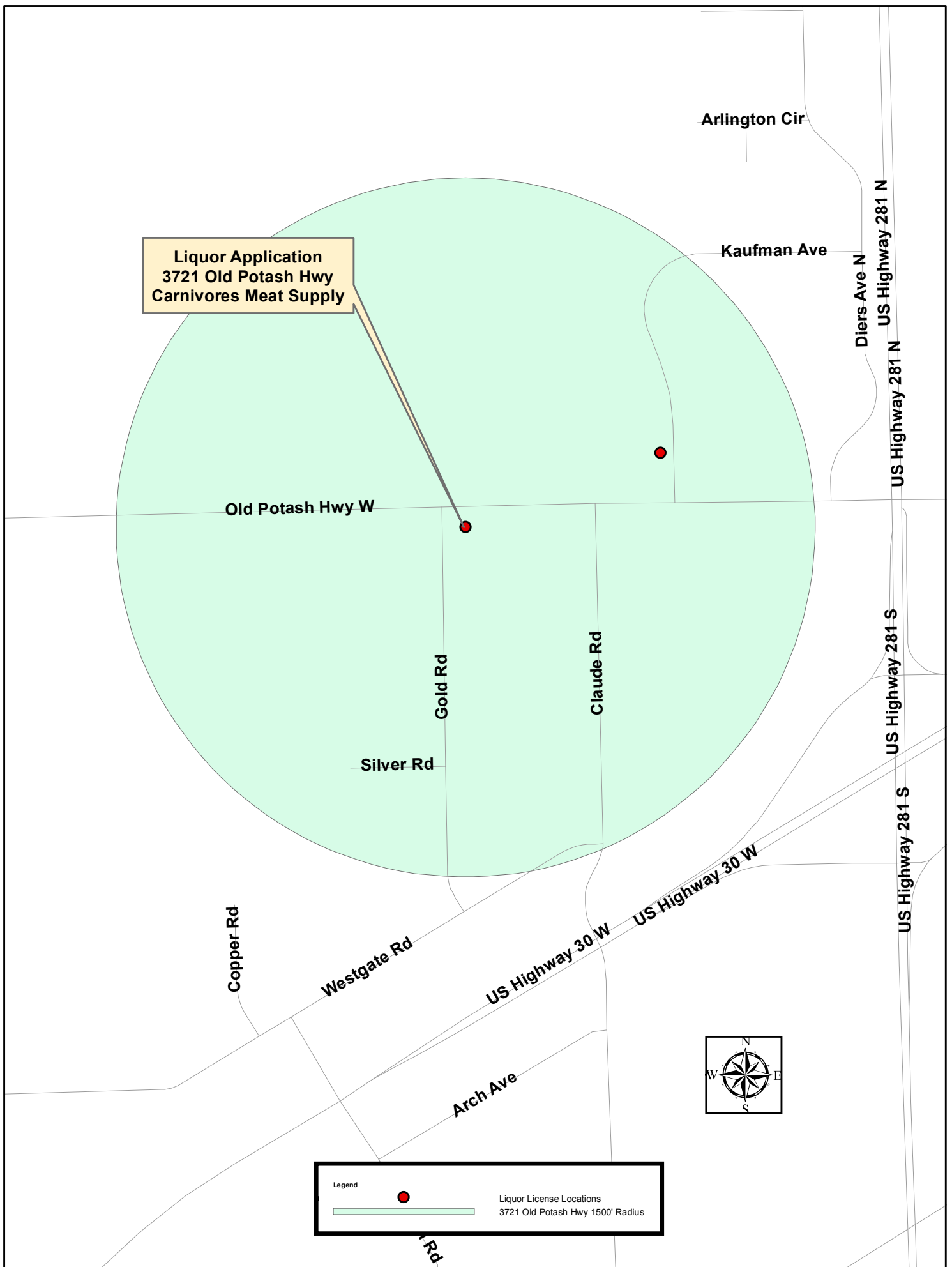
Some of the applicants' failure to disclose their traffic convictions technically makes the applications false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01) which states:

"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."

None of the traffic convictions are serious or rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically preclude the applicants from receiving a liquor license.


On 12/5/13, Investigator Dan Fiala with NSP, and I met with Eric Muth at Carnivores Meat Supply. Eric said the business is not a bar. They will typically close at 6 PM. He envisions some of his customers either sitting down and having a beer before they pick up some meat or buying some beer to take home with their meat. He said he will have a couple of big screen televisions, a few tables, and a small bar with one cooler. Carnivores will just offer beer, however, they applied for the Class C License so they can have other options if they have cooking events inside the business. Eric said he will have one part time employee whose sole responsibility will be selling and serving the alcohol. That employee will only help other customers if no one in the business is buying or consuming alcohol.


All in all, the applicants have lived in Grand Island for a considerable amount of time and have no criminal history in Nebraska other than a few minor traffic violations. Other than failing to disclose those minor convictions, I didn't see any glaring problems with the application. As long as employees are good at checking ID's, I don't foresee any problems with alcohol consumption at this business. The GIPD doesn't object to Carnivores Meat Supply receiving a liquor license or to Eric Muth being the liquor manager.



Liquor Application
3721 Old Potash Hwy
Carnivores Meat Supply

Legend

 Liquor License Locations

 3721 Old Potash Hwy 1500' Radius