



# City of Grand Island

Tuesday, December 18, 2007

Council Session

## Item E1

**Public Hearing on Request from H & H Catering, Inc. dba  
Neater's Alibi, 908 North Broadwell Avenue for a Class "CK"  
Liquor License**

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** December 18, 2007

**Subject:** Public Hearing on Request from H & H Catering, Inc. dba Neater's Alibi, 908 North Broadwell Avenue for a Class "CK" 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**

H & H Catering, Inc. dba Neater's Alibi, 908 North Broadwell Avenue submitted an application for a Class "CK" Liquor License. A Class "C" Liquor License allows for the sale of alcohol on and off sale inside the corporate limits of the city. A class "K" Liquor License allows for catering.

Also included with the application was a request from Alan Hagemeyer, 26785 Hwy 70, Arcadia, Nebraska for a Liquor Manager designation.

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.

### **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 the application.

### **Sample Motion**

Move to approve the application of H & H Catering, Inc. dba Neater's Alibi, 908 North Broadwell for a Class "CK" Liquor License and the request from Alan Hagemeister, 46785 Hwy 70, Arcadia, Nebraska for a Liquor Manager designation, contingent upon Mr. Hagemeister completing a state approved alcohol server/seller training program.



INTEROFFICE  
MEMORANDUM  
*Police Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: December 4, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Applications/Class "CK" Liquor License for Neater's Alibi  
and Liquor Manager Designation for Alan Hagemeyer

The Grand Island Police Department has received a Class "CK" Liquor License Application for Neater's Alibi and a Liquor Manager Designation Application for Alan Hagemeyer. Listed as President of Neater's Alibi Lounge is Alan Hagemeyer and his wife, Donita Hagemeyer, is listed as Vice President.

On the application it 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." No violations were disclosed by either applicant.

Spillman was checked for each of them. They each had an entry, but no violations. NCJIS was checked. Donita had a 'No proof of Ownership' citation on 11-26-99. She plead guilty.

Alan had an overweight axle citation on 6-13-00. He also had speeding citations on 7-6-04, 1-15-05, 6-6-06 and 11-5-07. He plead guilty to all of the charges with the exception of the last speeding ticket. NCJIS doesn't show a disposition on it yet.

Alan and Donita's undisclosed traffic violations technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). However, none of their undisclosed violations rise to the level of a Class I Misdemeanor in specified statutes that would automatically exclude them from receiving a liquor license.

The applicants should be cautioned to carefully read the requirements of the application and proceed accordingly, but the Police Department will not object to the issuance of the license and the liquor manager designation.

DV/rk *Dave Vitera*

12/03/07  
11:54

Grand Island Police Dept.  
LAW INCIDENT TABLE

Page: 450  
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City : Grand Island  
Occurred after : 09:53:00 12/03/2007  
Occurred before : 09:53:00 12/03/2007  
When reported : 09:53:00 12/03/2007  
Date disposition declared : 12/03/2007  
Incident number : L07120221  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License Investigation  
Incident address : 908 Broadwell Ave N  
State abbreviation : NE  
ZIP Code : 68803  
Contact or caller :  
Complainant name number :  
Area location code : PCID Police - CID  
Received by : Viterra D  
How received : T Telephone  
Agency code : GIPD Grand Island Police Department  
Responsible officer : Viterra D  
Offense as Taken :  
Offense as Observed :  
Disposition : CLO Closed Case  
Misc. number : printed  
Geobase address ID :  
Long-term call ID :  
Clearance Code :  
Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	117515	12/03/07	Hagemeier, Alan R	President
NM	117516	12/03/07	Hagemeier, Donita Rae	Vice President
NM	130554	12/03/07	Neater's Alibi Lounge,	Business

LAW INCIDENT NARRATIVE:

Liquor License Investigation for Neater's Alibi Lounge and Liquor Manager  
Designation for Alan Hagemeier

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number  
-----  
1 Viterra D 318 Viterra D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Viterra D	11:02:51 12/03/2007

12/03/07  
11:54

Grand Island Police Dept.  
LAW INCIDENT TABLE

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Grand Island Police Department  
Supplemental Report

On 12/3/07, I received a copy of a liquor license application for Neater's Alibi Lounge. I also received a copy of an application from Alan Hagemeyer to be the Liquor Manager at Neater's Alibi Lounge. Alan is listed as the President of Neater's Alibi Lounge, and his wife (Donita Hagemeyer) is listed as the Vice President.

On the application, it 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." No violations were disclosed by either applicant.

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Date, Time: Mon Dec 03 11:33:19 CST 2007  
Reporting Officer: Vitera  
Unit #: 865