

Narrative

February 21, 2023



RESOLUTION – THE DEAD UNICORN SOCIETY CLASS C LIQUOR LICENSE

The City is in receipt of a Class C liquor license application from The Dead Unicorn Society, 716 Flack Avenue. The license application is included in the packet. No disqualifiers came from a background check conducted by the Alliance Police Department.

HEARING PROCESS -

1. Mayor or council member announces agenda item.
2. Mayor opens public hearing and asks clerk what exhibits she has.
3. Clerk identifies application, checklist for 53-132, Chief's report, and other documents she may have received.
4. Mayor asks for a motion that the exhibits be received into the record, second and vote.
5. Mayor asks for those who are going to give testimony to stand and be sworn.
6. Mayor says "do you swear or affirm to tell the truth so help you God".
7. Individuals respond.
8. Those individuals should include the applicant who must prove to the council's satisfaction the elements on the top part of the checklist. They will also include individuals who may speak either in favor or against the application and police chief who will hit the high points of his report.
9. Mayor calls on applicant to make a presentation.
10. While applicant is still at the podium, the Mayor will call on the City Attorney for any questions and to council and himself for questions.
11. Mayor asks for others who wish to speak in favor of the application and follows the same process for questions.
12. Mayor then calls upon those who wish to speak against and follows the same process for questions.
13. Mayor then calls on the police chief for his comments.
14. Mayor asks if there is any other testimony.
15. Mayor closes the public hearing and asks for comment from the City Attorney.
16. Mayor asks for comment from Council and himself.
17. Mayor asks for a motion.
18. The motion is either to make a positive or negative recommendation on the application to the Liquor Control and to reference the elements on the top of the checklist and ask staff to prepare Resolution for the Mayor's signature.
19. After a second, Mayor calls for a vote.

RECOMMENDATION: IF THE PUBLIC AND COUNCIL HAVE NO OBJECTIONS, APPROVE THE RESOLUTION TO GRANT A CLASS C LIQUOR LICENSE TO THE DEAD UNICORN SOCIETY.

RESOLUTION NO. 23-12

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

On February 21, 2023 the matter of the Class C Liquor License Application of The Dead Unicorn Society, 716 Flack Avenue, Alliance, NE, came on for consideration by the Council.

The following exhibits were offered and received:

- Exhibit 1 - Application of The Dead Unicorn Society, 716 Flack Avenue
- Exhibit 2 - City Council checklist for Section 53-132 R.R.S. (1984)
- Exhibit 3 - Written statement from the Alliance Police Department

Witnesses were sworn and testimony was received in support of the Class C Liquor License at the public hearing on this date from The Dead Unicorn Society.

Upon consideration of the evidence and the criteria to be considered by the City Council pursuant to law, the City Council finds as follows:

Applicant complies with the provisions of Section 53-131.01 R.R.S. (2003).

Applicant has met its burden with regard to the checklist that is provided by Section 53-132 R.R.S. (1984) and demonstrates a willingness and ability to properly manage the liquor license held by Family Dollar Inc. in conformance to the rules and regulations of the Nebraska Liquor Control Act.

Based on the above findings, the City Council recommends to the Nebraska Liquor Control Commission that the Class C Liquor License Application of The Dead Unicorn Society at the premise described in the application be approved. The City of Alliance shall transmit a copy of this Resolution to the Commission.

Passed and approved this 21st day of February, 2023.

Mike Dafney, Mayor

(SEAL)

Attest: _____
Recording Secretary

Approved as to Form and Legality:

Simmons Olsen Law Office, Legal Counsel