



# City of Grand Island

Tuesday, December 20, 2022

Council Session

## Item E-1

**Public Hearing on Request from Burgos Queen Mexican Food, LLC dba Burgos Queen Mexican Food, 2610 South Locust Street for a Class "C" Liquor License**

*Council action will take place under Consent Agenda item G-7.*

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** December 20, 2022

**Subject:** Public Hearing on Request from Burgos Queen Mexican Food, LLC dba Burgos Queen Mexican Food, 2610 S. Locust Street for a Class "C" Liquor License

**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**

Burgos Queen Mexican Food, LLC dba Burgos Queen Mexican Food, 2610 S. Locust Street 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. See attached Police Department report.

Also submitted was a request for Liquor Manager Designation for Bibiana Burgos, 2513 Central Avenue, Kearney, Nebraska. Ms. Burgos has completed a state approved alcohol server/seller training program. Staff recommends approval of the liquor license contingent upon final inspections and liquor manager designation for Bibiana Burgos, 2513 Central Avenue, Kearney, Nebraska.

### **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 Burgos Queen Mexican Food, LLC dba Burgos Queen Mexican Food, 2610 S. Locust Street for a Class "C" Liquor License contingent upon final inspections and Liquor Manager Designation for Bibiana Burgos, 2513 Central Avenue, Kearney, Nebraska.



# Grand Island Police Department

Officer Report for Incident L22120296

**Nature:** Liquor Lic Inv  
**Location:** PCID

**Address:** 2610 LOCUST ST S  
Grand Island NE 68801

## Offense Codes:

**Received By:** Dvorak T      **How Received:** T      **Agency:** GIPD  
**Responding Officers:** Dvorak T  
**Responsible Officer:** Dvorak T      **Disposition:** CLO 12/08/22  
**When Reported:** 11:25:08 12/05/22      **Occurred Between:** 11:25:08 12/05/22 and 11:25:08 12/05/22

**Assigned To:**  
**Status:**

**Detail:**  
**Status Date:** \*\*/\*\*/\*\*

**Date Assigned:** \*\*/\*\*/\*\*  
**Due Date:** \*\*/\*\*/\*\*

## Complainant:

**Last:**      **First:**      **Mid:**  
**DOB:** \*\*/\*\*/\*\*      **Dr Lic:**      **Address:**  
**Race:**      **Sex:**      **Phone:**      **City:** ,

## Offense Codes

**Reported:**      **Observed:**

## Circumstances

LT21 LT21 Restaurant

**Responding Officers:**      **Unit :**  
Dvorak T      309

**Responsible Officer:** Dvorak T      **Agency:** GIPD  
**Received By:** Dvorak T      **Last Radio Log:** \*\*.\*.\*.\* \*\*/\*\*/\*\*  
**How Received:** T Telephone      **Clearance:** CL CL Case Closed  
**When Reported:** 11:25:08 12/05/22      **Disposition:** CLO **Date:** 12/08/22  
**Judicial Status:**      **Occurred between:** 11:25:08 12/05/22  
**Misc Entry:**      **and:** 11:25:08 12/05/22

**Modus Operandi:**      **Description :**      **Method :**

## Involvements

Date	Type	Description
12/05/22	Name	Burgos, Bibiana L owner/manager

12/14/22

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12/05/22	Name	Burgos Vergara, Primo	spouse
12/05/22	Name	Burgos Queen Mexican Food LLC,	location

12/14/22

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## Narrative

Liquor License Investigation  
Grand Island Police Department

A new liquor license request has been received for the site of the former El Tapatio restaurant. Bibiana Burgos formed an LLC, called Burgos Queen Mexican Food LLC. Bibiana Burgos has applied for a Class C Liquor License; beer, wine and distilled spirits on and off sale; for a restaurant of the same name at 2610 S Locust.

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Responsible LEO:

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Approved by:

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Date

12/14/22

**Supplement**

309 Liquor License

Grand Island Police Department  
Supplemental Report

Date, Time: 12-2-22

Reporting Officer: Sgt Dvorak #309

Unit #: CID

I received an application for a new liquor license at the site of the former El Tapatio restaurant, 2610 S Locust. The application indicates that Bibiana Burgos, of Kearney, has formed an LLC named Burgos Queen Mexican Food LLC. The paperwork indicates that Bibiana is the sole owner of the LLC. Bibiana has already renamed the restaurant to Burgos Queen, and the business is currently operating without a liquor license. Burgos applied for a Class C Liquor License, which allows for beer, wine and distilled spirits, both on and off sale.

I saw that Bibiana is married, and her husband, Primo Burgos Vergara, filled out and signed the Spousal Affidavit of Non Participation for the application. Bibiana and Primo appear to have resided in Kearney since at least 2010.

I first checked, and found that neither Bibiana nor Primo have any warrants for their arrest. I utilized our local Spillman database, NCJIS State files, and a paid law enforcement only database to check backgrounds for any issues that might prevent this license from being issued.

I found Bibiana had two historical entries for traffic violations, more than five years ago. I did not see that Burgos disclosed these on her application, but it is not concerning to forget a minor speed violation from five years ago. I noted that Bibiana did disclose a conviction for misdemeanor Theft. I found that locally and in NCJIS files. No other items of concern were noted.

Regarding the law enforcement only database, I noted that Bibiana Burgos has numerous other aliases and/or name combinations. This site usually covers items of a civil nature such as bankruptcies, liens and judgments, and I found no entries of those items under any the alias names.

No other convictions were listed for the applicant, Bibiana. But, in doing background work, I found that Bibiana's husband is a convicted felon, and the incidents that led to this status were from 2013 or so, when he was convicted of three felonies. Primo has no local or State recent entries of concern, and has had no judgments, liens or bankruptcies. Primo did sign the Spousal Non Participation form on the application.

I met with Bibiana at the restaurant location on 12-7-22. NSP Investigator Todd Suchsland also met with us at that time. We toured the facility, and discussed all the responsibilities that involve having a Liquor License, including distribution options, surveillance, cooperation, staffing and ID's. I asked Bibiana about the minor traffic violations. She said she must have forgotten on the application, and pointed out that she did disclose the misdemeanor theft from several years ago.

Burgos advised that she will be the primary employee of the business, but her daughter works at the restaurant as well. Bibiana estimates that they will have four or five employees eventually. Bibiana confirmed that she is aware of her husband's criminal record, but she was not aware that he would be unable to

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work at the business in any manner. Suchsland explained the conditions, and advised that Primo could come to the restaurant to eat and visit, but not work in any capacity. Burgos said they already have one open restaurant in Kearney, but they will not seek a liquor license for that location. Bibiana laughed and said that Primo will have to work at that location in Kearney.

Burgos said she does not have a surveillance/security system, but plans to install one. We explained her responsibilities regarding disturbances, intoxicated customers, minors being served and ID requirements. I stressed that cooperation was the key. Bibiana said she completed the ServSafe program recommended by the Commission.

Burgos said she has been open since late June. She said they have had to turn away larger gatherings or parties, because they couldn't serve alcohol. Bibiana said she only plans to have beer and margaritas once approved, but thinks it will increase her sales opportunities.

The Grand Island Police Department does not object to Bibiana Burgos being issued a Class C Liquor license; beer, wine and distilled spirits; as owner of Burgos Queen Mexican Food LLC for the business Burgos Queen Restaurant, located at 2610 S Locust.

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# Liquor License Application: Class "C": Burgos Queen Mexican Food

