

City of Scottsbluff, Nebraska

Monday, March 21, 2016

Regular Meeting

Item Pub. Hear.1

Council to conduct a public hearing at 6:05 p.m. as advertised for this date to consider a Class I Liquor License application for San Pedro Mexican Restaurant, 23 West 27th St., Scottsbluff, NE.

Minutes:

Exhibit #1 – Application of San Pedro Mexican Restaurant, Class I 116251, 23 West 27th St., Scottsbluff, NE 69361.

Exhibit #2 – City Council Check List for Neb. Rev. Stat. §53-132 Cum Supp 2002

Exhibit #3 – Written Statement of Police Chief

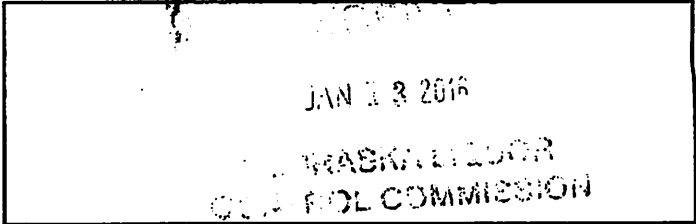
Exhibit #4 – Written Statement of City Clerk

Exhibit #5 – Written Statement of Planning Administrator

Staff Contact: Cindy Dickinson, City Clerk

**APPLICATION FOR LIQUOR LICENSE
RETAIL**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov/



**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED CLASS**

- RETAIL LICENSE(S)** Application Fee \$400 (nonrefundable)
- A BEER, ON SALE ONLY
 - B BEER, OFF SALE ONLY
 - C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE
 - D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY
 - I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
 - AB BEER, ON AND OFF SALE
 - AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
 - IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY

Class K Catering license (requires catering application form 106) \$100.00

Additional fees will be assessed at city/village or county level when license is issued

Class C license term runs from November 1 – October 31
All other licenses run from May 1 – April 30
Catering license (K) expires same as underlying retail license

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

- Individual License (requires insert form 1)
- Partnership License (requires insert form 2)
- Corporate License (requires insert form 3a & 3c)
- Limited Liability Company (LLC) (requires form 3b & 3c)

NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)

Commission will call this person with any questions we may have on this application

Name Audrey Elliott Phone number: 308-633-5294
Firm Name A. Elliott Law aelliottlaw@gmail.com

PREMISES INFORMATION

Trade Name (doing business as) San Pedro Mexlcan Restaurant

Street Address #1 23 West 27th Street

Street Address #2 _____

City Scottsbluff County Scotts Bluff Zip Code 69361

Premises Telephone number 308-220-3811

Business e-mail address _____

Is this location inside the city/village corporate limits: YES NO

Mailing address (where you want to receive mail from the Commission)

Name San Pedro JC, L.L.C.

Street Address #1 23 West 27th Street

Street Address #2 _____

City Scottsbluff State NE Zip Code 69361

DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED

READ CAREFULLY

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, outdoor area, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building. No blue prints please. Be sure to indicate the direction north and number of floors of the building.

****For on premises consumption liquor licenses minimum standards must be met by providing at least two restrooms**

Building: length 79' x width 52' in feet

Is there a basement? Yes _____ No

If yes, length _____ x width _____ in feet

Is there an outdoor area? Yes _____ No

If yes, length _____ x width _____ in feet

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET

One story bldg approx 79' x 52'

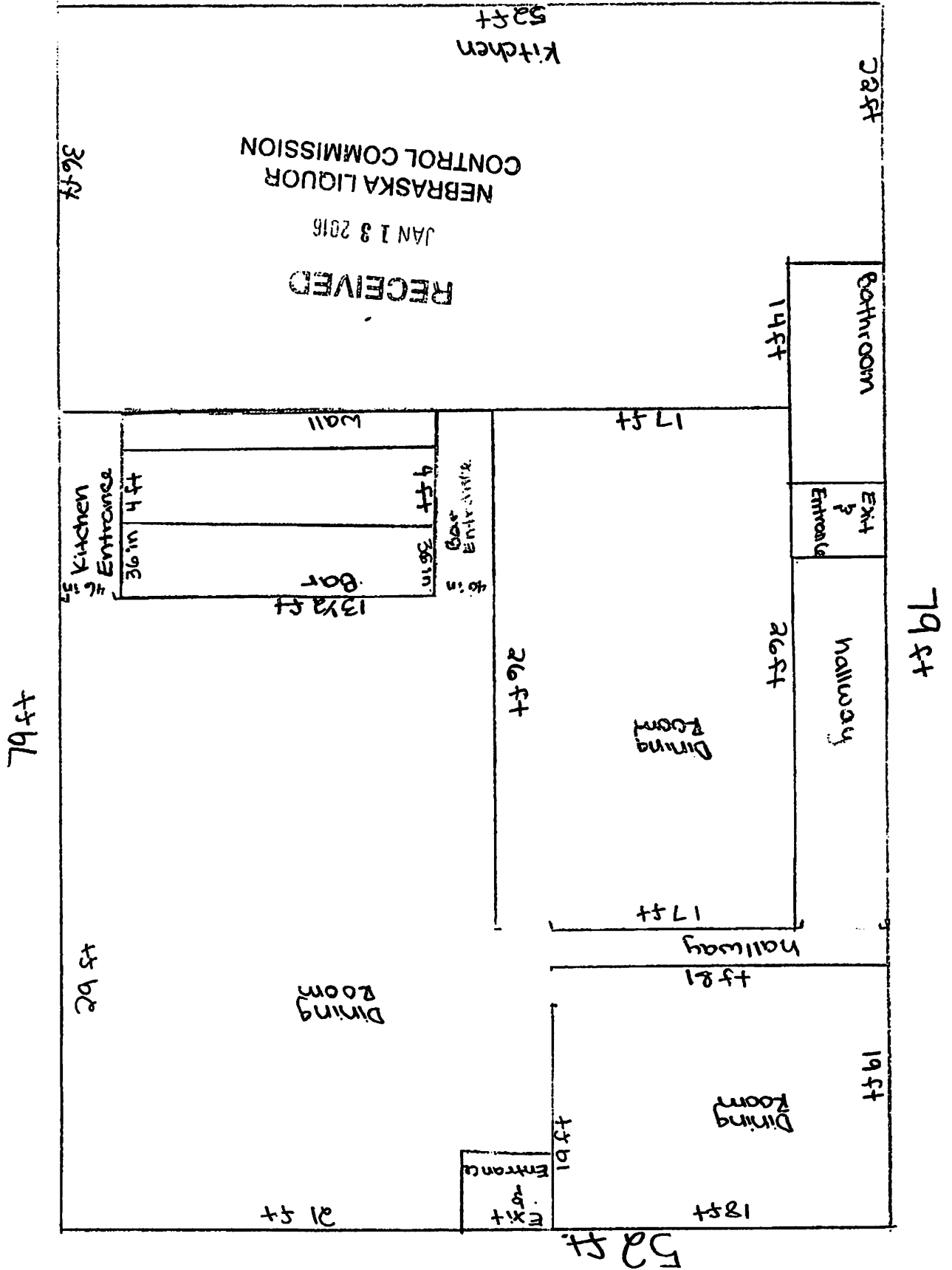
OK per email atty

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

North 52ft One Floor



12. List the alcohol related training and/or experience (when and where) of the person(s) making application. Those persons required are listed as followed:

- Individual: Applicant and spouse; spouse is exempt if they filed Form 116 – Affidavit of Non-Participation.
- Partnership: All partners and spouses, spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Limited Liability Company: All member of LLC, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Corporation: President, Stockholders holding 25% or more of shares, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.

NLCC certified training program completed:

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Eduardo R. Montelongo	11/2015	TIPS <i>Cert w/</i>
Karla P. Montelongo	12/2015	TIPS <i>mgtrapp</i>

For list of NLCC certified training programs see: www.lcc.ne.gov/traininginfo.html

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Experience:

Applicant Name/Job Title	Date of Employment:	Name & Location of Business
		JAN 25 2016
		NEBRASKA LIQUOR CONTROL COMMISSION

13. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership. If leased, submit a copy of the lease covering the entire license year. **Documents must show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.**

- Lease: expiration date March 31, 2017
- Deed
- Purchase Agreement

14. When do you intend to open for business? It is currently open for business

15. What will be the main nature of business? Serve Mexican food and drinks

16. What are the anticipated hours of operation? Mon - Fri, 11 a.m. to 10 p.m.; Sat - Sun, 11 a.m. to 9 p.m.

17. List the principal residence(s) for the past 10 years for all persons required to sign, including spouses.

RESIDENCES FOR THE PAST 10 YEARS, APPLICANT AND SPOUSE MUST COMPLETE

APPLICANT: CITY & STATE	YEAR FROM	YEAR TO	SPOUSE: CITY & STATE	YEAR FROM	YEAR TO
Bridgeport, NE	1996	2015			
Scottsbluff, NE	2015	present	Scottsbluff	2009	Current

If necessary attach a separate sheet.

**MANAGER APPLICATION
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

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Manager must:

- Complete all sections of the application. Be sure it is signed by a **corporate officer**, corporate officer must be an individual on file with the Liquor Control Commission
- Fingerprints are required. See Form 147 for further information, this form **MUST** be included with your application.
- Provide a copy of one of the following: US birth certificate, naturalization papers or current US passport (even if you have provided this before)
- Be a registered voter in the State of Nebraska, include a copy of voter card with application

Spouse who will not participate in the business, spouse must:

- Complete the Spousal Affidavit of Non Participation Insert (must be notarized). The non-participating spouse completes the top half; the manager completes the bottom half. **Be sure to complete both halves of this form.**
- Need not answer question #1 of the application

Spouse who will participate in the business, the spouse must:

- Sign the application
- Fingerprints are required. See Form 147 for further information, this form **MUST** be included with your application.
- Provide a copy of one of the following: birth certificate, naturalization papers or current US passport (even if you have provided this before)
- Be a registered voter in the state of Nebraska, include a copy of voter card with application
- Spousal Affidavit of Non Participation Insert **not** required

**MANAGER APPLICATION
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
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**NEBRASKA LIQUOR
CONTROL COMMISSION**

MUST BE:

- ✓ **Citizen of the United States. Include copy of US birth certificate, naturalization paper or current US passport**
- ✓ **Nebraska resident. Include copy of voter registration in the State of Nebraska**
- ✓ **Fingerprinted. See Form 147 for further information, this form **MUST** be included with your application.**
- ✓ **21 years of age or older**

Corporation/LLC information

Name of Corporation/LLC: San Pedro JC, L.L.C.

Premise information

Liquor License Number: _____ Class Type _____ (if new application leave blank)

Premise Trade Name/DBA: San Pedro Mexican Restaurant

Premise Street Address: 23 West 27th Street

City: Scottsbluff County: Scotts Bluff Zip Code: 69361

Premise Phone Number: 308-220-3811

Email address: _____

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. Click on this link to see authorized individuals. http://www.lcc.ne.gov/license_search/licsearch.cgi

Charles Martine

SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

(Faxed signatures are acceptable)

Manager's information must be completed below PLEASE PRINT CLEARLY

Printed

Last Name: Montelongo First Name: Eduardo MI: R

Home Address (include PO Box if applicable): 1708 16th Ave

City: Scottsbluff County: Scotts Bluff Zip Code: 69361

Home Phone Number: 308-225-2197 Business Phone Number: 308-220-3811

Social Security Number: _____ Drivers License Number & State: _____

Date Of Birth: 03/13/1994 Place Of Birth: Alliance, Nebraska

Email address: _____

Are you married? If yes, complete spouse's information (Even if a spousal affidavit has been submitted)

YES NO

Spouse's information

Affidavit

Spouses Last Name: Montelongo First Name: Karla MI: P

Social Security Number: _____ Drivers License Number & State: _____

Date Of Birth: 05/02/1994 Place Of Birth: Mexico

APPLICANT & SPOUSE MUST LIST RESIDENCE(S) FOR THE PAST TEN (10) YEARS
APPLICANT SPOUSE

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Scottsbluff, NE	2015	Present	Scottsbluff, NE	2009	Present
Bridgeport, NE	1996	2015	Idaho Falls, ID	2004	2009

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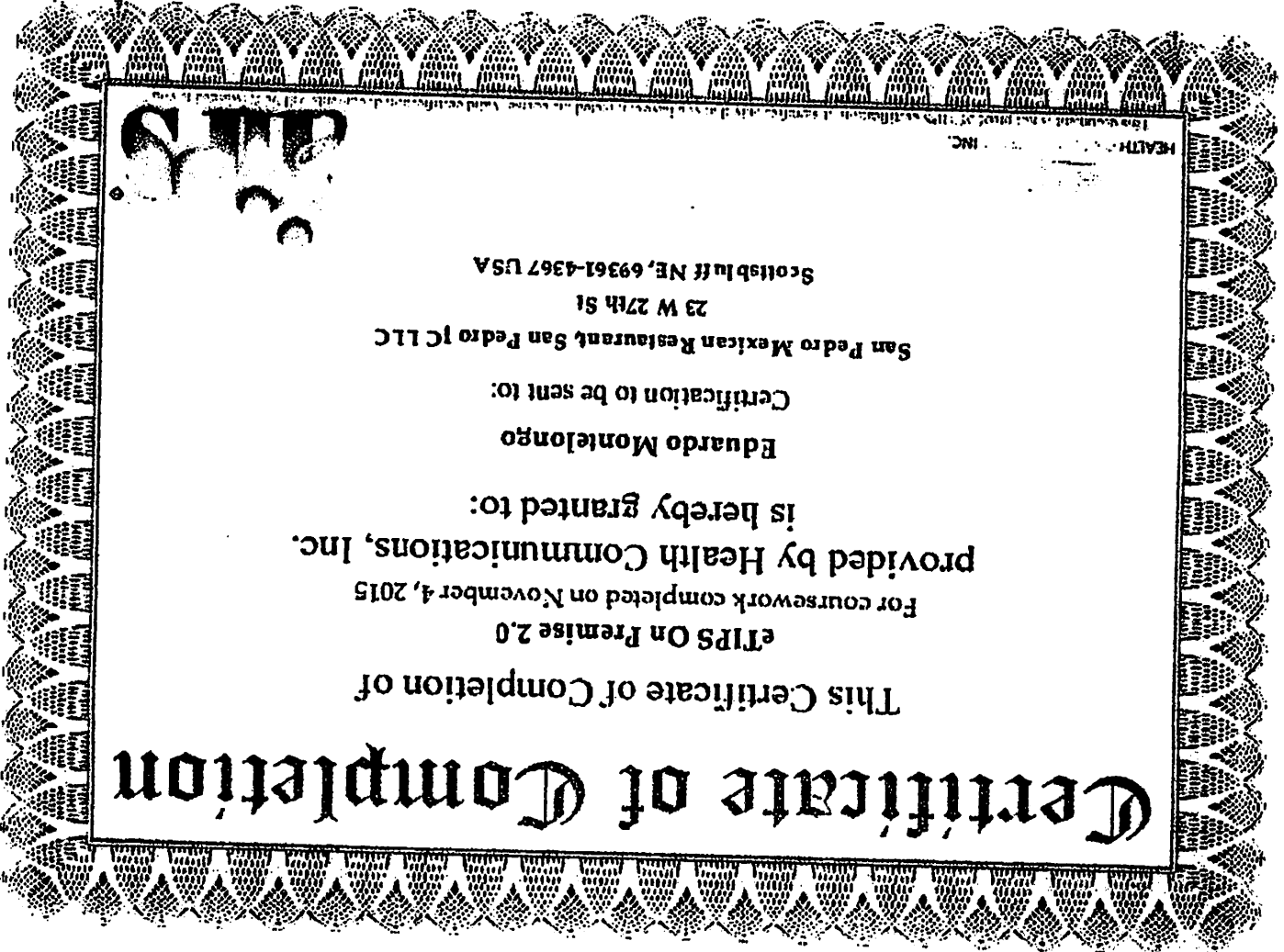
NEBRASKA LIQUOR CONTROL COMMISSION

Form 103
REV JUNE 2015
Page 3 of 6

NEBRASKA LIQUOR CONTROL COMMISSION

JAN 13 2016

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Received by Shannon Myhre

DATE 11/18/2015 No. 168627

FROM LLC

FOR Eduardo Montelongo

CASH
 CHECK # _____
 MONEY# _____
 ORDER

\$10.00

RECEIPT

Do not clip!

11/8/2015

#4

PERSONAL OATH AND CONSENT OF INVESTIGATION

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has NO interest directly or indirectly, a spousal affidavit of non participation may be attached.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

Eduardo Montelongo
Signature of Manager Applicant

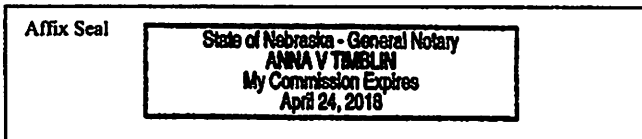
Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska
County of Scotts Bluff
12/18/15
date

The foregoing instrument was acknowledged before me this
by Eduardo Montelongo
name of person acknowledged

Anna V Timelli
Notary Public signature

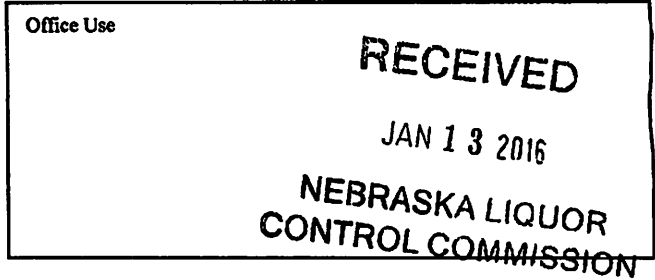


In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

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**SPOUSAL AFFIDAVIT OF
NON PARTICIPATION INSERT**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov



I acknowledge that I am the spouse of a liquor license holder. My signature below confirms that I will have not have any interest, directly or indirectly in the operation or profit of the business (§53-125(13)) of the Liquor Control Act. I will not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices or represent myself as the owner or in any way participate in the day to day operations of this business in any capacity. I understand my fingerprint will not be required; however, I am obligated to sign and disclose any information on all applications needed to process this application.

Karla Montelongo
Signature of spouse asking for waiver
(Spouse of individual listed below)

Karla Montelongo
Printed name of spouse asking for waiver

State of Nebraska

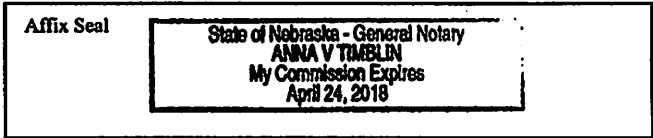
County of Scotts Bluff

12/8/2015
date

Anna V. Timblin
Notary Public signature

The foregoing instrument was acknowledged before me this

by Karla Montelongo
name of person acknowledged



I acknowledge that I am the spouse of the above listed individual. I understand that my spouse and I are responsible for compliance with the conditions set out above. If it is determined that the above individual has violated (§53-125(13)) the Commission may cancel or revoke the liquor license.

Eduardo Montelongo
Signature of individual involved with application
(Spouse of individual listed above)

Eduardo Montelongo
Printed name of applying individual

State of Nebraska

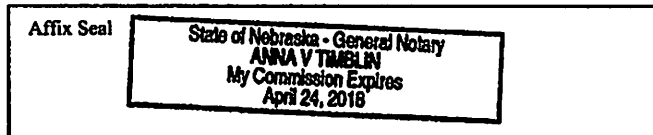
County of Scotts Bluff

12/8/2015
date

Anna V. Timblin
Notary Public signature

The foregoing instrument was acknowledged before me this

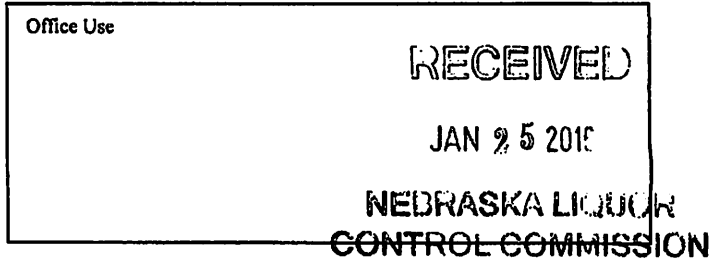
by Eduardo Montelongo
name of person acknowledged



In compliance with the ADA, this spousal affidavit of non participation is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.

**APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov



All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form **MUST** be included with your application.
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization

Name of Registered Agent: Eduardo Montelongo

Name of Limited Liability Company that will hold license as listed on the Articles of Organization

San Pedro, JC, LLC # 10201695

LLC Address: 23 West 27th Street

City: Scottsbluff State: NE Zip Code: 69361

LLC Phone Number: 308-220-3811 LLC Fax Number _____

Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: Montelongo First Name: Eduardo MI: R

Home Address: 1708 16th Avenue City: Scottsbluff

State: NE Zip Code: 69361 Home Phone Number: 308-225-3734

Eduardo Montelongo

Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska

County of SCOTTS BLUFF

January 18, 2016

Date

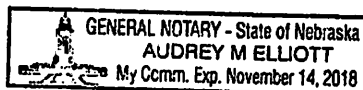
Audrey M Elliott

The foregoing instrument was acknowledged before me this

by Eduardo Montelongo

name of person acknowledge

Affix Seal



FORM 102
REV DEC 2015

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Montelongo First Name: Eduardo MI: R *Printed*

Social Security Number: _____ Date of Birth: 03/13/1994

Spouse Full Name (indicate N/A if single): Karla Montelongo *Accident*

Spouse Social Security Number: _____ Date of Birth: 05/02/1994

Percentage of member ownership 100%

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

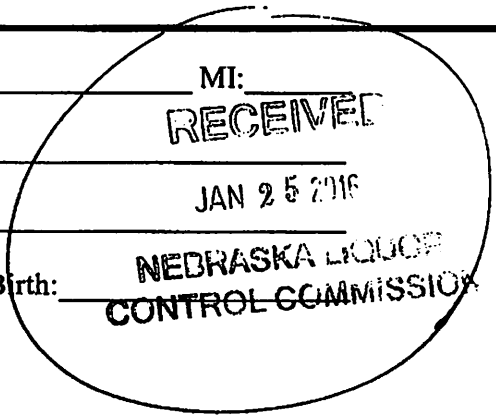
Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____



Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

APPLICATION FOR TEMPORARY OPERATING PERMIT (TOP)

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814

Denied

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- Application for a temporary operation permit (TOP) must be included with the application for liquor license. TOP will not be considered without the completed application for a liquor license.
- Enclose documentation showing sale of business; document may be in the form of a purchase agreement/contract, management agreement or promissory note. Sale of business document must include the following: name of business being sold, purchase date or closing date within 2-3 weeks of requesting TOP and must be signed by the seller and buyer.
- TOP's are valid for 90 days from date of issuance and cannot be extended past the expiration date (no exceptions).
- Seller's liquor license will terminate upon issuance of the TOP.
- If the seller's liquor license is up for renewal during the TOP it will not be necessary for the seller to renew.

NAME OF CURRENT LICENSEE (SELLER):

SELLER'S LICENSE #:

San Pedro Inc

085497

On (date) Oct 31 2014 seller and buyer entered into a contract for sale of the

business known as (TRADE NAME):

San Pedro Mexican Restaurant

Buyer seeks to obtain a temporary operating permit (TOP) to allow buyer to operate the business under the same terms and conditions of the current licensee; subject to approval by the Nebraska Liquor Control Commission (NLCC) for a period not to exceed 90 days (no exceptions).

Seller hereby declares that they are current on all accounts with all Nebraska licensed wholesalers under section §53-123.02. Any seller who provides false information regarding such accounts is guilty of a Class IV misdemeanor for each offense.

<p>Signature</p> <p>_____</p>

FORM 125
REV JULY 2015
Page 1 of 2

**ASSIGNMENT AND ASSUMPTION
OF LEASE**

This Assignment and Assumption of Lease (this "Assignment") is made on November 13, 2015, by and between San Pedro Inc. (the "Assignor") and San Pedro, JC L.L.C. (the "Assignee").

Recitals:

a. On February 10, 2009, Smith Land Company, L.L.C. (the "Landlord") entered into a Lease (the "Lease") with the Assignor concerning the following described Real Estate (the "Premises"):

Lot 3, Webber Manor Third Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska.

b. On March 25, 2013, the Lease was amended (the "Amendment"). The Amendment extended the term of the Lease until March 31, 2017.

c. The Assignee has purchased the business located at the Premises known as San Pedro Mexican Restaurant.

d. The Assignor assigns the Lease and the Amendment to the Assignee according to the terms of this Assignment.

Agreement:

In consideration of the mutual covenants contained in this Assignment and for other valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. **Assignment.** Effective retroactive to October 27, 2014, the Assignor assigns to the Assignee, all of the Assignor's interest in the Lease and the Amendment. This assignment shall include all of the Assignor's interest in the security deposit previously delivered to the Landlord.

2. **Assumption.** The Assignee accepts and assumes all of the obligations, responsibilities, and liabilities provided for in the Lease and the Amendment, and agrees to be bound by the Lease and the Amendment according to their respective terms and conditions through the remainder of its term.

Assignor:
San Pedro, Inc.

Assignee:
San Pedro, JC L.L.C.

By: _____
Title: _____

By: _____
Title: _____

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CONTROL COMMISSION

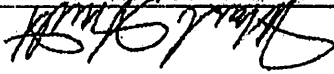
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CONTROL COMMISSION

JAN 13 2015

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Mark Smith, Manager

By:



Smith Land Company, L.L.C.

Dated: November 13, 2015.

Smith Land Company, L.L.C. (the "Landlord") consents to the above Assignment and Assumption of Lease. The Landlord further agrees that the Assignor shall have no further obligations as Tenant under the Lease and Amendment.

CONSENT TO ASSIGNMENT AND ASSUMPTION OF LEASE

CHECK LIST**Neb. Rev. Stat. §53-132 (Reissue 2010)**

Council should determine the propensity of whether or not to grant the liquor license that has been requested. In that regard, suitability and fitness and the following four criteria are most important:

- (2)(a) Applicant is fit, willing and able to provide the service proposed.
- (2)(b) Applicant can conform to all laws.
- (2)(c) Applicant has demonstrated that the type of management and control exercised over the licensed premises will be sufficient to ensure conformance with law.
- (2)(d) Issuance of the license is or will be required by the present or future public convenience and necessity.

In making its determination Council may also consider as the Nebraska Liquor Control Commission will consider, the following. The Council should not base its recommendation on any of the following criteria, but may chose to comment to the Commission about one or more of the criteria:

- (3)(b) Citizen's protest.
- (3)(c) Existing population/growth.
- (3)(d) The nature of the neighborhood around the location.
- (3)(e) Existence of other licenses.
- (3)(f) Existing motor vehicle and pedestrian traffic in the vicinity.
- (3)(g) Adequacy of existing law enforcement.
- (3)(h) Zoning restrictions.
- (3)(i) Sanitary conditions.
- (3)(j) Whether the type of business or activity proposed will be consistent with the public interest.

*OTHER COUNCIL CONCERNS

Memorandum

To: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
From: Kevin Spencer, Chief of Police
Date: 3/17/2016
Re: Application for a Class I Liquor License number I-116251, San Pedro, JC, LLC dba San Pedro Mexican Restaurant 23 West 27th Street Scottsbluff, NE

AUTHORITY: The Scottsbluff Police Department reports specific information to the City Council whenever a liquor license application is presented. The information furnished by the Police Department conforms to Chapter 53, Reissue Revised Statutes of Nebraska 1943, and Section 53-132, which outlines the factors which the Commission may consider in granting a liquor license.

COMMENTARY

53-132: Section 2

(A) The applicant is fit, willing and able to properly provide the service proposed within the city where the premises described in the application are located:

I conducted a background check on Eduardo Montelongo as a means to determine Eduardo's fitness to hold a liquor license. Eduardo Montelongo reported three criminal misdemeanor convictions and two infractions; No Operators License in February 2009, DUI 1st Offense, Minor in Possession, Open Alcohol Container and seatbelt violation August 2012.

On Tuesday March 15th at 1600 hours the City of Scottsbluff Liquor License Holders Investigatory Board convened to meet with Eduardo Montelongo to discuss his liquor license application, as well as other matters. Karla Montelongo, Eduardo's wife came to the meeting instead. Karla has signed an "Affidavit of Spousal Non-Participation," meaning that she will not have any involvement in the business. Karla told us that Eduardo was out of town and unavailable to come to the meeting. I made arrangements to meet with Karla and Eduardo on Wednesday March 16, 2016 at 03:00 pm with NSP Trooper Tamara Otto at the police department.

Eduardo and Karla met with Trooper Otto and I on Wednesday as planned. Eduardo told us that he has been in the restaurant business for a very short time 4 – 6 months and his only experience has been at San Pedro Mexican Restaurant. Eduardo told us that he has been learning the business from his Father and Mother-in-Law who both work fulltime at San Pedro. Eduardo told us that he has 7 employees: 2 fulltime, 5 part time adding that all but 1 are 21 years of age or older. Eduardo told us that their policy is to check the identification of every customer that orders an alcoholic drink, that they do have a scanner and a "Born on or before" calendar to aid employees in determining age. Eduardo told us that if an employee would sell to a minor they would be terminated. Eduardo said that they remind employees constantly about the importance of accurately checking customer's identification adding that there is a poster in the kitchen area that has a reminder on it. Eduardo said that in addition to terminating the employee he would also make his employees attend a retraining. Eduardo said that the business has stopped serving "Virgin" drinks as a precaution to the perception that they could contain alcohol and that they were serving them to minors.

After giving careful consideration I have concluded that the applicants are fit to hold a liquor license.

(B) The applicant can conform to all provisions, requirements, rules and regulations provided for in the Nebraska Liquor Control Act:

Any operator must adhere to the existing laws while doing business in the community and adhere to acceptable business practices.

Although Eduardo's experience in the restaurant/alcohol industry is very limited he has 2 fulltime employees that have several years of experience and are his Father and Mother-in-Law. Eduardo attended and completed TIPS alcohol training November of 2015. Eduardo reported that all of his employees that handle or serve alcohol are required to attend the training.

Eduardo reported that Juan and Paula Manriquez, his Father and Mother-in-Law are responsible for the inventory but Paula will place the alcohol order. The alcohol and beer overstock are kept in a walk in cooler that is always lock that Juan Manriquez has the key to. We were also told that Juan always knows exactly how many six packs of beer are in the cooler at any given time.

The applicant appears to have the ability and willingness to conform to language within the Nebraska Liquor Control Act.

(C) The applicant has demonstrated that the type of management and control exercised over the licensed premises will be sufficient to insure that the licensed business can conform to all provisions, requirements, rules and regulations provided for in the Nebraska Liquor Control Act:

Eduardo reported that the business does have video surveillance on the inside of the business but the DVR or recording device is currently malfunctioning. Eduardo told us that he spends 20 to 30 hours working at the restaurant explaining that he has another fulltime job. Eduardo told us that he is in charge but still learning the business. Eduardo and Karla have been working closely with the Nebraska Liquor Control Commission and have retained an attorney to help them through this process so that it is done correctly.

The business has been in operation since 2009 with Eduardo being in charge since October of 2015.

The applicant appears committed to complying with all provisions, requirements, rules and regulations provided for in the Nebraska Liquor Control Act.

(D) The issuance of the license is or will be required by the present or future public convenience and necessity:

The establishment will be opened seven days a week 11:00 am to 10:00 pm weekdays and 11:00 am to 09:00 pm weekends. Food will be served during the hours of operation.

Oversight and accountability will be a priority for the applicants as it relates to the sale of alcoholic beverages.

SPECIFIC ISSUES COMMISSION MAY CONSIDER

(E) The existence of a citizen's protest made in accordance with Section 53-133:

There have been no known citizen protests of this business.

(F) The nature of the neighborhood or community of the location of the proposed licensed premises:

The business is located at 23 West 27th Street Scottsbluff, NE. It is a restaurant that will attract customers all hours when opened. Its location is easily accessible and convenient for customers. I would not anticipate any issues with location.

(G) The existence or absence of other retail licenses or bottle club licenses with similar privilege within the neighborhood or community of the location or the proposed licensed premises.

There are two businesses in the area with liquor licenses that allow for offsite sales. There are other restaurants in the area with liquor licenses.

(H) The existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises:

Although no recent traffic studies have been completed regarding motor vehicle traffic of the general area, the traffic flow is not of concern at this time nor is pedestrian traffic.

(I) The adequacy of existing law enforcement:

The Scottsbluff Police Department is allowed 31 full time officers in the department and handled approximately 13,550 calls for service, not including traffic citations during 2015. The number of liquor licenses within the jurisdictional boundaries of the Police Department, regardless of the class, continues to be a concern to the Police Department and even routine monitoring of their business practices is difficult. Compliance checks continue to remain a concern to those businesses that sell alcohol to minors. The Nebraska State Patrol has assumed liquor law enforcement duties and their wide jurisdiction generally precludes any particular focus in the city.

(J) Whether the type of business or activity proposed to be operated in conjunction with the proposed license is and will be consistent with the public interest:

The Police Department would reserve making any statement which would indicate that the sale of alcohol is consistent with the public interest.

Adequate staffing and training, as well as close supervision of patrons are important. Cooperation with the Police Department by management will help to eliminate or diminish potential problems with violations.

Class C Licenses

Restaurants

El Charrito Restaurant & Lounge, Inc .
Tangled Tumbleweed (pending)

802 21st Avenue
1823 Ave. A

Hotel/Motel

Holiday Inn Express
Candlelight Inn & Lounge

1821 Frontage Rd.
1822 East 20th Place

Taverns/Lounges

Hight's Tavern
Silver Saddle Lounge
Shots Bar and Grill
Bob's Garage & Bar
Lucky Keno LLC dba FrontSide
Backaracks Bar & Grille

20 West 18th Street
1901-B 21st Ave.
1722 Broadway
1907 Broadway
1001 Avenue I
1402 East 20th St.- Suite B

Retail

Racks (Catering)
Panhandle Cooperative Assn. (Catering)

1402 East 20th St.- Suite A
401 S. Beltline Hwy West

Clubs

Elks BPO Lodge 1367

1614 1st Avenue

Bowling Alleys

Valley Bowl Fun Center

1702 17th Ave.

TOTAL CLASS C LICENSES 14

Class D Licenses

Grocery Stores

Safeway of Western Nebraska

601 Broadway

Convenience Stores

5th & O Eastco
Scottsbluff Watering Hole
Big Bats
Panhandle Coop Assn.
Git N Split
Cheema's Gas & Liquor
Route 26 Mart
Maverik Stores Inc.,
La Bamba
Walgreens

503 East Overland
121 W 27th Street
902 West Overland
3302 Ave. B
506 West 27th Street
2002 Avenue I
1722 E 20th Street
920 West 36th St.,
721 East Overland
205 West 27th Street

Liquor Stores

Dermer's
Liquor Cabinet (Catering)
Cigarette Chain

1311 E Overland Dr.
817 West 27th Street
323 East Overland

Discount/Grocery Stores

Big Kmart #7024
Wal-Mart Supercenter #867

802 East 27th Street
3322 Avenue I

TOTAL CLASS D LICENSES 16

CLASS I LICENSES

Restaurants

Rosita's	1205 East Overland
Chili's Grill & Bar	826 West 36 th St.
Applebee's Neighborhood Grill & Bar	2621 5 th Avenue
Wonderful House Restaurant	829 Ferdinand Plaza
Taco de Oro	2601 Avenue I
Whiskey Creek Steakhouse	1802 E 20 th Place
Ole, LLC	1901 East 20 th Street
Oriental House	1502 E. 20 th St.
Emporium Coffeehouse & Cafe	1818 1 st Avenue
San Pedro Mexican Restaurant (new application pending)	23 West 27 th St.
Sam & Louie's Pizzeria	1522 Broadway
Taco Town	1007 West 27 th St.
Prime Cut	305 West 27 th St.
The Shed	18 West 16 th St.

Theater

Hotel/Motel

Hampton Inn & Suites	301 W Hwy 26
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TOTAL CLASS I LICENSES 15

Class W Licenses

Wholesale

High Plains Budweiser	2810 Ave M
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TOTAL CLASS W LICENSES 1

TOTAL LICENSES

Class A	2
Class B	0
Class C	14 (1 pending)
Class D	16
Class I	15 (1 pending)
Class W	1
TOTAL LICENSES	48 (2 pending)

Memo

Date: March 21, 2016
To: Honorable Mayor and City Council
From: Staff, Development Services
CC: Rick Kuckkahn
Re: Class "I" Liquor License Application
San Pedro JC, LLC. DBA San Pedro Mexican Restaurant
23 West 27th Street
Scottsbluff, NE 69361

Action:

The Development Services Department is required by Article 1, Chapter 11 of the Scottsbluff Municipal Code to report specific information to the Mayor and City Council whenever a liquor license application hearing is held. In accordance with that directive the following information is offered:

- (1) The property at 23 West 27th Street is situated in a C-2 (Neighborhood and Retail Commercial) zoning district where restaurant/bar/taverns are allowed by right pursuant to the City's Zoning Ordinance, Chapter 25, of the City's Municipal Code of Ordinances.
- (2) Sufficient off-street parking is provided on the site and is consistent with the number, which is required by the City's zoning ordinance. (Restaurants are required to have a least one (1) parking space for every three (3) seats.) Parking will comply with this requirement.
- (3) The use of this property is consistent with the surrounding neighborhood, which is generally commercial in nature.
- (4) There are no churches, schools, or other similar institutions within 300 feet of the subject property.
- (5) The existing population of Scottsbluff is approximately 15,039.