

City of Scottsbluff, Nebraska

Monday, May 2, 2016

Regular Meeting

Item Pub. Hear.3

Council to conduct a public hearing to consider a Class C Liquor License application for 16th Empire LLC, 1605 Ave. A, Scottsbluff, NE.

Staff Contact: Cindy Dickinson, City Clerk

Agenda Statement

Item No.

For meeting of: May 2, 2016

AGENDA TITLE: Council to hold a public hearing as advertised for this date at 6:05 p.m. for a Class C Liquor License for 16th Empire, LLC, 1605 Ave. A, Scottsbluff.

SUBMITTED BY DEPARTMENT/ORGANIZATION: Administration

PRESENTATION BY: Applicant

SUMMARY EXPLANATION:

BOARD/COMMISSION RECOMMENDATION:

STAFF RECOMMENDATION: Conduct the public hearing and consider a recommendation to the Nebraska Liquor Commission either approving or denying said application.

EXHIBITS

Resolution ☒

Ordinance ☐

Contract ☐

Minutes ☐

Plan/Map ☐

Other (specify) ☐ Application, Memorandums, Exhibits

Exhibit #1 – Application of 16th Empire, 1605 Ave. A, Scottsbluff, NE 69361.

Exhibit #2 – City Council Check List for Neb. Rev. Stat. §53-132 Cum Supp 2010

Exhibit #3 – Written Statement of Police Chief

Exhibit #4 – Written Statement of City Clerk

Exhibit #5 – Written Statement of Planning Administrator

NOTIFICATION LIST: Yes ☒ No ☐ Further Instructions ☐

16th Empire
1605 Ave. A
Scottsbluff, NE 69361

APPROVAL FOR SUBMITTAL: _____
City Manager

**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

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

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 (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: **JESSIE J MARTINEZ**

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

16TH STREET EMPIRE, LLC.

LLC Address: **1605 AVE A**

City: **SCOTTSBLUFF** State: **NE** Zip Code: **69361**

LLC Phone Number: _____ LLC Fax Number: _____

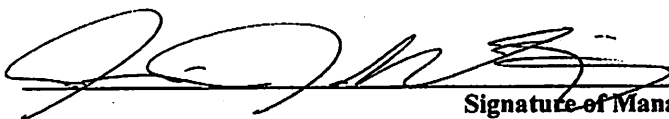
Name of Managing/Contact Member

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

Last Name: **MARTINEZ** First Name: **JESSIE** MI: **J**

Home Address: **1008 11TH AVE APT 2** City: **SCOTTSBLUFF**

State: **NE** Zip Code: **69361** Home Phone Number: **806-690-2216**



Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska Scotts Bluff
County of Scotts Bluff

The foregoing instrument was acknowledged before me this

March 28, 2016

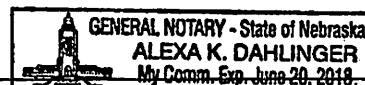
by Jessie J. Martinez

name of person acknowledge

Date

Alexa K. Dahlinger

Affix Seal



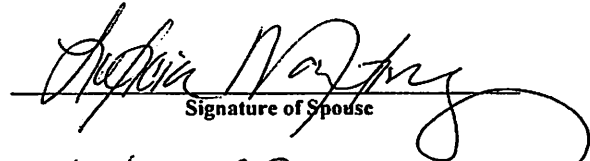
The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. 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.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

Must be signed in the presence of a notary public by applicant(s) and spouse(s). See guideline for required signatures <http://www.lcc.ne.gov/pdfs/New%20Application%20Guideline.pdf>


Signature of Applicant

Jessie J. Martinez
Print Name


Signature of Spouse

Leticia Martinez
Print Name


Signature of Applicant

Vincent Martinez
Print Name


Signature of Spouse

Lucy Martinez
Print Name

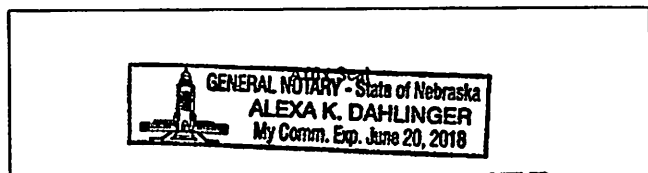
ACKNOWLEDGEMENT

State of Nebraska
County of Scotts Bluff

March 28, 2016
date


Notary Public signature

The foregoing instrument was acknowledged before me this
by Jessie J. Martinez, Vincent Martinez, Leticia Martinez, Lucy Martinez
name of person(s) acknowledged (individual(s) signing)



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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.

NEBRASKA LIQUOR
CONTROL COMMISSION

FORM 100
REV MAY 2015
PAGE 8

**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/

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

**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 _____ Phone number: _____

Firm Name _____

FORM 100
REV MAY 2015
PAGE 3

PREMISES INFORMATIONTrade Name (doing business as) 16TH EMPIRE ~~16~~Street Address #1 1605 AVE A

Street Address #2 _____

City SCOTTSBLUFFCounty SCOTTS BLUFFZip Code 69361

*Premises Telephone number _____

Business e-mail address empire1605@gmail.comIs this location inside the city/village corporate limits: YES x NO _____

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

Name JESSIE J. MARTINEZStreet Address #1 1008 11TH AVE APT 2

Street Address #2 _____

City SCOTTSBLUFFState NEBRASKAZip 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 80 x width 55 in feetIs there a basement? Yes _____ No x

If yes, length _____ x width _____ in feet

Is there an outdoor area? Yes _____ No x

If yes, length _____ x width _____ in feet

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

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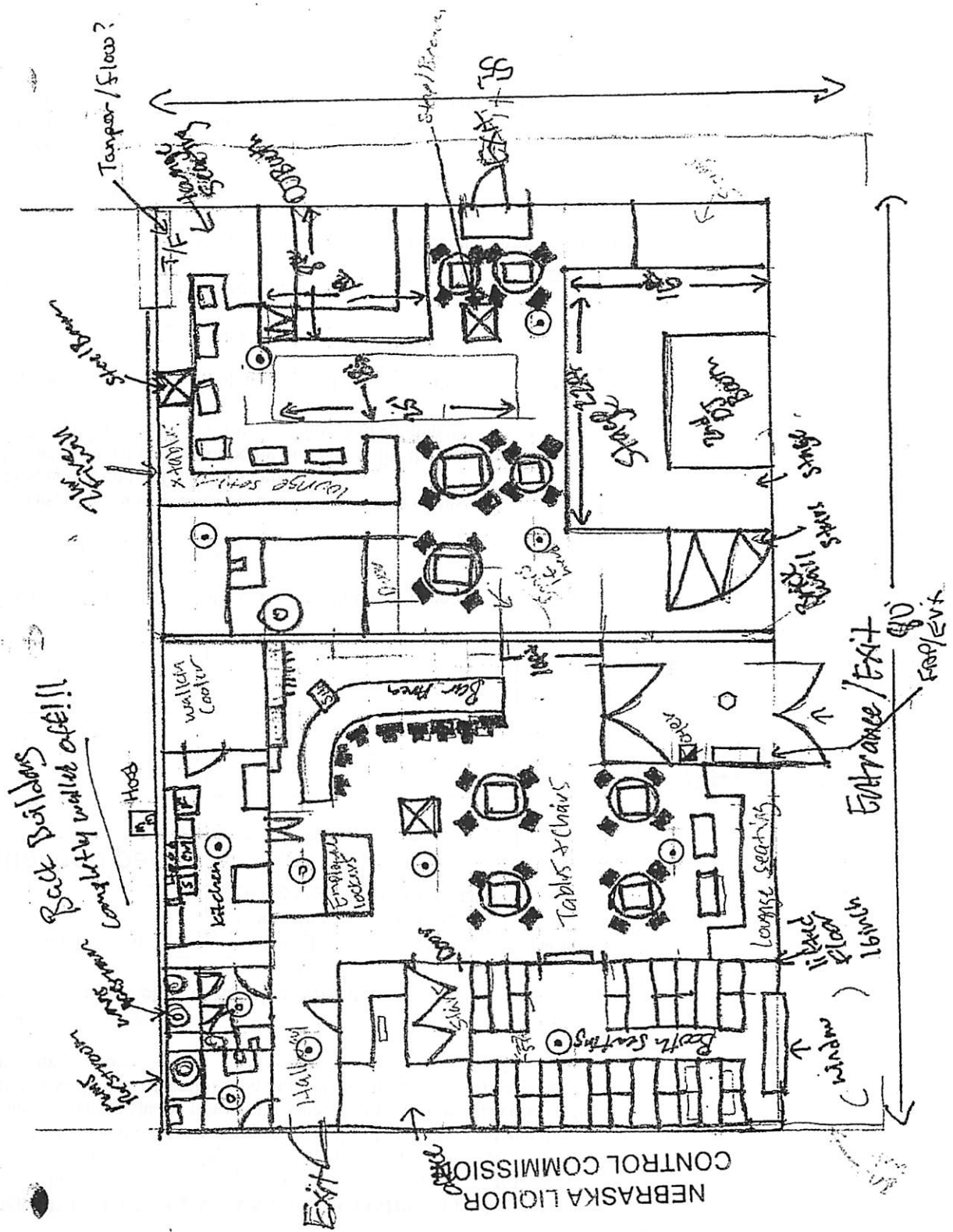
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**NEBRASKA LIQUOR
CONTROL COMMISSION**FORM 100
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Final

NEBRASKA LIQUOR
CONTROL COMMISSION



1. **READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY §53-125(5)**
Has anyone who is a party to this application, or their spouse, EVER been convicted of or pled 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. List the nature of the charge, where the charge occurred and the year and 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. Include traffic violations. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

X YES NO **If yes, please explain below or attach a separate page**

[illegible]

2. Are you buying the business of a current retail liquor license?

NO YES

X

If yes, give name of business and liquor license number.

b) Include a list of alcohol being purchased, list the name brand, container size and how many

c) Submit a list of the furniture, fixtures and equipment

3. Was this premise licensed as liquor licensed business within the last two (2) years?

YES _____
X NO _____

If yes, give name and license number

4. Are you filing a temporary operating permit (TOP) to operate during the application process?

YES _____
X
NO _____

If yes:

a) Attach temporary operating permit (TOP) (form 125)

b) TOP will only be accepted at a location that currently holds a valid liquor license.

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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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: 16TH EMPIRE, LLC.

Premise information

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

Premise Trade Name/DBA: 16TH EMPIRE, LLC.

Premise Street Address: 1605 AVE A

City: SCOTTSBLUFF County: SCOTTSBLUFF Zip Code: 69361

Premise Phone Number: _____

Email address: empire1605@gmail.com

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



SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER
(Faxed signatures are acceptable)

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NEBRASKA LIQUOR
CONTROL COMMISSION

Form 103
REV JUNE 2015
Page 2 of 6

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: **MARTINEZ** First Name: **JESSIE** MI: **J**
Home Address (include PO Box if applicable): **1008 11TH AVE APT 2**
City: **SCOTTSBLUFF** County: **NE** Zip Code: **69361**
Home Phone Number: **806-690-2216** Business Phone Number: _____
Social Security Number: _____ Drivers License Number & State: _____
Date Of Birth: **07/25/1984** Place Of Birth: **DENVER COLORADO**
Email address: **JESSIEJAMESMARTINEZ@GMAIL.COM**

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

☒ YES

☐ NO

Spouse's information

Spouses Last Name: **MARTINEZ** First Name: **LETICIA** MI: **M**
Social Security Number: _____ Drivers License Number & State: _____
Date Of Birth: **06/23/1985** Place Of Birth: **SCOTTSBLUFF NEBRASKA**

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

APPLICANT

SPOUSE

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
SCOTTSBLUFF, NEBRASKA	2006	2016	SCOTTSBLUFF, NEBRASKA	2006	2016

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NEBRASKA LIQUOR
CONTROL COMMISSION

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MANAGER'S LAST TWO EMPLOYERS

YEAR FROM	TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2005	PRESENT	BURLINGTON NORTHERN SANTA FE RAILROAD	BILL BONAS	303-249-3472
2003	2004	KINDER MORGAN	DON BOOTH	N/A

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.

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. List the nature of the charge, where the charge occurred and the year and 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.

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☒ YES ☐ NO

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If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
pages attached				

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

☐ YES ☒ NO

IF YES, list the name of the premise(s):

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (67-111) and do you intend to supervise, in person, the management of the business?

☒ YES ☐ NO

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

4. List the alcohol related training and/or experience (when and where) of the person making application.

*NLCC Training Certificate Issued: 3/01/2016 Name on Certificate: JESSIE MARTINEZ

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
LETICIA MARTINEZ	03/2016	NEBRASKA ON-PREMISES RESPONSIBLE SERVING
LUCY MARTINEZ	03/2016	NEBRASKA ON-PREMISES RESPONSIBLE SERVING
VINCENT MARTINEZ	03/2016	NEBRASKA ON-PREMISES RESPONSIBLE SERVING

*For list of NLCC Certified Training Programs see www.lcc.ne.gov/traininginfo.html

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
JESSIE MARTINEZ/CASHIER	09/2010	ICE BOX LIQUOR STORE 1402 CENTER AVE MITCHELL, NE

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

5. Have you enclosed Form 147 regarding fingerprints?

☒ YES

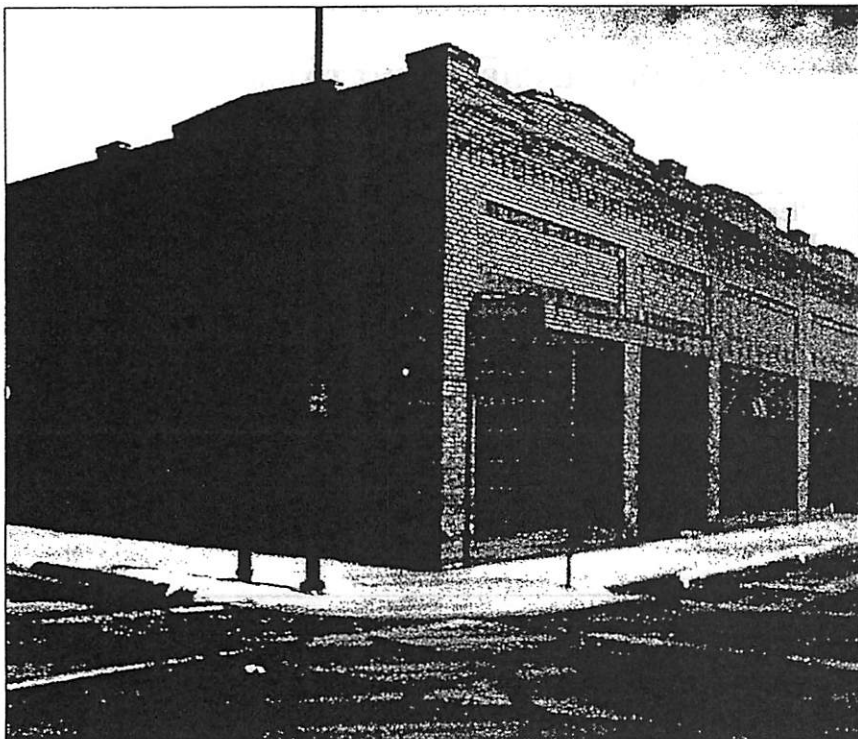
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**NEBRASKA LIQUOR
CONTROL COMMISSION**

Form 103
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16th EMPIRE

Business Plan

September 2014

Jessie Martinez

1605 Ave A

Scottsbluff, NE 69361

Phone: 806-690-2216

The16empire@outlook.com

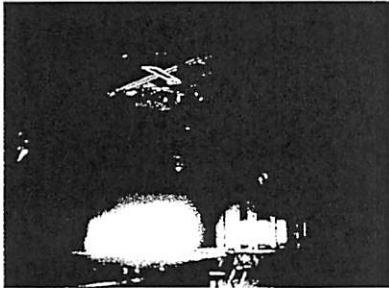
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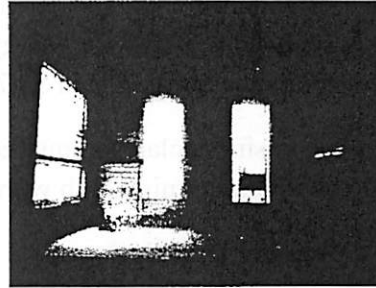
NEBRASKA LIQUOR
CONTROL COMMISSION

Executive Summary

Confidentiality Statement: The information contained in this business plan is strictly confidential and is being presented to specific person with the understanding that those persons will maintain confidentiality and will not disclose or distribute any part of any data, reports, schedules, or attachments that may be contained in or referred to in this document.



Before



After

16th Empire will be a reinvention of night life in Scottsbluff, Nebraska. Challenging the idea of the conventional bar & grill, 16th Empire will be built upon the fundamental principles of sophistication, innovation, and authenticity. The club will strive to offer unrivaled customer service, a wide selection of beer and wines along with a bar menu that will include fresh non-processed food served in a spacious, classy setting. 16th Empire will be a getaway without having to go away for local patrons. The 7,200 sq. ft. multi-theme venue provides and unrivaled experience taking entertainment and service to new heights. Guests can choose between a private dining experience, dance club, or lounge area. The concept of 16th Empire is a venue defined by its spacious yet intimate feel, exemplifies style suffused with luxury. Lit in seductive recessed lighting and decorated with images of entertainment icons from past centuries.

16th Empire will have an exceptional management team which holds a strong track record for renovating buildings as well as starting and operating a business from the ground up. Currently owning rental properties in which a large majority of the manual labor was done as a family unit, they also own a thriving business located in Mitchell, Nebraska. Ice Box Liquor Store has been operating for about three years. They will be committed to making this operation a successful one. Employees will be expected to meet quality and customer satisfaction standards and have an understanding of management's views, that is, a happy customer assures a returning customer.

16th Empire is will focus on primarily attracting the female population of Scottsbluff County and as a result will draw in the male population. With an estimated population of 38,801 our overall primary market will be within the age range of 21-40 years of age so about 11,000 potential customers. The club is located in an area that has three other bars which currently offer a similar atmosphere with sports bar theme. Located a block from downtown Scottsbluff 16th Empire's location is in a major traffic area of the town set apart from the other local bars with a sufficient parking space along with building size that no other bar/club has to offer.

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16th Empire's annual sales projection is approximately \$450,000. Bringing approximately 15 jobs to the Scottsbluff area with room to grow. This will bring roughly \$6,750 in sales tax revenue to the city.

16th Empire's proposed request is). These funds are necessary to bring the building up to code and substantialize energy efficiency) will be needed to input a city mandated sprinkler system,) for energy efficient heating, r painting the exterior to make the appearance inviting, and for new signage.

The following business plan summarizes how the location will be transformed from a vacant building to an operating nightclub with potential future growth.

General Company Description:

16th Empire will cater to local patrons looking for a menu that consists of food prepared in a timely manner and served with a smile. Along with the vast selection of beer and wines, cocktails will be made with proper measurements to ensure the accurate taste so that customers are receiving what they pay for. On weekends the club will entertain its customers with music from the house DJ or guest DJ hired from outside the Panhandle area. Most people travel outside the Scottsbluff area in search for a night on the town, 16th Empire will bring that search to an end by bringing the classy, yet, affordable night to them.

16th Empire's primary goal is to capture 10% of the local \$2.6 million bar/food service market by the end of calendar year one. Generating a profit within the first year of operations paying 10% of the profit toward principal of the building loan.

Mission Statement: 16th Empire is based on the guiding principle that you get what you put in and this will be reflected on the time and effort put into every aspect of the club, from the appearance of location, uniqueness of food offerings, down to the professional staff.

16th Empire will provide a classy place for locals to come and gather for relaxation, striving to be the bar of choice for Scottsbluff locals by making sure that company standards are met or exceeded every time. Known as "A Taste of Vegas"- where you can come dressed casual to dressy-casual and have a true nightclub atmosphere to accompany your attire; specifically targeting professionals between the ages 25-40 making \$20,000 annually.

Business Philosophy: 16th Empire's foundation consists of two principles: have fun, and your end result coincides with work put in along the way. Have fun! 16th Empire's employees will love what they do because they will enjoy what they do. Management will complete Bartending School and will implement a standardized test for bartenders and servers. Potential staff will be required to pass the standardized test before being hired. This will be done to insure that staff enjoys what they do and can make the visiting atmosphere a fun and friendly one for patrons.

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Give 100% to get 100%! 16th Empire's staff will hold integrity highly and will be very hands on to ensure the accuracy of service. Staff will treat not only customers but each other with the utmost respect and professionalism. Making sure that patrons have a safe visiting experience which includes a safe arrival to their next destination.

Products and Services: 16th Empire will be open 6 days a week serving lunch and dinner offering a food menu will consist of traditional bar food but will also include a "fine feather" section for those seeking healthier food choices. Offering fresh non-processed foods will give a competitive advantage over competition allowing 16th Empire to attract a whole new market. (See Appendix A)

16th Empire will have a wide variety of top shelf liquors, as well as house liquors, more than 20 kinds of the coldest beer, and a vast wine selection for the more sophisticated drinker. Understanding that all things change they will strive to keep not only beer and wine offerings current but also specializing in various cocktails, always featuring a specific cocktail special, changing monthly. In addition to the sophistication of alcoholic beverages we will bring entertainment that will draw the likings of various genres and steer from focusing on a particular one.

Marketing Plan:

Economics: 16th Empire's market will consist of Scotts Bluff, Box Butte, and Goshen counties which is approximately 11,000 potential customers. With projected sales of 2.5 billion for the restaurant industry in 2014 for the state of Nebraska and with over a million dollar increase over 2013 the demand is growing.

With all new companies you face consumer acceptance to what service and product you offer. Allowing the consumer to visualize the product via picture menus as well as having wine tastings in which 16th Empire's drink specials will be sampled allowing for consumer awareness and feedback. Hiring quality employees will be key to the success of the operation. 16th Empire will focus on ensuring that bartenders are properly trained by implementing a standardized test they must pass in order to bartend. This will prevent under or over pouring but will ultimately ensure the satisfaction of customers.

16th Empire will strive to offer both products and service that rank second to none. It will be set apart from competition because the service given is unbeatable. Having qualified staff in appropriate positions for their skill set, enjoying what they do will reflect to customers; allowing for not only a satisfied customer, but a returning one. Customers are responsible for the success of the business so they will be provided an environment where they can relax and be treated like royalty. Customers will experience top notch service from the moment they enter with a welcoming greeting, to being served promptly and correctly, having consistent follow-up, and ending with an appreciative goodbye.

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CONTROL COMMISSION**

Competition: 16th Empire will have eleven locations within proximity that will be competition by offering a similar product or service. The two major competitors are 18th Street Bar & Grill and Organ Trail Lounge given that they also serve food but have the option to offer a dance club. These locations will compete across the board, however, products will differ because they will be served using proper measurements, temperatures, and presentation by employees who are qualified at their skill.

16th Empire's disadvantages when compared to major competitors include expertise and company reputation given that it is a new company that will be operated by 1st time bar/club owners that have no reputation in the industry. The major advantages the company has over its competitors include: products, quality, service, advertising, and image. 16th Empire's advantages will ultimately eliminate its disadvantages.

Marketing Strategy: 16th Empire will revamp the traditional night life that Scottsbluff currently offers. Introducing a concept of sophistication paired with its spacious location will appeal to customers various desires. Attracting the market searching for a night on the town served with class, offering tasty food/drink options, and providing the club atmosphere. 16th Empire will constantly strive to reach new heights challenging the idea of the traditional bar and grill. The management team will push the envelope to create and maintain a positive, friendly, and appealing image in all aspects of its marketing channels and sales promotions. The following are examples of how our ideas and tactics will be used to drive more sales and separate 16th Empire making it the premier location for Scottsbluff night life.

ADVERTISING: 16th Empire will use traditional methods of an advertising such as frequent newspaper ads, radio ads, and fliers. Aggressively pursuing social media and the internet designing a website dedicated to the business. Utilizing Facebook, Instagram, and twitter to allow the company to reach the masses informing them of up-coming events, drink/food specials, as well as venue rental information.

EVENTS: 16th Empire will utilize sporting events (football games, UFC, and world championship boxing) offering drink and food promotions. Televising the sporting events over 5 big screen televisions and a 70inch projector screen. The company will also hold wine tastings that will appeal to the new wine drinkers as well as serious wine connoisseurs sampling a wide variety of wines and appetizers. While patrons can enjoy the sound of live Jazz music housed on the 50ft. stage perfect for bands to draw in customers seeking a live musical performance.

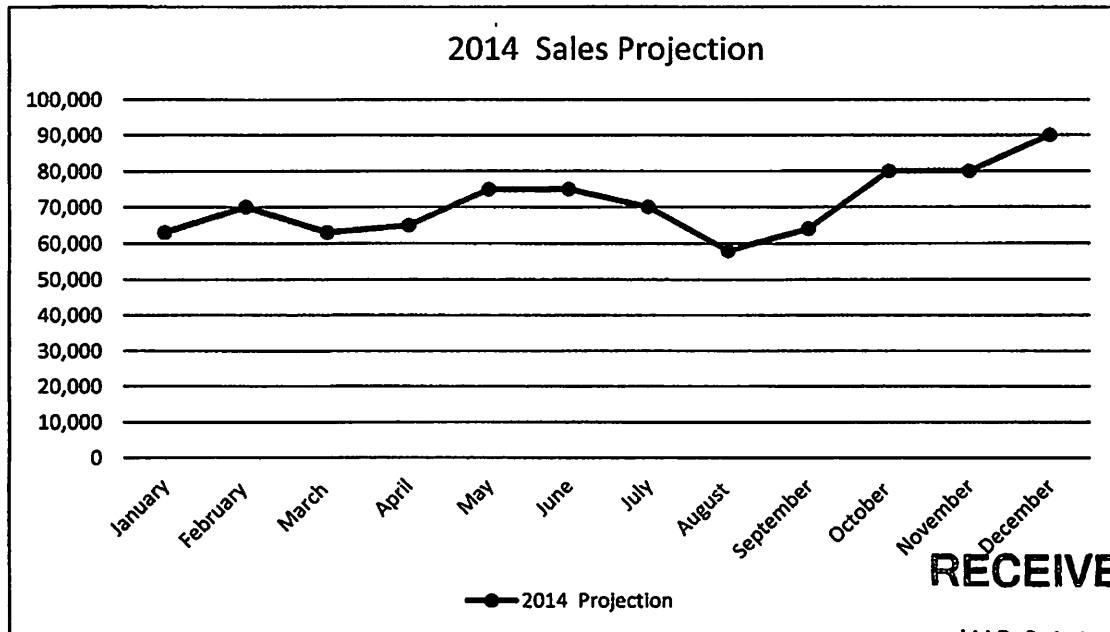
FOOD: The 7,200sq.foot location has a full size kitchen offering fresh food. 16th Empire will have daily lunch and dinner specials. Utilizing special events (Valentine's Day, St. Patrick's Day, Cinco De Mayo, Halloween, and New Year's Eve) promoting VIP dinner and bottle service to drive sales.

BUISNESS RELATIONSHIPS: 16th Empire management team will pride itself for its professionalism and the working relationships. They will offer special pricing to companies wanting to rent the venue for corporate events such as company parties.

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VENUE RENTAL: Due to unique building structure and it's one of a kind concept it will allow for favorable benefits for the space rented out for corporate parties, weddings, graduations, VIP area included with bottle service perfect for birthday parties and bachelor/bachelorette events making another avenue for revenue.

Sales Forecast:



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Operational Plan:

Production: 16th Empire will produce products as they are ordered with the deepest discounts on production costs to a minimum. The pairing of weighted pourers and effective training will ensure that measurements of drinks are accurate resulting in both quality and inventory control. Installation of Square POS system that will include inventory management software will play a huge factor in inventory control to ensure that necessary orders are made in a timely manner.

Personnel: 16th Empire projects to employee 15-20 employees. Job openings will be posted in the local classified section as well as online. 16th Empire will employee wait staff, bartenders, hostess, cooks, and security. The pay scale is listed below:

Wait Staff	\$3.00 per hour plus tips
Hostess/Bussers/Bar Backs	\$7.25 per hour
Bartenders	\$5.00 per hour plus tips
Security	\$7.25 per hour
Cooks	\$8.00 per hour
Bar Manager	\$12,000 per year

Daily Operations: 16th Empire will be open five days a week Tuesday-Saturday. Hours of operation will be 11:00am-1:00am creating multiple shifts. Schedules will be written by general manager and posted weekly allowing managers to adjust labor according to sales volume to maintain labor costs.

Suppliers: 16th Empire will be supplied by local distributors including: High Plains Budweiser, Dietrich's Miller Lite, Arrowhead Distributing, Cashway, Sterling Distributors, Republican National Distributing Company Falcon/Eagle, Johnson Brothers of Nebraska. All distributors are paid upon deliver with the exception of Sterling Distributors, Republican National Distributing Company Falcon/Eagle, Johnson Brothers of Nebraska.

Management and Organization:

Owners/Operators: Jessie J. Martinez is a conductor with Burlington Northern Santa Fe Railway (BNSF) since January 10th 2005. He has been involved in promoting several events in the Scottsbluff area including boxing and mixed martial arts events dealing with all aspects including the selling of alcohol.

Vincent B. Martinez Sr. is a local business owner in Mitchell, NE who has operated Ice Box Liquor store for the past 4 years building it from the ground up. He deals with the general public as well as same distributors that 16th Empire will be associated with. Mr. Martinez has promoted events in boxing and mixed martial arts and selling alcohol at events. In addition he also owns real estate property.

Lucy Martinez is the mother of Jessie Martinez and the wife of Vincent Martinez. She is co-owner of the Ice Box Liquor store and is owner of Martinez catering service. She is employed full-time with the United States Post Office. Lucy has hosted countless wine tasting and food catering events.

Professional and Advisory Support:

Attorney	
Accountant	
Insurance Agent	
Banker	
Mentors	

RECEIVED

MAR 30 2016

NEBRASKA LIQUOR
CONTROL COMMISSION

Startup Expenses and Capital:

16th Empire is seeking financing for _____ which will be spent on ONLY upgrading the property to bring the building up to code as well as adding to its value tremendously.

Install fire main into building	
Wet Pipe Automatic Fire Sprinkler System	
Heating and cooling & Duct Installation	

Exterior Painting	
New sign	
Total	

16th Empire has done extensive research to seek out the most cost efficient and reliable contractors in the local area, to establish long lasting business relationships for future business in the community.

The new Fire Main entry will be installed by CST Mechanical Plumbing & Heating Inc. CST is locally owned and has done several fire main entry work throughout the Panhandle and comes highly recommended by the Scottsbluff building inspector.

The mandated wet fire sprinkler system will be supplied and installed by Bamford, Inc. of Chadron, Ne. Bamford, Inc. is the only Nebraska certified Fire protection business servicing all of the Panhandle area. Bamford, Inc. comes highly recommended by the Scottsbluff Fire Marshal.

The heating and cooling system will be done by Big Mac Heating & Cooling of Mitchell, Ne. They will be installing two brand new 5 ton 115,000 btu roof top units with economizer and all new spiral duct work. Big Mac are a family owned operation with a strong and reputable background.

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MAR 30 2016
NEBRASKA LIQUOR
CONTROL COMMISSION

Commercial Lease Agreement

This Lease agreement is made on this 29th day of February, 2016, (Month), (Year) by and between

Jessie J Martinez (hereinafter "Landlord")

AND

16th Empire, LLC. (hereinafter "Tenant")

In consideration for the shared promises and agreements contained herein, and for other good and valuable consideration, the parties hereby agree as follows:

1. The Landlord leases to the Tenant, and the Tenant rents from the Landlord the following stated grounds:
1605 Ave A Scottsbluff, Nebraska 69361

2. The tenure of the Lease shall be for beginning March 1, 2016 and ending March 1, 2099

3. The Tenant shall pay to Landlord as rent \$ 24,000 per year in equal monthly installments of \$ 2,000 payable in advance N/A (Time Period)

4. This Lease is subject to all present or prospect mortgages affecting the property.

5. Tenant shall use and inhabit the building only as a Bar/Nightclub (Tenant Rental Status) subject at all times to the approval of the Landlord.

6. The Tenant shall not make any amendments, additions or improvements to the building without the prior written permission of the Landlord.

7. The property-owner, at his own cost, shall equip the following utilities or facilities for the benefit of the occupant:

Building only

8. The leaseholder, at his own cost, shall provide the following:

Utilities

9. The leaseholder shall purchase at his own cost public liability insurance in the amount of \$ 198,000 as well as fire and exposure insurance in the amount of \$ incl w/ above for the property and shall provide satisfactory proof thereof to the property-owner and shall continue same in force and effect throughout the Lease period hereof.

10. The leaseholder shall not let or commit waste to the property.

11. The leaseholder shall meet the terms, policies, order codes and laws of all governmental establishments having authority over the property.

12. The Tenant shall not allow or engage in any activity that will affect an increase in the rate of insurance for the Building in which the property is not contained nor shall the leaseholder allow or commit any negligence hereon.

Tenant Representative

Jessie J Martinez

Date:

3-28-16

NEBRASKA LIQUOR

CONTROL COMMISSION

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City of Scottsbluff

Liquor Licenses

Legend

Current Applicants, Lic Type

- ★ 16th Empire, C
- ★ The Tangled Tumbleweed, C
- Railroad Track
- Highway
- Main Road
- Residential

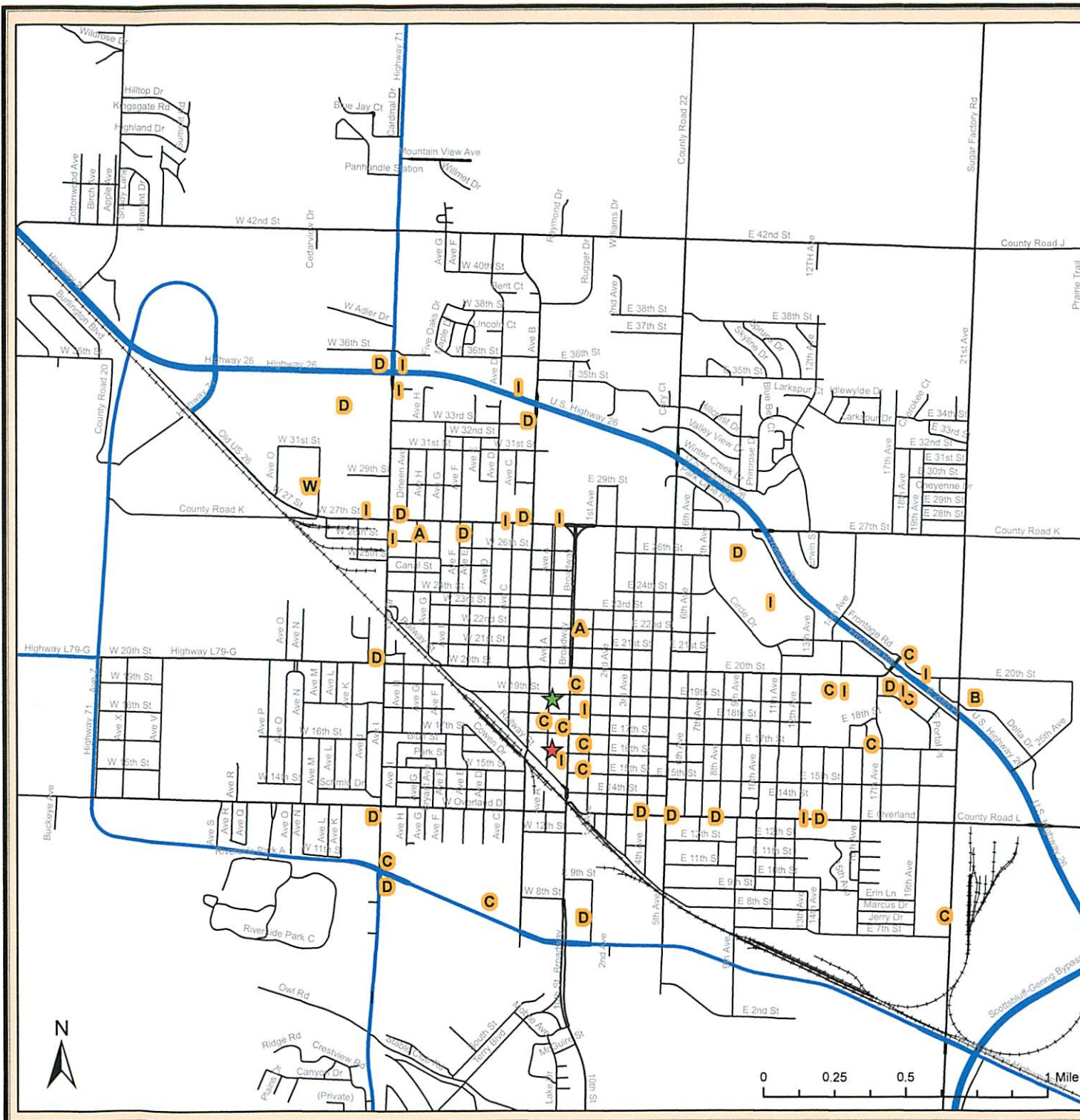
- Class A Beer only, for consumption on premises
- Class B Beer only, for consumption off premises
- Class C Alcoholic liquors, for consumption on and off premises
- Class D Alcoholic liquors, including beer, for consumption off premises
- Class I Alcoholic liquors, for consumption on the premises
- Class W Wholesale beer
- Catering Alcohol permitted by licensee's retail license, sold or served at events covered by special designated licenses

April 19, 2016

J. Reiter - City of Scottsbluff

Coordinate System:
NAD 1983 StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.



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: 4/29/2016
Re: Application for a Class C Liquor License number C-117296, 16th Empire LLC dba 16th Empire
 1605 Ave A 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 background checks on Jesse Martinez, Leticia Martinez, Vincent Martinez and Lucy Martinez as a means to determine their fitness to hold a liquor license.

Jesse Martinez reported the following violations; **2001** No Operators, Seat Belt Violation, **2002** Parking Violation, **2003** Parking Violation, **2004** 2 Speeding citations, **2005** Stop sign Violation, Traffic Signal Violation, **2007** Speeding Citation, Careless Driving Violation, Seat Belt Violation, **2008** No Proof of Liability Insurance, 3rd Degree Assault, **2009** No Proof of Insurance, Stop Sign Violation, Procuring Alcohol to a Minor, **2010** Driving Under Suspension, **2011** 2 speeding citations, Failure to Appear, **2012** Driving Under Suspension, **2015** Speeding Citation, **2016** Speeding Citation. I found no unreported violations.

Leticia Martinez reported the following violations; **2003** Negligent Driving, **2010** Negligent Driving, Speeding, No Valid Registration. I found no unreported violations.

Vincent Martinez reported the following violations; **2000** Driving Under Suspension, **2001** Driving Under the Influence 3rd, **2003** Driving Under Suspension, **2007** Driving Under Suspension and Open Alcohol Container. I found the following violations that were not reported as part of the application; **1981** Destruction of Property and Disturbing the Peace, **1998** Speeding, Seat Belt Violation, Driving Under the Influence, **1999** Driving Under the Influence.

Lucy Martinez reported the following violation; **2013** Sale of Tobacco to a Minor.

On Tuesday April 26th at 1330 hours I met with Jesse, Leticia, Vincent and Lucy at the 16th Empire to discuss their Liquor License application. They showed me around the business, which was under construction. Jesse told me that they hoped to open sometime mid June. Jesse further explained that they are working with inspectors to make sure the building is up to code adding that they will be putting in a sprinkler system at a cost of \$30,000.00.

All reported experience in the Alcohol industry explaining that Jesse' parents Vincent and Lucy own a liquor store in Mitchell, "The Ice Box" for the past 6 years. I checked and found that there had never been any compliance failures at the Ice Box. Leticia, Jesse' wife also reported having experience as a waitress at a business that sold alcohol.

I asked Jesse what their policy would be in checking identifications. Jesse told me that they would check everyone's identification no matter the age, that they will have a scanner and calendars to assist employees. Jesse added that it would be likely customers would have their identification checked twice. Vincent told me that they were considering wristbands for minors, as they will be open as a restaurant. Jesse told me that if any employee were found to sale alcohol to a minor they would be terminated and all employees would be retrained. Jesse explained that there was no excuse for this and they would not tolerate this. Jesse continued telling me that all 4 of them have attended the Responsible Beverage Server Training and will require that of all their employees. Jesse said that all of the employees would be family in the beginning.

I asked Jesse about security measures and he told me that they would have cameras recording and some security personnel when needed. Jesse told me that all 4 of them would be responsible for the inventory but his Father Vincent would do the ordering as he has the most experience. Jesse said that the overstock alcohol would be locked in an office closet with some wine locked in a winery.

I also contacted Nebraska State Patrol Investigator Rob Jackson to inquire about his investigation. Trooper Jackson told me that he found that Vincent Martinez owed a previous landlord where the Ice Box had been located \$4000.00 dollars back rent. Trooper Jackson told me that he has discussed this with Vincent and will be part of his report to the liquor commission. Trooper Jackson told me that it is likely that the Martinez' will have to appear before the liquor commission for a "Show of Cause Hearing."

On April 28th the City of Scottsbluff Liquor License Holders Investigatory Board convened to meet with Jesse and Leticia Martinez, Jesse is also applying to be the manager. At the conclusion of the meeting the board approved a **NUETRAL** recommendation, based on the criminal history and the failure to report all criminal history.

(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.

In talking to the Martinez' it was obvious that they have the experience, knowledge and a plan to comply with the liquor laws. I talked about the ordinances that are unique to the City of Scottsbluff and Jesse was aware. Jesse asked appropriate questions about law enforcement walking through the business, calling to have law enforcement walk through and when to call law enforcement. Jesse expressed the desire to run a problem free business.

The alcohol and inventory controls seem adequate.

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:

The business will have video surveillance to deter unruly behavior as well as recording if needed. Jesse said that they would call law enforcement to walk through the business if they felt the need as a preventative measure and would cooperate with law enforcement in the event of a criminal act.

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 six days a week 11:00 am to 01:00 am during football season closed on Wednesday then open 11:00am to 01:00 am Tuesday thru Saturday in the off season.

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 1605 Avenue A Scottsbluff, NE. It is a Bar Restaurant that will attract customers all hours when opened. Its location is easily accessible and convenient for customers and the site of a former bar. 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 other 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.

EXHIBIT IV

Memo

Date: May 2, 2016

To: Honorable Mayor Meininger and Members of the City Council

From: Cindy Dickinson, City Clerk

CC: Rick Kuckkahn, City Manager

Re: 16th Empire, LLC, 1605 Ave. A., Scottsbluff, NE

The city clerk is required by ordinance to report specific information to the city council whenever a liquor license application hearing is held.

Following are the existing licenses, their class, address and proximity to other licensed premises:

Class of License

Class A	Beer only, for consumption on premises
Class B	Beer only, for consumption off premises
Class C	Alcoholic liquors, for consumption on and off premises
Class D	Alcoholic liquors, including beer, for consumption off premises
Class I	Alcoholic liquors, for consumption on the premises
Class W	Wholesale beer
Catering	Alcohol permitted by licensee's retail license, sold or served at events covered by special designated licenses

Class A Licenses

Restaurants

Pizza Hut of Scottsbluff, Inc.

Mast Enterprises, Inc. dba Godfather Pizza

726 West 27th Street
2203-07 Broadway

Total Class A Licenses 2

Class B Licenses

Convenience Stores

Total Class B Licenses 0

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
16th Empire (NEW APPLICATION)

20 West 18th Street
1901-B 21st Ave.
1722 Broadway
1907 Broadway
1001 Avenue I
1402 East 20th St.- Suite B
1605 Ave. A

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 catering application pending)	23 West 27 th St.
Sam & Louie's Pizzeria	
Taco Town	1522 Broadway
Prime Cut	1007 West 27 th St.
The Shed	305 West 27 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)

Exhibit # 5

Memo

Date: April 7, 2016
To: Honorable Mayor and City Council
From: Staff, Development Services
CC: Rick Kuckkahn
Re: Class "C" Liquor License Application
16th Empire, LLC
1605 Avenue A
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 1605 Avenue A is situated in a C-1 (Central Business District) 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) In a C-1 Zone (Central Business District) no off-street parking spaces are required. (25-5-1*), however, there are several parking lots located in close proximity to the building which can provide parking.
- (3) The use of this property is consistent with the surrounding neighborhood, which is generally commercial in nature. (Broadway, Avenue A, & 1st Avenue). Occupancy of the building as a bar & grill would not adversely affect the neighborhood.
- (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.