

City of Scottsbluff, Nebraska

Monday, November 21, 2016

Regular Meeting

Item Pub. Hear.1

Council to conduct a public hearing at 6:05 p.m. to consider the Class C Liquor License application for Kreman Restaurant Inc., dba MJ's Restaurant, 2621 5th Avenue, Scottsbluff, NE.

Staff Contact: Cindy Dickinson, City Clerk

Agenda Statement

Item No.

For meeting of: November 21, 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 Kreman Restaurant Inc., DBA MJ's Restaurant, 2621 5th Ave, 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 Kreman Restaurant Inc., DBA MJ's Restaurant, 2621 5th Ave, 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 City Planner

NOTIFICATION LIST: Yes No Further Instructions

Kreman Restaurant Inc., DBA MJ's Restaurant
2621 5th Ave, Scottsbluff
Scottsbluff, NE 69361

APPROVAL FOR SUBMITTAL: _____
City Manager



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NEBRASKA LIQUOR CONTROL COMMISSION

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 LICENSES FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED CLASS

- RETAIL LICENSE(S)
Application Fee: \$100 (non-refundable)
A BEER, ON SALE ONLY
B BEER, OFF SALE ONLY
x 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
J LIMITED ALCOHOLIC LIQUOR, OFF SALE - MUST INCLUDE SUPPLEMENTAL FORM 120
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

OK 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 1 FORM 104)
Partnership License (requires insert 2 FORM 105)
x Corporate License (requires insert 3a FORM 101 & 3c FORM 103)
Limited Liability Company (LLC) (requires form 3b FORM 102 & 3c FORM 103)

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 _____

PREMISES INFORMATION

Trade Name (doing business as) MJ's Restaurant

Street Address #1 2621 5th Avenue, Suite 6

Street Address #2 _____

City Scottsbluff

County Scottsbluff

21

Zip Code 69361

Premises Telephone number No premises phone at this time. PERSONAL: 308-665-5602

308-575-0923

Business e-mail address mjescottsbluff@gmail.com

Is this location inside the city/village corporate limits:

YES

NO

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

Name David Kreman

Street Address #1 2621 5th Avenue, Suite 6

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 91 x width 74 in feet

Is there a basement? Yes No

Is there an outdoor area? Yes No

If yes, length _____ x width _____ in feet

If yes, length _____ x width _____ in feet

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

one story building

see attached diagram

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APPLICANT INFORMATION

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 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. ~~include traffic violations~~ Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES NO

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
David Kreman	05/2013	Chadron, NE	Disturbing the peace	Paid fine

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

YES NO

NEBRASKA LIQUOR CONTROL COMMISSION

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

- a) Submit a copy of the sales agreement
- 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 NO

If yes, give name and license number Applebees; License # 033039

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

YES 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.

5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?

YES NO

If yes, list the lender(s) _____

6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?

YES NO

If yes, explain. (all involved persons must be disclosed on application)

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No silent partners

7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

YES NO

see attached list

Owners of equipment and furniture are Soteman Brothers, LLC. They are owners of the leased building.

If yes, list such item(s) and the owner. _____

8. Is premises to be licensed within 150 feet of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, and children, or within 300 feet of a college or university campus?

YES NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Neb. Rev. Stat. 53-177(1))

Provide letter of support or opposition, see FORM 134 - church or FORM 135 - campus

9. Is anyone listed on this application a law enforcement officer?

YES NO

If yes, list the person, the law enforcement agency involved and the person's exact duties.

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business.
a) List the individual(s) who will be authorized to write checks and/or withdrawals on accounts at this institution.

Platte Valley Bank

David Kreman & Mary Jane Kreman

↓
President

↓
Stockholder

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

Lane Ranch, LLC (David Kreman), Cheyenne, NE. - pending application, owned by Lane Brothers, Lane Ranch Ranch House, LLC (David Kreman-manager) Cheyenne, NE 68144, Lane Ranch Ranch House, LLC is doing and David and Mary Jane Kreman are looking for a license from KREMAN RESOURCES, INC.

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)
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List of NLCC certified training programs Experience:

Applicant Name/Job Title	Date of Employment	Name & Location of Business
David Kreman	Sept. 10, 2010 to present	Lone Rock Ranch House, LLC; Crawford, NE
Mary Jane Kreman	Sept. 10, 2010 to present	Lone Rock Ranch House, LLC; Crawford, NE

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 October 31 2023 Lease is for 7 years
 Deed 11-1-2023
 Purchase Agreement

14. When do you intend to open for business? December 2016

15. What will be the main nature of business? Restaurant

16. What are the anticipated hours of operation? 11:00 A.M. to 11:00 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 TO		SPOUSE: CITY & STATE	
①	David Kreman Crawford, NE	2009	present	Applicants are married	
	Bayard, NE	1989	2009		
②	Mary Jane Kreman Crawford, NE	2009	present		
	Bayard, NE	1989	2009		

If necessary attach a separate sheet.

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.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

Must be signed in the presence of a notary public by applicant(s) and spouse(s). See guideline for required signatures

<p>✓ <u>David Kreman</u> Signature of Applicant</p> <p><u>David Kreman</u> Print Name</p> <p><u>Mary Jane Kreman</u> Signature of Applicant</p> <p><u>Mary Jane Kreman</u> Print Name</p>	<p>✓ <u>Mary Jane Kreman</u> Signature of Spouse</p> <p><u>Mary Jane Kreman</u> Print Name</p> <p><u>David Kreman</u> Signature of Spouse</p> <p><u>David Kreman</u> Print Name</p>
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ACKNOWLEDGEMENT

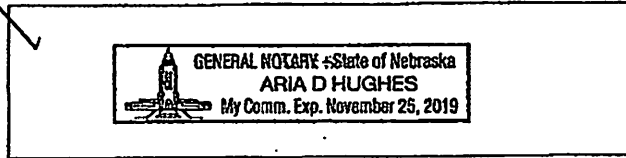
State of Nebraska
County of Scotts Bluff

The foregoing instrument was acknowledged before me this

10/25/16 date

by David Kreman and Mary Jane Kreman *OK*
name of person(s) acknowledged (individual(s) signing)

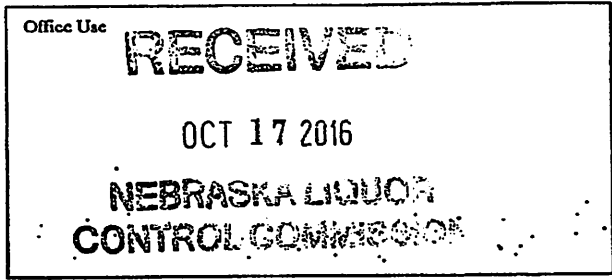
Aria D. Hughes
Notary Public signature



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.

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



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 card or print out document from Secretary of State website
- ✓ Fingerprinted. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application
- ✓ 21 years of age or older

Corporation/LLC information:

Name of Corporation/LLC: Kreman Restaurants, Inc.

Premises information:

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

Premises Trade Name/DBA: MJ's Restaurant

Premises Street Address: 2621 5th Avenue

City: Scottsbluff County: Scottsbluff Zip Code: 69361

Premises Phone Number: 308-665-5662

Premises Email address: mjsscottsbluff@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. To see authorized officers or members search your license information here.

David Kreman - president/manager

SIGNATURE REQUIRED BY CORPORATE OFFICER/MANAGING MEMBER

(Faxed signatures are acceptable)

signed, voter reg, 147, BC

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Kreman First Name: David MI: D

Home Address: 445 2nd Street

City: Crawford County: Dawes Zip Code: 69339

Home Phone Number: 308-665-5662

Driver's License Number & State: Nebraska

Social Security Number: _____

Date Of Birth: 03/03/1957 Place Of Birth: Longview, WA

Email address: mjsscottsbluff@gmail.com

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

YES

NO

signed, voter reg 147

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Spouse information:

Spouses Last Name: Kreman First Name: Mary Jane MI: A

Social Security Number: _____

Driver's License Number & State: Nebraska

Date Of Birth: 05/24/1958 Place Of Birth: Carroll, Iowa

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
Crawford, NE	2009	present	Crawford, NE	2009	present
Bayard, NE	1989	2009	Bayard, NE	1989	2009

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2010	present	Lone Rock Ranch House, LLC	Jack Kreman	308-665-1103

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, include traffic violations. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrest and/or convictions that may occur after the date of signing this application.

YES NO

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

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CONTROL COMMISSION

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
David Kreman	05/2013	Chadron, NE	Disturbing the peace	paid fine

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):

Frontier Restaurant - withdrawn / Lone Rock Ranch House, LLC - manager

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

YES NO

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

*NLCC Training Certificate Issued: _____ Name on Certificate: _____

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
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*For list of NLCC Certified Training Programs see [training](#)

Experience:

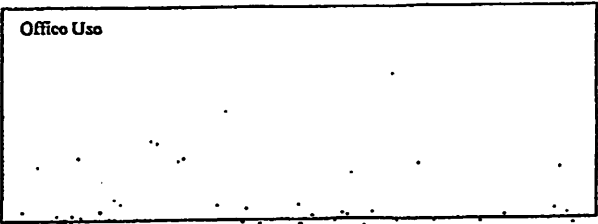
Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
David Kreman/manager	2010-present	Lone Rock Ranch House, LLC; Crawford, NE

5. Have you enclosed form 147 regarding fingerprints?

YES NO

147 enclosed

APPLICATION FOR LIQUOR LICENSE CORPORATION
INSERT - FORM 3a



NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2574
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Officers, directors and stockholders holding over 25% shares of stock, including spouses, are required to adhere to the following requirements:

- 1) All officers, directors and stockholders must be listed
- 2) President/CEO and stockholders holding over 25% and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Officers, directors and stockholders 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)

~~Name of Corporation that will hold license as listed on the Articles~~

Name of Registered Agent: David G Kreman

~~Name of Corporation that will hold license as listed on the Articles~~

Kreman Restaurant Inc

Corporation Address: 445 - 2nd Street

City: Crawford State: NE Zip Code: 69339

Corporation Phone Number: 308-665-5662 Fax Number: _____

Total Number of Corporation Shares Issued: 1000

~~Name and organized signature of president/CEO. Information on program must be listed on following page.~~

Last Name: Kreman First Name: David MI: G

Home Address: 445 - 2nd Street City: Crawford

State: NE Zip Code: 69339 Home Phone Number: 308-665-5662

David Kreman - president/manager
Signature of President/CEO

ACKNOWLEDGEMENT

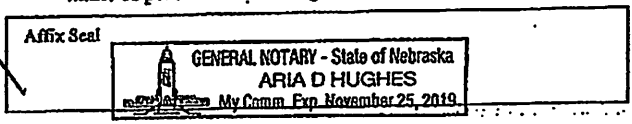
State of Nebraska
County of Scotts Bluff

The foregoing instrument was acknowledged before me this

10/25/16
Date

by David Kreman
name of person acknowledge

Aria D. Hughes



AK

List names of all officers, directors and stockholders including spouses (even if a spousal affidavit has been submitted)

Signed

Last Name: Kreman First Name: David MI: G.

Social Security Number: _____ Date of Birth: 03/03/1957

Title: Owner-president Number of Shares: 500

Spouse Full Name (indicate N/A if single): Mary Jane Kreman

Spouse Social Security Number: _____ Date of Birth: 05/24/1958

Last Name: Kreman First Name: Mary Jane MI: A.

Social Security Number: _____ Date of Birth: 05/24/1958

Title: Owner-secretary Number of Shares: 500

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

Spouse Social Security Number: _____ Date of Birth: 03/03/1957

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Title: _____ Number of Shares: _____

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

Spouse Social Security Number: _____ Date of Birth: _____

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Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Title: _____ Number of Shares: _____

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

Spouse Social Security Number: _____ Date of Birth: _____

Is the applying corporation controlled by another corporation/company?

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YES

NO

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If yes, provide the following:

NEBRASKA LIQUOR
CONTROL COMMISSION

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the Corporation's tax year with the IRS (Example January through December)

Starting Date: January 1

Ending Date: December 31

Is this a Non-Profit Corporation?

YES

NO

If yes, provide the Federal ID # _____

In compliance with the ADA, this corporation insert form 3a is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.

FORM 101
REV JUNE 2015
Page 4 of 4

Business Plan

Kreman Restaurants, Inc.
Dba MJ's Restaurant
2621 5th Avenue; Scottsbluff, NE 69361

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CONTROL COMMISSION

Business Plan
October 15th, 2016

The Kremans are fourth generation beef producers who have over the last seven years operated a restaurant in Crawford, NE. An opportunity to move to Scottsbluff and increase the size of their restaurant operation became available; and after considerable thought, Kreman Restaurants, Inc. entered into an agreement with Solieman Brothers, Inc. to lease their facility.

It is the plan of Kreman Restaurants, Inc. to operate the restaurant in Scottsbluff for the duration of the seven year lease and then retire back to the Crawford, NE area. Financial guidelines have been established for the business, and it is the responsibility of the owners to see that the business meets those guidelines.

It is the goal of MJ's Restaurant to offer customers an exceptional atmosphere, with affordable, high quality food and drink complemented by professional, courteous and friendly service. It is also the company's goal to provide a pleasant and comfortable environment for employees that embraces respect and a sense of worth.

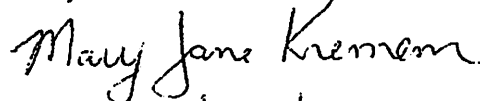
The owners of MJ's Restaurant are proud of their Nebraska heritage, and it is their intention to operate in such a manner that will make the owners and employees of MJ's proud. Also, business shall be conducted in such a manner that earns the respect of the people of Scottsbluff and surrounding area.

David Kreman-owner



Date 10-15-16

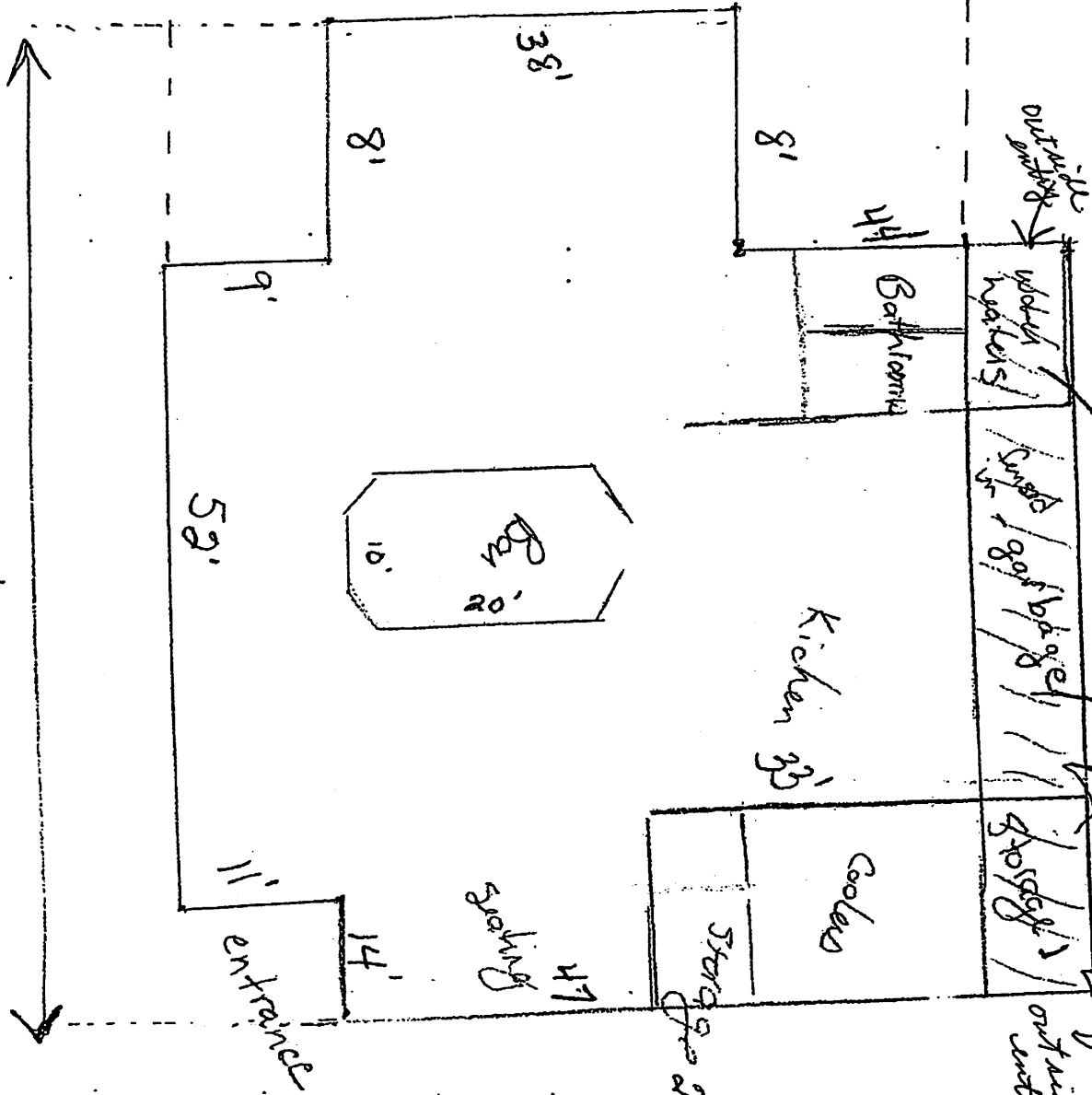
Mary Jane Kreman-owner



Date 10/15/16

5th Ave. W

74'



27th Street

91 feet

N

one story building
approx 74 x 91

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one story building
91' x 74' area
will be liquor
area.
Water heaters,
garbage &
storage area
no alcohol,

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: 11/17/2016
Re: Application for a Class C Liquor License number C-120702, Kreman Restaurant Inc. dba/MJ's Restaurant 2621 5th Ave, Suite 6 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 David G. Kreman and Mary Jane Kreman as a means to determine their fitness to hold a liquor license. David reported a "Disturbing the Peace" conviction in Chadron, Dawes County May of 2013. I did find the Disturbing the Peace conviction and learned that it was originally charged as an assault. I also found a conviction for "driving left of center" in Findley, Ohio January 1, 1983 that was not reported by David. Mary Jane did not report any convictions nor did I find any.

On Thursday November 10, 2016 at 1600 hours the City of Scottsbluff Liquor License Holders Investigatory Board convened to meet with David and Mary Jane Kreman to discuss their application for a class C liquor license. Both David and Mary Jane reported having had a liquor license for the past seven years at their restaurant the "Frontier Restaurant" in Crawford, Nebraska. David explained that their policy is to card everyone and would consider all types of aids to help them and their employees determine customer's age. David said that if an employee sold alcohol to a minor the employee would be terminated. Both David and Mary have attended the Responsible Beverage Server Training in the past, plan to attend the training again in the near future, and will require their employees who serve or handle the alcohol to attend the training. After much discussion the Liquor License Holders Investigatory Board recommended a positive recommendation.

After 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.

David and Mary Jane Kreman both have seven years' experience in the alcohol service industry. In checking I found that there were no violations on their current liquor license at their Crawford restaurant. Dave and Karen reported that they will both be responsible for the inventory and ordering of the alcohol. The Kreman's reported that their overstock will be kept in a locked room that they only have access to. The Kreman's reported that they have wanted to move their business to Scottsbluff and have been actively looking for a location, they will not renew their Crawford liquor license.

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 Kreman's reported that the business does have video surveillance on the inside but they do not know if it works. They reported that they are interesting in having video surveillance. Both David and Mary Jane reported that if the business is open they will be there.

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 11:00 pm seven days a week.

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 2621 5th Ave, Suite 6 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 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.

Memo

Date: November 21, 2016
To: Honorable Mayor Meininger and Members of the City Council
From: Cindy Dickinson, City Clerk
CC: Nathan Johnson, City Manager
Re: Kreman Restaurant Inc., dba MJ's Restaurant, 2621 5th Ave., 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

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 (PENDING)

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)
Kelley's Liquor (Catering)

1402 East 20th St.- Suite A
401 S. Beltline Hwy West
817 West 27th Street

Clubs

Elks BPO Lodge 1367

1614 1st Avenue

Bowling Alleys

Valley Bowl Fun Center

1702 17th Ave.

TOTAL CLASS C LICENSES 15

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
Cigarette Chain

1311 E Overland Dr.
323 East Overland

Discount/Grocery Stores

Big Kmart #7024
Wal-Mart Supercenter #867

802 East 27th Street
3322 Avenue I

TOTAL CLASS D LICENSES 15

CLASS I LICENSES

Restaurants

Rosita's
Chili's Grill & Bar
Applebee's Neighborhood Grill & Bar
Wonderful House Restaurant
Taco de Oro
Whiskey Creek Steakhouse
Ole, LLC
Oriental House
Emporium Coffeehouse & Cafe
San Pedro Mexican Restaurant
Sam & Louie's Pizzeria
Taco Town
Prime Cut
The Shed

1205 East Overland
826 West 36th St.
2621 5th Avenue
829 Ferdinand Plaza
2601 Avenue I
1802 E 20th Place
1901 East 20th Street
1502 E. 20th St.
1818 1st Avenue
23 West 27th St.
1522 Broadway
1007 West 27th St.
305 West 27th St.
18 West 16th St.

Theater

Hotel/Motel

Hampton Inn & Suites

301 W Hwy 26

TOTAL CLASS I LICENSES 15

Class W Licenses

Wholesale

High Plains Budweiser

2810 Ave M

TOTAL CLASS W LICENSES 1

TOTAL LICENSES

Class A 2
Class B 0
Class C 15
Class D 15
Class I 15
Class W 1

TOTAL LICENSES 48

EXHIBIT V

Memo

Date: November 7, 2016
To: Honorable Mayor and City Council
From: Staff, Development Services
CC: Nathan Johnson
Re: Class "C" Liquor License Application
Kreman Restaurant Inc DBA MJ's Restaurant
2621 5th Ave, Suite 6
Scottsbluff, NE 69361

Action:

Kreman Restaurant Inc DBA MJ's Restaurant has applied for a Class C Liquor License. This license is for a new business located where Applebees was previously located.

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 2621 5th Ave is situated in a C-2 (Neighborhood 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) For the proposed use as a restaurant, there is one parking space required per 3 seats. The owners have indicated that they are planning on seating around 150 people, which would require 50 parking spaces. There are 98 parking spaces available for the property; however those are shared with adjacent retail and office space. There appears to be adequate parking available on site to meet this requirement.
- (3) The use of this property is consistent with the surrounding neighborhood. While the property is adjacent to residential zones on its north and west sides, the properties to the south and east are also zoned neighborhood commercial.
- (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.