

City of Scottsbluff, Nebraska

Monday, May 20, 2019

Regular Meeting

Item Pub. Hear.3

Council to conduct a Public Hearing for this date at 6:15 p.m. to consider a Class C Liquor License for B49 Operating, LLC dba The Tangled Tumbleweed, 1823 Avenue A, Scottsbluff, NE and forward a recommendation to the Nebraska Liquor Control Commission.

Staff Contact: Kim Wright, City Clerk

Agenda Statement

Item No.

For meeting of: May 20, 2019

AGENDA TITLE: Council to hold a public hearing as advertised for this date at 6:15 p.m. for a Class C Liquor License for B49 Operating, LLC dba The Tangled Tumbleweed.

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 B49 Operating, LLC dba The Tangled Tumbleweed
Exhibit #2 – City Council Check List for Neb. Rev. Stat. §53-132 Cum Supp 2016
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 ☐

Esther J. Benson



APPLICATION FOR LIQUOR LICENSE
CHECKLIST - 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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APR 12 2019

NEBRASKA LIQUOR
CONTROL COMMISSION

Hot List: YES / NO

New/Replacing #

116298

Class Type

123062

Initial

Applicant name

B49 Operating LLC

Trade name

The Tangled Tumbweed

Previous trade name

The Tangled Tumbweed

Contact email address

redd49@outlook.com

Provide all the items requested. Failure to provide any item will cause this application to be returned or placed on hold. All documents must be legible. Any false statement or omission may result in the denial, suspension, cancellation or revocation of your license. If your operation depends on receiving a liquor license, the Nebraska Liquor Control Commission cautions you that if you purchase, remodel, start construction, spend or commit money that you do so at your own risk. Prior to submitting your application review the application carefully to ensure that all sections are complete, and that any omissions or errors have not been made. You may want to check with the city/village or county clerk, where you are making application, to see if any additional requirements must be met before submitting application to the Nebraska Liquor Control Commission.

CK# 1062 - \$450.00 - 4/15 Misc Dep Payport Payment
re funded

Office use only	PAYMENT TYPE	Payport
	AMOUNT:	\$450.00
	Received:	BN



FORM 100
REV FEB 2017
PAGE 1

PAYPORT

NEBRASKA.GOV

(COPY)

PURCHASE RECEIPT

Nebraska Liquor Control Commission

P.O. Box 95046

Lincoln NE 68509-5046

(402)471-4881

jackie.matulka@nebraska.gov

OTC Local Ref ID: 35886046

4/11/2019 04:31 PM

Status:

APPROVED

Customer Name:

Esther J. Benson

Type:

Visa

Credit Card Number:

**** * 8994

Items	Quantity	TPE Order ID	Total Amount
Retail Liquor License	1	36207626	\$400.00
Applicant Name: Esther J. Benson			
Trade Name: B49 Operating LLC, dba The Tangled Tumbleweed			
Premises Address: 1823 Ave A			
Premises City: Scottsbluff			
Total remitted to the Nebraska Liquor Control Commission			\$400.00
Total Amount Charged			\$409.96

**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**

CHECK TYPE OF LICENSE FOR WHICH APPLICATION IS MADE AND FEE 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
☐ 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

☐ 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)
☐ Corporate License (requires insert 3a FORM 101 & 3c FORM 103)
☒ Limited Liability Company (LLC) (requires form 3b FORM 102 & 3c FORM 103)

Name Rick Ediger

Phone number: 308-632-3811

Firm Name Simmons, Olsen Law Firm, PC

4/15 Misc Dep.

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1. ☒ Fingerprints are required for each person as defined in new application guide, found on our website under "Licensing Tab" in "Guidelines/Brochures". See Form 147 for further information, this form **MUST** be included with your application.
2. ☒ Enclose application fee of \$400 (nonrefundable), check made payable to the Nebraska Liquor Control Commission or you may pay online at PAYPORT.
3. ☒ Enclose the appropriate application forms;
 - 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)
4. ☒ If building is being leased send a copy of signed lease. Be sure the lease reads in the name of the individual(s), corporation or Limited Liability Company (LLC) making application. Lease term must run through the license year being applied for.
5. ☒ If building is owned or being purchased send a copy of the deed or purchase agreement in the name of the applicant.
6. ☒ If buying the business of a current liquor license holder:
 - a. Provide a copy of the purchase agreement from the seller (must read applicants name)
 - b. Provide a copy of alcohol inventory being purchased (must include brand names and container size)
 - c. Enclose a list of the assets being purchased (furniture, fixtures and equipment)
7. ☒ If requesting to operate on current liquor license; enclose Temporary Operating Permit (TOP) (Form 125).
8. ☒ Enclose a list of any inventory or property owned by other parties that are on the premises.
9. ☐ For citizenship enclose U.S. birth certificate; U.S. passport or naturalization paper
 - a. For residency enclose proof of registered voter in Nebraska
 - b. If permanent resident include Employment Authorization Card or Permanent Resident Card
 - c. See guideline for further assistance
10. ☒ Corporation or Limited Liability Company (LLC) must enclose a copy of articles of incorporation; as filed with the Secretary of State's Office.
11. ☒ Submit a copy of your business plan.

I acknowledge that this application is not a guarantee that a liquor license will be issued to me, and that the average processing period is 60 days. Furthermore, I understand that all the information is truthful and I accept all responsibility for any false documents.

Ethel Demmon
Signature

4/10/2019
Date

COPY
mailed
4/10/2019

FORM 100
REV FEB 2017
PAGE 2

PREMISES INFORMATIONTrade Name (doing business as) The Tangled TumbleweedStreet Address #1 1823 Avenue A

Street Address #2 _____

City ScottsbluffCounty ScottsBluffZip Code 69361Premises Telephone number 308-633-3867Business e-mail address redd49@hotmail.com redd49@outlook.com

Is this location inside the city/village corporate limits:

YES xx

NO _____

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

Name Esther Benson The Tangled TumbleweedStreet Address #1 1823 Avenue A

Street Address #2 _____

City ScottsbluffState NEZip 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**

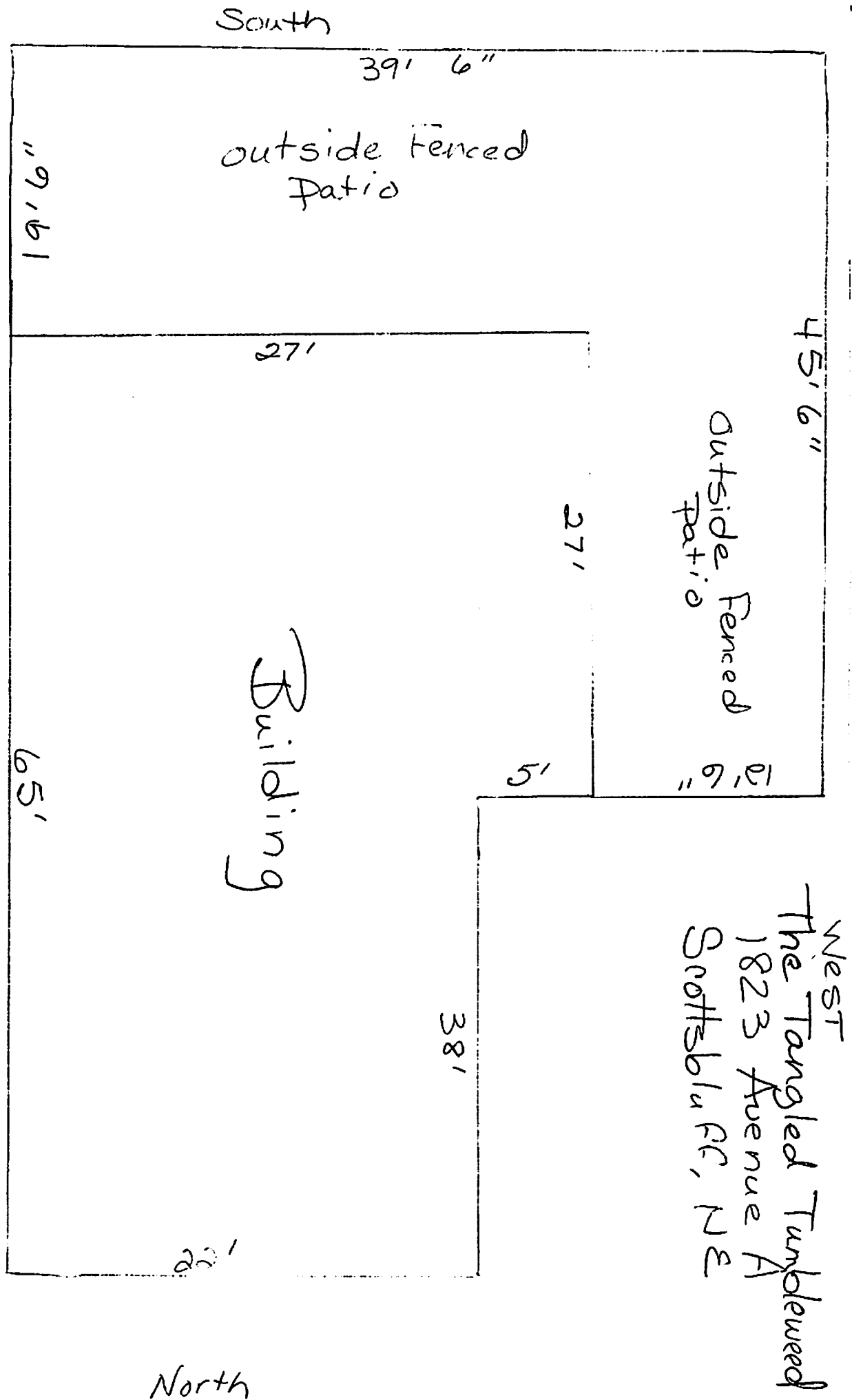
Building: length 105 x width 27 in feetIs there a basement? Yes _____ No xx

If yes, length _____ x width _____ in feet

Is there an outdoor area? Yes xx No _____If yes, length 20 x width 40 in feet

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

9 13 x 46



EAST

WEST
The Tangled Tangleweed
1823 Avenue A
Scottsbluff, NE

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.

XX

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
Esther Benson	2007 or 2008	Denver Colorado	following too close	\$400 fine
Jim Trumbull	none			

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

YES

NO

If yes, give name of business and liquor license number

The Tangled Tumbleweed 116298

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?**XX**

YES

NO

If yes, give name and license number

The Tangled Tumbleweed 116298**4. Are you filing a temporary operating permit (TOP) to operate during the application process?****X**

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) Jim Trumbull, Tangled 2

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)

Jim Trumbull-partner,

No silent partners

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

☐ YES ☒ NO

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-Esther Benson

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.

None

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)

List of NLCC certified training programs

Experience:

Applicant Name/Job Title	Date of Employment:	Name & Location of Business

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 _____
 Deed _____
 XX Purchase Agreement _____

14. When do you intend to open for business? April 1, 2019

15. What will be the main nature of business? Restaurant, wine bar, craft beer

16. What are the anticipated hours of operation? 11 am. - 10 p.m. Wednesday-Thursday 11 a.m. - 12 p.m. Friday-Saturday

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		SPOUSE: CITY & STATE	YEAR	
	FROM	TO		FROM	TO
Esther J. Benson Scottsbluff ^{Mitchell} NE 69357	8/2018	now	James + Brenda Trumbull	2005	current
Esther J. Benson Scottsbluff NE 69361	5/2018	8/2018	Scottsbluff	NE	
Esther J. Benson Gering NE	5/2015	5/2018			
Esther J. Benson Estes Park CO	4/2014	5/2015			
Esther J. Benson Gering	4/2012	4/2014			
Esther J. Benson Scottsbluff	11/2011	4/2012			
If necessary attach a separate sheet.					
Esther J. Benson, Wheat Ridge Co. Holdredge NE	10/2009	2/2010			
Esther J. Benson Wheat Ridge CO	5/2006	10/2009			

FORM 100

FORM 100
REV FEB 2017
PAGE 7

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

Esther J. Benson
Signature of Applicant

N/A
Signature of Spouse

Esther J. Benson
Print Name

Print Name

James C. Trumbull
Signature of Applicant

Signature of Spouse

James C. Trumbull
Print Name

Print Name

ACKNOWLEDGEMENT

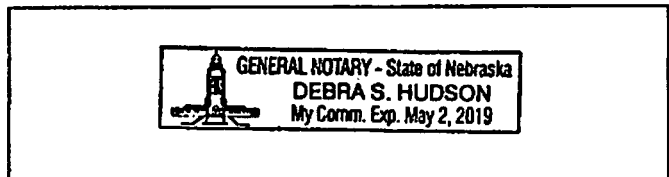
State of Nebraska
County of Scotts Bluff

The foregoing instrument was acknowledged before me this

March 27, 2019
date

by Esther J. Benson ; James C. Trumbull
name of person(s) acknowledged (individual(s) signing)

Debra S. Hudson
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

FORM 100
REV FEB 2017
PAGE 8

**SPOUSAL AFFIDAVIT OF
NON PARTICIPATION INSERT**

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

Office Use



I acknowledge that I am the spouse of a liquor license holder. My signature below confirms that I will not have any interest, directly or indirectly in the operation of the business (§53-125(13)) of the Liquor Control Act. I will not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices, represent myself as the owner or in any way participate in the day to day operations of this business in any capacity. The penalty guideline for violation of this affidavit is cancellation of the liquor license.



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

Brenda S. Trumbull

Signature of NON-PARTICIPATING SPOUSE

Brenda S. Trumbull
Print Name

James C. Trumbull

Signature of APPLICANT

James C. Trumbull
Print Name

State of Nebraska, County of Scotts Bluff

The foregoing instrument was acknowledged before me
this April 3, 2019 (date)

by Brenda S. Trumbull
Name of person acknowledged
(Individual signing document)

Taylor Blumenkamp
Notary Public Signature

GENERAL NOTARY - State of Nebraska
TAYLOR BLUMENKAMP
My Comm. Exp. April 18, 2021

State of Nebraska, County of Scotts Bluff

The foregoing instrument was acknowledged before me
this April 3, 2019 (date)

by James C. Trumbull
Name of person acknowledged
(Individual signing document)

Taylor Blumenkamp
Notary Public Signature

GENERAL NOTARY - State of Nebraska
TAYLOR BLUMENKAMP
My Comm. Exp. April 18, 2021

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

FORM 116
REV NOV 2016
Page | 1

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

Office Use

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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: Rick L. Ediger

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

B49 Operating, LLC

LLC Address: 1823 Ave A

City: Scottsbluff State: NE Zip Code: 69361

LLC Phone Number: 308-633-3867 LLC Fax Number N/A

Name of Managing/Contact Member

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

Last Name: Benson First Name: Esther MI: J.

Home Address: 170446 County Rd M City: Mitchell

State: NE Zip Code: 69357 Home Phone Number: 308-641-0827

Esther J. Benson

Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska
County of Scotts Bluff

March 27, 2019

Date

Debra S. Hudson

The foregoing instrument was acknowledged before me this

by Esther J. Benson

name of person acknowledge

Affix Seal



GENERAL NOTARY - State of Nebraska
DEBRA S. HUDSON
My Comm. Exp. May 2, 2019

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

Last Name: Benson First Name: Esther MI: J
Social Security Number: Date of Birth: 10/26/1949
Spouse Full Name (indicate N/A if single): N/A
Spouse Social Security Number: Date of Birth:
Percentage of member ownership 50%

Last Name: Trumbull First Name: James MI: C.
Social Security Number: Date of Birth: 11/15/63
Spouse Full Name (indicate N/A if single): Brenda Sue Trumbull
Spouse Social Security Number: Date of Birth: 4/1/69
Percentage of member ownership 50%

Last Name: First Name: MI:
Social Security Number: Date of Birth:
Spouse Full Name (indicate N/A if single):
Spouse Social Security Number: Date of Birth:
Percentage of member ownership

Last Name: First Name: MI:
Social Security Number: Date of Birth:
Spouse Full Name (indicate N/A if single):
Spouse Social Security Number: Date of Birth:
Percentage of member ownership

Is the applying Limited Liability Company controlled by another corporation/company?

☐ YES

☒ NO

If yes, provide the following:

- 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 company'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 102
REV JUNE 2015
Page 4 of 4

Nebraska Secretary of State

B49 OPERATING, LLC

Wed Apr 17 13:58:33 2019

SOS Account Number

1903083763

Status

Active

Principal Office Address

No address on file

Registered Agent and Office Address

SIMMONS OLSEN LAW FIRM, P.C., L.L.O.

1502 SECOND AVENUE

SCOTTSBLUFF, NE 69361

Designated Office Address

1823 AVENUE A

SCOTTSBLUFF, NE 69361

Nature of Business

Not Available

Entity Type

Domestic LLC

Qualifying State: NE

Date Filed

Mar 20 2019

Filed Documents

Filed documents for B49 OPERATING, LLC may be available for purchase and downloading by selecting the Purchase Now button. Your Nebraska.gov account will be charged the indicated amount for each item you view. If no Purchase Now button appears, please contact Secretary of State's office to request document(s).

Document	Date Filed	Price	
Certificate of Organization	Mar 20 2019	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now

Good Standing Documents

- If you need your Certificate of Good Standing Apostilled or Authenticated for use in another country, you must contact the Nebraska Secretary of State's office directly for information and instructions. Documents obtained from this site cannot be Apostilled or Authenticated.

Online Certificate of Good Standing with Electronic Validation
\$6.50

This certificate is available for immediate viewing/printing from your desktop. A Verification ID is provided on the certificate to validate authenticity online at the Secretary of State's website.

[Purchase Now](#)
Certificate of Good Standing - USPS Mail Delivery
\$10.00

This is a paper certificate mailed to you from the Secretary of State's office within 2-3 business days.

<https://www.nebraska.gov/sos/ccorp/corpsearch.cgi?acct-number=1903083763>

1/2

**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

Office Use

FORM MUST BE COMPLETELY FILLED OUT IN ORDER FOR APPLICATION TO BE PROCESSED

MANAGER MUST:

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

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

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

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

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

BARCODE

Form 103
Rev July 2018
Page 1 of 6

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Benson First Name: Esther MI: J
Home Address: 170446 County Rd M
City: Mitchell County: Scotts Bluff Zip Code: 69357
Home Phone Number: 308-641-0827
Driver's License Number & State: _____
Social Security Number: _____
Date Of Birth: 10/26/1949 Place Of Birth: Chadron, NE
Email address: reddd49@outlook.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: NA First Name: _____ MI: _____
Social Security Number: _____
Driver's License Number & State: _____
Date Of Birth: _____ Place Of Birth: _____

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
Mitchell NE	8/2018	Now	Gering, NE	4/2012	4/2014
Scottsbluff NE	5/2018	8/2018	Scottsbluff NE	11/2011	4/2012
Gering NE	5/2015	5/2018	Holdredge NE	10/2009	2/2010
Estes Park, CO	4/2014	5/2015	Wheat Ridge CO	5/2006	10/2009

Updated March 1, 2018

Building 2018 property taxes \$70,820.00

Building-\$53,010.87

Land-\$23,967.40

Building and Land Value with improvements-\$130,822.27

Equipment \$35,567.00

Inventory \$19,126.22

Improvements

- South patio cement/fence \$4,344.00
- Garage doors \$9,000.00
- Update electricity \$5,600.00
- Update/new air/heat unit \$10,000.00
- Front patio roof \$2,000.00
- Update plumbing \$3,000.00
- Fencing \$300.00
- Fire Dept Key Box \$300.00
- Dump Fees \$300.00
- Labor Expenses \$9,000.00
- Misc. improvements \$10,000.00
- TOTAL \$53,844.00**

Equipment

Main Street Appliances \$5,435.00

- 1-Freezer (office)-Main Street
- 1-Refrigerator-kitchen-Main Street
- 2-Stoves-kitchen-Main Street
- 1-Dishwasher-kitchen-Main Street
- 1-Dining room computer \$220.00
- 1-Television-\$500.00
- 1-Window air conditioner \$150.00
- 1-Locking File Cabinet-\$10.00
- 1-Shop vacuum \$100.00
- 1-Leaf blower with battery and charger \$100.00
- 3-Beverage dispensers \$100.00
- 1-Desk-\$25.00
- Water Softener \$3,000.00
- Sign \$4,200.00
- 1-HP Printer \$100.00

- 61-Dining room chairs \$1,475.00
- 21-Dining room tables \$420.00
- 11-Glass Top patio tables and 14 chairs \$700.00
- 1-Glass top patio table without glass
- 3-Patio tables, 4 patio loveseats and 6-patio chairs \$1,300.00
- 4-Umbrellas with stands \$350.00
- 1-Umbrella without stand
- 7-Patio Heaters with propane tanks \$700.00
- 2-Propane tanks-\$80.00
- 1-Freezer (beverage center) \$500.00
- 2-wine coolers \$800.00
- 33-Wine crates \$330.00
- 1-Wine stand with three baskets \$100.00
- 1-Clock \$50.00
- 3-Baskets/stands with greenery-\$175.00
- Miscellaneous-Kitchen pots, pans, utensils, hot pads, rags-\$750.00
- One-lpad with Square, cash drawer, scanner, stand-\$1,200.00
- 1-Amplifier with speakers \$500.00
- One-lpod-\$150.00
- 10-display shelves and storage shelves-EXCLUDING IRON BATHTUB-\$1,000.00
- 6-Ladder display units-\$240.00
- 3-Old doors for display-\$150.00
- 3-Doormats-\$60.00
- 5-Cushion mats-\$750.00
- 2-Mannequins-\$120.00
- 3-Bulletin Boards-\$30.00
- 2-High chairs-\$100.00
- 1-Microwave (beverage center)-\$100.00
- 1-Microwave (kitchen) \$150.00
- 126-Wine, 66-champagne, 120-water and 57-beer glasses-\$1,455.00
- 126-Small white plates, 60-large white plates, 60-bowls-\$252.00
- Silverware \$74.00-46-knives, 104-forks, 75-tablespoons, 68-teaspoons
- 52-Wooden serving boards-\$416.00
- 1-Ice Machine \$150.00
- 41-Iron skillets \$369.00
- Miscellaneous plastic storage containers \$125.00
- 1-Small refrigerator (office) \$200.00
- 1-Refrigerator by bathtub-used \$200.00

- All display items (flower cart, 8 foot-Christmas tree-\$250.00, holiday decorations, patio planter, flower basket window, etc.) \$500.00
- Water feature with pump and barrel \$150.00
- 2-Leather chairs, 1-table, 1-lamp-\$300.00
- 1-Dining Room Shelf-\$500.00
- 33-Whiskey boards \$330.00
- 264-shot glasses-\$132.00
- 6-Metal Trays \$100.00
- 10-Aprons \$200.00
- 35-White ramakins \$140.00
- Miscellaneous wine stoppers, corkscrews \$75.00
- 3-Carafes \$30.00
- 35-Water bottles \$105.00
- 122-Glass monkey bowls \$61.00
- 35-Coffee cups \$70.00
- 39-Glass pretzel boats \$180.00
- 21-Ice cream dishes \$42.00
- 5-Salt and Pepper sets \$15.00
- 2-Napkin/silverware baskets \$20.00
- 2-Craft beer display/chalkboard shelves \$200.00
- 4-Wine barrel chalkboards \$200.00
- Wall decorations and frames \$100.00
- 2-Coffee pots \$45.00
- 3-Plastic washtubs \$15.00
- 4-Garbage cans \$80.00
- 5-Dessert racks \$25.00
- 2-Fire extinguishers \$100.00
- 1-Front counter \$100.00
- Miscellaneous office equipment and supplies \$50.00
- Miscellaneous dish room buckets \$24.00
- 24-Receipt clipboards \$48.00
- 2-Phones with answering machine \$40.00
- 2-flashlights \$10.00
- 2-Menu crates \$16.00
- 12-Mini chalkboard display signs \$25.00
- 3-Dishwasher racks \$75.00
- 1-Box laminate flooring \$25.00
- 2-Big soup pots \$100.00
- 8-crock pots \$160.00

- 4-Kitchen wall baskets \$40.00
- 2-Kitchen shelf units \$80.00
- Kitchen shelving \$200.00
- 31-Cork pads \$40.00
- 1-Mixer \$15.00
- Miscellaneous measuring cups and spoons \$20.00
- Miscellaneous catering serving utensils \$30.00
- 1-Rolling cart \$50.00
- 13-Warming racks \$65.00
- 3-Cutting Boards \$30.00
- 12-Small pudding jars \$13.00
- 1-Snow shovel \$15.00
- 1-Stepladder \$35.00
- 1-Small fan \$25.00
- 2-Whiskey shot dispensers \$20.00
- 1-Dishroom shelves \$45.00
- Miscellaneous brooms, mops, dustpans, dusters, mop bucket \$100.00
- Folding chair \$5.00
- 1-Folding table \$35.00
- Wall mirror \$45.00
- Welcome/please seat yourself sign \$30.00
- Open/Close sign \$30.00
- 46 Menu covers and menu \$500.00

Inventory

- Paper goods-\$721.00--2,000-napkins, 47-paper towels, 56-toilet paper, 650-plastic cups/lids, 2 boxes of straws, 1500 cocktail napkins, 550 plastic forks
- To go containers \$120.00 -400-containers, 29-wine box carriers, 65-silverware sets
- Food \$4,784.71
- 366 bottles-Wine \$4,090.66
- 362 bottles-Beer \$489.75
- 995-Shopping bags and 10-rolls raffia \$328.10
- Catering pans-16 big tin pans and 10 small tin pans \$52.00
- Miscellaneous jars for scrub \$15.00
- 2-Rolls celli wrap for baskets \$20.00
- Extra paint for building and tables \$200.00
- Light bulbs and basket including 2 boxes of patio string light bulbs \$60.00
- 1 Bucket snow/ice salt \$25.00
- Dishwasher detergent, rinse, sanitizer \$391.00
- Retail inventory \$7,829.00

Recipes including pretzel recipe-over \$10,000.00 in sales
Future advertising in local hotels-\$225.00 paid for 2 years
Catering bookings-2 bookings on the calendar currently
Contacts for inventory/market information
KNEB ads-currently \$180.00 in credit
Travel writers come every summer and provide free advertising in all their published works

Commercial dishwasher leased through Ecolab
2 Beverage coolers property of Coke
Iced Tea Machine property of Coke

Current Alcohol Inventory for The Tangled Tumbleweed on March 8, 2019 Included in Purchase by B49 Operating, LLC with closing date of April 1, 2019

Full Bottles	Numbers of Bottles	Size of Bottles
Goldschmidt Singing Tree	16 + partial	750 mL
Smith Devereux	11 + partial	750 mL
Thomas Henry Chardonnay	13 + partial	750 mL
Stella Rosa Stella Peach	31 + partial	750 mL
Villa Riesling	12 + partial	750 mL
Italo Cescon Pint Grigio	11 + partial	750 mL
Veglio Moscato d' Asti	18 + partial	750 mL
Sangue di Geuda	19 + partial	750 mL
Boulder Bank Sauvignon Blanc	13 + partial	750 mL
Baci Dolci Blonde	5 + partial	750 mL
Baci Dolci Sweet Red	4 + partial	750 mL
Mount Herman Red	10+ partial	750 mL
Udaco Dao	9 + partial	750 mL
Meiomi	15 + partial	750 mL
Three Otters	9 + partial	750 mL
Thomas Henry Cabernet	4 + partial	750 mL
Goldschmidt Katherine	10 + partial	750 mL
Freakshow	18+ partial	750 mL
Goldschmidt Chelsea	10 + partial	750 mL
Verdi Spumante	30 + partial	9.4 fl oz
Captain Morgan Spiced Rum	2 + partial	750 mL
Kapali Licor de Café	3 + partial	750 mL
One partial bottle of each of the above included in the inventory and range from 1/3 of a bottle to 2/3 of a bottle		
Partial bottles of the following approximately 2/3 bottle for each		
Glenfiddich Scotch Whiskey	partial	750 mL
Laphroaig Scotch Whiskey	partial	750 mL
Aushentoshan Scotch Whiskey	partial	750 mL
Bowmore Scotch Whiskey	Partial	750 mL

Name of Beer	Number of Bottles	Size of bottles
Sam Adams Winter Lager	2	12 oz
Zipline Oatmeal Porter	43	12 oz
Blue Moon Mango Wheat	5	12 oz
Infusion Vanilla Bean Blonde	45	12 oz
Kinkaider Dan Wiser	39	12 oz
Kinkaider Herdlaw	30	12 oz
Kinkaider Frame The Butcher	36	12 oz
Zipline Nut Brown	24	12 oz
Coors Light	31	12 oz
Bud Light	27	12 oz
Miller Lite	29	12 oz
Michelob Ultra Lite	29	12 oz
Sam Adams Cold Snap	24	12 oz
Blue Moon White Belgium	24	12 oz

Business plan for B49 Operating, LLC
dba The Tangled Tumbleweed
1823 Ave A, Scottsbluff, NE 69361

The business plan is to serve quality tapas in addition to a fine selection of red & white wines along with craft/domestic bottled beer.

Included in 2019 will be the addition of 6 tables & 12 chairs to accommodate "overflow" for customers waiting for seating in the dining room.

The patio will be open on Friday & Saturday evenings until midnight. This community has an active downtown theater & crowds enjoy the patio following theater movies & performances.

We are open Wed-Sat 11a-10p
The extended patio hours will be June-October.
Providing the public with a unique dining experience is our goal.

Eustace Benson
Owner

CHECK LIST**Neb. Rev. Stat. §53-132 (Reissue 2016)**

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: 5/17/2019
Re: Application for a Class C Liquor License number C-123062, B49 Operating LLC dba: The Tangle Tumbleweed, 1823 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:

B49 Operating LLC has made application to obtain a liquor license for the Tangled Tumbleweed 1823 Ave A in Scottsbluff.

A background investigation was conducted on Esther Benson and James Trumbull as a means to determine their fitness to have a liquor license. Esther reported a traffic citation in 2007 or 2008 for following to close in Denver, Colorado. There were no other violations found. Jim Trumbull reported no conviction nor did we find any.

On Thursday May 16th at 1600 hours the City of Scottsbluff Liquor License Holders Investigatory Board convened to meet with Esther Benson. After answering several questions from the Liquor License Holders Investigatory Board, members approved a positive recommendation to council for the Tangled Tumbleweed.

After completing this background investigation and giving careful review I have concluded that all 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.

Esther told us that she worked as a server years ago and has worked at the Tangled Tumbleweed for the past three years. Esther explained that she attended the TIPS training and requires it of her servers. Esther said that she currently has 13 employees, that all of the servers are 21 yoa or over and only two of her employees are 16 yoa adding that they have nothing to do with the alcohol they wash dishes.

Esther reported that she alone is responsible for the alcohol inventory as well as ordering.

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:**

Esther said that their policy will be to check the identification of any customer ordering alcohol that appears to be under 50 years of age. Esther said that any customer who appears to be over 50 will be asked if they have their identification with them and if they do not they will not be served. The business will have a "born on or before" calendar to aid in determining a customer's age. Esther said that any employee who would sell to a minor would be terminated.

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 business will be opened Wednesday thru Saturday 11:00 am to 10:00 pm. Food will be served during business hours.

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 1823 Ave A 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 large crowds gathering at this type of business nor would I 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 three other businesses in the area with liquor licenses that allow for offsite sales.

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.

(H) The adequacy of existing law enforcement:

The Scottsbluff Police Department is allowed 31 full time officers in the department and handled approximately 14,601 calls for service, not including traffic citations during 2018. 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.

(I) 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 20, 2019

To: Honorable Mayor Gonzales and Members of the City Council

From: Kim Wright, City Clerk

CC: Nathan Johnson, City Manager

Re: B49 Operating, LLC dba The Tangled Tumbleweed Class C 123062.

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 L	Craft Brewery (Brew Pub)
Class W	Wholesale beer
Class Z	Microdistillery
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. (not renewed)
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
Las VII Americas Tortilleria
16th Empire
Flyover Brewing Company (Catering)

802 21st Avenue
1823 Ave. A
1619 East Overland
1605 Ave. A
1824 Broadway

Hotel/Motel

Holiday Inn Express
Candlelight Inn & Lounge

1821 Frontage Rd.
1822 East 20th Place

Taverns/Lounges

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

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

Retail

Racks (Catering)
Panhandle Cooperative Assn. (Catering)
Kelley's Liquor (Catering)

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

Clubs

Elks BPO Lodge 1367 (Catering)

1614 1st Avenue

Bowling Alleys

Valley Bowl Fun Center

1702 17th Ave.

TOTAL CLASS C LICENSES 18

Class D Licenses

Grocery Stores

Safeway of Western Nebraska
Panhandle Coop Assn.

601 Broadway
3302 Ave. B

Convenience Stores

East "O" Watering Hole
Scottsbluff Watering Hole
Big Bats
Git N Split
Cheema's Gas & Liquor
Route 26 Mart
Maverik Stores Inc.,
Walgreens
Western Travel Terminal

503 East Overland
121 W 27th Street
902 West Overland
506 West 27th Street
2002 Avenue I
1722 E 20th Street
920 West 36th St.,
205 West 27th Street
822 South Beltline Hwy W

Liquor Stores

Dermer's
Cigarette Chain

1311 E Overland Dr.
323 East Overland

Discount/Grocery Stores

Target

1401 Frontage Rd.

Wal-Mart Supercenter #867
TOTAL CLASS D LICENSES

15

3322 Avenue I

CLASS I LICENSES

Restaurants

Applebees
Rosita's
Chili's Grill & Bar
Wonderful House Restaurant
Taco de Oro
Ole, LLC
Emporium Coffeehouse & Café (not renewed)
San Pedro Mexican Restaurant
Sam & Louie's Pizzeria
Taco Town
Prime Cut
Goonies Sports Bar & Grill

2302 Frontage Rd.
1205 East Overland
826 West 36th St.
829 Ferdinand Plaza
2601 Avenue I
1901 East 20th Street
1818 1st Avenue
23 West 27th St.
1522 Broadway
1007 West 27th St.
305 West 27th St.
1802 East 20th Place

Hotel/Motel

Hampton Inn & Suites
2627 Lodging dba Fairfield Inn & Suites

301 W Hwy 26
902 Wintercreek Dr.

Nightclub

La Musica, LLC dba El Baile Nightclub

705 East Overland

TOTAL CLASS I LICENSES 15

Class L Licenses

Flyover Brewing Company

1824 Broadway

TOTAL CLASS L LICENSES 1

Class W Licenses

Wholesale

High Plains Budweiser

2810 Ave M

TOTAL CLASS W LICENSES 1

Class Z Licenses

Great Plains Distillery (Catering)

213 West Railway St.

TOTAL CLASS Z LICENSES 1

TOTAL LICENSES

Class A	2
Class B	0
Class C	18
Class D	15
Class I	15
Class L	1

Class W	1
Class Z	1
TOTAL LICENSES	53

Memo

EXHIBIT V

Date: May 1, 2019
To: Honorable Mayor and City Council
From: Staff, Development Services
CC: Nathan Johnson
Re: Class "C" Liquor License Application
The Tangled Tumbleweed
1823 Avenue A
Scottsbluff, NE 69361

Action:

B49 Operating, LLC., the new owners of The Tangled Tumbleweed have applied for a Class C liquor license. The applicants name is Esther J. Benson.

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 1823 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*)
- (3) The use of this property is consistent with the surrounding neighborhood, which is generally commercial in nature. (Broadway, Avenue A, & 1st Avenue)
- (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.

City of Scottsbluff
Liquor License Holders Investigatory Board
Regular Meeting
May 16, 2019 - 4:00 p.m.

The City of Scottsbluff Liquor License Holders Investigatory Board met in a regular meeting on Thursday, May 16, 2019 at 4:00 p.m. in the Meeting Room of City Hall, 2525 Circle Drive, Scottsbluff. A notice of the meeting had been published on May 10, 2019 in the Star Herald, a newspaper published and of general circulation in the city. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public. That anyone with a disability desiring reasonable accommodation to attend the meeting should contact the city clerk's office, and that an agenda of the meeting kept continuously current was available for public inspection at the office of the city clerk in City Hall; provided, the committee could modify the agenda at the meeting if it determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each committee member.

1. Roll Call - The following Board Members were present: Russ Knight, Chairman; Norman Coley, WNCC; Nathan Johnson, City Manager; Police Chief Kevin Spencer; Kim Wright, City Clerk, Libby Stobel, City Attorney. Absent: Kelli Larson, Bob Scriptor, and Mike Halley.
2. Open Meeting Act – Chairman Knight welcomed everyone in attendance and informed those in attendance that a copy of the Nebraska Open Meetings Act is posted on the west wall for the public's review.
3. Call Meeting to Order - The meeting was called to order and Wright recorded the proceedings.
4. There were no changes to the agenda.
5. Remove from the table minutes of the October 11, 2018 Regular Meeting.
6. Approve Minutes of the October 11, 2018 Regular Meeting – Motion by Johnson, second by Spencer “to approve the October 11, 2018 Minutes,” motion passed unanimously.
7. New Liquor License application:
 - a. Class C Liquor License for B49 Operating, LLC dba The Tangled Tumbleweed, Esther J. Benson Manager.

Esther Benson, Manager of the Tangled Tumbleweed was present and explained to the committee that she has purchased the business and will continue serving quality tappas in addition to selling wine and bottled beer. Her business hours will be 11:00 a.m. to 10:00 p.m. Wednesday-Saturday; Sunday open for private parties after 1:00 p.m. and not open at all on Monday or Tuesday. She explained this year for the months of June through September will be opening her patio area and extending the hours until midnight. She will determine if she will continue to extend the hours in the summer after this year.

Chairman Knight asked how many employees she has and if they have taken the TIPS training. Ms. Benson stated she has 13 employees; all servers are over 21 years of age and are required to take the training. Currently she has two employees who have not taken the training but will be required to take the next class available.

City Manager Johnson asked if she will hire more employees in the future. Ms. Benson stated she will probably hire 1-2 when the patio opens and they will be required to take the training as well, adding that she herself has taken the training also.

Police Chief Spencer asked who does the ordering and inventory for the business and if they check ID's. Ms. Benson stated she is the person who does both the ordering and inventory and regarding checking ID's, if the person looks younger than 50, they do check. She also stated that they will ask everyone if they have an ID and if they do not have one with them are not served. She also stated if an employee sold to a minor they would be terminated.

Legal Counsel Stobel declared a conflict of interest due to the law firm she is employed with representing the applicant and removed herself from voting on the recommendation.

Moved by Johnson, seconded by Spencer , "to forward a positive recommendation to the City Council regarding the Class C Liquor License for B49 Operating, LLC dba Tangled Tumbleweed, 1823 Avenue A, Scottsbluff, NE, and naming Esther J. Benson as the Manager," "YEAS," Johnson, Knight, Spencer, and Wright. "NAYS," Coley. Absent: None. Abstain: Stobel

8. Adjournment:

Moved by Spencer, seconded by Stobel, "to adjourn the meeting at 4:30 p.m.," motion passed unanimously.

Russ Knight, Chairman

Kim Wright, Secretary