

# **City of Scottsbluff, Nebraska**

**Monday, February 6, 2023**

**Regular Meeting**

## **Item Pub. Hear.1**

**Council to conduct a public hearing set for this date at 6:00 p.m. to consider making a recommendation to the Nebraska Liquor Control Commission on the Class D Liquor License for Montez Liquor, LLC d/b/a Montez Liquor, 1311 East Overland, Scottsbluff, NE.**

**Staff Contact: Kim Wright, City Clerk**

## Agenda Statement

Item No.

For meeting of: February 6, 2023

**AGENDA TITLE:** Council to hold a public hearing as advertised for this date at 6:00 p.m. for a Class D Liquor License application from Montez Liquor, LLC d/b/a Montez Liquor, 1311 East Overland, Scottsbluff, NE 69361.

**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 Montez Liquor, LLC d/b/a Montez Liquor, 1311 East Overland, Scottsbluff, NE.

Exhibit #2 – City Council Check List for Neb. Rev. Stat. §53-132 Cum Supp 2022

Exhibit #3 – Written Statement of Police Chief

Exhibit #4 – Written Statement of City Clerk

Exhibit #5 – Written Statement of Development Services

---

**NOTIFICATION LIST:** Yes ☒ No ☐ Further Instructions ☐

Olga Montelongo  
1323 10<sup>th</sup> Avenue  
Scottsbluff, NE 69361-3302

**APPROVAL FOR SUBMITTAL:** \_\_\_\_\_  
City Manager

---

Rev 3/1/99CClerk

**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

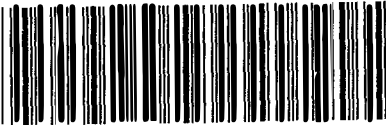
<b>RECEIVED</b>	
NOV 28 2022	
<b>NEBRASKA LIQUOR CONTROL COMMISSION</b>	
Hot List: YES <input type="radio"/> NO <input checked="" type="radio"/>	New/Replacing # 091302
Class Type D	125405 Initial <i>PH</i> <i>MW</i>

Applicant name Montez Liquor, LLCTrade name Montez Liquor, LLC

Previous trade name \_\_\_\_\_

Contact email address Montelongo\_Olga@yahoo.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.

Office use only	PAYMENT TYPE 11/28/22 PayPort	
AMOUNT: \$400-		
Received: 11/28/22	2200012845	

FORM 100  
REV MAY 2015  
PAGE 1

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 [www.ne.gov/go/NLCCpayport](http://www.ne.gov/go/NLCCpayport).
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. See guideline for further assistance <http://www.lcc.nebraska.gov/brochures.html>
10. ☒ Corporation or Limited Liability Company (LLC) must enclose a copy of articles of incorporation; as filed with the Secretary of State's Office. This document must show barcode.
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.

Signature

Date

**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/

**RECEIVED**

NOV 28 2022

**NEBRASKA LIQUOR  
CONTROL COMMISSION**

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

**RETAIL LICENSE(S)**

Application Fee \$400 (nonrefundable)

- ☐ A BEER, ON SALE ONLY  
☐ B BEER, OFF SALE ONLY  
☐ C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE  
☒ D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY  
☐ I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY  
☐ AB BEER, ON AND OFF SALE  
☐ AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE  
☐ IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY

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

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

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

**CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING**

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

**NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)  
Commission will call this person with any questions we may have on this application**

Name Jerald L. Ostdiek

Phone number: (308) 632-7191

Firm Name Douglas, Kelly, Ostdiek, Snyder, Ossian and Vogl, PC

FORM 100  
REV MAY 2015  
PAGE 3

**PREMISES INFORMATION**Trade Name (doing business as) Montez Liquor, LLCStreet Address #1 1311 E Overland

Street Address #2 \_\_\_\_\_

City ScottsbluffCounty Scotts Bluff - 21Zip Code 69361 - 3832

Premises Telephone number \_\_\_\_\_

Business e-mail address Montelongo\_Olga@yahoo.comIs this location inside the city/village corporate limits: YES x NO \_\_\_\_\_

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

Name Olga MontelongoStreet Address #1 1323 10th Ave

Street Address #2 \_\_\_\_\_

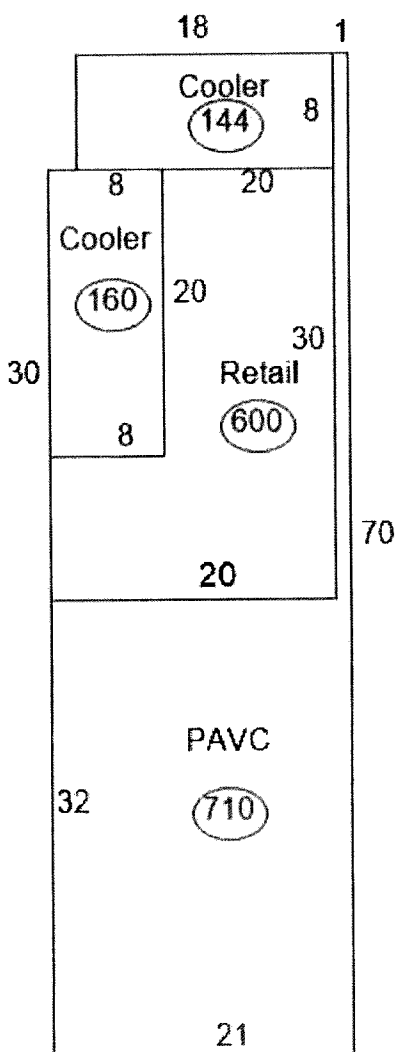
City ScottsbluffState NEZip Code 69361 - 3302**DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED  
READ CAREFULLY**

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 69 x width 22 in feetIs there a basement? Yes \_\_\_\_\_ No x If yes, length \_\_\_\_\_ x width \_\_\_\_\_ in feetIs there an outdoor area? Yes \_\_\_\_\_ No x If yes, length \_\_\_\_\_ x width \_\_\_\_\_ in feet

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



## 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
Jose D. Montelongo	2016	Scottsbluff, NE	Speeding	Paid fine

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

☒ YES ☐ NO

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 Dermer's, LLC, License #091362, Class D

### 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) Platte Valley Bank, Scottsbluff, NE

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)

---

**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)

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; Olga Montelongo and Jose Montelongo

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)
Olga Montelongo	10/22/22	Monument Prevention Program
		Certificate will be provided when received

For list of NLCC certified training programs see: [www.lcc.ne.gov/traininginfo.html](http://www.lcc.ne.gov/traininginfo.html)

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 \_\_\_\_\_  
☒ Purchase Agreement

14. When do you intend to open for business? \_\_\_\_\_

15. What will be the main nature of business? Liquor Sales

16. What are the anticipated hours of operation? Monday - Thursday 9 am - 9 pm, Friday - Sunday 8 am - 1 am

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	YEAR FROM TO	
Jose D. Montelongo: Scottsbluff, NE	2002	2022			
Olga L. Montelongo: Scottsbluff, NE	2002	2022			

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.

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

Jose Montelongo  
Signature of Applicant

Olga Montelongo  
Signature of Spouse

Olga Montelongo  
Print Name

Jose Montelongo  
Print Name

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Spouse

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

#### ACKNOWLEDGEMENT

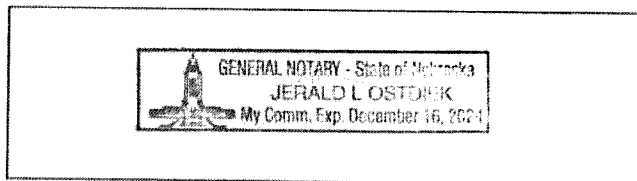
State of Nebraska  
County of Scotts Bluff

The foregoing instrument was acknowledged before me this

by Olga Montelongo and Jose Montelongo

name of person(s) acknowledged (individual(s) signing)

Nov. 25<sup>th</sup> 2022  
[Signature]  
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 MAY 2015  
PAGE 8

# Nebraska Secretary of State

## MONTEZ LIQUOR, LLC

Fri Dec 2 12:36:02 2022

**SOS Account Number**

2209171925

**Status**

Active

**Principal Office Address**

No address on file

**Registered Agent and Office Address**

JERALD L. OSTDIEK

105 EAST 16TH STREET

SCOTTSBLUFF, NE 69361

**Designated Office Address**

1323 10TH AVENUE

SCOTTSBLUFF, NE 69361

**Nature of Business**

Not Available

**Entity Type**

Domestic LLC

Qualifying State: NE

**Date Filed**

Sep 06 2022

**Next Report Due Date**

Jan 01 2023

### Filed Documents

Filed documents for MONTEZ LIQUOR, 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	Sep 06 2022	\$0.45 = 1 page(s) @ \$0.45 per page	<a href="#">Purchase Now</a>
Proof of Publication	Oct 13 2022	\$0.45 = 1 page(s) @ \$0.45 per page	<a href="#">Purchase Now</a>

### 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.

[Continue to Order](#)

[↑ Back to Top](#)

**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.lsc.nebraska.gov](http://www.lsc.nebraska.gov)

**RECEIVED**

Office Use

NOV 28 2022

**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

Name of Registered Agent: Jerald L. Ostdiek

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

Montez Liquor, LLC

LLC Address: 1323 10th Avenue

City: Scottsbluff State: NE Zip Code: 69361

LLC Phone Number: (308) 765-9849 LLC Fax Number None

Name of Managing/Contact Member

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

Last Name: Montelongo First Name: Olga MI: L

Home Address: 1323 10th Ave. City: Scottsbluff

State: NE Zip Code: 69361 Home Phone Number: (308) 765-9849

Olga Montelongo  
Signature of Managing/Contact Member

**ACKNOWLEDGEMENT**

State of Nebraska

County of Scotts Bluff

The foregoing instrument was acknowledged before me this

by Olga Montelongo, Managing Member of Montez Liquor, LLC  
name of person signing document in front of notary

Date

Jerald L. Ostdiek  
Notary Public Signature

Affix Seal



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

Last Name: Montelongo First Name: Olga MI: L

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

Percentage of member ownership 50% Interest

Last Name: Montelongo First Name: Jose MI: D

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

Percentage of member ownership 50% Interest

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 \_\_\_\_\_

FORM 102  
REV DEC 2015  
Page 2 of 4

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

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

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

Spouse Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Percentage of member ownership \_\_\_\_\_

---

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

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

Spouse Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Percentage of member ownership \_\_\_\_\_

---

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

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

Spouse Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Percentage of member ownership \_\_\_\_\_

---

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, complete controlling corporation insert form 185

---

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

Starting Date: January Ending Date: December

---

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 DEC 2015  
Page 4 of 4

**CERTIFICATE OF ORGANIZATION  
OF  
MONTEZ LIQUOR, LLC**

**I.  
NAME**

The name of this limited liability company is: **MONTEZ LIQUOR, LLC**

**II.  
INITIAL DESIGNATED OFFICE AND AGENT FOR SERVICE**

The address of the limited liability company's initial designated office in the state of Nebraska is: 1323 10<sup>th</sup> Avenue, Scottsbluff, Nebraska 69361.

The name and address of its initial agent for service of process in the state of Nebraska is: Jerald L. Ostdiek, 105 East 16<sup>th</sup> Street, Scottsbluff, Nebraska 69361.

**III.  
PURPOSE**

The purpose for which the limited liability company is organized is the transaction of any and all lawful business for which limited liability companies may be formed under the Nebraska Uniform Limited Liability Company Act.

DATED this 31 day of August, 2022.

  
JOSE MONTELONGO, Organizing Member

  
OLGA MONTELONGO, Organizing Member

**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](http://www.lcc.nebraska.gov)

Office Use

**RECEIVED**

NOV 28 2022

NEBRASKA LIQUOR  
CONTROL COMMISSION

**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 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](http://www.lcc.nebraska.gov)

Office Use

**RECEIVED**

NOV 28 2022

NEBRASKA LIQUOR  
CONTROL COMMISSION

**MUST BE:**

- ✓ 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: Montez Liquor, LLC

**Premise information**

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

Premise Trade Name/DBA: Montez Liquor, LLC

Premise Street Address: 1311 E Overland

City: Scottsbluff County: Scotts Bluff Zip Code: 69361-3822

Premise Phone Number: (308) 632-2337

Premise Email address: Montelongo\_Olga@yahoo.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](#).

**SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER**

(Faxed signatures are acceptable)

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Montelongo First Name: Olga MI: L

Home Address: 1323 10th Ave

City: Scottsbluff County: Scotts Bluff Zip Code: 69361 - 3302

Home Phone Number: (308) 765-9849

Email address: Montelongo\_Olga@yahoo.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: Montelongo First Name: Jose MI: D

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

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Scottsbluff, NE	2002	2022			

Form 103  
Rev July 2018  
Page 3 of 6

### MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2006	2014	Residency, Scottsbluff, NE	Shelly Martinez	(308) 632-4342
2006	2022	Montelongo Trucking & Son, LLC	Self	(308) 765-9849

**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 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
Jose D. Montelongo	2016	Scottsbluff, NE	Speeding	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):

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: 10/22/2022 Name on Certificate: Olga Montelongo

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Olga Montelongo	10/22/22	Monument Prevention Program
		certificate will be provided when received

\*For list of NLCC Certified Training Programs see training

Experience:

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

5. Have you enclosed form 147 regarding fingerprints?

☒ YES

☐ NO

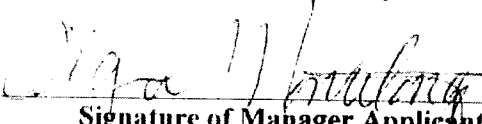
## PERSONAL OATH AND CONSENT OF INVESTIGATION

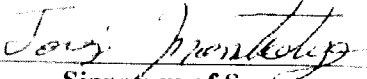
The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true.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

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

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

***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.

  
Signature of Manager Applicant

  
Signature of Spouse


### ACKNOWLEDGEMENT

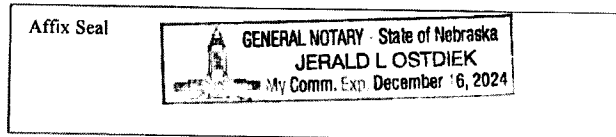
State of Nebraska  
County of Scotts Bluff

The foregoing instrument was acknowledged before me this

April 2, 2023  
date

by Olga Montelongo, Managing Member of Montez Liquor, LLC  
NAME OF PERSON BEING ACKNOWLEDGED

  
Notary Public signature

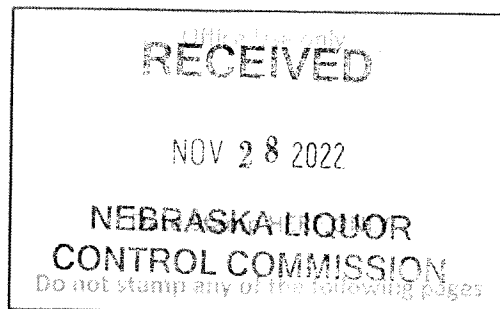


In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.



**PRIVACY ACT STATEMENT/  
SUBMISSION OF FINGERPRINTS /  
PAYMENT OF FEES TO NSP-CID**

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



**THIS FORM IS REQUIRED TO BE SIGNED BY EACH PERSON BEING FINGERPRINTED:**  
**DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:**

- **FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE**
- Fee payment of \$45.25 per person **MUST** be made **DIRECTLY** to the Nebraska State Patrol;  
It is recommended to make payment through the NSP PayPort online system at [www.ne.gov/go/nsp](http://www.ne.gov/go/nsp)  
Or a check made payable to **NSP** can be mailed directly to the following address:  
**\*\*\*Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a Liquor License\*\*\***  
The Nebraska State Patrol – CID Division  
4600 Innovation Drive  
Lincoln, NE 68521
- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID  
*Applicant(s) will not have cards to include with license application.*
- Fingerprints taken at local law enforcement offices may be released to the applicants;  
*Fingerprint cards should be submitted with the application.*

***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 the FBI identification record. The procedures for obtaining a change, correction, or updating a FBI identification record are set forth in Title 28, CFR, 16.34.

\*\*\*\*Please Submit this form with your completed application to the Liquor Control Commission\*\*\*\*

Trade Name Montez Liquor, LLC

Name of Person Being Fingerprinted: Olga Montelongo

Date fingerprints were taken: 10/22/22

Location where fingerprints were taken: Scottsbluff State Patrol/Scottsbluff State Patrol

How was payment made to NSP?

☐ NSP PAYPORT ☒ CASH ☐ CHECK SENT TO NSP CK # \_\_\_\_\_

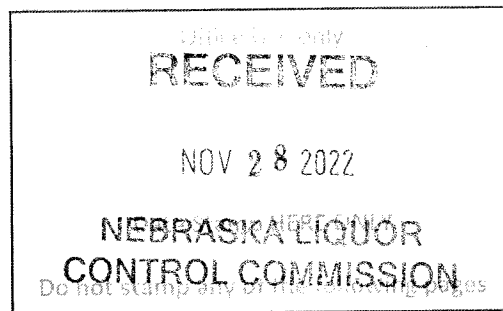
My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES ☐

Olga Montelongo  
SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

FORM 147  
REV JUNE 2021

**PRIVACY ACT STATEMENT/  
SUBMISSION OF FINGERPRINTS /  
PAYMENT OF FEES TO NSP-CID**

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](http://www.lcc.nebraska.gov)



**THIS FORM IS REQUIRED TO BE SIGNED BY EACH PERSON BEING FINGERPRINTED:**  
**DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:**

- **FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE**
- Fee payment of **\$45.25 per person** **MUST** be made **DIRECTLY** to the Nebraska State Patrol;  
It is recommended to make payment through the NSP PayPort online system at [www.ne.gov/go/nsp](http://www.ne.gov/go/nsp)  
Or a check made payable to **NSP** can be mailed directly to the following address:  
**\*\*\*Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a Liquor License\*\*\***  
The Nebraska State Patrol – CID Division  
4600 Innovation Drive  
Lincoln, NE 68521
- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID  
*Applicant(s) will not have cards to include with license application.*
- Fingerprints taken at local law enforcement offices may be released to the applicants;  
*Fingerprint cards should be submitted with the application.*

***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 the FBI identification record. The procedures for obtaining a change, correction, or updating a FBI identification record are set forth in Title 28, CFR, 16.34.*

**\*\*\*\*Please Submit this form with your completed application to the Liquor Control Commission\*\*\*\***

Trade Name Montez Liquor, LLC

Name of Person Being Fingerprinted: Jose Montelongo

Date of Birth:                      Last 4 SSN:           

Date fingerprints were taken: 10/25/22

Location where fingerprints were taken: North Platte State Patrol

How was payment made to NSP?

☐ NSP PAYPORT ☒ CASH ☐ CHECK SENT TO NSP CK #                     

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES ☐

Jose Montelongo  
SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

FORM 147  
REV JUNE 2021

## ASSET PURCHASE AGREEMENT

This Asset Purchase Agreement (the "Agreement" is made on October 11<sup>th</sup>, 2022 between Dermer's, LLC, a Nebraska Limited Liability Company (the "Seller") and Montez Liquor, LLC (the "Buyer").

### 1. Description:

On the terms and conditions set forth in this Agreement, the Seller agrees to sell to Buyer the furniture, fixtures, equipment, leasehold improvements and signage, listed on Exhibit "A," which is attached hereto and incorporated herein by reference (the "Equipment"), as well as the inventory of supplies and goods for sale listed on Exhibit "B" which is attached hereto and incorporated herein by reference (the "Inventory"), and the Real Estate which is legally described as follows:

Lot A, Dermer Subdivision, a subdivision of Lot 3, Block 12, and the East Half of Lot 2, Block 12, Imperial Subdivision to the City of Scottsbluff, Scotts Bluff County, Nebraska (commonly known as 1311 East Overland, Scottsbluff 69361)

(the "Real Estate").

### 2. Purchase Price:

The Purchase Price shall be \$95,000 costs payable at Closing in cash or certified funds. The Purchase Price shall be divided as follows:

- a) \$39,345.00 for Equipment and Inventory;
- b) \$55,655.00 for the Real Estate.

### 3. Closing and Possession:

The "Closing" shall take place on or before Dec 15<sup>th</sup>, 2022. Inventory shall be valued at Closing. Regardless of the actual time of the Closing, it is agreed that the Closing will be considered effective as 12:01 a.m. on the date of Closing. At the Closing, the Seller shall execute and deliver to the Buyer a Bill of Sale and Warranty Deed to transfer titles to Buyer free and clear of all liens and encumbrances. Possession shall transfer to the Buyer at Closing.

**4. Taxes:**

The Seller shall be responsible for and shall pay any personal property taxes and assessments levied against the Assets for all years prior to 2022 along with all special assessments levied on the Assets in full. Taxes for 2022 shall be prorated between Buyer and Seller as of the date of Closing based on the most recent assessment available. Taxes for the remainder of the year of Closing and all subsequent years shall be paid for by the Buyer. The Seller has not received any notice of any special assessments which affect the Assets and to the Seller's knowledge, no such assessments are pending or contemplated.

**5. Inspection and Condition of Assets:**

a) The Buyer has personally inspected the Assets and Real Estate and is entering into this Agreement based on that inspection and not on any representations or warranties, express or implied, made by the Seller, except as otherwise provided for in this Agreement. At Closing, the Buyer will accept the Assets in an "as-is" condition *with all faults*.

**6. Risk of Loss:**

The risk of loss of damage to the Assets or Real Estate shall remain with the Seller until the Closing. If, prior to Closing, any part of the Assets is damaged by fire or other casualty, and it not repaired to its prior condition, then the Buyer may rescind this agreement.

**7. Contingencies:**

The Closing of this transaction is contingent on following:

a) Buyer obtaining a loan or loans to finance the Purchase Price. Buyer shall Make application for any such loans within seven days of signing this Agreement. Buyer shall be responsible for all costs associated with the loans. Buyer agrees to use Buyer's best efforts to obtain the loans. The Buyer may have the Real Estate appraised either before or during the lending approval process, if any. If the Real Estate fails to appraise for an amount equal to or greater than the Purchase Price, and such failure affects the Buyer's ability to obtain financing, the Seller shall have the unilateral option of (i) rescinding and terminating this Agreement; (ii) accepting the appraised value as determined during the lender approval process, or (iii) before deciding upon options (i) or (ii) above, hiring at her own cost an independent appraiser and submitting the appraised valuation to the Buyer and the Buyer's lender.

b) Buyer obtaining a liquor license from the Nebraska Liquor Control Commission (the "Commission") covering the Real Estate, or a Temporary Operating Permit in order to operate under the Seller's existing license.

c) Seller receiving permission from the Commission to transfer the inventory of alcoholic liquors and beverages to Buyer and Buyer receiving permission from the Commission to make such purchase.

d) Prior to Closing, Seller furnishing to the Buyer a title insurance commitment binder showing that the Seller has merchantable title to the Real Estate. If it is impossible to perfect title or if defects exist which will require court action or an unreasonable expense or time to cure, the Seller shall have the option to terminate this Agreement in writing.

The closing may be extended for a reasonable time if such extension is necessary for the parties to satisfy the above contingencies. If the above contingencies are not met prior to Closing, and cannot be met on or before December 31, 2022, then either party may rescind this Agreement in writing. However, upon the agreement of both parties, the above contingencies may be waived and the parties may proceed to closing without one or more of the above contingencies being met

**8. Employees:**

Seller agrees that prior to closing, the employment of any and all employees employed by Seller for the Business shall terminate. Buyer is under no obligation to offer employment to any of Seller's employees. Buyer may offer employment to any of Seller's employees as Buyer may determine. Seller agrees not to interfere with Buyer's employment of such personnel and Seller agrees to release such personnel from any confidentiality obligation they may have to Seller to the extent necessary to allow them to use their full knowledge of the Business for Buyer's benefit.

**9. Representation and Warranties:**

The Buyer represents that this Agreement constitutes a legal, binding, and valid obligation of the Buyer, enforceable according to its terms and the performance of this Agreement by the Buyer will not violate any law, rule, regulation, contract, or agreement applicable to Buyer. The Seller represents that this Agreement constitutes a legal, binding, and valid obligation of the Seller, enforceable according to its terms and the performance of this Agreement by the Seller will not violate any law, rule, regulation, contract, or agreement applicable to Seller.

**10. Expenses of Sale:**

Parties shall equally divide the cost of preparation of this Agreement, the Warranty Deed, all costs and fees associated with a closing agent, as well as recording fees, documentary stamp tax, and title insurance coverage. Buyer shall pay for all costs related to obtaining Buyer financing.

**11. Default:**

Time is of the essence. If either party shall default in the performance of this Agreement, the other party shall have all legal remedies available to them.

**12. General Provisions:**

a) This Agreement shall not be assignable by either party without the consent of the other party, except that the Buyer may assign this agreement to any corporation or limited liability company in which the Buyers constitute the sole shareholders or members.

b) This Agreement is binding upon and inures to the benefit of the parties and their respective successors and permitted assigns; provided, however, no assignment of all or any portion of this Agreement shall relieve any party of its obligations under this Agreement.

c) No waiver of any breach of any provision of this Agreement will be deemed a waiver of any other breach of this Agreement. No extension of time for performance of any act will be deemed an extension of the time for performance of any other act.

d) This Agreement may be executed in one or more counterparts, each of which may be considered as an original.

e) This Agreement shall be construed according to the laws of Nebraska.

f) This Agreement contains the entire agreement of the Parties. This Agreement may be amended only in writing signed by all parties.

**Seller:**

**Buyer:**

Dermer's, LLC, a Nebraska Limited Liability Company

Montez Liquor, LLC, A Nebraska Limited Liability Company

By:

  
Olivia Valladeres, Sole Member

By:



# Business Purchase Agreement

Purchase Date 11/28/22

Name of Business Purchased Dermer's LLC

Address of Business:

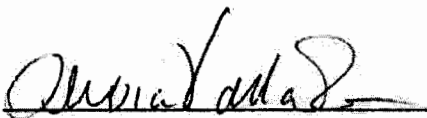
1311 E Overland, Scottsbluff, NE 69361

Applicant:

Montez Liquor, LLC

Current Licensee

Dermer's, LLC



Signature of Seller (licensee)

12-7-2022

Date



Signature of Purchaser (applicant)

12/7/2022

Date

**Montez Liquor, LLC  
BUSINESS PLAN**

Montez Liquor, LLC, will continue with the same business as the previous owner, Dermer's, LLC

Montez Liquor, LLC, will be a retail liquor store selling packaged liquor, beer and wine, soda beverages, and snacks.



**CHECK LIST****Neb. Rev. Stat. §53-132 (Reissue 2022)**

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, City Manager/Chief of Police  
**Date:** 02/03/2023  
**Re:** Application for a Class D Liquor License Number D - 125405, Montez Liquor, LLC, dba: Montez Liquor, 1323 10<sup>th</sup> Ave. Scottsbluff, Nebraska 69361

---

**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 the Commission may consider in granting a liquor license.

### **COMMENTARY**

#### **53-132: Section 2**

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

I conducted a background check on Olga and Jose Montelongo to determine their fitness to hold a liquor license. Olga reported not having any criminal convictions. I did not find any. Jose reported having one speeding ticket in 2016 in Scottsbluff, NE. I did not find any information that would disqualify either Olga or Jose.

After consideration, I have concluded that the applicant is 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.

On Wednesday, February 1, 2022, Olga and Jose appeared before the Liquor License Holders Investigatory Board to discuss their application. Olga explained that they have a policy that requires employees to check all customers' identification to determine their age when making an alcohol purchase. Olga told the board they had purchased a scanner to help determine a customer's age and a flashlight that would help them determine if the ID was valid. Olga added that the store has security cameras that record, located inside and outside. Olga told the board that if an employee sold alcohol to a minor they would have to be retrained.

The applicant appears to be able and willing 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 ensure that the licensed business can conform to**

**all provisions, requirements, rules, and regulations provided for in the Nebraska Liquor Control Act:**

Olga told the board that the alcohol would be stored in a cooler inside of the store. Olga said that her son, Jose Montelongo Jr. and herself will order and inventory the alcohol. Olga said that they currently employ five people all family, and that she requires them all to attend training.

After hearing Olga and Jose's plan, and after answering several questions the board voted unanimously to send a positive recommendation to the Nebraska Liquor Commission.

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 seven days a week, opening at 10:00 A. M. and closing at 10:00 P. M., maybe later on the weekends. Montez Liquor is in a location that has been a liquor store for many years, lastly Dermer's Liquor.

Oversight and accountability will be a priority for the applicant 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 1323 10<sup>th</sup> Ave, Scottsbluff, NE. It will is a liquor store that will attract customers when opened. Its location is easily accessible and convenient for customers. I would not anticipate any issues with its 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 similar businesses in the area with liquor licenses that allow for on and offsite sales.

**(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 in 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 33 full-time officers in the department and handled approximately 17,073 calls for service, not including traffic citations during 2021. The number of liquor licenses within the jurisdictional boundaries of the Police Department, regardless of the class, continues to be a priority 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:**

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:** February 6, 2023

**To:** Honorable Mayor McKerrigan and Members of the City Council

**From:** Kimberley Wright, City Clerk

**CC:** Kevin Spencer, City Manager

**Re:** Montez Liquor, LLC d/b/a Montez Liquor, 1311 East Overland, 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 IB	Alcoholic liquors, for consumption on the premises and beer only for consumption off 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**

Mast Enterprises, Inc. dba Arthur's Pizza	2203-07 Broadway
---	------------------

**Total Class A Licenses** 1

**Class B Licenses**

**Retail**

Family Dollar Store #27573	1412 East Overland
----------------------------	--------------------

**Total Class B Licenses** 1

### **Class C Licenses**

#### **Restaurants**

El Charrito Restaurant & Lounge, Inc .  
Tangled Tumbleweed  
Las VII Americas Tortilleria  
Flyover Brewing Company (Catering)  
27<sup>th</sup> Street Bro's, LLC d/b/a Brothers 27<sup>th</sup> Street Wings and  
Burgers (Catering)  
Power House on Broadway, LLC d/b/a Power House Social

802 21<sup>st</sup> Avenue  
1823 Ave. A  
1619 East Overland  
1824 Broadway  
2621 5<sup>th</sup> Avenue  
  
1721 Broadway

#### **Hotel/Motel**

Holiday Inn Express

1821 Frontage Rd.

#### **Taverns/Lounges**

Hight's Tavern  
Bob's Garage & Bar  
RSK Frontside, LLC dba Frontside  
Racks Sports Bar, LLC (Catering)

20 West 18<sup>th</sup> Street  
1907 Broadway  
1001 Avenue I  
1402 East 20<sup>th</sup> St.- Suite B

#### **Retail**

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

401 S. Beltline Hwy West  
817 West 27<sup>th</sup> Street

#### **Clubs**

Elks BPO Lodge 1367 (Catering)

1614 1<sup>st</sup> Avenue

#### **Bowling Alleys**

**TOTAL CLASS C LICENSES            14**

### **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  
Grass Retail, LLC d/b/a Shortstop  
Route 26 Mart  
Maverik Stores Inc.,  
Walgreens  
Essential Fuel  
Essential Fuel

503 East Overland  
121 W 27<sup>th</sup> Street  
902 West Overland  
506 West 27<sup>th</sup> Street  
2002 Avenue I  
1722 E 20<sup>th</sup> Street  
920 West 36<sup>th</sup> St.,  
205 West 27<sup>th</sup> Street  
822 South Beltline Hwy W  
2319 East Overland

#### **Liquor Stores**

Dermer's  
Cigarette Chain

1311 E Overland Dr.  
323 East Overland

**Discount/Grocery Stores**

Target (Catering)

Wal-Mart Supercenter #867

**TOTAL CLASS D LICENSES****16**

1401 Frontage Rd.

3322 Avenue I

**CLASS I LICENSES****Restaurants**

Rosita's (Catering)

Applebees

Chili's Grill &amp; Bar

Wonderful House Restaurant

Ole, LLC

San Pedro Mexican Restaurant

Sam &amp; Louie's Pizzeria (Catering)

Taco Town

Prime Cut

Goonies Sports Bar &amp; Grill

1205 East Overland

2302 Frontage Rd.

826 West 36<sup>th</sup> St.

829 Ferdinand Plaza

1901 East 20<sup>th</sup> Street23 West 27<sup>th</sup> St.

1522 Broadway

1007 West 27<sup>th</sup> St.305 West 27<sup>th</sup> St.1818 1<sup>st</sup> Ave.**Hotel/Motel**

Hampton Inn &amp; Suites

2627 Lodging dba Fairfield Inn &amp; Suites

301 W Hwy 26

902 Wintercreek Dr.

**TOTAL CLASS I LICENSES 12****CLASS IB LICENSES****Nightclub**

Marez, LLC d/b/a Oasis

**TOTAL CLASS IB LICENSES****1**

1722 Broadway

**Class L Licenses**

Flyover Brewing Company

**TOTAL CLASS L LICENSES****1**

1824 Broadway

**Class W Licenses****Wholesale**

High Plains Budweiser

**TOTAL CLASS W LICENSES****1**

2810 Ave M

**Class Z Licenses**

Great Plains Distillery (Catering)

**TOTAL CLASS Z LICENSES****1**

213 West Railway St.

<b>TOTAL LICENSES</b>	
Class A	1
Class B	1
Class C	14
Class D	16
Class I	12
Class IB	1
Class L	1
Class W	1
Class Z	1
<b>TOTAL LICENSES</b>	<b>48</b>



# Memo

## EXHIBIT V

**Date:** December 15, 2022  
**To:** Honorable Mayor and City Council  
**From:** Staff, Development Services  
**CC:** Kevin Spencer  
**Re:** Class "D" Liquor License Application  
Montez Liquor  
1311 E. Overland  
Scottsbluff, NE 69361

**Action:**

---

The owners of Montez Liquor have applied for a new license in the name of Olga Montelongo.

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 1311 E. Overland is situated in a C-3 (Heavy Commercial) zoning district where retail stores and services are allowed by right pursuant to the City's Zoning Ordinance, Chapter 25, of the City's Municipal Code of Ordinances. The properties to the north are zoned R-1a (Single Family Medium Density) and the properties to the east, south and west are zoned C-3 (Heavy Commercial).
- (2) The off-street parking requirements are 1 space for every 250 square feet of building space is required for retail use. The building has 600 square feet of retail space. The occupancy will need access to at least 3 off street parking spaces as required by ordinance. This requirement is found in 25-5-1 (18) of the City's Municipal Code of Ordinances.
- (3) The use of this property is consistent with the C-3 zone.
- (4) The Lakota Lutheran Center is situated within approximately 290 feet from the subject property.
- (5) The existing population of Scottsbluff is approximately 14,282.

City of Scottsbluff  
Liquor License Holders Investigatory Board  
Regular Meeting  
February 1, 2023 – 2:00 p.m.

The City of Scottsbluff Liquor License Holders Investigatory Board met in a regular meeting on Wednesday, February 1, 2023 at 2:00 p.m. in the Meeting Room of City Hall, 2525 Circle Drive, Scottsbluff. A notice of the meeting had been published on January 27, 2023 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; Andrea Margheim, Member; Kevin Spencer; Police Chief/City Manager; Kim Wright, City Clerk; and Matt Huck, Scottsbluff Public Schools. Absent: Kelli Larson, Panhandle Prevention Coalition and Libby Stobel City Attorney
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. Changes or additions to the agenda – None.
5. Approve the July 20, 2022 Regular Meeting Minutes – Motion by Margheim, second by Spencer to approve the July 20, 2022 Regular Meeting Minutes, motion passed unanimously.
6. New Application.
  - a. Ms. Olga and Mr. Jose Montelongo were present to answer questions regarding the Class D Liquor License Application for Montez Liquor, LLC d/b/a Montez Liquor, 1311 East Overland, Scottsbluff, NE. Ms. Montelongo explained they decided to purchase the business after they saw it was for sale; they currently have a trucking business and rentals, adding they have been in the community for 45 years.

Police Chief Spencer asked if they had any experience in the alcohol industry. Ms. Montelongo stated they have no experience; however, her family will help her run the business and they all are taking the alcohol training offered by the State. There are five family members that will help with the business that will be open seven days a week from 10:00 a.m. to 10:00 p.m. Ms. Montelongo also commented in the future they will probably be open on the weekends until 11:00 or 12:00 p.m., noting the business has 9-

10 security cameras located inside, around the cooler, freezer and front desk. There are cameras located outside as well.

Chairman Knight asked who would be ordering the inventory for the business. Ms. Montelongo answered it would either be herself or her two sons, who are over the age of 21. All overstock is kept in a freezer in a different room and brought out to a cooler as needed.

Ms. Montelongo was asked what would happen if an employee sold to a minor. She stated the employee would be retrained and not allowed behind the register for a period of time. She did mention she has a Point of Sale machine on order as the one that was there previously was not working. At this time, they are checking ID's and have a driver's license book available for reference.

Committee Member Margheim moved, seconded by Mr. Spencer to make a positive recommendation to the Nebraska Liquor Control Commission regarding the Class D Liquor License for Montez Liquor, LLC d/b/a Montez Liquor. Motion passed unanimously.

#### 7. Liquor License Compliance Issue

- Git N Split – Ms. Becky Fulton, manager with Git N Split came forward to explain their compliance violation. Ms. Fulton explained the employee did not ID the customer and they are no longer employed with the business. She went on to state the current seven employees have taken the RBST training and she brought along copies of their certificates. Mr. Knight asked if they have corporate training since this seems to be a pattern; they have had violations in the past. Ms. Fulton stated she would check with corporate to see what could be done.
- Maverik – Manager Carolyn was present and stated she stresses carding everyone, especially now since the violation. She added with their violation the employee typed their own birthdate in the POS system to override the machine. The employee has since been let go and is no longer working there. She also commented all new hires are required to take computer-based alcohol and tobacco management courses.
- Panhandle Coop – Manager Eric King and Marketing Director Susan Wiedeman were present to discuss the violation. Mr. King stated the associate carded the customer, but punched her own birthdate in the machine. They have a zero-tolerance policy and the employee was terminated. Since the violation, all liquor and front end employees have been retrained with Lanette Richards from Monument Prevention Coalition.
- Cigarette Chain – A representative declined to come to the meeting.

8. The meeting adjourned at 2:45 p.m. with a motion by Margheim and second by Spencer. Motion passed unanimously.

---

Kevin Spencer, Acting Chairman

---

Kim Wright, Secretary