

City of Scottsbluff, Nebraska

Monday, March 20, 2023

Regular Meeting

Item Pub. Hear.3

Council to conduct a public hearing set for this date at 6:00 p.m. to receive information regarding a Class C Liquor License for Frank Eats, LLC d/b/a Taco De Oro, 2601 Ave. I, Scottsbluff, NE.

Staff Contact: Kim Wright, City Clerk

Agenda Statement

Item No.

For meeting of: March 20, 2023

AGENDA TITLE: Council to hold a public hearing as advertised for this date at 6:00 p.m. for a Class C Liquor License application from Frank Eats, LLC d/b/a Taco De Oro 2601 Avenue I, 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 Frank Eats, LLC d/b/a Taco De Oro, 2601 Avenue I, 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 ☐

Jennifer S. Heinold
2929 8th Avenue
Scottsbluff, NE 69361

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev 3/1/99CClerk

APPLICATION FOR LIQUOR LICENSE CHECKLIST RETAIL **EXHIBIT 1**

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

License
Class: C

License Number:

125552

RECEIVED

FEB 21 2023
NEBRASKA LIQUOR
CONTROL COMMISSION

Office Use Only

NEW / REPLACING _____

TOP Yes ☒ No

Hot List Yes ☒ No

Initial: **KF**

PLEASE READ CAREFULLY

See directions on the next page. 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.

APPLICANT NAME Frank Eats, LLC

TRADE (DBA) NAME Taco De Oro

PREVIOUS TRADE (DBA) NAME _____

CONTACT NAME AND PHONE NUMBER Jennifer Heinold 308-631-9990

CONTACT EMAIL ADDRESS jennifer@tacodeoroscottsbuff.com

Chum h x
CTG

1-1-2027

Office use only

PAYMENT TYPE 2/16/23 Pay Port

AMOUNT \$400 RCPT _____

RECEIVED: 2/21/23

DATE DEPOSITED _____



2300001858

FORM 100
REV 12/7/2022
PAGE 1

DIRECTIONS

Each item must be included with your application

1. Application fee of \$400 (nonrefundable), please pay online thru our PAYPORT system or enclose payment made payable to the Nebraska Liquor Control Commission
2. Enclose the appropriate application forms
 - Individual License (Form 104)
 - Partnership License (Form 105)
 - Corporate License (Form 101 & Form 103)
 - Limited Liability Company (LLC) (Form 102 & Form 103)
 - Corporation or Limited Liability Company (LLC) must be active with the Nebraska Secretary of State
3. 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 Applicant Guidelines for further assistance
4. Form 147 - Fingerprints are required for each person as defined in new application guide, found on our website under "Licensing Tab" in "Guidelines/Brochures".
5. If purchasing an already licensed business; include Form 125—Temporary Operating Permit (TOP)
 - a. Form 125 must be signed by the seller (current licensee) and the buyer (applicant)
 - b. Provide a copy of the business purchase agreement from the seller (current licensee sells "the business currently licensed" to applicant)
 - c. Provide a copy of alcohol inventory being purchased (must include quantity, brand name and container size)
 - d. Enclose a list of the assets being purchased (furniture, fixtures and equipment)
6. If building is owned or being purchased send a copy of the deed or purchase agreement in the name of the applicant.
7. If building is being leased, send a copy of signed lease in the name of the applicant. Lease term must run through the license year being applied for.
8. Submit a copy of your business plan.

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

RETAIL LICENSE(S) Application Fee \$400 (nonrefundable)
CLASS C LICENSE TERM IS FROM NOVEMBER 1 – OCTOBER 31
ALL OTHER CLASSES TERM IS MAY 1 – APRIL 30

- ☐ A BEER, ON SALE ONLY
- ☐ B BEER, OFF SALE ONLY**
- ☒ C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE**
Do you intend to sale cocktails to go as allowed under Neb Rev. Statute 53-123.04(4) YES ☒ NO ☐
- ☐ D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY**
- ☐ F BOTTLE CLUB,
- ☐ I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
Do you intend to sale cocktails to go as allowed under Neb Rev. Statute 53-123.04(5) YES ☐ NO ☐
- ☐ 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 endorsement (Submit Form 106) – Catering license (K) expires same as underlying retail license
- ☐ Class G Growler endorsement (Submit Form 165) – Class C licenses only
- **Class B, Class C, Class D license do you intend to allow drive through services under Neb Rev. Statute 53-178.01(2) YES ☒ NO ☐

ADDITIONAL FEES WILL BE ASSESSED AT THE CITY/VILLAGE OR COUNTY LEVEL WHEN THE LICENSE IS ISSUED

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

- ☐ Individual License (requires insert FORM 104)
- ☐ Partnership License (requires insert FORM 105)
- ☐ Corporate License (requires FORM 101 & FORM 103)
- ☒ Limited Liability Company (LLC) (requires FORM 102 & FORM 103)

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

Name _____ Phone Number _____

Firm Name _____

Email address _____

Should we contact you with any questions on the application? YES _____ NO _____

FORM 100
REV 12/7/2022
PAGE 3

PREMISES INFORMATION

Trade Name (doing business as) Taco De Oro

Street Address 2601 Avenue I

City Scottsbluff County Scottsbluff 21 Zip Code 69361

Premises Telephone number 308-632-8322

+1577

Business e-mail address jennifer@tacodeoroscottsbluff.

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

MAILING ADDRESS (where you want to receive mail from the Commission)

Check if same as premises

Name Frank Eats, LLC

Street Address PO Box 2395

City Scottsbluff State NE Zip Code 69361

+2395

DESCRIPTION AND DIAGRAM OF THE AREA TO BE LICENSED

IN THE SPACE PROVIDED BELOW DRAW OR ATTACH A DIAGRAM OF THE AREA TO BE LICENSED

DO NOT SEND BLUEPRINTS, ARCHITECT OR CONSTRUCTION DRAWINGS

PROVIDE LENGTH X WIDTH IN FEET (NOT SQUARE FOOTAGE)

INDICATE THE DIRECTION OF NORTH

Building length 79 x width 42 in feet

Is there a basement? Yes No X If yes, length x width in feet

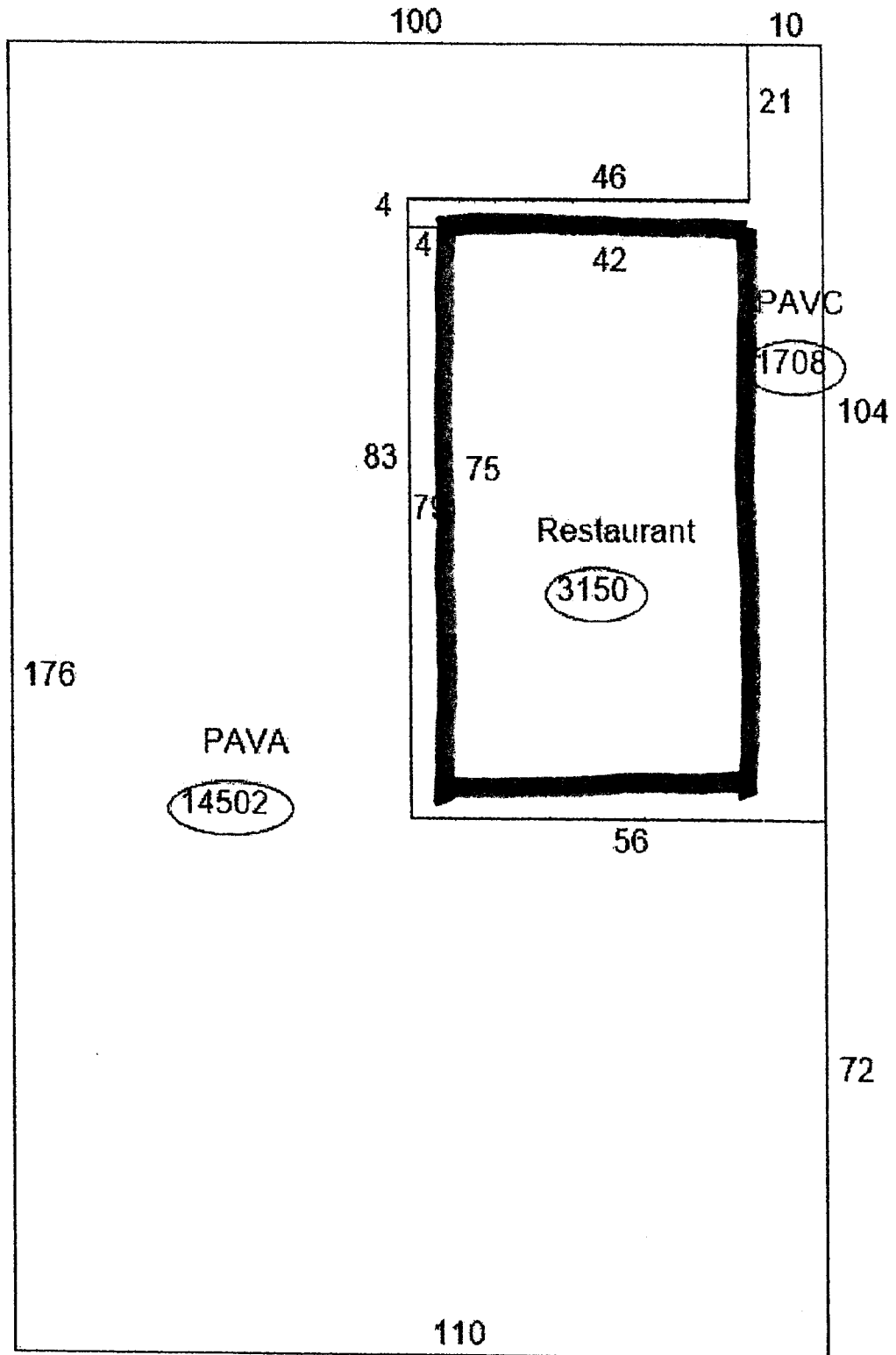
Is there an outdoor area? Yes No X If yes, length x width in feet+

*If including an outdoor area permanent fencing is required. Please contact the local governing body for other requirements regarding fencing

Number of floors of the building 1

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

See Attach



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 |
|-------------------|------------------------------|--------------------------------|--|--------------------------|
| Bryan Frank | | | | |
| Holly Frank | | | | |
| Jennifer Heinold | 1999 2006 | Scottsbluff, NE Gering, NE | MIP under the influence of marijuana at Party | Court Fine Court Fine |
| | | | | |
| | | | | |
| | | | | |

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

☐ **YES** ☒ **NO**

If yes, provide business name and license number _____

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

☐ **YES** ☒ **NO**

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

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)

a) Submit a copy of the business purchase 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 _____

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

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 019.01E Silent Partners; Profit Sharing: No licensee or partner, principal, agent or employee of any Retail Liquor License shall permit any other person not licensed or included as a partner, principal, or stockholder of any Retail Liquor License to participate in the sharing of profits or liabilities arising from any Retail Liquor License. (53-1,100)

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 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 (Nebraska Revised Statute 53-177(1) **AND PROVIDE FORM 134 – CHURCH OR FORM 135 – CAMPUS AND LETTER OF SUPPORT FROM CHURCH OR CAMPUS**

9. Is anyone listed on this application a law enforcement officer? If yes, list the person, the law enforcement agency involved and the person's exact duties. (Nebraska Revised Statute 53-125(15))

☐ YES ☒ NO

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business.

a) List the individual(s) who are authorized to write checks and/or withdrawals on accounts at this institution.

Platte Valley Bank, Bryan Frank & Jennifer Heinold

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.

Jennifer Heinold, McDermid Management Company, 1821 Frontage Road,
Scottsbluff, NE 69361, #079276. Left employment.

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) |
|----------------|-------------------|--|
| | | |
| | | |
| | | |

Experience

| Applicant Name/Job Title | Date of Employment | Name & Location of Business |
|--------------------------|-----------------------|-----------------------------|
| Jennifer Heinold, GM | 2002-2022 | Holiday Inn Express |
| | | 1821 Frontage Road |
| | | Scottsbluff, NE 69361 |

13. If the property 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 be in the name of applicant as owner or lessee

☒ Lease expiration date 1-1-2027
☐ Deed
☐ Purchase Agreement

14. When do you intend to open for business? Opened 2/15/22

15. What will be the main nature of business? Mexican Restuarant

16. What are the anticipated hours of operation? 7am-8pm Tue-Sat, 7am-2pm Sun

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 CITY & STATE | YEAR FROM TO | | SPOUSE CITY & STATE | YEAR FROM TO | |
| Bryan Frank, Scottsbluff, NE | 1999 | 2023 | Holly Frank, Scottsbluff | 1999 | 2023 |
| Jennifer Heinold, Scottsbluff | 2006 | 2023 | | | |
| | | | | | |
| | | | | | |
| | | | | | |

If necessary, attach a separate sheet

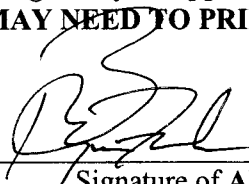
SIGNATURE PAGE – PLEASE READ CAREFULLY

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.

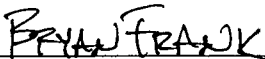
Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person 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.

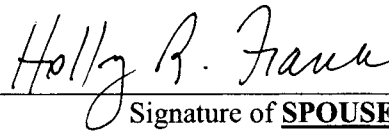
**Must be signed by all applicant(s) and spouse(s) owning more than 25%
(YOU MAY NEED TO PRINT MULTIPLE SIGNATURE PAGES)**



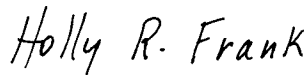
Signature of APPLICANT



Printed Name of APPLICANT



Signature of SPOUSE



Printed Name of SPOUSE

Signature of APPLICANT

Signature of SPOUSE

Printed Name of APPLICANT

Printed Name of SPOUSE

LIMITED LIABILITY COMPANY (LLC)

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

License
Class: _____

License Number: _____



INSTRUCTIONS

1. All members and spouses must be listed
2. 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
3. Managing/Contact member and all members holding over 25% interest and their spouses must submit fingerprints. See Form 147 for further information
4. Attach copy of Articles of Organization

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

Frank Eats, LLC

Name of Registered Agent: **Bryan L. Frank**

LLC Address: **416 Valley View Drive, Suite 1100**

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

LLC Phone Number: **308-635-0489** LLC Fax Number: **N/A** ⁺¹⁴⁵⁷

Name of Managing/Contact Member

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

Last Name: **Frank** First Name: **Bryan** MI: **L.**

Home Address: **1801 East 34th Street** City: **Scottsbluff**

State: **NE** Zip Code: **69361** ⁺³⁴³⁵ Home Phone Number: **308-635-0489**

MEMBER

Signature of Managing/Contact Member

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

Last Name: Frank First Name: Bryan MI: L.
Social Security Number: [REDACTED] Date of Birth: [REDACTED]
Spouse Full Name (indicate N/A if single): Holly R. Frank
Spouse Social Security Number: [REDACTED] Date of Birth: [REDACTED]
Percentage of member ownership 100%

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

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

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

Is the applying Limited Liability Company owned 100% by another corporation/LLC?

☐ YES ☒ NO

If yes, Form 185 is required

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 #. _____

Nebraska Secretary of State

FRANK EATS LLC

Mon Feb 27 12:57:04 2023

SOS Account Number

2112319624

Status

Active

Principal Office Address

416 VALLEY VIEW DRIVE, SUITE 1100
SCOTTSBLUFF, NE 69361
USA

Registered Agent and Office Address

BRYAN L. FRANK
416 VALLEY VIEW DRIVE SUITE 1100
P.O. BOX 2395
SCOTTSBLUFF, NE 69363-2395

Designated Office Address

416 VALLEY VIEW DRIVE, SUITE 1100
SCOTTSBLUFF, NE 69361

Nature of Business

Not Available

Entity Type

Domestic LLC

Qualifying State: NE

Date Filed

Dec 22 2021

Next Report Due Date

Jan 01 2025

Filed Documents

Filed documents for FRANK EATS 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 | Dec 22 2021 | \$0.45 = 1 page(s) @ \$0.45 per page | Purchase Now |
| Proof of Publication | Feb 03 2022 | \$0.45 = 1 page(s) @ \$0.45 per page | Purchase Now |
| Biennial Report | Jan 03 2023 | \$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

**CERTIFICATE OF ORGANIZATION
OF
FRANK EATS, LLC**

NAME: The name of the limited liability company is **Frank Eats, LLC**.

DURATION: The period of duration of the limited liability company shall be perpetual.

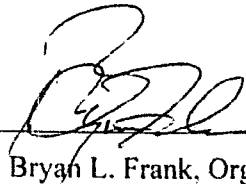
PURPOSES: The purposes for which the limited liability company is organized are to acquire, use, buy, lease, sell and exchange in any lawful manner real and/or personal property or any interest therein; and the transaction of any and all lawful business for which limited liability companies may be formed under the Nebraska Uniform Limited Liability Company Act.

INITIAL DESIGNATED OFFICE: The address of the limited liability company's initial designated office in the state of Nebraska is: 416 Valley View Drive, Suite 1100, Scottsbluff, NE 69361.

AGENT FOR SERVICE OF PROCESS: The name and address of the initial agent for service of process in this state are: Bryan L. Frank, 416 Valley View Drive, Suite 1100, P.O. Box 2395, Scottsbluff, NE 69363-2395.

INTERNAL AFFAIRS: The regulation of the internal affairs of the limited liability company is as set forth in the Operating Agreement.

DATED: 12/14, 2021.


Bryan L. Frank, Organizer

MANAGER APPLICATION FORM 103

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

License
Class: _____

License Number: _____

RECEIVED
FEB 27 2023
NEBRASKA LIQUOR
CONTROL COMMISSION

MANAGER MUST:

- Be at least 21-years of age
- Complete all sections of the application.
- Form must be signed by a **member or corporate officer**
- Include Form 147 –Fingerprints are required
- Provide a copy of one of the following: US birth certificate, US Passport or naturalization papers
- Be a resident of the state of Nebraska and be a registered voter in the State of Nebraska,
- Spouse who **will** participate in the business, the spouse must meet the same requirements as the manager applicant:

Spouse who **will not** participate in the business

- Complete the Spousal Affidavit of Non Participation (Form 116). **Be sure to complete both halves of this form.**

CORPORATION/LLC INFORMATION

Name of Corporation/LLC: Frank Eats, LLC

PREMISES INFORMATION

Premises Trade Name/DBA: Taco De Oro

Premises Street Address: 2601 Avenue I

City: Scottsbluff County: Scottsbluff Zip Code: 69361

Premises Phone Number: 308-632-8322

Premises Email address: jennifer@tacodeoroscottsbluff.com

SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

The individual whose name is listed as a corporate officer or managing member as reported or listed with the Commission.

BARCODE

FORM 103
REV 12/8/2022
PAGE 1

MANAGER INFORMATION

Last Name: Heinold First Name: Jennifer MI: S.
Home Address: 2929 8th Avenue
City: Scottsbluff County: Scotts Bluff Zip Code: 69361
Home Phone Number: 308-631-9990 +1409
Driver's License Number: [REDACTED]
Social Security Number: [REDACTED]
Date of Birth: [REDACTED] Place of Birth: Scottsbluff, NE
Email address: jennifer@tacodeoroscottsbluff.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: _____ First Name: _____ MI: _____
Social Security Number: _____
Driver's License Number: _____
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 |
| Scottsbluff, NE | 2007 | 2023 | | | |
| | | | | | |
| | | | | | |
| | | | | | |

MANAGER'S LAST TWO EMPLOYERS

| YEAR FROM TO | | NAME OF EMPLOYER | NAME OF SUPERVISOR | TELEPHONE NUMBER |
|-----------------|------|---------------------|--------------------|---------------------|
| 1999 | 2021 | Holiday Inn Express | Renee McDermid | 303-746-1581 |
| 1997 | 1999 | Wal-Mart | Tim Heinz | 308-632-2666 |

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 |
|-------------------|---------------------------------|------------------------------------|-----------------------|-------------|
| See Attach | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

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):

Holiday Inn Express

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.

| Applicant Name | Date (mm/yyyy) | Name of program (attach copy of course completion certificate) |
|----------------|-------------------|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

*For list of NLCC Certified Training Programs see [training](#)

Experience:

| Applicant Name / Job Title | Date of Employment: | Name & Location of Business: |
|----------------------------|------------------------|--------------------------------------|
| Jennifer Heinold/ Manager | 1999-2021 | Holiday Inn Express, Scottsbluff, NE |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

5. Have you enclosed Form 147 regarding fingerprints?

☒ YES

☐ NO

PERSONAL OATH AND CONSENT OF INVESTIGATION
SIGNATURE PAGE – PLEASE READ CAREFULLY

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.

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 by applicant and spouse.



Signature of **APPLICANT**
Jennifer Heinold

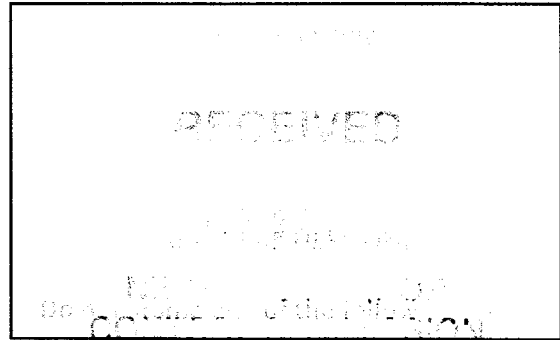
Printed Name of **APPLICANT**

Signature of **SPOUSE**

Printed Name of **SPOUSE**

**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
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 Frank Eats. LLC DBA Taco De Oro

Name of Person Being Fingerprinted: Jennifer S. Heinold

Date of Birth: [REDACTED] Last 4 SSN: [REDACTED]

Date fingerprints were taken: 11-30-2022

Location where fingerprints were taken: Scottsbluff, NE

How was payment made to NSP?

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

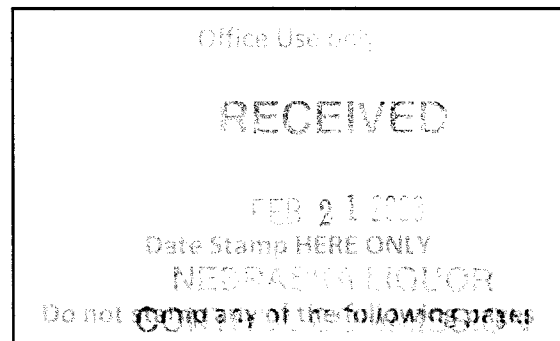
My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES ☐

[Signature]
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
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****Please Submit this form with your completed application to the Liquor Control Commission****

Trade Name Frank Eats. LLC DBA Taco De Oro

Name of Person Being Fingerprinted: Bryan L. Frank

Date of Birth: Last 4 SSN:

Date fingerprints were taken: 11-30-2022

Location where fingerprints were taken: Scottsbluff, NE

How was payment made to NSP?

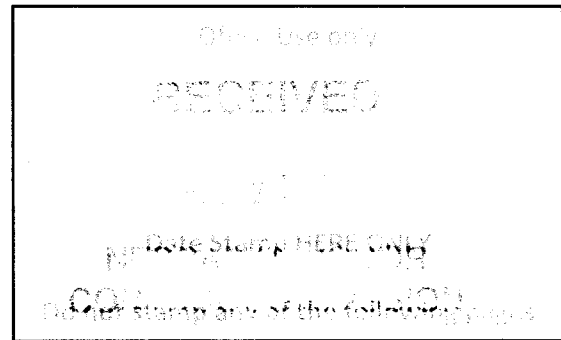
☒ NSP PAYPORT ☐ CASH ☐ CHECK SENT TO NSP CK #

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


SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

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

NEBRASKA LIQUOR CONTROL COMMISSION
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- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID
Applicant(s) will not have cards to include with license application.
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****Please Submit this form with your completed application to the Liquor Control Commission****

Trade Name Frank Eats. LLC DBA Taco De Oro

Name of Person Being Fingerprinted: Holly R. Frank

Date of Birth: [REDACTED] Last 4 SSN: [REDACTED]

Date fingerprints were taken: 12-1-2022

Location where fingerprints were taken: Scottsbluff, NE

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 ☐

Holly R. Frank

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

FORM 147
REV JUNE 2021

TACO DE ORO

TDO

THE MEXICAN FOOD

Taco De Oro

(308) 632-8322

2601 Ave I, Scottsbluff, NE

www.TacoDeOroScottsbluff.com

Business plan:

At Taco De Oro we are a locally owned Mexican restaurant with a focus on fresh ingredients. We are wanting to add a liquor license to our restaurant to offer a couple of choices of beer and a couple of choices of margaritas for our customers,

Sincerely,



Jennifer Heinold

Manager

Home of the TDO Since 1985!

1-1-2027

LEASE AGREEMENT

THIS LEASE AGREEMENT made as of January 1, 2022, by and between **FRANK PROPERTIES 4, LLC**, a Nebraska limited liability company ("Lessor") the address of which is 416 Valley View Drive, Suite 1100, PO Box 2395 Scottsbluff, NE 69363 and **FRANK EATS, LLC dba TACO DE ORO**, a Nebraska limited liability company ("Lessee").

WITNESSETH

WHEREAS, Lessor and Lessee have reached an understanding with respect to the lease by Lessee of certain real property and the improvements thereon owned by Lessor.

NOW, THEREFORE, in consideration of the foregoing premise and the mutual covenants hereinafter set forth, it is agreed as follows:

1. **LEASE:** Lessor hereby leases to Lessee and Lessee leases from Lessor on the terms and conditions set forth herein the following-described real estate:

Approximately 3,318 square foot building and parking lots occupied by Lessee located on LT 9,10,11, BLK 2, Subdivision of Tracts 16, 17, 18, Enterprise Tracts, an Addition to the City of Scottsbluff in Scotts Bluff County, and Lot 6, 7 8, BLK 3, Subdivision of Tracts 16, 17 18, Enterprise Tracts, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska addressed as 2601 Avenue I and 826 W. 26th Street, Scottsbluff, Nebraska.

Hereinafter referred to as the "premises".

2. **TERM:** The term of this lease shall be 5 years.
3. **RENT:** Lessee shall pay to Lessor as rent the sum of **\$7,500.00** per month which will be due on the first (1st) day of each month and delinquent on the tenth (10th) day.
4. **USE OF PREMISES:** LESSEE WILL USE THE Premises as a restaurant facility. Lessee may use the Premises for any lawful purpose not incompatible with the Premises. Lessee shall fully comply with all applicable laws, rules, regulations, and ordinances applicable to the Premises and/or Lessee's activities on the Premises.
5. **UTILITIES:** Lessee will pay prior to delinquency all charges for utilities servicing the Premises. Any deposits required shall be paid by Lessee.
6. **TAXES:** Lessor shall pay all real estate taxes on the Premises prior to delinquency. Lessee will pay all personal property taxes attributable to its property located on the Premises.
7. **INSURANCE:** Lessee shall procure and keep in force at Lessee's expense fire and extended coverage insurance covering the Premises together with public liability insurance, all coverages to be in amounts as agreed to by the parties. Lessor shall be named as an additional insured on all of such insurance policies. Evidence of such insurance shall be furnished to Lessor within ten (10) days of the commencement of the term and each anniversary thereof. In this connection, Lessee will indemnify Lessor and hold it harmless from and in connection with any liability, cost or expense arising from or in any way connected with Lessee's activities on and use of the Premises.
8. **REPAIRS AND MAINTENANCE:**
 - a. Lessor shall at its expense be responsible for repairs and replacements in connection with the structural components of the Premises including roof, floor, walls, doors and glass, heating and air-conditioning systems, plumbing system including plumbing fixtures and electrical system. In the event of need of repairs or replacements hereunder, Lessee shall notify Lessor thereof, and Lessor shall promptly cause repairs and/or replacements, as appropriate, to be accomplished. Any proceeds from the fire and extended coverage insurance occasioned by any occurrence covered by such insurance shall be used to make such repairs and replacements.
 - b. Lessee shall maintain the Premises in a clean and orderly state, free of junk and debris. Lessee shall also accomplish at its expense minor repairs and replacements necessitated by normal wear, tear, and usage.
 - c. In the event the Premises or any substantial portion thereof is damaged or destroyed by any cause to the extent rendering it unusable for Lessee's purposes, either party may terminate this lease effective twenty (20) days following the occurrence of such damage or destruction, any unearned rent to be refunded prorated on a daily basis.
 - d. If Lessee does not terminate. Lessor may elect to repair or rebuild the Premises as necessary to place it in the same or better condition as existed immediately prior to such damage or destruction. During the time required to accomplish such repair, restoration or rebuilding, the rent shall abate prorated on a daily basis commencing on the date of such occurrence and ending on the date of substantial completion. Notice of election by Lessor to proceed under this paragraph shall be given to Lessee not later than thirty (30) days following the occurrence of such damage or destruction. If repair, replacement, or rebuilding is not completed within one hundred twenty (120) days after the date of such occurrence, Lessee shall have the right to terminate this lease effective the last day of such one hundred twenty (120) day period by notice thereof to Lessor.
 - e. In the event the Premises is partially damaged or destroyed so that the remaining parts is usable, Lessor shall promptly repair, replace, or rebuild as necessary, and the rent shall abate prorated on a daily basis commencing on the date of such occurrence and ending on the date of substantial completion, such abatement to be in an amount equal to the same percentage of the rent as the part of the Premises made unusable.

9. **REMODELING AND ALTERATIONS:** Lessee may not make any alterations on the Premises or remodel the same without the express written consent of Lessor. Any alterations or remodeling shall be and remain a part of the Premises at the termination of this lease.
10. **ASSIGNMENT AND SUBLEASING:** Lessee may not assign or sublease all or any portion of the Premises without the express written consent of Lessor, which consent shall not be unreasonably withheld.
11. **DEFAULT:** In the event of any default or breach hereunder by either party, the party not defaulting shall give notice thereof to the defaulting party which shall have fifteen (15) days to cure the default. If the default is not cured within such period, then the party not defaulting may pursue any remedy available at law or in equity. Failure of the non-defaulting party to give such notice will not be deemed to be a waiver of any continuing or subsequent default or breach.
12. **NOTICES:** All notices provided for herein shall be given by mailing by United States first class mail, certified, postage prepaid, and properly addressed to the last-known address of the recipient. Notices shall be deemed to have been given and shall be effective on the date of the sender's certified mail receipt.
13. **AMENDMENT OR MODIFICATION:** This agreement may be amended or modified only by a document executed by both parties.
14. **GOVERNING LAW:** This agreement shall be construed and enforced according to the laws of the State of Nebraska.
15. **BINDING EFFECT:** This agreement shall be binding upon and inure to the benefit of any purchaser or other successor Lessee or its business.

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first above written.

Dated: Jan 15, 2022.

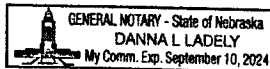
FRANK PROPERTIES 4, LLC,
a Nebraska limited liability company.

By: [Signature]
Bryan Frank, Member

STATE OF NEBRASKA)
) SS.
COUNTY OF SCOTTS BLUFF)

The foregoing instrument was acknowledged before me on the 15th day of January, 2022, by Bryan Frank, Member of Frank Properties 4 LLC, a Nebraska limited liability company.

My commission expires:



[Signature]
Notary Public

Dated: Jan 15, 2022.

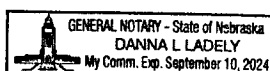
FRANK EATS LLC,
a Nebraska limited liability company.
Dba Taco De Oro

By: [Signature]
Bryan Frank, Member

STATE OF NEBRASKA)
) SS.
COUNTY OF SCOTTS BLUFF)

The foregoing instrument was acknowledged before me on the 15th day of January, 2022, by Bryan Frank, Member of Frank Eats LLC, a Nebraska limited liability company dba Taco De Oro.

My commission expires:



[Signature]
Notary Public

PAYPORT

NEBRASKA.GOV

PURCHASE RECEIPT

Nebraska Liquor Control Commission

P.O. Box 95046
Lincoln NE 68509-5046
(402)471-4881
michelle.porter@nebraska.gov
OTC Local Ref ID: 79218550
2/16/2023 03:39 PM

Status: **APPROVED**
Customer Name: Taco De Oro
Account Number: *****7364
Routing Number: 104102309

| Items | Quantity | TPE Order ID | Total Amount |
|--|----------|--------------|--------------|
| Retail Liquor License (Class A, B, C, D, I, J, AB, AD, IB) | 1 | 76692114 | \$400.00 |

Applicant Name:: **Frank Eats LLC**

Trade Name (DBA):: **Taco De Oro**

Address:: **2601 Avenue I**

City:: **Scottsbluff**

State:: **NE**

Zip Code:: **69361**

Phone Number:: **308-632-8322**

Email Address:: **dannaladely@bfenterprising.com**

| | |
|--|----------|
| Total remitted to the Nebraska Liquor Control Commission | \$400.00 |
|--|----------|

| | |
|----------------------|----------|
| Total Amount Charged | \$401.75 |
|----------------------|----------|

I authorize "" to electronically debit my account.

Customer Copy

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: 03/13/2023
Re: Application for a Class C Liquor License Number C - 125552, Frank Eats, LLC, dba: Taco De Oro, 2601 Avenue I, 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 adequately provide the service proposed within the city where the premises described in the application are located:

I conducted a background check on Bryan Frank, and Holly Frank, owners of Taco De Oro, and Jennifer Heinold, the Manager, to determine their fitness to hold a liquor license. Bryan and Holly Frank reported not having any criminal convictions. I did not find any. Jennifer Heinold reported a Minor in Possession in 1999 in Scottsbluff, NE, and an Under the Influence of Marijuana in 2006 in Gering, NE. I was unable to locate any information regarding the convictions Jennifer reported. I found no information that would disqualify the applicants from having a liquor license.

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

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

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

On Wednesday, March 8, 2023, Jennifer Heinold appeared before the Liquor License Holders Investigatory Board to discuss the application. Jennifer explained that she was previously the Holiday Inn Express liquor license manager for 15 years. Jennifer explained that the business would have a three-step process that starts with every alcohol customer having to show identification. Jennifer said that the cashier would have to manually input the customer's date of birth and scan the identification to ensure its validity. Jennifer added that an employee of the restaurant would deliver the alcohol to the table. Jennifer told the board that any employee selling alcohol to a minor would be terminated.

The applicant appears 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:**

Jennifer told the board that the alcohol would be stored in a locked room. Jennifer said she would be responsible for the inventory and ordering of the alcohol. Jennifer said there would be 13 employees, five working in the front. Jennifer said that all five front-end employees would receive TIPS training. Jennifer further explained that the store had just installed new surveillance cameras.

After hearing Jennifer's plan and 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 open six days a week, Tuesday thru Saturday, 7:00 am to 8:00 pm and Sunday, 2:00 pm to 8:00 pm. Taco De Oro is in a location that has been a restaurant with a liquor license for many years.

Oversight and accountability will be a priority for the applicant regarding 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 2601 Ave I, Scottsbluff, NE. It will be a restaurant 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 privileges within the neighborhood or community of the location or the proposed licensed premises.**

Other similar businesses in the area with liquor licenses 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 and pedestrian traffic are not of concern now.

- (I) The adequacy of existing law enforcement:**

The Scottsbluff Police Department is allowed 33 full-time officers in the department and handled approximately 18,559 calls for service, not including traffic citations, during 2022. 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 remain a concern to those businesses that sell alcohol to minors. The Nebraska State Patrol has assumed liquor law enforcement duties, and their broad 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, training, and close supervision of patrons are essential. Cooperation with the Police Department by management will help to eliminate or diminish potential problems with violations.

EXHIBIT IV

Memo

Date: March 20, 2023

To: Honorable Mayor McKerrigan and Members of the City Council

From: Kimberley Wright, City Clerk

CC: Kevin Spencer, City Manager

Re: Frank Eats, LLC d/b/a Taco De Oro, 2601 Avenue I, Scottsbluff, NE 69361

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)
27th Street Bro's, LLC d/b/a Brothers 27th Street Wings and
Burgers (Catering)
Power House on Broadway, LLC d/b/a Power House Social

802 21st Avenue
1823 Ave. A
1619 East Overland
1824 Broadway
2621 5th 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 18th Street
1907 Broadway
1001 Avenue I
1402 East 20th St.- Suite B

Retail

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

401 S. Beltline Hwy West
817 West 27th Street

Clubs

Elks BPO Lodge 1367 (Catering)

1614 1st 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 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
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 & Bar

Wonderful House Restaurant

Ole, LLC

San Pedro Mexican Restaurant

Sam & Louie's Pizzeria (Catering)

Taco Town

Prime Cut

Goonies Sports Bar & Grill

1205 East Overland

2302 Frontage Rd.

826 West 36th St.

829 Ferdinand Plaza

1901 East 20th Street23 West 27th St.

1522 Broadway

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

Hampton Inn & Suites

2627 Lodging dba Fairfield Inn & 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.

| | |
|-----------------------|-----------|
| TOTAL LICENSES | |
| 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 |
| TOTAL LICENSES | 48 |

Memo

EXHIBIT V

Date: February 28, 2023
To: Honorable Mayor and City Council
From: Staff, Development Services
CC: Kevin Spencer
Re: Class "C" Liquor License Application
Taco De Oro
2601 Ave I
Scottsbluff, NE 69361

Action:

The owners of Taco De Oro have applied for a new license in the name of Frank Eats, LLC.

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 2601 Ave. I is situated in a C-3 (Heavy Commercial) zoning district where restaurants, bars, and taverns are allowed by right pursuant to the City's Zoning Ordinance, Chapter 25, of the City's Municipal Code of Ordinances. The neighboring property to the north is zoned C-2 (Neighborhood Commercial). The neighboring property to the east is zone R-1a (Single Family). The property to the south, across W. 26th St., is zoned C-3 (Heavy Commercial). The property to the west, across Avenue I, is zoned M-1 (Light Manufacturing and Industrial).
- (2) The off-street parking requirements are 1 space for every 3 seats for restaurants and bars. The occupancy load is 112 people. The occupancy will need access to at least 38 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) There are no churches, schools, or other similar institutions within 300 feet of the subject property.
- (5) The existing population of Scottsbluff is approximately 14,282.