

City of Scottsbluff, Nebraska

Monday, October 20, 2014

Regular Meeting

Item Pub. Hear.1

Council to conduct a public hearing at 6:05 p.m. as scheduled for this date to consider a Class C Liquor License for Soft-tail Hospitality Co. LLC dba Dented Fender Bar and Grille, 1722 Broadway.

Staff Contact: Cindy Dickinson, City Clerk

Agenda Statement

Item No.

For meeting of: October 20, 2014

AGENDA TITLE: Council to hold a public hearing as advertised for this date at 6:05 p.m. for a Class C Liquor License for Soft-Tail Hospitality DBA Dented Fender Bar and Grill.

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 Soft-Tail Hospitality DBA Dented Fender Bar and Grill, 1722 Broadway Scottsbluff, NE 69361.

Exhibit #2 – City Council Check List for Neb. Rev. Stat. §53-132 Cum Supp 2002

Exhibit #3 – Written Statement of Police Chief

Exhibit #4 – Written Statement of City Clerk

Exhibit #5 – Written Statement of Planning Administrator

NOTIFICATION LIST: Yes ☒ No ☐ Further Instructions ☐

Soft-Tail Hospitality DBA Dented Fender Bar and Grill
1722 Broadway
Scottsbluff, NE 69361

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev 3/1/99CClerk

CHECK LIST**Neb. Rev. Stat. §53-132 (Reissue 2010)**

Council should determine the propensity of whether or not to grant the liquor license that has been requested. In that regard, suitability and fitness and the following four criteria are most important:

- (2)(a) Applicant is fit, willing and able to provide the service proposed.
- (2)(b) Applicant can conform to all laws.
- (2)(c) Applicant has demonstrated that the type of management and control exercised over the licensed premises will be sufficient to ensure conformance with law.
- (2)(d) Issuance of the license is or will be required by the present or future public convenience and necessity.

In making its determination Council may also consider as the Nebraska Liquor Control Commission will consider, the following. The Council should not base its recommendation on any of the following criteria, but may chose to comment to the Commission about one or more of the criteria:

- (3)(b) Citizen's protest.
- (3)(c) Existing population/growth.
- (3)(d) The nature of the neighborhood around the location.
- (3)(e) Existence of other licenses.
- (3)(f) Existing motor vehicle and pedestrian traffic in the vicinity.
- (3)(g) Adequacy of existing law enforcement.
- (3)(h) Zoning restrictions.
- (3)(i) Sanitary conditions.
- (3)(j) Whether the type of business or activity proposed will be consistent with the public interest.

*OTHER COUNCIL CONCERNS

Memorandum

To: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
From: Kevin Spencer, Chief of Police
Date: 10/14/2014
Re: Application for a Class C Liquor License number C-110035, Soft-Tail Hsptlty Co LLC dba Dented Fender Bar & Grill 1722 Broadway Scottsbluff, Nebraska

AUTHORITY: The Scottsbluff Police Department reports specific information to the City Council whenever a liquor license application is presented. The information furnished by the Police Department conforms to Chapter 53, Reissue Revised Statutes of Nebraska 1943, and Section 53-132, which outlines the factors which the Commission may consider in granting a liquor license.

COMMENTARY

53-132: Section 2

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

On July 2, 2014 a background check was conducted on Catherine Reynolds as a means to determine her fitness to hold a liquor license. Catherine reported not having a criminal history meaning no conviction(s) for any felonies, misdemeanors, violations of federal or state laws; violations of local laws, ordinances or resolutions. During this background investigation we found that Catherine Reynolds did not have any convictions.

I met with both Catherine and Shane Reynolds July 1st, 2014 at 1300 hours in my office to discuss this license. I asked Catherine and Shane about previous experience in the industry. Both Catherine and Shane reported previous experience tending bar.

On September 2, 2014 Catherine Reynolds made a new application as she is changing the bar name to the "Dented Fender Bar & Grill." I called Catherine during the afternoon of September 30 inquiring if anything had changed in the business. Catherine told me that she did hire her sister who has 13 years of experience in the liquor industry, to assist her in running the business. I asked Catherine if there have been any problems at the bar since she took over. Catherine told me that Shane found narcotics in the bathroom one morning while he was cleaning and they called law enforcement right away.

I'm not aware of any problems at the business since Catherine Reynolds took over.

Considering all the information gathered I find no reason to believe the applicant is not 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. Catherine told me that both Shane and she have attending the Nebraska State Patrol's training as have most of their employees. Catherine said that they will require all of the employees to attend the training prior to handling any alcohol. Catherine told me if there is a violation the offender will be terminated.

The applicant appears to have the ability and willingness to conform to language within the Nebraska Liquor Control Act.

(C) The applicant has demonstrated that the type of management and control exercised over the licensed premises will be sufficient to insure that the licensed business can conform to all provisions, requirements, rules and regulations provided for in the Nebraska Liquor Control Act:

Catherine Reynolds reported that the business has a locked room in the basement of the business that is used to store the alcohol. Catherine stated that she inventories the alcohol daily. Catherine explained that employees are not allowed to dispose of empty bottles, that she is the one that counts them as part of her inventory and throws them away.

The applicant stated that the business does have video cameras on the interior of the business that run all of the time as well as an intrusion alarm for after hours. The applicant stated that they will allow under aged customers into the business when the grill is open. The applicant stated that once the grill is closed anyone under the age of 21 will have to leave. Catherine stated that anyone served alcohol will be required to have identification on them no matter their age.

The applicant appears committed to complying with all provisions, requirements, rules and regulations provided for in the Nebraska Liquor Control Act.

(D) The issuance of the license is or will be required by the present or future public convenience and necessity:

The establishment will be opened six days a week closed on Sundays.

Oversight and accountability will be a priority for the applicants as it relates to the sale of alcoholic beverages.

SPECIFIC ISSUES COMMISSION MAY CONSIDER

(E) The existence of a citizen's protest made in accordance with Section 53-133:

There have been no known citizen protests of this business.

(F) The nature of the neighborhood or community of the location of the proposed licensed premises:

The business is located at 1722 Broadway Scottsbluff, NE. It is a business that will attract customers during the lunch and dinner hours six days a week Monday through Saturday. Its location is easily accessible and convenient for customers. I would not anticipate any issues with location.

- (G) The existence or absence of other retail licenses or bottle club licenses with similar privilege within the neighborhood or community of the location or the proposed licensed premises.**

There are no other businesses of this nature in the immediate area.

- (H) The existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises:**

Although no recent traffic studies have been completed regarding motor vehicle traffic of the general area, the traffic flow is not of a concern at this time nor is pedestrian traffic.

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

The Scottsbluff Police Department is allowed 32 full time officers in the department and handled approximately 15,000 incidents, not including traffic citations during 2013. The number of liquor licenses within the jurisdictional boundaries of the Police Department, regardless of the class, continues to be a concern to the Police Department and even routine monitoring of their business practices is difficult. Compliance checks continue to remain a concern to those businesses that sell alcohol to minors. The Nebraska State Patrol has assumed liquor law enforcement duties and their wide jurisdiction generally precludes any particular focus in the city.

- (J) Whether the type of business or activity proposed to be operated in conjunction with the proposed license is and will be consistent with the public interest:**

The Police Department would reserve making any statement which would indicate that the sale of alcohol is consistent with the public interest.

Adequate staffing and training, as well as close supervision of patrons are important. Cooperation with the Police Department by management will help to eliminate or diminish potential problems with violations.

EXHIBIT IV

Memo

Date: October 20, 2014

To: Honorable Mayor Meininger and Members of the City Council

From: Cindy Dickinson, City Clerk

CC: Rick Kuckkahn, City Manager

Re: Application of Soft-Tail Hospitality LLC, dba Dented Fender Bar & Grille, 1722 Broadway, Scottsbluff - Class C-110035

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

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

Class of License

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

Class A Licenses

Restaurants

Pizza Hut of Scottsbluff, Inc.
Mast Enterprises, Inc. dba Godfather Pizza

726 West 27th Street
2203-07 Broadway

Total Class A Licenses 2

Class B Licenses

Convenience Stores

Total Class B Licenses 0

Class C Licenses

Restaurants

El Charrito Restaurant & Lounge, Inc.
Woodshed, Inc.

802 21st Avenue
18 East 16th Street

Hotel/Motel

Holiday Inn Express
Candlelight Inn & Lounge

1821 Frontage Rd.
1822 East 20th Place

Taverns/Lounges

Hight's Tavern
Silver Saddle Lounge
18th Street Bar and Grille
Bob's Garage & Bar
Lucky Keno LLC dba FrontSide
El Tequila
Backaracks (IN PROCESS)

20 West 18th Street
1901-B 21st Ave.
1722 Broadway
1907 Broadway
1001 Avenue I
1619 East Overland
1402 East 20th St.- Suite B

Retail

Racks (Catering)
Panhandle Cooperative Assn. (Catering)

1402 East 20th St.
401 S. Beltline Hwy West

Clubs

Elks BPO Lodge 1367
The Sugar Club

1614 1st Avenue
705 East Overland

Bowling Alleys

Valley Bowl Fun Center

1702 17th Ave.

TOTAL CLASS C LICENSES 15

Class D Licenses

Grocery Stores

Safeway of Western Nebraska

601 Broadway

Convenience Stores

5th & O Eastco
Family Thrift #459
Sinclair Super Shop
Panhandle Coop Assn.
Git N Split
Cheema's Gas & Liquor
Route 26 Mart
Maverik Stores Inc.,
La Bamba
Walgreens

503 East Overland
121 W 27th Street
902 West Overland
3302 Ave. B
506 West 27th Street
2002 Avenue I
1722 E 20th Street
920 West 36th St.,
721 East Overland
205 West 27th Street

Liquor Stores

Dermer's
Liquor Cabinet (Catering)
Cigarette Chain

1311 E Overland Dr.
817 West 27th Street
323 East Overland

Discount/Grocery Stores

Big Kmart #7024
Wal-Mart Supercenter #867

802 East 27th Street
3322 Avenue I

TOTAL CLASS D LICENSES 16

CLASS I LICENSES

Restaurants

Rosita's	1205 East Overland
Chili's Grill & Bar	826 West 36 th St.
Applebee's Neighborhood Grill & Bar	2621 5 th Avenue
Wonderful House Restaurant	829 Ferdinand Plaza
Taco de Oro	2601 Avenue I
Whiskey Creek Steakhouse	1802 E 20 th Place
Ole, LLC	1901 East 20 th Street
Oriental House	1502 E. 20 th St.
Emporium Coffeehouse & Cafe	1818 1 st Avenue
San Pedro Mexican Restaurant	23 West 27 th St.
Sam & Louie's Pizzeria	1522 Broadway
Taco Town	1007 West 27 th St.
Prime Cut	305 West 27 th St.

Theater

Hotel/Motel

Hampton Inn & Suites	301 W Hwy 26
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TOTAL CLASS I LICENSES 14

Class W Licenses

Wholesale

High Plains Budweiser	2810 Ave M
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TOTAL CLASS W LICENSES 1

TOTAL LICENSES

Class A	2
Class B	0
Class C	16
Class D	16
Class I	14
Class W	1
TOTAL LICENSES	49

Memo

Date: October 6, 2014
To: Honorable Mayor and City Council
From: Annie Urdiales, Planning Administrator, Development Services
CC: Rick Kuckkahn
Re: Class "C" Liquor License Application
Soft-Tail Hospitality CO LLC *dba Dented Fender Bar & Grille*
1722 Broadway
Scottsbluff, NE 69361

Action:

The Development Services Department is required by Article 1, Chapter 11 of the Scottsbluff Municipal Code to report specific information to the Mayor and City Council whenever a liquor license application hearing is held. In accordance with that directive the following information is offered:

- (1) The property is situated in a C-1 (Central Business District) zoning district where the proposed uses as a restaurant/tavern is allowed by right pursuant to the City's Zoning Ordinance, Chapter 25, of the City's Municipal Code of Ordinances.
- (2) The restaurant/tavern operation is not required to have off-street parking in a C-1 District. Several lots located in close proximity to the building provide municipal parking.
- (3) The use of the premises is consistent with the surrounding neighborhood, which is generally commercial in nature. The properties surrounding the subject property are all mercantile uses.
- (4) The property is situated on an arterial street (Broadway).
- (5) Occupancy of the building as a tavern and restaurant would not adversely affect the surrounding neighborhood, as there are no public or private institutions in close proximity to the subject property.
- (6) The existing population of Scottsbluff is approximately 15,039.