

City of Scottsbluff, Nebraska

Monday, July 20, 2015

Regular Meeting

Item Pub. Hear.3

Council to conduct a public hearing at 6:05 p.m. to consider a Class D Liquor License application for Ogallala Watering Hole, LLC dba Scottsbluff Watering Hole, 121 West 27th St., Scottsbluff, NE.

Minutes: Exhibit #1 – Application of SCOTTSBLUFF WATERING HOLE, (D-112995) 121 WEST 27TH ST., 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

At the 7/16/15 Liquor License Investigatory Board Meeting, the board recommended approval of this liquor license.

Staff Contact: Cindy Dickinson, City Clerk

**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.ne.gov

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NEBRASKA LIQUOR CONTROL COMMISSION

marked TOP
TOP submitted 6-1-15 to Mary M for review

Hot List: YES/NO	<input checked="" type="radio"/> NO	New/Replacing#	080618 ✓
Class Type	D	I	112995 Initial <i>JS</i>

JM


sublease not signed
 confirm expiration date

Applicant name Ogallala Watering Hole, LLC
Trade name Scottsbluff Watering Hole
Previous trade name _____
Contact email address ogwateringhole@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 state.

crim hist reported on application | *prints submitted with another application already* | *5-27-15 Entered into database*
6-23-15 Ag & FM reports sent
6-23-15 Local & Ent reports sent

5-27-15 sent email

<p><small>Critic use only</small> PAYMENT TYPE <u>CR 1910</u> AMOUNT: <u>\$400</u> Received: <i>mm</i></p>	 1500012849
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[Signature]

REQUIRED ATTACHMENTS

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Each item must be checked and included with application or marked N/A (not applicable)

- 1. ^{sent} 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. *North Platte State #2101*
- 2. Enclose application fee of \$400, check made payable to the Nebraska Liquor Control Commission.
- 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 making application. Lease term must run through the license year being applied for.
- 5. N/A 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. N/A Enclose a list of any inventory or property owned by other parties that are on the premise.
- 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 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

5/4/15

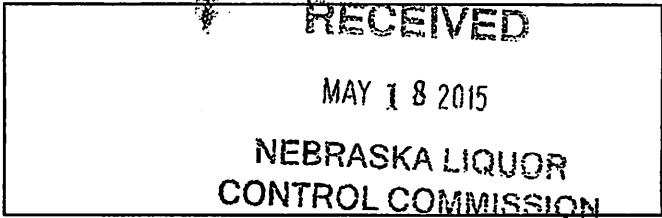
~~spousal affidavits to be redone~~
~~top to be redone~~
~~corporate managers~~
~~main application signature page~~
~~corp form page 1~~

~~lease~~ → need copies
~~sublease~~

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**APPLICATION FOR LIQUOR LICENSE
RETAIL**

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PHONE: (402) 471-2571
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Website: www.lcc.ne.gov/



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

RETAIL LICENSE(S)

Application Fee \$400 (non refundable)

- 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
- ID BEER, WINE, DISTILLED SPIRITS ON AND OFF SALE

- 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 _____ Phone number: _____
Firm Name _____

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PREMISE INFORMATION

NEBRASKA LIQUOR CONTROL COMMISSION

Trade Name (doing business as) Scottsbluff Watering Hole

Street Address #1 121 W 27th

Street Address #2 _____

City Scottsbluff County Scotts Bluff #21 Zip Code 69361

Premise Telephone number 308 630 0500

Business e-mail address ogwateringhole@yahoo.com

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

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

Name Watering Hole

Street Address #1 115 E 15th

Street Address #2 _____

City Ogallala State NE Zip Code 69153

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 premise consumption liquor licenses minimum standards must be met by providing at least two restrooms

Building: length 180 x width 115 in feet
Is there a basement? Yes No If yes, length _____ x width _____ in feet
Is there an outdoor area? Yes No If yes, length _____ x width _____ in feet

one story building

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

Attached

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

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CONTROL COMMISSION

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition
Jeremy Smith	1998	Ogallala NE	Theft by Unlawful Taking	
"	1998	North Platte NE	Disturbing the Peace	
"	2014	Ogallala NE	Speeding ticket	
Timothy McMillan	1998	Ogallala NE	Theft by Unlawful Taking	
"	2000	Wahoo NE	Provisioning to a Minor	
"	1997?	Ogallala NE	Speeding ticket	

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

YES NO

If yes, give name of business and liquor license number FTC Express 459 080618

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 FTC 080618

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

YES NO

If yes:

a) Attach temporary operating permit (TOP) (form 125)

b) TOP will only be accepted at a location that currently holds a valid liquor license.

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

YES NO

If yes, list the lender(s) _____

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

YES NO

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

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

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 premise 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.

US Bank, Scottsbluff Jeremy Smith, TJ McMillan

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.

Ogallala Watking Mde, LLC, Ogallala 077925
11 DBA Pony Express 099691

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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.

see manager application

NLCC certified training program completed:

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Jeremy Smith	03/2010	RBST Alcohol Training
Timothy McMillan	4/2010	RBST Alcohol training

expired

For list of NLCC certified training programs see: www.lcc.ne.gov/traininginfo.html

Experience:

Applicant Name/Job Title	Date of Employment:	Name & Location of Business
Jeremy Smith / mgr	7/1/07	Watering Hole, Ogallala
Timothy McMillan / mgr	7/1/07	Watering Hole, Ogallala

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 2024 March 1, 2023
 Deed
 Purchase Agreement

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14. When do you intend to open for business? 5-27-15 MAY 18 2015

15. What will be the main nature of business? C-Store

16. What are the anticipated hours of operation? 5:30 AM - 11 PM

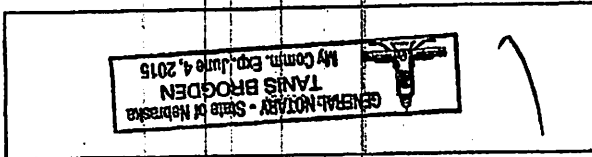
NEBRASKA LIQUOR CONTROL COMMISSION

17. List the principal residence(s) for the past 10 years for all persons required to sign, including spouses.

RESIDENCES FOR THE PAST 10 YEARS, APPLICANT AND SPOUSE MUST COMPLETE					
APPLICANT: CITY & STATE	YEAR		SPOUSE: CITY & STATE	YEAR	
	FROM	TO		FROM	TO
Jeremy Smith Ogallala NE	2005	present	Kelli Smith Ogallala, NE	2005	present
Timothy McMillan, Ogallala NE	2000	present	Cherelle McMillan Ogallala NE	2009	present
			Chariselle Blankenship, Seattle WA	1984	2009

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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.



Notary Public signature

Tavis Broden

May 27, 2015
date

McWilliam

Timothy McWilliam and Charitie McWilliam

by *Jeremy Smith, Kelli Smith*
name of person(s) acknowledged (individual(s) signing)

JP

The foregoing instrument was acknowledged before me this

County of *Keith*
State of Nebraska

ACKNOWLEDGEMENT

Charitie McWilliam
Print Name

Signature of Spouse

[Signature]

Print Name

Kelli Smith

Signature of Spouse

[Signature]

Print Name

Timothy McWilliam

Signature of Applicant

[Signature]

Print Name

Jeremy Smith

Signature of Applicant

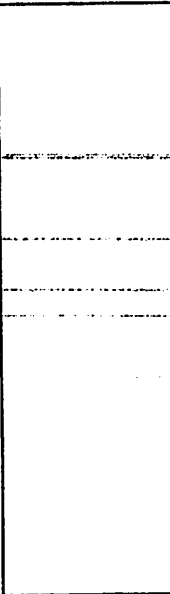
[Signature]

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/ndfs/News%20Application%20Guideline.pdf>

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 supervise in person 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.

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every name 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 shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that my license issued based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

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.ne.gov



MUST BE:

- Citizen of the United States. Include copy of US birth certificate, naturalization paper or current US passport
- Nebraska resident. Include copy of voter registration in the State of Nebraska
- Fingerprinted. See Form 147 for further information, this form **MUST** be included with your application.
- 21 years of age or older

Corporation/LLC information

Name of Corporation/LLC: Dyall's Watering Hole, LLC

Premise information

Liquor License Number: 080618 Class Type D (if new application leave blank)

Premise Trade Name/DBA: Scottsbluff Watering Hole

Premise Street Address: 121 W 27th

City: Scottsbluff County: Scotts Bluff Zip Code: 69361

Premise Phone Number: 308-630-0500

Email address: Dyallringhole@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. Click on this link to see authorized individuals.
http://www.lcc.ne.gov/license_search/dlsearch.cgi

SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER
(Faxed signatures are acceptable)

Last Name: Smith First Name: Jeremy MI: NE
 Home Address (include PO Box if applicable): 800 E H
 City: Ogallala County: Keith Zip Code: 69153
 Home Phone Number: 308 284-1160 Business Phone Number: 308 284-3471
 Social Security Number: _____ Drivers License Number & State: NE H12202019
 Date Of Birth: 9-9-77 Place Of Birth: Ogallala
 Email address: jeremyj.smith3915901@yahoo.com

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

YES NO - Spousal

Spouse's information

Spouses Last Name: Smith First Name: Kelli MI: J
 Social Security Number: _____ Drivers License Number & State: H12236878
 Date Of Birth: 3-28-78 Place Of Birth: Ogallala

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
<u>Ogallala NE</u>	<u>2005</u>	<u>2015</u>	<u>Ogallala NE</u>	<u>2005</u>	<u>2015</u>

FROM	TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	NUMBER
2007	present	Ogallala Watering Hole, LLC	NA mgr	308 284-3471
2004	2007	Windsor National Mortgage	Angela Smith	920 686-6786

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. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

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
Johnny Smith	1998	Ogallala NE	Traffic by unlawful taking	
"	1998	North Platte NE	Disturbing the Peace	
"	2014	Ogallala NE	Sparking ticket	

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):

Ogallala Watering Hole, LLC, Pony Express, Hodges

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

*NLCC Training Certificate Issued: 5/14/15 Name on Certificate: Jeremy J Smith

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Jeremy Smith	05/2015	RBST RB # 0045521

*For list of NLCC Certified Training Programs see www.lcc.ne.gov/traininginfo.html

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
Jeremy Smith / Manager	7/1/2007	Dzallala Watering Hole, Dzallala
Jeremy Smith / Manager	7/10/2012	Pony Express Station, Bering

5. Have you enclosed Form 147 regarding fingerprints?

YES NO State Patrol Sent electronically

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 reports, 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.

[Signature]
Signature of Manager Applicant

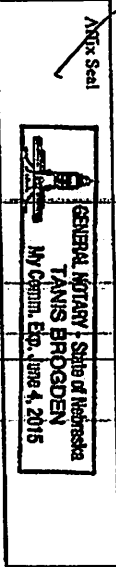
[Signature]
Signature of Spouse

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this

State of Nebraska County of Keihrn by Jeremy Smith and Lelli Smith

May 27, 2015 date
[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.

received
6-1-15
JBM

Important Message:
 If you have recently moved, please use the [Polling Place](#) feature. Locate Your Polling Place with the street and city address of your new/current residence.

[HOME](#)

[POLLING PLACE](#)

[PROVISIONAL BALLOT](#)

[ABSENTEE BALLOT](#)

Select Language

Registrant Search Information

Registrant Detail

Name: Jeremy J Smith
Party: Republican
Polling Place: Keith County Fairgrounds
 1000 West Third
 Ogallala, NE 69153

Districts

DISTRICT NAME	DISTRICT TYPE
Ogallala Public Schools	School District
Mid Plains Com College Dist 2	Community College District
U.S. Congressional District 3	U.S. Congressional District
Appeals Court Judge Dist 6	Judge of Appeals Court Dist.
County Judge Dist 11	Judge of County Court Dist.
District Judge, Dist 11	Judge of District Court Dist.
Supreme Court Judge Dist 6	Judge of Supreme Court Dist.
Legislative District 47	Legislative District
Twin Platte NRD SubD 5	Natural Resources District
Central NE PPD Keith	Public Power District
Nebraska PPD SubD 4	Public Power District
PSC District 5	Public Service Comm District
Board of Regents District 7	Board of Regents
ESU 16 District 12	ESU District
OGALLALA CITY COUNCIL	City Council (Ward)
Commissioner Dist 5	County Board (Commiss./Superv)
State Board of Education Dist7	State Board of Education

OK

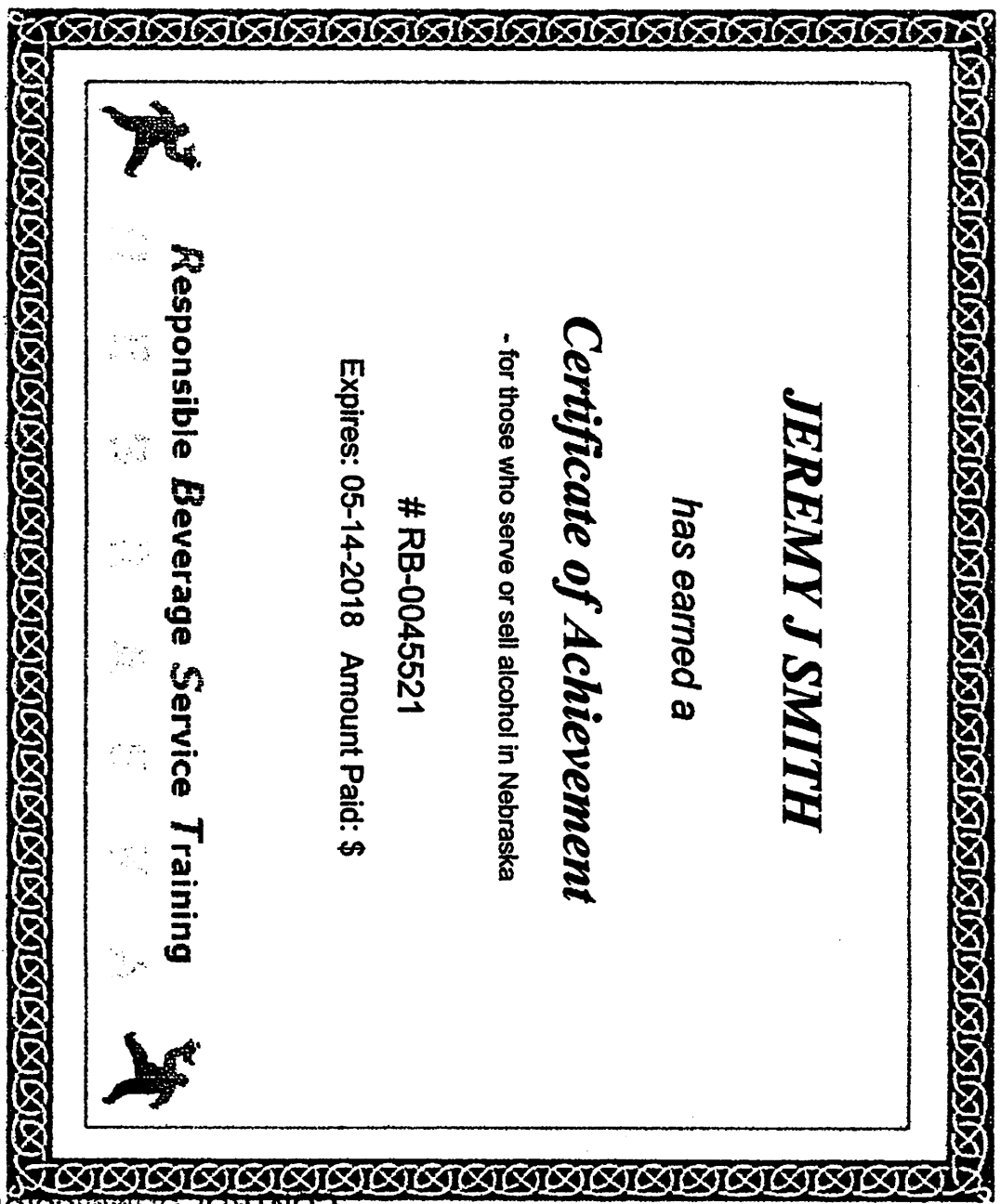
[Voter View Mobile](#)

[Registration Information](#) [Polling Place](#) [Provisional Ballot](#) [Absentee Ballot](#)

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 ® Voter View 2.8.1129.0



On 01/24
of On date: 11/11



JEREMY J SMITH

has earned a

Certificate of Achievement

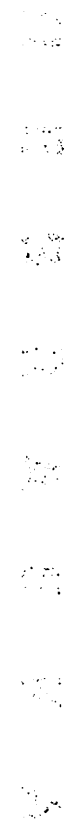
- for those who serve or sell alcohol in Nebraska

RB-0045521

Expires: 05-14-2018 Amount Paid: \$



Responsible Beverage Service Training



NEBRASKA LIQUOR CONTROL COMMISSION

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MAY 18 2015

QR

1/2



I acknowledge that I am the spouse of a liquor license holder. My signature below confirms that I will have not have any interest, directly or indirectly in the operation or profit of the business (§53-125(13)) of the Liquor Control Act. I will not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices or represent myself as the owner or in any way participate in the day to day operations of this business in any capacity. I understand my fingerprint will not be required; however, I am obligated to sign and disclose any information on all applications needed to process this application.

Kelli Smith
Signature of spouse asking for waiver
(Spouse of individual listed below)

Kelli Smith
Printed name of spouse asking for waiver

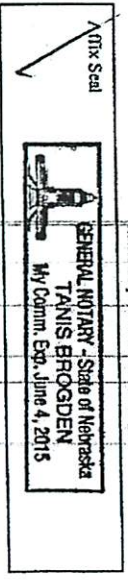
State of Nebraska
County of Keith

The foregoing instrument was acknowledged before me this

May 27, 2015
date

by Kelli Smith
name of person acknowledged

Tanis Brogden
Notary Public signature



TS

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

Jeremy Smith
Signature of individual involved with application
(Spouse of individual listed above)

Jeremy Smith
Printed name of applying individual

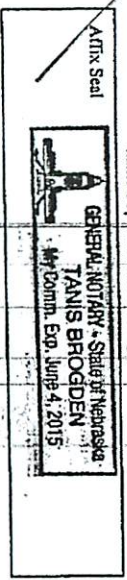
State of Nebraska
County of Keith

The foregoing instrument was acknowledged before me this

May 27, 2015
date

by Jeremy Smith
name of person acknowledged

Tanis Brogden
Notary Public signature



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



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.ne.gov

All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: Jeremy Smith

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

Ogallala Watering Hole, LLC

LLC Address: 115 E 1st

City: Ogallala State: NE Zip Code: 69153

LLC Phone Number: 308 280 0330 LLC Fax Number

Name of Managing/Contact Member
Name and information of contact member must be listed on following page

Last Name: Smith First Name: Jeremy MI: J

Home Address: 800 E H City: Ogallala

State: NE Zip Code: 69153 Home Phone Number: 308 280 0330

[Handwritten Signature]

Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska County of Keith The foregoing instrument was acknowledged before me this

May 27, 2015 by Jeremy Smith

name of person acknowledged

Tamir Bruggler

Notary Seal

GENERAL NOTARY - State of Nebraska
TAMIR BRUGGLER
My Comm. Exp. June 4, 2018

[Handwritten Initials]

Business Plan

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MAY 18 2015

**NEBRASKA LIQUOR
CONTROL COMMISSION**

Executive Summary

Jeremy J. Smith and Timothy Joe McMillan will be the two owners and managers of the Watering Hole located in Scottsbluff, NE on the corner of E 27th, and Ave B. We have been friends since elementary school, and have shared a lot of success in friendship, sports, and wanted to do the same in business. With a friend, Robert Cone, we purchased B&J's Hitching Post in Ogallala, NE in May of 2007. We had looked at numerous different convenience stores in many different towns and cities. We both had worked at c-stores throughout high school and college part time, and had known for a long time that this is the business we wanted to be a part of. Because of our extensive experience, we knew by looking at numbers and location how to differentiate a good location versus an average or poor location. Because of this, it took us a long time to find the store and location we wanted. We knew this location in Ogallala was a location that would be successful. We took over, made some improvements that we deemed necessary with minimal cost, and in eight years have grown the inside sales from \$650,000 to over \$1,400,000. This success has been a combination of changing products, pricing, marketing, and a simple business theory for c-stores of: Cleanliness, Friendliness, and Fairness. We like the c-store business because of the economy-proof necessity of fuel and inside products that include grocery items, tobacco, beer, etc.

We feel that this location in Scottsbluff, although different, has a very similar location, and the same potential for growth and prosperity that our Ogallala location had. We are excited for a new challenge. We like this property because it is currently solid, but the potential for exponential growth is extremely high.

2

Business Plan

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MAY 18 2015

**NEBRASKA LIQUOR
CONTROL COMMISSION**

Business Description and Vision

Our mission is to take a solid, long-standing c-store business and expand it immensely. Our vision: Add street access from Ave B, at least for northbound traffic. We also plan to use a similar layout as our Ogallala store, adding many in-store items including, discount cigarettes, liquor, a larger variety of c-store food items, etc. This business has been a sustainable, solid business for many years, and is currently solid. We have a store in Gering, so we are familiar with the economy and sales trends in this community. Key principals in this process will be Jeremy J. Smith, and Timothy Joe McMillan.

3

Business Plan

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NEBRASKA LIQUOR
CONTROL COMMISSION

Definition of the Market

The fuel market in Scottsbluff is very competitive, as are margins inside the store. We feel that we can maintain a solid fuel margin of around 15 cents per gallon, and maintain a 30-35% margin on convenience store items inside the store. There are not anticipated extensive changes in the needs of fuel and convenience items at this location.

Description of the Products and Services

This business provides: gasoline, convenience items such as beverages, food, snack items, oil and maintenance products, tobacco, beer, lottery, phone cards, ATM, and souvenirs. These products are all priced competitively with other c-store locations, based on current market pricing.

Organization and Management

This company will be organized under our existing LLC, Ogallala Watering Hole, LLC, per our accountants, JBWC. Ownership and management will be Jeremy J. Smith and Timothy Joe McMillan equally. Employees will be 3-6 full and part time clerks. Licensing will include

4

Business Plan

permits to sell taxable goods and services, beer, tobacco, and fuel. The two managers have extensive experience in this field. Smith has a degree from the University of Nebraska-Kearney in Business Administration. He also has 10 years of experience in the c-store business. Two years in college management of a c-store, eight years in management of his current company, The Ogallala Watering Hole, LLC, and two years as a clerk for a c-store. He also has extensive business experience in managing a mortgage company for five years previously. McMillan worked at and managed a BP station in Ogallala for fourteen years. He has co-managed The Ogallala Watering Hole, LLC for the past eight years. The Ogallala Watering Hole, under the management of McMillan and Smith, has increased inside sales from \$615,000 in 2006, to over \$1,400,000 in 2014. Fuel sales has increased gradually each year, and was over 800,000 gallons in 2014.

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

5

Business Plan

Marketing and Sales Strategy

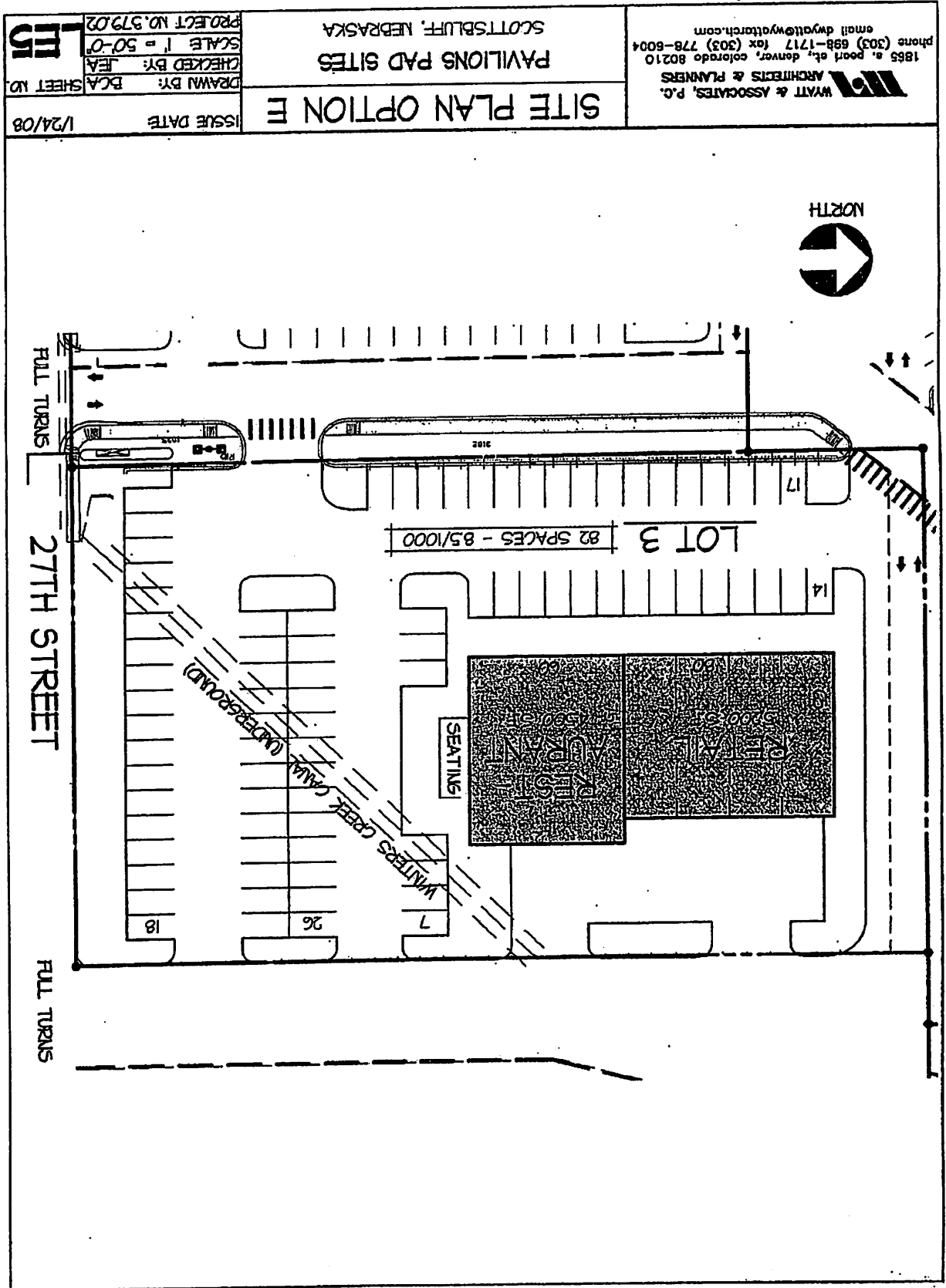
Our target market is vehicles and trucks passing this location on Ave B and East 27th St, a very busy intersection. There is a consistent and steady demand for fuel at a reasonable price, as well as inside convenience items, bathroom use, lottery, etc. With this location, these products can be offered at a fair price while maintaining a good margin with the lack of competition. We plan on maintaining a fuel margin of 15-20 cents per gallon. On inside convenience items, we plan to maintain an average margin of 30-40%. We plan to expand the products offered inside the store, and especially add easier access to the store from the west from Ave B.

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MAY 18 2015

**NEBRASKA LIQUOR
CONTROL COMMISSION**

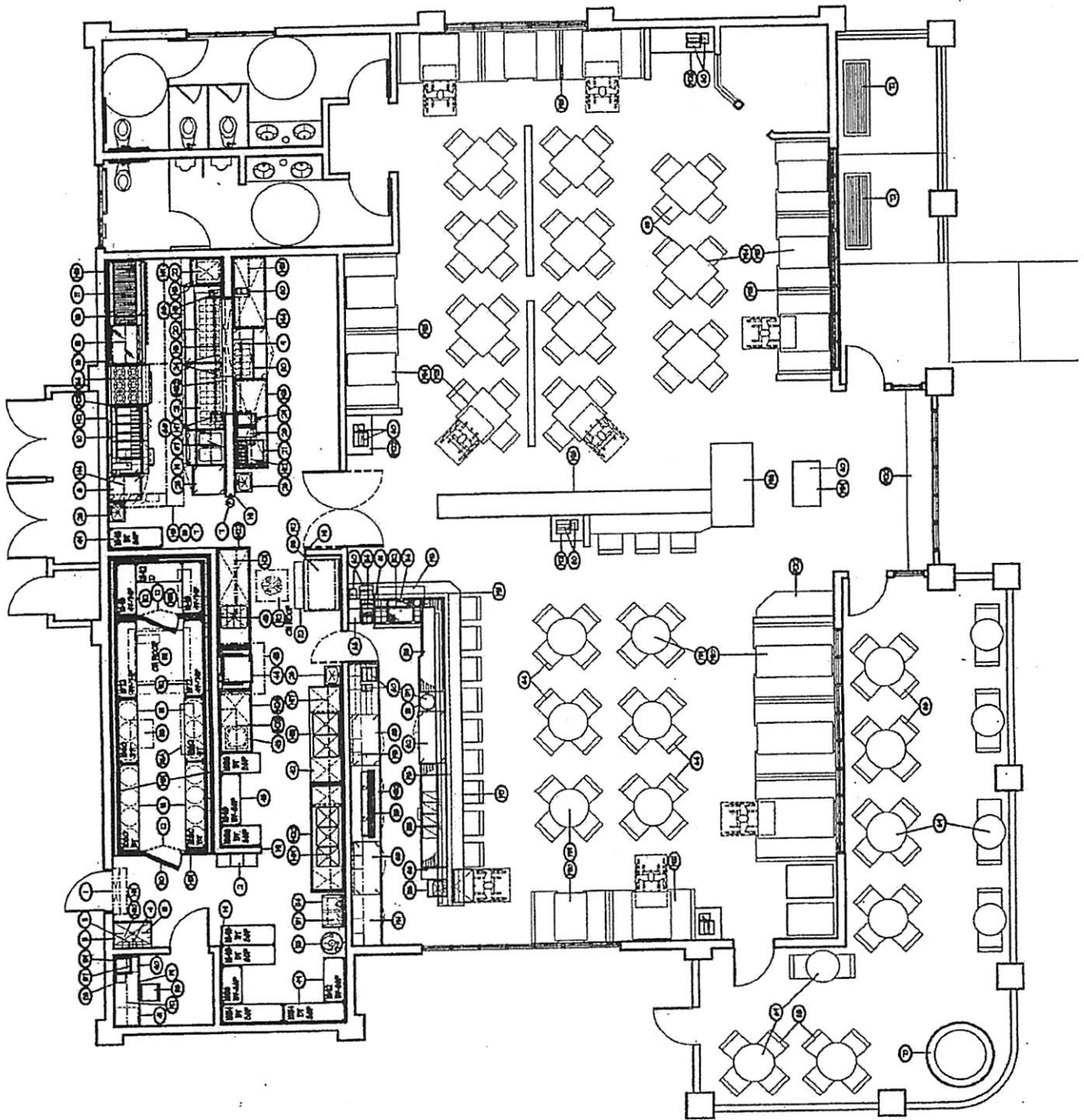
6



PROJECT NO. 37902
SCALE 1" = 50'-0"
CHECKED BY: JEA
DRAWN BY: BCA
SHEET NO. 151
ISSUE DATE: 1/24/08

PAVILIONS PAD SITES
SCOTT'S BLUFF, NEBRASKA
SITE PLAN OPTION E

WYATT & ASSOCIATES, P.C.
ARCHITECTS & PLANNERS
1855 a. peori st., denver, colorado 80210
phone (303) 698-1717 fax (303) 778-6004
email dwyatt@wyattarch.com



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: 7/15/2015
Re: Application for a Class D Liquor License number D-112995, Ogallala Watering Hole LLC dba Scottsbluff Watering Hole 121 West 27th Street 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 13th, 2015 a background check was conducted on Jeremy Smith and Timothy McMillan as a means to determine their fitness to hold a liquor license. Jeremy Smith reported two criminal misdemeanor convictions, **Disturbing the Peace 1998** and **Theft by Unlawful Taking 1998** and one speeding ticket. Timothy McMillan reported two criminal misdemeanor convictions **Theft by Unlawful Taking 1998** and **Providing Alcohol to a minor 2000** and one speeding ticket.

In reviewing the application I noticed that Jeremy Smith was also listed as the cooperate manager on the Ogallala Watering Hole and the Pony Express liquor licenses. In checking with the Nebraska Liquor Commission I learned that the Ogallala Watering hole had two compliance failures and the Pony Express in Gering had one.

On July 14th, 2015 during the afternoon hours I called Jeremy Smith the Managing/Contact Member of the Scottsbluff Watering Hole. I initially asked Jeremy about the compliance failures at the Ogallala Watering Hole. Jeremy told me that on the first failure the employee carded the individual but then made the sell. Jeremy told me that they felt bad for the employee and did not terminate him. Jeremy told me on the second failure the employee carded the individual and then made the sell. Jeremy said that this employee was terminated due to the fact that it was the stores second violation in a short time and they had been "harping" to check identifications. Jeremy told me about the Pony Express compliance failure. Jeremy said that the employee sold without checking the individual's identification. Jeremy told me that in this instance they suspended the employee. Jeremy explained that the employee was upset, crying, and they felt a suspension was appropriate. Jeremy told me that termination will be store policy in Scottsbluff for whoever is responsible for a compliance failure.

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

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

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

Both Jeremy and Timothy have extensive experience in the convenience store industry to include alcohol sales. They have in the past completed Responsible Beverage Service Training and require it of all their employees. All of the old FTC full time and part time employees will be retained.

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:

Jeremy Smith reported that the business is constantly under video surveillance and has an intrusion alarm for after hours. Jeremy said that the store inventory will be done quarterly by an independent business. Jeremy said that Tim or he will be in the store or available often as they now have two stores in the area. Jeremy told me the store will close at 11:00 pm every night in the interest of employee safety and the probability of theft.

Jeremy told me that they have three aids to help an employee determine age of an individual. Jeremy said the point of sale register asks for a date of birth anytime an alcohol sale is entered, they have a calendar and the lottery machine can be used by scanning the license.

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

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

The establishment will be opened seven days a week 5:00 am to 11:00 pm weekdays and 6:00 am to 11:00 pm weekends.

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 121 West 27th Street Scottsbluff, NE. It is a convenience store that will attract customers all hours when opened. Its location is easily accessible and convenient for customers. I would not anticipate any issues with location.

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

There are two businesses in the area with liquor licenses that allow for offsite sales. There are other restaurants in the area with liquor licenses.

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

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

(I) The adequacy of existing law enforcement:

The Scottsbluff Police Department is allowed 31 full time officers in the department and handled approximately 12,760 calls for service, not including traffic citations during 2014. 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.

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
Dented Fender Bar and Grille
Bob's Garage & Bar
Lucky Keno LLC dba FrontSide
Backaracks Bar & Grille

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

Retail

Racks (Catering)
Panhandle Cooperative Assn. (Catering)

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

Clubs

Elks BPO Lodge 1367

1614 1st Avenue

Bowling Alleys

Valley Bowl Fun Center

1702 17th Ave.

TOTAL CLASS C LICENSES 14

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	14
Class D	16
Class I	14
Class W	1
TOTAL LICENSES	47

Memo

Date: July 13, 2015
To: Honorable Mayor and City Council
From: Annie Urdiales, Planning Administrator
CC: Rick Kuckkahn
Re: Class "D" Liquor License Application
Scottsbluff Watering Hole
121 West 27th Street
Scottsbluff, NE 69361

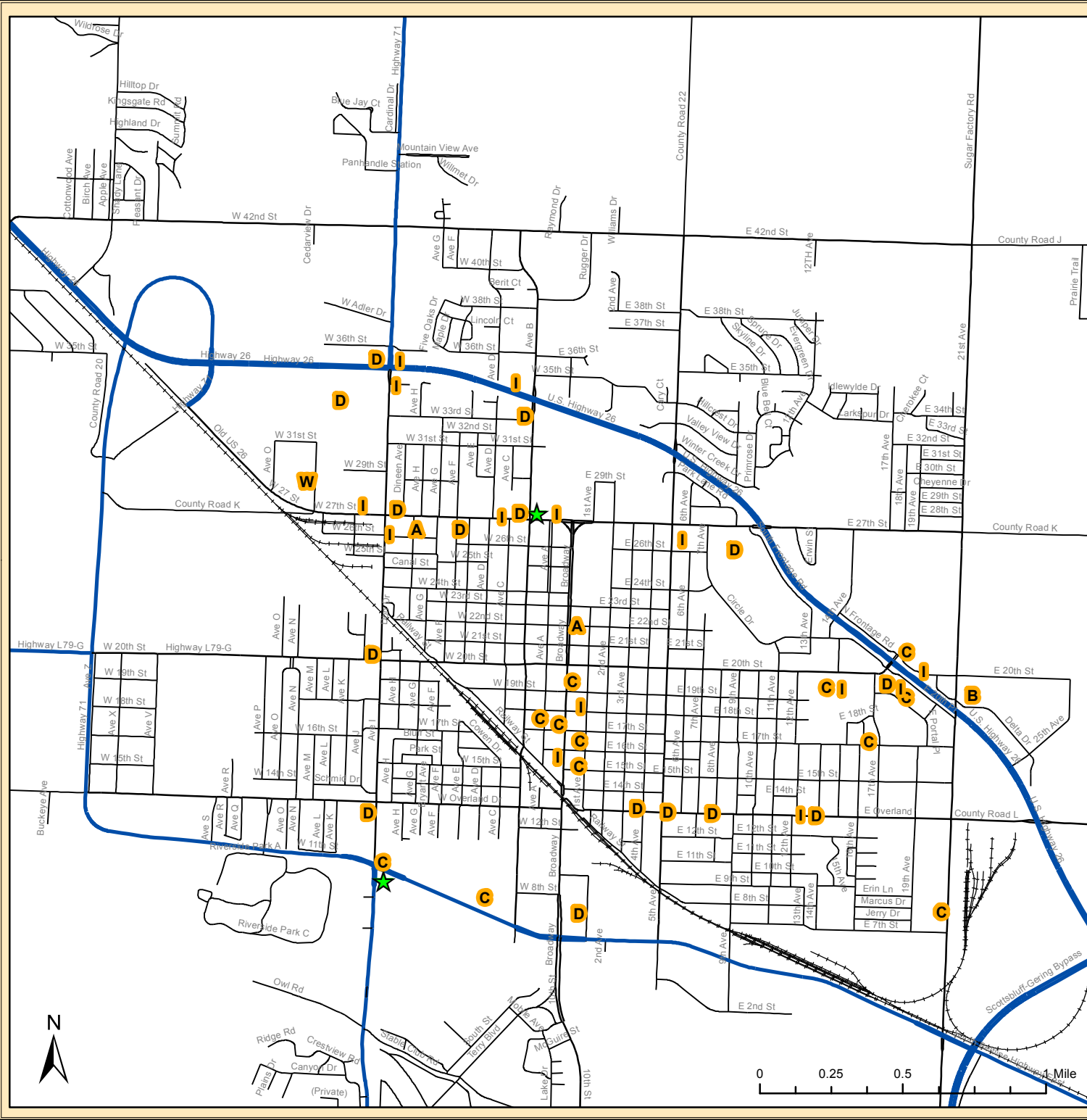
Action:

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 at 121 West 27th Street is situated in a C-2 (Neighborhood and Retail Commercial) zoning district where convenience stores are allowed by right pursuant to the City's Zoning Ordinance, Chapter 25, of the City's Municipal Code of Ordinances.
- (2) The Watering Hole previously operated as FTC Express; change in ownership required a new liquor license with the new owners/managers.
- (3) Sufficient off-street parking is provided on the site and is consistent with the number, which is required by the City's zoning ordinance. (Retail stores and services require at least one (1) parking space for every two-hundred fifty (250) square feet of gross floor area used.) Parking will comply with this requirement.
- (4) The use of this property is consistent with the surrounding neighborhood, which is generally commercial in nature.
- (5) The store is situated at the northeastern corner of the intersection of West 27th Street and Avenue B. Pioneer Park, Frank Park and Calvary Lutheran Church are located approximately 2 blocks east and the Scottsbluff High School is located approximately four blocks east of the Watering Hole location. There are no hospitals, libraries or other public institutions in close proximity to the establishment.
- (6) The existing population of Scottsbluff is approximately 15,039.

City of Scottsbluff

Liquor Licenses



Legend

New Applicants

- Scottsbluff Watering Hole, Class D
- Western Travel Terminal, Class D
- Railroad Track
- Highway
- Main Road
- Residential

- 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

July 14, 2015

J. Reiter - City of Scottsbluff
 Coordinate System:
 NAD 1983 StatePlane Nebraska FIPS 2600 Feet
 Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.