

City of Scottsbluff, Nebraska

Monday, June 6, 2016

Regular Meeting

Item Pub. Hear.1

Council to conduct a public hearing at 6:05 p.m. to consider a Class I Liquor License for Chili's Grill & Bar, 826 West 36th St., Scottsbluff, NE.

Staff Contact: Cindy Dickinson, City Clerk

Agenda Statement

Item No.

For meeting of: June 6, 2016

AGENDA TITLE: Council to hold a public hearing as advertised for this date at 6:05 p.m. for a Class I Liquor License for Chili's Grill and Bar, Scottsbluff.

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 Chili's Grill and Bar, 826 West 36th St., Scottsbluff, NE 69361.
- Exhibit #2 – City Council Check List for Neb. Rev. Stat. §53-132 Cum Supp 2010
- 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

Chili's Grill & Bar
826 West 36th St.
Scottsbluff, NE 69361

APPROVAL FOR SUBMITTAL: _____
City Manager



**APPLICATION FOR LIQUOR LICENSE
CHECKLIST - RETAIL**

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

RECEIVED		
APR 21 2016		
NEBRASKA LIQUOR CONTROL COMMISSION		
Hot List: YES/NO	New/Replacing #	83544 ✓
Class Type <u>I</u>	117360	Initial <u>jm</u>

Applicant name Chili's LLC


Trade name Chili's Grill and Bar

Previous trade name Corn Pepper LLC / Chili's Grill and Bar

Contact email address jillynh@gmail.com

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

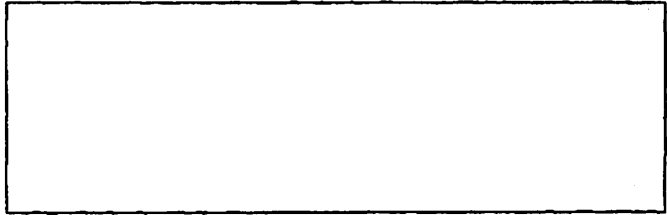
*crim hist reported
on application* | *147
submitted*

Office use only PAYMENT TYPE <u>Payport</u> AMOUNT: <u>400</u> Received: <u>jm</u>	 1600008000
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FORM 100
REV MAY 2015
PAGE 1

**APPLICATION FOR LIQUOR LICENSE
RETAIL**

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



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

- RETAIL LICENSE(S)** Application Fee \$400 (nonrefundable)
- A BEER, ON SALE ONLY
 - B BEER, OFF SALE ONLY
 - C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE
 - D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY
 - I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
 - AB BEER, ON AND OFF SALE
 - AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
 - IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY

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

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

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

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

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

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

Name _____ Phone number: _____

Firm Name _____

PREMISES INFORMATION

Trade Name (doing business as) Chill's Grill and Bar

Street Address #1 826 West 36th Street

Street Address #2 _____

City Scottsbluff

County Scottsbluff

#21

Zip Code 69361

Premises Telephone number 308-633-1580

Business e-mail address chillscotts@qwestoffice.net

Is this location inside the city/village corporate limits:

YES

x

NO

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

Name Chill's

Street Address #1 PO Box 71413

Street Address #2 _____

City Salt Lake City

State Utah

Zip Code 84171

DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED

READ CAREFULLY

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, outdoor area, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building. No blue prints please. Be sure to indicate the direction north and number of floors of the building.

**For on premises consumption liquor licenses minimum standards must be met by providing at least two restrooms

Building: length 61 x width 73 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

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

one story building approx
61 x 73

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

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

YES NO

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

- a) Submit a copy of the sales agreement
- b) Include a list of alcohol being purchased, list the name brand, container size and how many
- c) Submit a list of the furniture, fixtures and equipment

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

YES NO

If yes, give name and license number Corn Pepper LLC - 83544

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

YES NO

If yes:

- a) Attach temporary operating permit (TOP) (form 125)
- b) TOP will only be accepted at a location that currently holds a valid liquor license.

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

YES NO

If yes, list the lender(s) Platte Valley Bank

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

YES NO

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

No silent partners

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

YES NO

If yes, list such item(s) and the owner.

8. Is premises to be licensed within 150 feet of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, and children, or within 300 feet of a college or university campus?

YES NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Neb. Rev. Stat. 53-177)(1)

9. Is anyone listed on this application a law enforcement officer?

YES NO

If yes, list the person, the law enforcement agency involved and the person's exact duties.

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

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

Platte Valley Bank - Stanley D. Knoles and Bruce R. Shiveley

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.

1. Com Pepper LLC (828 W. 30th Street, Scottsbluff NE) #83554 - Corporate Merger with Bighorn Assoc. LLC. 2. Bighorn Associates, LLC (1320 Dell Range Blvd. Cheyenne, WY) #543. Bighorn Associates LLC (2523 E. Grand Avenue, Laramie, WY)

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)

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

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 2018 with options for three, five year renewals Lease assignment
 Deed
 Purchase Agreement
May 20, 2018

14. When do you intend to open for business? Already in business / corporate merger with Corn Pepper LLC

15. What will be the main nature of business? Casual Dining

16. What are the anticipated hours of operation? Sunday-Thursday 11:00 am-10:00pm Friday-Saturday 11:00am-11:00pm

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	
Stanley D. Knoles - Cheyenne, WY	2015	present				
Stanley D. Knoles - Bountiful, UT	1985	2015	Nan Knoles - Bountiful, UT	1985	present	
Bruce R. Shiveley - South Jordan UT	1996	present	Dianna Shiveley - South Jordan , UT	1996	present	

If necessary attach a separate sheet.

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

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



 Signature of Applicant



 Signature of Spouse

✓ Stanley D. Knoles

 Print Name

✓ Nan Knoles

 Print Name

 Signature of Applicant



 Signature of Spouse

 Print Name

Nan Knoles

 Print Name

ACKNOWLEDGEMENT

State of ^{Utah} ~~Nebraska~~
 County of Salt Lake

The foregoing instrument was acknowledged before me this

April 20 2010

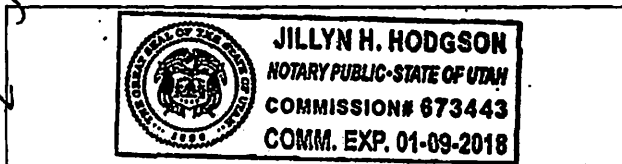
 date

by Stanley D. Knoles and Nan Knoles

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



 Notary Public signature

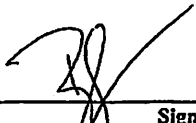


In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

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



 Signature of Applicant

 Bruce Shiveley

 Print Name



 Signature of Spouse

 DIANNA SHIVELEY

 Print Name

 Signature of Applicant

 Print Name

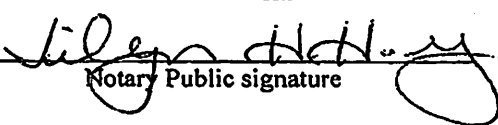
 Signature of Spouse

 Print Name

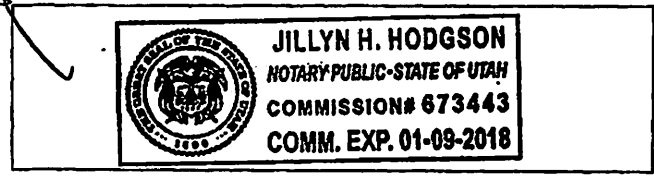
ACKNOWLEDGEMENT

^{Utah}
 State of ~~Nebraska~~
 County of Salt Lake

 The foregoing instrument was acknowledged before me this
April 20 2016 by Bruce and Dianna Shiveley
 date name of person(s) acknowledged (individual(s) signing)



 Notary Public signature



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**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

Office Use Only	
Class: <u>I</u>	License #: _____

Applicant Name: Chili's LLC
(Corporation, LLC, Partnership or Individual)

Trade Name: Chili's Grill and Bar
(Doing Business As)

(308) 633 - 1580
Phone Number

jillynh@gmail.com
Contact E-mail Address

DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:

- See Application Requirement Guide for listing of Fingerprint Requirements, found on our website under "Licensing" tab in "Guidelines / Brochures". **FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED PROCESSING FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE.**
- This completed form **MUST** be included with your Liquor License Application and/or Manager Application or changes to: Corporate Officers or Stockholders, LLC Members, Partners or Addition of Spouse where new fingerprint cards are required (see New Application Requirement Guide).
- **DO NOT** send fee payments to the NLCC – fees **MUST** be paid directly to NSP;
Include a list of names covered by your payment to insure proper application of payment.
- Fee payment of \$28.75 per person **must** be made **directly** to the NSP;
It is recommended to make payment through the NSP PayPort online system at www.ne.gov/go/nsp
Or checks made payable to NSP should be mailed directly to the following address:
**The Nebraska State Patrol – CID Division
3800 NW 12th Street
Lincoln, NE 68521**
- Fingerprints are not required for spouses that have no involvement with business - Spousal Affidavit of Non Participation (Form 116) is required in lieu of fingerprints.
- Fingerprints taken at NSP 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 will be released to the applicants;
Fingerprint cards should be submitted with the application.

Please complete information on the following pages for EACH person fingerprinted.

FORM 147
REV MAR 2016
PAGE 1

**MANAGER APPLICATION
INSERT - FORM 3c**

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

Office Use

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 card or print out document from Secretary of State website
- ✓ Fingerprinted. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
- ✓ 21 years of age or older

Corporation/LLC information

Name of Corporation/LLC: Chilis LLC

Premise information

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

Premise Trade Name/DBA: Chili's Grill and Bar

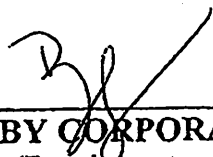
Premise Street Address: 826 W. 36th Street

City: Scottsbluff County: Scottsbluff Zip Code: 69361

Premise Phone Number: 308-633-1580

Premise Email address: chilisscotts@qwestoffice.net

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. To see authorized officers or members search your license information here.



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

YEAR TO	YEAR FROM	CITY & STATE	YEAR TO	YEAR FROM	CITY & STATE
			2013	Present	Greenville NE
			2011	Present	Greenville NE Taylorville, Ill. just
			2009	2009	Midvale, Ill
			2008	1995	South Jordan

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

Spouse's Information

Spouses Last Name: Shively First Name: Alan MI: L

Social Security Number: _____

Driver's License Number & State: Nebraska

Date Of Birth: 03/04/1985 Place Of Birth: St. Louis

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

YES NO * Spouse

Manager's Information must be completed below

Home Address: 975 Westwood Drive MI: R

City: Greene County: NE Zip Code: 69341

Home Phone Number: 801-979-7338

Driver's License Number & State: Nebraska

Social Security Number: _____

Date Of Birth: California 3/22/1985 Place Of Birth: California

Email address: bshively@gmail.com

PLEASE PRINT CLEARLY

Last Name: Shively First Name: Barb MI: R

BC - voter reg, signed, prints on file 7-21-2015

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2007	2013	Wasatch Property Mgt	Tim Caldwell	801-321-1000 801-321-7275
2006	2007	Ampco System Parking	Umae Kanagar	801-304-7275

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
Bart Shiveley	2004	Centerville Ut	Speeding	Guilty
Bart Shiveley	2006 or 7	S. Jordan Ut	Speeding	Guilty

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska any other state?

YES NO

IF YES, list the name of the premise(s):

Chili's

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

YES NO

REV

4. List the alcohol related training and/or experience (when and where) of the person making application.

*NLCC Training Certificate Issued: RB-0048564

Name on Certificate: Bob 8/4/2018

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Scottsbluff	8/4/2014	Responsible Beverage Service Training

*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:
Bob Shively GM	Current	Chili's 826 W 36th St Scottsbluff

5. Have you enclosed form 147 regarding fingerprints? YES NO

Prints on file 7-21-2015

PERSONAL OATH AND CONSENT OF INVESTIGATION

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

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

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

✓ [Signature]
Signature of Manager Applicant

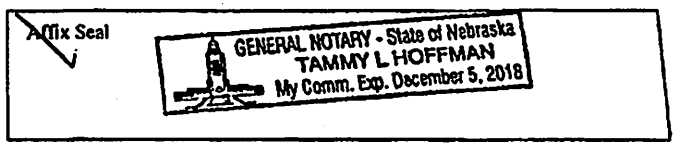
✓ Aleah Shirley
Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska
County of Scotts Bluff
18th day of April 2016
date

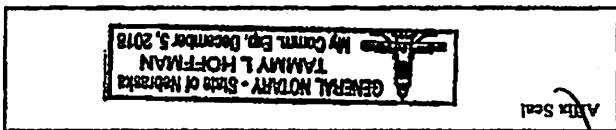
✓ The foregoing instrument was acknowledged before me this 18th day of April 2016 by Bart + Aleah Shirley
NAME OF PERSON BEING ACKNOWLEDGED

Tammy L Hoffman
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.

See next page



Notary Public signature
Tammie L. Hoffman

name of person acknowledged
by Aleah Shiveley

date
April 20, 2016

County of Scotts Bluff

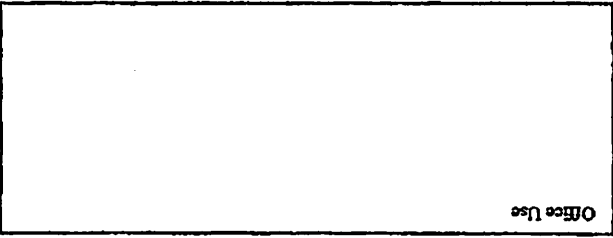
State of Nebraska

The foregoing instrument was acknowledged before me this

Signature of spouse asking for waiver
Aleah Shiveley

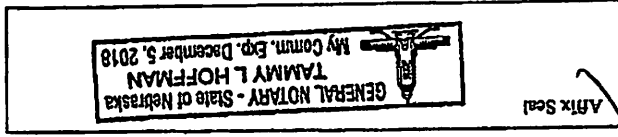
Printed name of spouse asking for waiver
Aleah Shiveley

I acknowledge that I am the spouse of a name in the name holder. My signature below certifies that I will have no direct or indirect interest, company or indirectly in the operation or profit of the business, (a) at the liquor control commission, (b) if not licensed, make sales, serve patrons, stock, or otherwise participate in the operation of the business, (c) if licensed, I will not participate in the day operation of the business in any capacity. I understand my foregoing waiver is required, however, I am obligated to sign this document and instrument on all applications needed to process my application.



SPUSAL AFFIDAVIT OF
NON PARTICIPATION INSERT
NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.leg.ne.gov

In compliance with the ADA, this spouse 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.



The foregoing instrument was acknowledged before me this _____ by Bart Shively
name of person acknowledged

Bart Shively
Printed name of applying individual

[Signature]
Notary Public signature
April 26, 2016
date
County of Scotts Bluff
State of Nebraska
Signature of individual involved with application
(Spouse of individual listed above)

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.



The foregoing instrument was acknowledged before me this _____ by _____
name of person acknowledged

Printed name of spouse asking for waiver

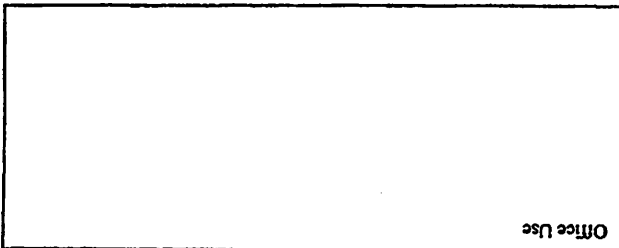
Notary Public signature

date

County of _____

State of _____
Signature of spouse asking for waiver
(Spouse of individual listed below)

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 and 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.



Print Form

SPOUSAL AFFIDAVIT OF
NON PARTICIPATION INSERT
BRASKA LIQUOR CONTROL COMMISSION
CENTENNIAL MALL SOUTH
BOX 95046
COLN, NE 68509-5046
ONE: (402) 471-2571
X: (402) 471-2814
Website: www.lcnc.ne.gov

**APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b**

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

Office Use

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: Stanley D. Knoles

Name of Limited Liability Company that will hold license as listed on the Articles of Organization
Chili's LLC

LLC Address: PO Box 71413

City: Salt Lake City State: UT Zip Code: 84121

LLC Phone Number: 801-808-3284 LLC Fax Number 801-278-8784

Name of Managing/Contact Member

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

Last Name: Knoles First Name: Stanley MI: D

Home Address: 1014 25th Street #204 City: Cheyenne

State: WY Zip Code: 82001 Home Phone Number: 801-809-5234

[Handwritten Signature]

Signature of Managing/Contact Member

[Handwritten Initials]

ACKNOWLEDGEMENT

State of Utah
County of Salt Lake

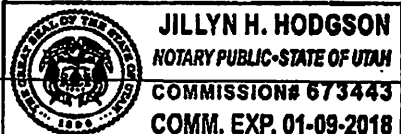
Date April 20 2016

The foregoing instrument was acknowledged before me this

by Stanley Knoles
name of person acknowledge

[Handwritten Signature]

Affix Seal



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

*Signed
passport*

Last Name: Knoles First Name: Stanley MI: D
Social Security Number: _____ Date of Birth: 05-30-47
Spouse Full Name (indicate N/A if single): Nan Knoles * Spouse
Spouse Social Security Number: _____ Date of Birth: 02-07-49
Percentage of member ownership 50.00%

*Signed
passport*

Last Name: Shiveley First Name: Bruce MI: R
Social Security Number: _____ Date of Birth: 03-28-60
Spouse Full Name (indicate N/A if single): Dianna Shiveley * Spouse
Spouse Social Security Number: _____ Date of Birth: 06-07-60
Percentage of member ownership 48.80%

Last Name: Ennenga First Name: Peter MI: M
Social Security Number: _____ Date of Birth: 7-12-45
Spouse Full Name (indicate N/A if single): Nancy W. Ennenga
Spouse Social Security Number: _____ Date of Birth: 7-20-46
Percentage of member ownership 1.20%

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 _____

In compliance with the ADA, this corporation insert form 3a is available in other formats for persons with disabilities.
A ten day advance period is requested in writing to produce the alternate format.

If yes, provide the Federal ID #.

YES NO

Is this a Non Profit Corporation?

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

- If yes, provide the following:
- 1) Name of corporation
 - 2) Supply an organizational chart of the controlling corporation named above
 - 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

YES NO

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

**SPOUSAL AFFIDAVIT OF
NON PARTICIPATION INSERT**

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

Office Use

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.

Nan Knoles

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

Nan Knoles

Printed name of spouse asking for waiver

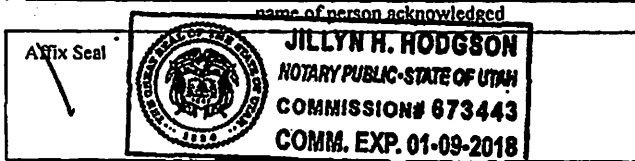
State of Utah

County of Salt Lake

April 20 2016
date

The foregoing instrument was acknowledged before me this
by Nan Knoles
name of person acknowledged

Jillyn H. Hodgson
Notary Public signature



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.

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

Printed name of applying individual

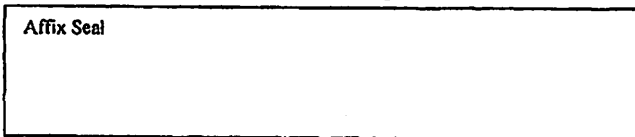
State of _____

County of _____

_____ by _____
date name of person acknowledged

The foregoing instrument was acknowledged before me this

Notary Public signature



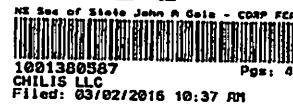
All next page for spouse's signature

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

FORM 35-4178
Revised 1/2008

Articles

Page 1



**APPLICATION FOR CERTIFICATE OF AUTHORITY
FOREIGN LIMITED LIABILITY COMPANY**
Submit in Duplicate

John A. Gale, Secretary of State
Room 1301 State Capitol, P.O. Box 94608
Lincoln, NE 68509
(402) 471-4079
<http://www.sos.ne.gov>

An original certificate of existence from the appropriate authority in the jurisdiction or state under whose laws the limited liability company was organized must be filed with this document.
NOTE: A certified copy of the company's certificate of organization may not be filed in lieu of a certificate of existence.

Name of Limited Liability Company Bighorn Associates, L.C.

Alternate Name Chilis LLC
(complete only if actual name is unavailable for use or does not comply with Nebraska law)

Name and address of registered agent in Nebraska:

Registered Agent Name: Stanley D. Knoles

Registered Agent Address:

826 W. 36th Street Scottsbluff NE 69361
Street and Mailing Address City State Zip

Address of Principal Office:

PO Box 71413 Salt Lake City UT 84171
Street and Mailing Address City State Zip

If required by state or jurisdiction of organization, office maintained in that jurisdiction;

826 W. 36th Street Scottsbluff NE 69361
Street and Mailing Address City State Zip

Organized under the laws of the State or Jurisdiction of Wyoming

Nature of the Business, purposes to be conducted or promoted in this state or professional services being rendered:

Casual Dining Restaurant

Effective date if other than the date filed 02/22/2016


Signature of Authorized Representative

Stanley D. Knoles
Printed name of Authorized Representative

FILING FEE: \$120.00
January 1, 2011

Neb. Rev. Stat. 21-156

Articles

Page 2

**STATE OF WYOMING
Office of the Secretary of State**

I, EDWARD F. MURRAY, III, Secretary of State of the State of Wyoming, do hereby certify that

Bighorn Associates, L.C.

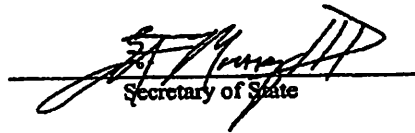
a limited liability company originally organized under the laws of Utah on March 01, 2006, did on May 12, 2015, apply for a Certificate of Organization and filed Articles of Domestication in the office of the Secretary of State of Wyoming.

I FURTHER CERTIFY that this limited liability company has renounced its state or country of organization, and is now organized under the laws of the state of Wyoming and is in good standing as of the date of this certificate.

I have affixed hereto the Great Seal of the State of Wyoming and duly executed this official certificate at Cheyenne, Wyoming on this Monday, February 22, 2016.



Filed Date: 05/12/2015


Secretary of State

By: Janelle Iddings

Article

Page 3

Bighorn Associates, LC
P.O. Box 71413
SLC, UT 84171
(801)808-3284

February 22th, 2016

Mr. Matt Schur
Filing Officer – Corporation Division
Nebraska Secretary of State's Office
1445 K Street – Room 1301
Lincoln, Nebraska 68609

RE: Corn Pepper L.C. – License #83544
Chill's Restaurant
826 W. 36th Street
Scottsbluff, NE 69361

Dear Matt,

Corn Pepper, L.C. has been using an alternative name such as Chili's Grill & Bar. Corn Pepper, LC has been merged into Bighorn Associates, LC, a Wyoming Limited Liability. I am the owner of both Corn Pepper, L.C. and Bighorn Associates, LC and as a result of franchising Chili's, I hereby provide consent for Bighorn Associates to use Chili's LLC as an alternative name for Bighorn Associates, LC.

If you need any additional information, please give me a call at 801.809.8422.

Thanks,

Bruce Shiveley
Manager

Articles

Page 4

STATE OF NEBRASKA

United States of America, } ss.
State of Nebraska }

Secretary of State
State Capitol
Lincoln, Nebraska

I, John A. Gale, Secretary of State of the
State of Nebraska, do hereby certify that

CHILIS LLC

**a(n) Wyoming Limited Liability Company, filed an Application for Certificate
of Authority on March 2, 2016 and is hereby authorized to transact business
in the state of Nebraska as of the date of this certificate.**

*This certificate is not to be construed as an endorsement,
recommendation, or notice of approval of the entity's financial
condition or business activities and practices.*

In Testimony Whereof,



I have hereunto set my hand and
affixed the Great Seal of the
State of Nebraska on this date of
March 2, 2016

John A. Gale
Secretary of State

BUSINESS

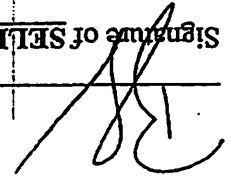
#2

PURCHASE AND SALE AGREEMENT

This Purchase and sale agreement is entered into on April 20th, 2016 between Corn Pepper, LLC, a Utah Limited Liability Company (the "Seller"), and Chilis LLC, a Nebraska Limited Liability Company (the "Buyer").

The Seller has agreed to sell and the Buyer has agreed to purchase all the alcohol business located at 826 W. 36th Street, Scottsbluff, Nebraska.

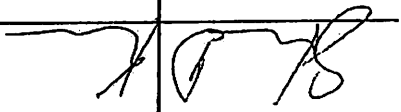
Signature of SELLER



Print Name

Gene Shively

Signature of BUYER



Print Name

Stewart D. Knowles

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: 6/3/2016

Re: Application for a Class I Liquor License number I-117360, Chili's LLC DBA Chili's Grill & Bar
826 West 36th Street Scottsbluff, NE 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 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:

I conducted a background check on Bart Shiveley, Stanley Knoles and Bruce Shiveley as a means to determine their fitness to hold a liquor license. I conducted a background investigation on Bart Shiveley November 2015 when he became the manager of Chili's. A background was conducted on Stanley Knowles and Bruce Shiveley in 2008 as part of the original liquor license. This liquor license is necessary due to the corporate merger of "Bighorn LLC and Corn Pepper LLC" which will become "Chili's LLC." Bruce Shiveley and Stanley Knoles reported not having any convictions, I did not find any. Bart Shiveley reported two speeding citations, I found no other convictions.

On Thursday June 2nd at 1500 hours I called Bart Shiveley. Bart told me that nothing had changed explaining that Chili's procedures and processes are still the same as in November 2015. Bart explained that their parent company is buying the local business.

After conducting a background check I did not find any information that would disqualify any of the applicants or indicate that they are unfit 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.

All of the applicants have extensive experience in the restaurant/alcohol industry. Bart Shiveley is the current manager of Chili's and has attended Responsible Beverage Service Training. Bart told me that Chili's has their own alcohol training that every employee has to complete. Bart told me that if an employee did sale to a minor they would likely be terminated, but it is not automatic. Bart said that a violation would trigger a retraining for all employees prior to working. Bart added that

they discuss alcohol sales procedures with employees daily prior to shifts and at their weekly meetings.

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:**

Bart explained that inventory is the responsibility of all managers but one of the managers is responsible for the alcohol orders. Bart said that all of the overstock is locked. Bart further explained that Chili's is a restaurant where you can get a meal and have a drink or two not a bar.

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 11:00 am to 10:00 pm weekdays and 11:00 am to 11:00 pm weekends. Food will be served during the hours of operation.

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:**

Chili's is an established business is located at 826 W 36th Street Scottsbluff, NE. It is a restaurant that will attract customers all hours when opened. Its location is easily accessible and convenient for customers. I would not anticipate 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 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 13,550 calls for service, not including traffic citations during 2015. 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: June 6, 2016

To: Honorable Mayor Meininger and Members of the City Council

From: Cindy Dickinson, City Clerk

CC: Rick Kuckkahn, City Manager

Re: Chili's Grill and Bar, 826 W. 36th St., Scottsbluff, NE

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

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

Class of License

Class A	Beer only, for consumption on premises
Class B	Beer only, for consumption off premises
Class C	Alcoholic liquors, for consumption on and off premises
Class D	Alcoholic liquors, including beer, for consumption off premises
Class I	Alcoholic liquors, for consumption on the premises
Class 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 .
Tangled Tumbleweed

802 21st Avenue
1823 Ave. A

Hotel/Motel

Holiday Inn Express
Candlelight Inn & Lounge

1821 Frontage Rd.
1822 East 20th Place

Taverns/Lounges

Hight's Tavern
Silver Saddle Lounge
Shots Bar and Grill
Bob's Garage & Bar
Lucky Keno LLC dba FrontSide
Backaracks Bar & Grille
16th Empire (PENDING)

20 West 18th Street
1901-B 21st Ave.
1722 Broadway
1907 Broadway
1001 Avenue I
1402 East 20th St.- Suite B
1605 Ave. A

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
Scottsbluff Watering Hole
Big Bats
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 (NEW APPLICATION – REORGANIZATION)	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.
The Shed	18 West 16 th St.

Theater

Hotel/Motel

Hampton Inn & Suites	301 W Hwy 26
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TOTAL CLASS I LICENSES 15

Class W Licenses

Wholesale

High Plains Budweiser	2810 Ave M
-----------------------	------------

TOTAL CLASS W LICENSES 1

TOTAL LICENSES

Class A	2
Class B	0
Class C	14 (1 pending)
Class D	16
Class I	15
Class W	1
TOTAL LICENSES	48 (1 pending)



Memo

Date: June 6, 2016
To: Honorable Mayor and City Council
From: Staff, Development Services
CC: Nathan Johnson, City Manager
Re: Class "I" Liquor License Application
Chili's Grill & Bar Previously Corn Pepper, L.L.C.
826 W 36th St.
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 826 W 36th St. is situated in a C-3 (Heavy Commercial District) zoning district where restaurant/bar/taverns are allowed as a matter of right pursuant to the City's Zoning Ordinance, Chapter 25, of the City's Municipal Code of Ordinances.
- (2) Chili's provides sufficient parking on the site and is consistent with the number, which is required by the City's zoning ordinance. (C-3 zone – one space for three seats are required for a restaurant and bar.) Parking will comply with this requirement.
- (3) The use of this property is consistent with the surrounding neighborhood as it relates to commercial activities, retail sales, and services. Surrounding properties are also zoned C-3.
- (4) There are no churches, schools, or other similar institutions within 500 feet of the subject property.
- (5) The proposed use of the building would not adversely affect the existing conditions of the neighborhood.
- (6) The existing population of Scottsbluff is approximately 15,039.