

City of Scottsbluff, Nebraska

Monday, June 19, 2017

Regular Meeting

Item Pub. Hear.1

Council to conduct a public hearing at 6:05 p.m. to consider the Class C Liquor License application for Peggy McVay, dba A Lil Bit of Everything, 1610 Broadway, Scottsbluff, NE.

Staff Contact: Cindy Dickinson, City Clerk

Agenda Statement

Item No.

For meeting of: June 19, 2017

AGENDA TITLE: Council to hold a public hearing as advertised for this date at 6:05 p.m. for a Class C Liquor License for Peggy McVay dba A Lil Bit of Everything, 1610 Broadway, Scottsbluff, NE.

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 Peggy McVay dba A Lil Bit of Everything, 1610 Broadway, Scottsbluff, NE.

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 City Planner

NOTIFICATION LIST: Yes ☒ No ☐ Further Instructions ☐

Peggy McVay dba A Lil Bit of Everything, 1610 Broadway, Scottsbluff, NE.

**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/

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NEBRASKA LIQUOR
CONTROL COMMISSION



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

RETAIL LICENSE(S)

Application Fee \$400 (nonrefundable)

- ☐ A BEER, ON SALE ONLY
☐ B BEER, OFF SALE ONLY
☒ C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE
☐ D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY
☐ I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
☐ J LIMITED ALCOHOLIC LIQUOR, OFF SALE – MUST INCLUDE SUPPLEMENTAL FORM 120
☐ AB BEER, ON AND OFF SALE
☐ AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
☐ IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY

☐ Class K Catering 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 1 FORM 104)
☐ Partnership License (requires insert 2 FORM 105)
☐ Corporate License (requires insert 3a FORM 101 & 3c FORM 103)
☐ Limited Liability Company (LLC) (requires form 3b FORM 102 & 3c FORM 103)

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 _____

1. ☒ Fingerprints are required for each person as defined in new application guide, found on our website under "Licensing Tab" in "Guidelines/Brochures". See Form 147 for further information, this form **MUST** be included with your application.
2. ☒ Enclose application fee of \$400 (nonrefundable), check made payable to the Nebraska Liquor Control Commission or you may pay online at PAYPORT.
3. ☒ Enclose the appropriate application forms;
 - Individual License (requires insert form 1)
 - Partnership License (requires insert form 2)
 - Corporate License (requires insert form 3a & 3c)
 - Limited Liability Company (LLC) (requires form 3b & 3c)
4. ☒ If building is being leased send a copy of signed lease. Be sure the lease reads in the name of the individual(s), corporation or Limited Liability Company (LLC) making application. Lease term must run through the license year being applied for.
5. ☐ If building is owned or being purchased send a copy of the deed or purchase agreement in the name of the applicant.
6. ☐ If buying the business of a current liquor license holder:
 - a. Provide a copy of the purchase agreement from the seller (must read applicants name)
 - b. Provide a copy of alcohol inventory being purchased (must include brand names and container size)
 - c. Enclose a list of the assets being purchased (furniture, fixtures and equipment)
7. ☐ If requesting to operate on current liquor license; enclose Temporary Operating Permit (TOP) (Form 125).
8. ☐ Enclose a list of any inventory or property owned by other parties that are on the premises.
9. ☒ For citizenship enclose U.S. birth certificate; U.S. passport or naturalization paper
 - a. For residency enclose proof of registered voter in Nebraska
 - b. If permanent resident include Employment Authorization Card or Permanent Resident Card
 - c. See guideline for further assistance
10. ☐ Corporation or Limited Liability Company (LLC) must enclose a copy of articles of incorporation; as filed with the Secretary of State's Office.
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.

Reggie McVay
Signature

04-28-17
Date

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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

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Hot List: YES / NO	New/Replacing #	
Class Type <u>C</u>	121704	Initial <u>AH</u> 5-8-17

Applicant name Peggy McVay
Trade name A Lil Bit of Everything
Previous trade name _____
Contact email address mcvaypeg24@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 enclosed

*entered into CI
on 5-11-17*

Sent Ag - 5/11/17 ah

Sent NSP - 5/15/17 ah

Sent FM - 5/15/17 ah

Sent Local - 5/15/17 ah

Office use only	PAYMENT TYPE <u>CK 1314</u>
	AMOUNT: <u>400</u>
	Received: <u>jm</u>



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FORM 100
REV FEB 2017
PAGE 1

PREMISES INFORMATIONTrade Name (doing business as) A Lil Bit of EverythingStreet Address #1 1610 Broadway

Street Address #2 _____

City Scottsbluff County Scotts Bluff #21 Zip Code 69361Premises Telephone number 308-633-1604Business e-mail address mcvaypeg24@gmail.com ^{city}

Is this location inside the city/village corporate limits:

YES



NO

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

MAY 03 2017

Name A Lil Bit of EverythingStreet Address #1 1610 Broadway**NEBRASKA LIQUOR
CONTROL COMMISSION**

Street Address #2 _____

City Scottsbluff State NEZip Code 69361**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.

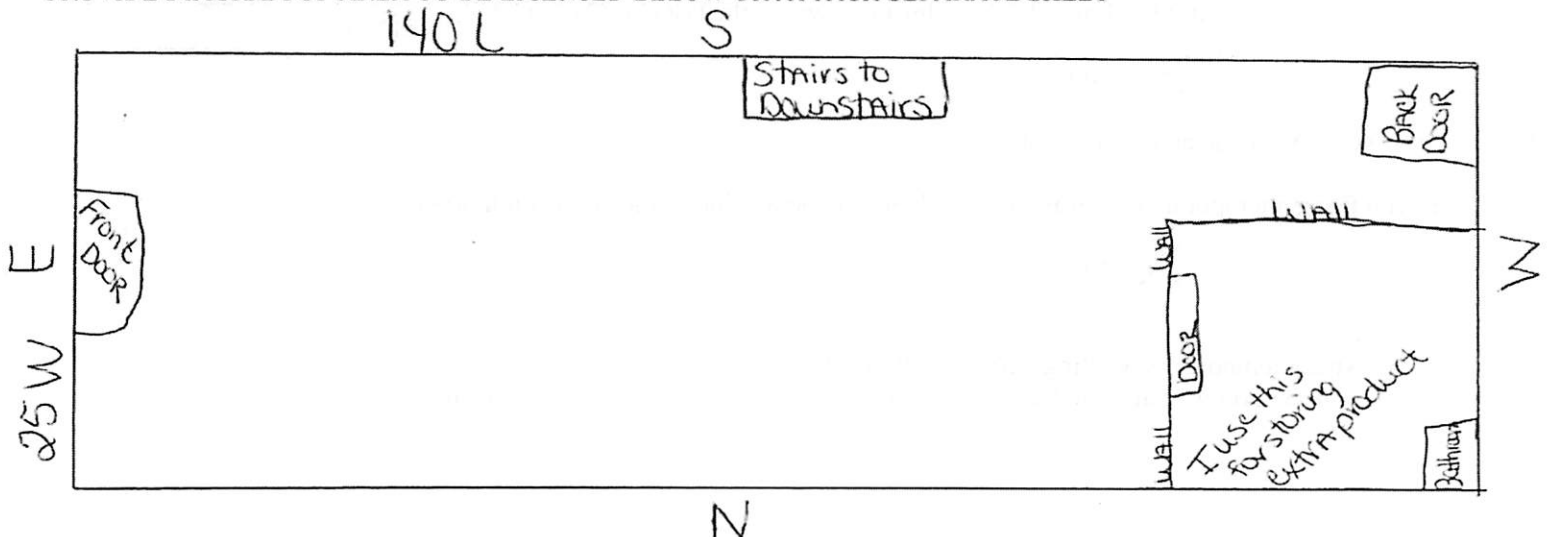
**For on premises consumption liquor licenses minimum standards must be met by providing at least two restrooms

Building: length 140 x width 25 in feetIs there a basement? Yes ☒ No ☒Is there an outdoor area? Yes ☒ No ☒If yes, length 140 x width 25 in feet

If yes, length _____ x width _____ in feet

One main floor
plus unused basement

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



APPLICANT INFORMATION

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY §53-125(5)

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Include traffic violations. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application. *val*

☒ 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
Peggy (Hail) McVay	11-1987	North Platte, NE	Speeding ticket	
Peggy (Hail) McVay	10-1989	Scottsbluff, 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 _____

- 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 _____

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CONTROL COMMISSION

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 X 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 X 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 X 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 X 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)

Provide letter of support or opposition, see FORM 134 – church or FORM 135 – campus

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

 YES X NO

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

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CONTROL COMMISSION

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 - Peggy McVay (owner)

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

None

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. Those persons required are listed as followed:

- Individual: Applicant and spouse; spouse is exempt if they filed Form 116 – Affidavit of Non-Participation.
- Partnership: All partners and spouses, spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Limited Liability Company: All member of LLC, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Corporation: President, Stockholders holding 25% or more of shares, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.

NLCC certified training program completed:

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
NONE —		
		RECEIVED

List of NLCC certified training programs

Experience:

Applicant Name/Job Title	Date of Employment:	Name & Location of Business
		MAY 03 2017 NEBRASKA LIQUOR CONTROL COMMISSION

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.

☒ X Lease: expiration date April 3rd, 2018
☐ Deed
☐ Purchase Agreement

14. When do you intend to open for business? My store is already open just wanted to bring wine in.
15. What will be the main nature of business? My store is Kitchen + wine accessory store. Just wanted to bring some wine in.
16. What are the anticipated hours of operation? Mon-Fri 10-5 Sat 10-4 #See at bottle
17. List the principal residence(s) for the past 10 years for all persons required to sign, including spouses.

RESIDENCES FOR THE PAST 10 YEARS, APPLICANT AND SPOUSE MUST COMPLETE					
APPLICANT: CITY & STATE		YEAR FROM TO		SPOUSE: CITY & STATE	
Gering NE		5/1/09	present		
Gering, NE		5/98	5/1/09		

If necessary attach a separate sheet.

I have owned A lil Bix of Everything almost 2 years in May. I just wanted to add me unique wine in my store to go with some of the unique wine accessories that sell already.

**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

DATE RECEIVED RECEIVED MAY 03 2017 NEBRASKA LIQUOR CONTROL COMMISSION Office Use Only	
Class: <u>C</u>	License #: <u>121704</u>

Applicant Name: Regan McVay

(Corporation, LLC, Partnership or Individual)

Trade Name: A Lil Bit of Everything

(Doing Business As)

308-633-1604

Phone Number

mcvayreg24@gmail.com

Contact E-mail Address

DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:

- **FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED PROCESSING FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE.**
- See Application Requirement Guide for listing of Fingerprint Requirements, found on our website under "Licensing" tab in "Applicant Guidelines".
- **DO NOT** send fee payments to the NLCC – fees **MUST** be paid directly to NSP;
- Fee payment of \$45.25 per person **MUST** be made **DIRECTLY** to the Nebraska State Patrol;
It is recommended to make payment through the NSP PayPort online system at www.ne.gov/go/nsp
Or a check made payable to **NSP** can be mailed directly to the following address:
*****Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a Liquor License*****
The Nebraska State Patrol – CID Division
3800 NW 12th Street
Lincoln, NE 68521
- 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 DEC 2016
PAGE 1

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

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

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

Must be signed in the presence of a notary public by applicant(s) and spouse(s). See guideline for required signatures

Peggy McVay
Signature of Applicant

Peggy McVay
Print Name

Signature of Applicant

Print Name

Signature of Spouse

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Print Name

NEBRASKA LIQUOR
CONTROL COMMISSION

Signature of Spouse

Print Name

ACKNOWLEDGEMENT

State of Nebraska
County of Scotts Bluff

The foregoing instrument was acknowledged before me this

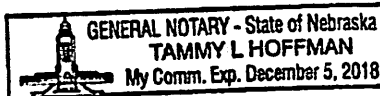
28th day of April 2017
date

by

Peggy McVay

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

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.

FORM 100
REV FEB 2017
PAGE 8

My Business Plan

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NEBRASKA LIQUOR
CONTROL COMMISSION

April 28, 2017

To Whomever,

A Lil Bit Of Everything has been in business since May 30th, 2015. We sell kitchen accessories, sports memorabilia, and unique wine accessories. My plan is to get a liquor license so I can carry unique wine's to go along with my unique business. I have items that I sell that if the customer could have a bottle of wine to put with that speical gift, it would make it even more special.

A handwritten signature in black ink, appearing to be 'Jah' or similar, located at the bottom right of the letter.

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BUILDING LEASE

THIS LEASE made this 3RD day of April, 2015, by and between ALAN H. WILLIAMS AND BARBARA J. WILLIAMS hereinafter collectively called the LESSOR and PEGGY McVAY DBA Lil Bit of Everything hereinafter called the LESSEE.

NEBRASKA LIQUOR
CONTROL COMMISSION

WITNESSETH:

LESSOR for and in consideration of the covenants and agreements contained herein, does hereby lease to the LESSEE and the LESSEE hereby lease from the LESSOR, the premises together with improvements thereon, hereinafter called the PREMISES, located at 1610 Broadway, Scottsbluff, Nebraska, and more particularly described as:

The South portion of Lots Seven and Eight (7&8), Block Six (6), Original Town of Scottsbluff, Nebraska, together with the rights of easements and appurtenances thereto belonging, on the following term and conditions:

I. TERM AND USE

The term of this Lease shall commence on the 3RD day of April, 2015 and shall continue for a period of THREE YEARS, unless extended or sooner terminated as hereinafter provided. The LESSOR agrees to grant additional leases fourth and fifth years at terms to be negotiated. In addition, should they place the property for sale, the LESSOR agrees to grant the first right of refusal to LESSEE. The LESSEE may not use the premises for any unlawful use.

Apr. 3, 2015
+ 3 yrs
2018

II. RIGHT TO SUBLET PART OF THE PREMISES

LESSEE agrees that it will not sublet any part of the premises without the express written consent of the LESSOR and will under no circumstances, sublet the property for the sales of alcoholic beverages. Any such subletting by the LESSEE shall not relieve the LESSEE of the original obligations under this lease.

III. AS IS CONDITION

LESSEE acknowledges that he has inspected the premises and accepts the premises in an "as is" condition.

IV. RENT

(a) Fixed Rent. The LESSEE shall pay to the LESSOR, as and for fixed rent for the premises, the amount of SIX HUNDRED DOLLARS (\$600.00) per month, in advance, for the first year of this lease and TWELVE HUNDRED DOLLARS (\$1200.00) per month, in advance, for the second and third year. Said rent shall be payable at the office of the LESSOR and addressed as designated herein

pg 1

Q#13

(b) Additional Rent. For additional rent, the LESSEE shall pay all costs and expenses of any kind or nature whatsoever attributable to the premises during the term of this LEASE. These cost shall include, but are not necessarily limited to , utilities, gas, water, electric, maintenance of the premises, including but not necessarily limited to snow removal, cleaning of the sidewalks, window cleaning, repair and upkeep. LESSOR shall maintain the exterior of the building; including the roof and exterior plumbing and electrical. It is understood and agreed by the LESSEE that the premises shares the water meters with 1612 Broadway. For economy and rent considerations, the LESSEE assumes that their share is 50% of the water and sewage bill.

V. IMPROVEMENT AND ALTERATIONS AND REMODELING

The LESSEE shall be permitted to perform improvements and alterations or remodeling on or to the premises provided, however, they shall be done at the sole expense of the LESSEE. Any such improvements shall be performed only with the written consent of the LESSOR. All such care, maintenance and repair of such improvements shall be the sole responsibility of the LESSEE. All such repairs shall comply with all building codes and ordinances for the City of Scottsbluff, Nebraska. All charges for material and labor for such alterations will be paid promptly by the LESSEE and LESSEE agrees to hold LESSOR harmless from any claims or obligations of said improvements. Upon the termination of this LEASE, all improvements and alterations made to the property by LESSEE or any subtenants, shall become the property of the LESSOR. It is understood and agreed that the LESSEE may have made certain improvements to the building under previous leases and that all such improvements made to the building by LESSEE shall, upon termination of this LEASE , become the property of the LESSOR. All furniture and fixtures shall remain the property of the LESSEE and may be removed by LESSEE at the termination of this LEASE.

LESSEE, in addition, shall at their own cost, maintain the premises in as good a condition as they now are, with the exception of the roof and exterior, which LESSOR shall maintain in the present condition. LESSEE agrees to replace promptly, all plate glass broken during the term of this LEASE with other similar plate glass, the same size and quality, at the expense of the LESSEE. LESSEE acknowledges that filter replacement, ballast repair and replacement, normal plumbing repairs and other expenses are part of normal maintenance and with be their responsibility.

VI. FIRE AND OTHER CASUALTY

In the event of fire or other casualty which shall render the premises untenable, LESSEE shall be relieved from payment of the rent provided, however, that in the event the premises can be repaired within four (4) months from the date of such event then at the LESSOR'S option by notice in writing to the LESSEE, mailed within thirty (30) days after such damage or destruction, this LEASE shall remain in full force and effect, with rent for the period during which the premises are untenable, shall be abated prorata.

VII. NONPAYMENT OF RENT

In the event that the rent due from the LESSEE to the LESSOR shall remain unpaid in whole or in part, for a period of more than thirty (30) days after it is due and

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payable, LESSOR shall have the right to immediately terminate said LEASE and shall have the right to immediate possession of the premises. Upon termination of the LEASE by expiration of the term, by operation of the law, by forfeiture or otherwise, LESSEE, agrees to quietly surrender the premises to the LESSOR.

VIII. COVENANT TO HOLD HARMLESS

Except in the case of negligence of the LESSOR, LESSEE agrees to save, hold harmless and defend the LESSOR against any liability for damages to any personal property in or about the premises. The LESSOR shall not be liable to the LESSEE, it agents, employees, representatives, customers or invitees for any personal injury or damages to the property cause by theft, burglary, water, gas, electricity, fire or from any other cause occurring on or about the premises. All property kept, stored or maintained in the premises shall be so kept, stored or maintained at the sole risk of the LESSEE. The LESSEE agrees to promptly pay all sums of money in respect to labor, services and materials supplied or equipment furnished to LESSEE, in or about the premises. LESSEE'S covenants and agrees that it will not permit or allow any mechanic's or materialmen's liens to be placed on the LESSOR'S interest in the premises during the term hereof. LESSEE shall maintain a GENERAL LIABILITY POLICY on the premises in the amount of \$500,000.00 and shall name the LESSORS as ADDITIONAL NAMED INSURED.

IX. NOTICES

All communications, demands or notices which shall be given in writing and shall be deemed to have been given or served, if delivered in person to the other party or its duly authorized agent, or is deposited in the United States mail, postage prepaid, for mailing by certified or registered mail, return receipt requested. Such notices shall be sent to the addresses of the parties as set forth in the agreement below the signatures of the parties. This lease shall contain the entire agreement and understanding of the parties with respect to the transaction contemplated hereby and supersedes all proper agreements and understandings of the parties with respect to such subject matter. No representation of warranties, undertakings or other commitments, whether written or oral, have been made to either party as to the other unless expressly stated in this LEASE or unless mutually agreed to in writing between the parties hereto after this date.

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NEBRASKA LIQUOR
CONTROL COMMISSION

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Q#13

This agreement shall be binding upon the parties, their personal representatives, heirs and assigns.

Alan H. Williams
Alan H. Williams, LESSOR

Scottsbluff, NE 69361

Barbara J. Williams
Barbara J. Williams, LESSOR

Scottsbluff, NE 69361

Peggy McVay
Peggy McVay, LESSEE

✓

Gering, NE 69341

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CONTROL COMMISSION

pg 4

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 choose 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: 6/13/2017
Re: Application for a Class C Liquor License number C - 121704, Peggy McVay dba "A Lil Bit of Everything," 1610 Broadway 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 Peggy McVay as a means to determine her fitness to hold a liquor license. Peggy reported two speeding tickets one in 1987 another in 1989. I did not find any further criminal convictions or history. Peggy told me that she does not have any experience in the alcohol industry but will attend Responsible Beverage Service Training on Thursday June 15th. Peggy told me that her 17 year old daughter sometimes helps at the business but won't be allowed if she receives her liquor license.

I found nothing in Peggy's background that would disqualify her or cause me to believe that she is 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.

Peggy McVay does not have previous experience in the alcohol industry. Peggy is attending the Nebraska State Patrol's "Responsible Beverage Service Training" on June 15th, 2017 from 1300 hours until 1600 hours. Peggy told me that her policy would be to check the identification of all customers purchasing alcohol. Peggy told me that she will be the only employee of her business. Peggy added that she only wants to sell wine to compliment some of the other items in the store.

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:

Peggy told me as the only employee of the business she will be responsible for the inventory and ordering. Peggy said that she will only order a small amount of wine and keep all of the overstock in a back room. I talked to Peggy about having the distributor provide her with a born on calendar to help her determine age.

The business has been in operation for two years.

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 open Monday thru Friday 10:00 am to 05:00 pm, Saturday 10:00 am to 04:00 pm.

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

SPECIFIC ISSUES COMMISSION MAY CONSIDER

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

There have been no known 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 1610 Broadway Scottsbluff, NE. A Lil Bit of Everything is a variety store that will not attract large crowds. The business sells home décor, sports related items and kitchen cookware. 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 is one bar restaurant "16th Empire" and a restaurant Sam & Louie's near this business with similar privileges however, I do not anticipate this creating any unusual circumstances for the police department or the downtown business area.

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

The traffic flow is not of concern at this time nor is pedestrian traffic.

(H) The adequacy of existing law enforcement:

The Scottsbluff Police Department is allowed 31 full time officers and handled approximately 14,602 calls for service, not including traffic citations during 2016. 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.

(l) 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 19, 2017

To: Honorable Mayor Meininger and Members of the City Council

From: Cindy Dickinson, City Clerk

CC: Nathan Johnson, City Manager

Re: Peggy McVay dba A Lil Bit of Everything, 1610 Broadway, Scottsbluff, NE Class C-121704 License

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
MJ's Restaurant
Las VII Americas Tortilleria

802 21st Avenue
1823 Ave. A
2615 5th Ave.
1619 East Overland

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

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)
Kelley's Liquor (Catering)
A Lil Bit of Everything (NEW APPLICATION)

1402 East 20th St.- Suite A
401 S. Beltline Hwy West
817 West 27th Street
1610 Broadway

Clubs

Elks BPO Lodge 1367

1614 1st Avenue

Bowling Alleys

Valley Bowl Fun Center

1702 17th Ave.

TOTAL CLASS C LICENSES 18

Class D Licenses

Grocery Stores

Safeway of Western Nebraska
Panhandle Coop Assn.

601 Broadway
3302 Ave. B

Convenience Stores

5th & O Eastco
Scottsbluff Watering Hole
Big Bats
Git N Split
Cheema's Gas & Liquor (PENDING)
Route 26 Mart
Maverik Stores Inc.,
Walgreens

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

Liquor Stores

Dermer's
Cigarette Chain

1311 E Overland Dr.
323 East Overland

Discount/Grocery Stores

Big Kmart #7024
Wal-Mart Supercenter #867

802 East 27th Street
3322 Avenue I

TOTAL CLASS D LICENSES 14

CLASS I LICENSES

Restaurants

Rosita's

1205 East Overland

Chili's Grill & Bar

826 West 36th St.

Wonderful House Restaurant

829 Ferdinand Plaza

Taco de Oro

2601 Avenue I

Whiskey Creek Steakhouse

1802 E 20th Place

Ole, LLC

1901 East 20th Street

Emporium Coffeehouse & Cafe

1818 1st Avenue

San Pedro Mexican Restaurant

23 West 27th St.

Sam & Louie's Pizzeria

1522 Broadway

Taco Town

1007 West 27th St.

Prime Cut

305 West 27th St.

The Shed

18 West 16th St.

Theater

Hotel/Motel

Hampton Inn & Suites

301 W Hwy 26

TOTAL CLASS I LICENSES 13

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	19 (1 NEW APPLICATION)
Class D	14
Class I	13
Class W	1

TOTAL LICENSES 49 (1 NEW APPLICATION)

Exhibit #5

Memo

Date: June 19, 2017
To: Honorable Mayor and City Council
From: Staff, Development Services
CC: Nathan Johnson
Re: Class "C" Liquor License Application
A Lil Bit of Everything
1610 Broadway
Scottsbluff, NE 69361

Action:

The owners of A Lil Bit of Everything have applied for a new license in the name of Peggy McVay.

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 1610 Broadway is situated in a C-1 (Central Business District) zoning district where a retail store is allowed by right pursuant to the City's Zoning Ordinance, Chapter 25, of the City's Municipal Code of Ordinances.
- (2) There are no off-street parking requirements in a C-1 (Central Business District) zone.
- (3) The use of this property is consistent with the surrounding neighborhood, which is generally business retail in nature.
- (4) There are no churches, schools, or other similar institutions within 300 feet of the subject property.
- (5) The existing population of Scottsbluff is approximately 15,039.

City of Scottsbluff
Liquor License Holders Investigatory Board
Regular Meeting
June 15, 2017 - 4:00 p.m.

The City of Scottsbluff Liquor License Holders Investigatory Board met in a regular meeting on Thursday, June 15, 2017 at 4:00 p.m. in the Meeting Room of City Hall, 2525 Circle Drive, Scottsbluff. A notice of the meeting had been published on June 10, 2017 in the Star Herald, a newspaper published and of general circulation in the city. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public. That anyone with a disability desiring reasonable accommodation to attend the council meeting should contact the city clerk's office, and that an agenda of the meeting kept continuously current was available for public inspection at the office of the city clerk in City Hall; provided, the committee could modify the agenda at the meeting if it determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each committee member. An agenda kept continuously current was available for public inspection at the office of the city clerk at all times from publication of the notice to the time of the meeting.

1. Roll Call - The following Board Members were present: Bob Scriptor, Racks; Nathan Johnson, City Manager, Libby Stobel, City Attorney; Police Chief Kevin Spencer; Cindy Dickinson, City Clerk. Absent: Russ Knight, Dietrich Distributing; Mike Halley, Scottsbluff Public Schools; Kelli Larson, Panhandle Prevention Coalition; Schavalla Rivers, WNCC.
2. Open Meeting Act – Acting Chairman Johnson welcomed everyone in attendance and informed those in attendance that a copy of the Nebraska Open Meetings Act is posted on the west wall for the public's review.
3. Call Meeting to Order - The meeting was called to order and Dickinson recorded the proceedings.
4. There were no changes to the agenda.
5. Minutes of the May 11, 2017 meeting - Motion by Stobel, second by Spencer, to approve the May 11, 2017 Minutes, motion passed.
6. New Liquor License applications:
 - a) Class DK Liquor License - Target Store T-0831, 1401 Frontage Road, Scottsbluff, NE. Mr. Scott Marsh, Manager of the Scottsbluff Target Store was present and explained the company's policy regarding the sale of alcohol. Mr. Marsh has been with the local Target store for 18 years. Of the 14 Nebraska Target stores, 13 of them hold Liquor Licenses. Mr. Pat Dytrych is the Corporate Liquor License Manager for all Target stores, however, Mr. Marsh will oversee the liquor license in Scottsbluff and ensure that all laws are followed.

Target has an on-going internal training program and will train 100% of all register operators. Everyone, regardless of age, will need to show an identification to purchase alcohol. Their system does not allow completion of a sale without verification of the identification. The liquor will only be checked at the registers in the front of the store to provide additional security. Cashiers checking alcohol must be 19 years of age or older. The company has a zero tolerance policy if alcohol is sold to a minor. All alcohol is stored in a separate room, which has a video camera.

The public hearing regarding this liquor license application will be held on July 17, 2017 at the Scottsbluff City Council Meeting.

Moved by Scriptor, seconded by Stobel, "to forward a positive recommendation to the Scottsbluff City Council regarding the liquor license application from Target Store T-0831," motion passed.

- b) Class C Liquor License – Peggy McVay dba A Lil Bit of Everything, 1610 Broadway, Scottsbluff, NE.

Ms. Peggy McVay, Owner of the business, explained that she is the only employee at the store. She has completed the Responsible Server Training. The liquor license will enable her to sell wine with the wine accessories she carries in her store.

She will check everyone's identification when selling alcohol. She is also planning on offering tastings, at which time, she will also check identifications. Regarding, inventory, she will be ordering products, and only plans to offer wine. She does not have a security camera, but the wine will be displayed close to the register.

The public hearing regarding this liquor license application will be held June 19, 2017 at the Scottsbluff City Council Meeting.

Moved by Scriptor, seconded by Johnson, "to forward a positive recommendation to the Scottsbluff City Council regarding the liquor license application from Peggy McVay dba A Lil Bit of Everything," motion passed.

The Liquor License Investigatory Board adjourned at 4:45 p.m.

Nathan Johnson, Acting Chairperson

Cindy Dickinson, Secretary