

City of Scottsbluff, Nebraska
Monday, October 21, 2013
Regular Meeting

Item Pub. Hear.1

Council to conduct a public hearing scheduled for this date at 6:05 p.m., for a class C liquor license application for Valley Bowl dba Valley Bowl Fun Center.

Staff Contact: Cindy Dickinson

Agenda Statement

Item No.

For meeting of: October 21, 2013

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 Valley Bowl doing business as Valley Bowl Fun Center, 1702 17th Ave., 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

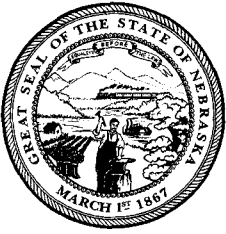
- Exhibit #1 – Application of Valley Bowl Fun Center
- Exhibit #2 – City Council Check List for Neb. Rev. Stat. §53-132 Cum Supp 2002
- Exhibit #3 – Written Statement of Police Chief
- Exhibit #4 – Written Statement of City Clerk
- Exhibit #5 – Written Statement of Planning Administrator

NOTIFICATION LIST: Yes No Further Instructions

Mr. and Mrs. Marlin Duncan
Valley Bowl Center
1702 17th Ave.
Scottsbluff, NE 69361

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev 3/1/99CClerk



Dave Heineman
Governor

STATE OF NEBRASKA

NEBRASKA LIQUOR CONTROL COMMISSION

Hobert B. Rupe

Executive Director

301 Centennial Mall South, 5th Floor

P.O. Box 95046

Lincoln, Nebraska 68509-5046

Phone (402) 471-2571

Fax (402) 471-2814 or (402) 471-2374

TRS USER 800 833-7352 (TTY)

web address: <http://www.lcc.ne.gov/>

September 24, 2013

Scottsbluff City Clerk
2525 Circle Dr
Scottsbluff NE 69361-1779

RE: Valley Bowl Fun Center

Dear Local Governing Body:

Attached is the form to be used on all retail liquor license applications. Local clerks must collect proper license fees and occupation tax per ordinance, if any, before delivering the license at time of issuance.

TWO KEY TIME FRAMES TO KEEP IN MIND ARE:

- 1) Publicize one time not less than 7 days not more than 14 days prior to date of hearing.
- 2) You have 45 days to conduct a hearing after the date of receipt of the notice from this Commission (§53-134). You may choose **NOT** to make a recommendation of approval or denial to our Commission.

PER §53-133, THE LIQUOR CONTROL COMMISSION SHALL SET FOR HEARING ANY APPLICATION WHEREIN:

- 1) There is a recommendation of denial from the local governing body,
- 2) A citizens protest; or
- 3) Statutory problems that the Commission discovers.

PLEASE NOTE A LICENSEE MUST BE "PROPERLY" LICENSED IN ORDER TO PURCHASE FROM WHOLESALERS, AND A LICENSE IS EFFECTIVE:

- 1) Upon payment of the license fees;
- 2) Physical possession of the license;
- 3) Effective date on the license.

Sincerely,

NEBRASKA LIQUOR CONTROL COMMISSION
Michelle Porter
Licensing Division

Enclosures **Janice M. Wiebusch**
Commissioner

Robert Batt
Chairman

William F. Austin
Commissioner

An Equal Opportunity Employer
Printed with soy ink on recycled paper

RECOMMENDATION OF THE NEBRASKA LIQUOR CONTROL COMMISSION

October 24, 2013 MP

Date Mailed from Commission Office: September 24, 2013

I, _____ Clerk of _____ (City, Village or County)

Nebraska, hereby report to the Nebraska Liquor Control Commission in accordance with Revised Statutes of Nebraska, Chapter 53, Section 134 (7) the recommendation of said city, village or county, as the case may be relative to the application for a license under the provisions of the Nebraska Liquor Control Act as applied for by:

Valley Bowl LLC by Valley Bowl Fun Center
1702 17th Ave, Scottsbluff NE 69361 (Scottsbluff County)
NEW APPLICATION for Class C 105076
45 days November 8, 2013

1. Notice of local hearing was published in a legal newspaper in or of general circulation in city, village or county, one time not less than 7 nor more than 14 days before time of hearing.

Check one: Yes _____ No _____

The Statutes require that such hearing shall be held not more than 45 days after the date of receipt of this notice from the Commission.

2. Local hearing was held not more than 45 days after receipt of notice from the Nebraska Liquor Control Commission.

Check one: Yes _____ No _____

3. Date of hearing of Governing Body: _____

4. Type or write the Motion as voted upon by the Governing Body. If additional Motions are made by the Governing Body, then use an additional page and follow same format.

5. Motion was made by: _____ Seconded by: _____

6. Roll Call Vote: _____

7. Check one: The motion passed: _____ The motion failed: _____

8. If the motion is for recommendation of denial of the applicant, then list the reasons of the governing body upon which the motion was made.

(Attached additional page(s) if necessary)

SIGN HERE _____ DATE _____
(Clerks Signature)

**APPLICATION FOR LIQUOR LICENSE
CHECKLIST - RETAIL**

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

QA
New

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Applicant Name Valley Bowl, LLC NEBRASKA LIQUOR CONTROL COMMISSION

Trade Name Valley Bowl Fun Center Previous Trade Name (none) RS

E-Mail Address: valleybowlfuncenter@gmail.com L- **105076**

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

Marlin Duncan
Sandra Duncan

REQUIRED ATTACHMENTS

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

X OK 1. Fingerprint cards for each person (two cards per person) must be enclosed with a check payable to the Nebraska State Patrol for processing in the amount of \$38.00 per person. All areas must be completed on cards as per brochure. To prevent the delay in issuing your license, we strongly suggest you go to any Nebraska State Patrol office. See fingerprint brochure <http://www.lcc.ne.gov/brochures/fingerprint.pdf>.

X OK 2. Enclose application fee of \$400, check made payable to the Nebraska Liquor Control Commission.

X OK 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)

~~No voters~~
~~No D/L - NE~~
~~Copy from cert~~

n/a 4. If building is being leased send a copy of signed lease. Be sure the lease reads in the name of the individual(s), corporation or Limited Liability Company making application. Lease term must run through the license year being applied for.

X OK 5. If building is owned or being purchased send a copy of the deed or purchase agreement in the name of the applicant.

n/a 6. If buying the business of a current liquor license holder:
a) Provide a copy of the purchase agreement from the seller (mu

CK 1002
400 mm
BH
PK



- 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)

n/a 7. If planning to operate on current liquor license; enclose Temporary Operating Permit (T.O.P.)(form 125).

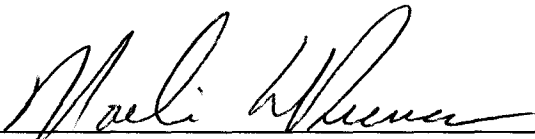
X 8. Enclose a list of any inventory or property owned by other parties that are on the premise.

XOK 9. For citizenship, residency and voter registration requirements see enclosed brochure.

XOK 10. Corporation or Limited Liability Company must enclose a copy of articles of incorporation; as filed with the Secretary of State's Office. This document must show barcode.

X OK 11. Submit a copy of your business plan.

I acknowledge that this application is not a guarantee that a liquor license will be issued to me, and that the average processing period is 60 days. Furthermore, I understand that all the information is truthful and I accept all responsibility for any false documents.



Signature

20 AUG 13

Date

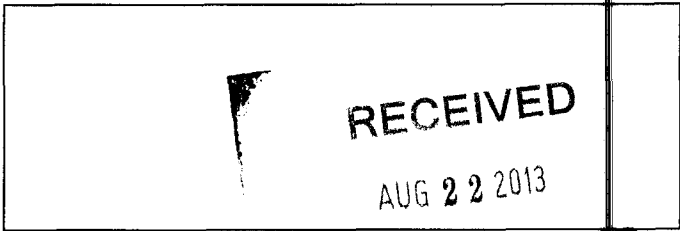
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**APPLICATION FOR LIQUOR LICENSE
RETAIL**

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.ne.gov/



**NEBRASKA LIQUOR
CONTROL COMMISSION**

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

RETAIL LICENSE(S)

Application Fee \$400 (non refundable)

- A BEER, ON SALE ONLY
- B BEER, OFF SALE ONLY
- C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE
- D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY
- I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
- AB BEER, ON AND OFF SALE
- AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
- IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY
- ID BEER, WINE, DISTILLED SPIRITS ON AND OFF SALE

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

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

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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

**NEBRASKA LIQUOR
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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 Mr. Rick Ediger Phone number: 308-632-3811

Firm Name Simmons Olsen Law Firm, PC

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PREMISE INFORMATION

Trade Name (doing business as) Valley Bowl Fun Center

Street Address #1 1702 17th Ave

Street Address #2 _____

City Scottsbluff County Scotts Bluff Zip Code 69361

Premise Telephone number 308-641-3138 E-mail valleybowlfuncenter@gmail.com

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

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

Name Valley Bowl, LLC

Street Address #1 1702 17th Ave

Street Address #2 _____

City Scottsbluff State NE Zip 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-premise consumption liquor licenses minimum standards must be met by providing at least two restrooms

Length 37' feet

Width 24' feet

165' x 100'

Is there a basement? Yes No

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

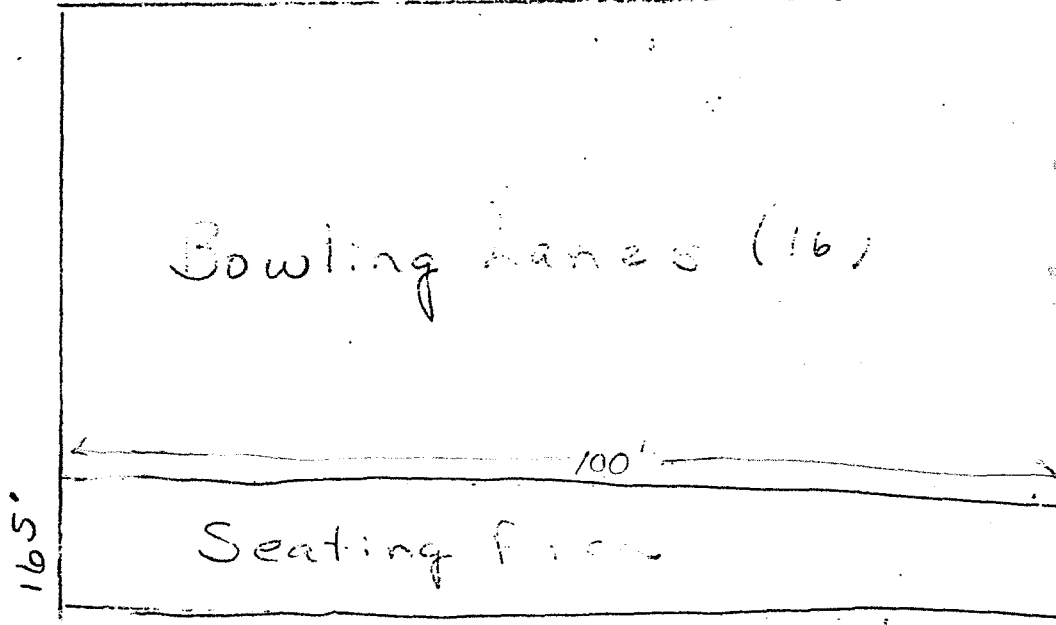
SAND VOLLEY BALL/PATIO 75' x 150'

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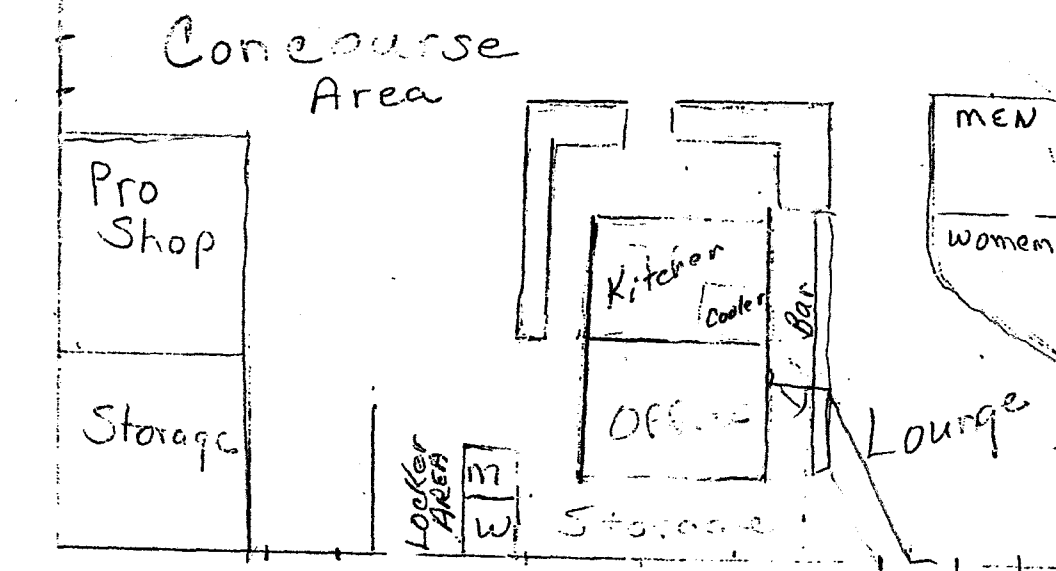
Outside Building Measurements

100'



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LICENSING:

- SEATING AREA
- CONCOURSE AREA
- LOUNGE
- SMOKING / SAND VOLLENBALL
- FENCED IN AREA

Smoking area
+
Sand Volleyball
Courts (2)

SH
95'

79'

One story bldg approx 100' x 165' plus
beer garden approx 89' x 95' OK per Marlene phone

Valley Bowl Licensed Area Description

The Valley Bowl building is approx. 160' x 100' with an adjacent fenced in beer garden/sand volleyball area that measures 80' x 100'. Depicted on the diagram submitted, we are requesting to license approx. 60' x 160' of the premises that would include the bowling seating area, the concourse area and the lounge area. We are also requesting to license the fenced in beer garden area as well.

*See diagram
desc.
ok per
phone - Martin*

APPLICANT INFORMATION

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

YES NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition

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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

NEBRASKA LIQUOR CONTROL COMMISSION

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

YES NO

If yes, give name and license number

94051 - LAST - License
91165
C-61686 Valley Bowl Fun Center

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

YES NO

If yes:

- a) Attach temporary operating permit (T.O.P.) (form 125)
- b) T.O.P. 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 Companies

Liquor Inventory

No alcohol was found on the property at the time that we took possession of the property.



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

YES NO

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

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

YES NO

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

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

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

Platte Valley Bank - Marlin L & Sandra A Duncan

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

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

- a) Individual, applicant only (no spouse)
- b) Partnership, all partners (no spouses)
- c) Corporation, manager only (no spouse) as listed on form 3c
- d) Limited Liability Company, manager only (no spouse) as listed on form 3c

See Att. copy cert's

Applicant Name	Date Trained (mm/yyyy)	Name of program where trained (name, city)
Marlin L Duncan	08/2013	SURESELL NEBRASKA (online)
Sandra A Duncan	08/2013	SURESELL NEBRASKA (online)

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 _____
- Deed _____
- Purchase Agreement _____

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14. When do you intend to open for business? 29 August 2013

15. What will be the main nature of business? Bowling

16. What are the anticipated hours of operation? 2:00pm - 11:00pm

NEBRASKA LIQUOR CONTROL COMMISSION

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

RESIDENCES FOR THE PAST 10 YEARS. APPLICANT AND SPOUSE MUST COMPLETE					
APPLICANT: CITY & STATE	YEAR		SPOUSE: CITY & STATE	YEAR	
	FROM	TO		FROM	TO
Gering, NE	2013	2013	Gering, NE	2006	2013
Cheyenne, WY	2006	2013	Cheyenne, WY	2006	2013
Scottsbluff, NE	2000	2006	Scottsbluff, NE	2000	2006

If necessary attach a separate sheet.

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NEBRASKA LIQUOR CONTROL COMMISSION

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SureSell

CERTIFICATE OF COMPLETION

This is to Certify that

Marlin Duncan

has met all training requirements and successfully completed the following course and/or exam.

SureSell Nebraska Alcohol Server Training

August 18, 2013

Expiration Date: August 17, 2016

Diversys Learning, Inc.
1101 Arrow Point Drive, Suite 302
Cedar Park, TX 78613

SureSellNow.com



Authorized Signature

This course is approved by the Nebraska Liquor Control Commission (LCC). This training complies with all standards under Title 237 of Nebraska State Law.

State of Nebraska - Vehicle Registration E 4817972

State of Nebraska - Registration Receipt

201309191512746
201309191511100

CHENNS GREENLEY COUNTY TREASURER
SCOTT S BLUFF CO. - GERIING, NE 69341

Title Number	Type/Class	Series Year	Tax Flag	Reg. Weight	Tax
2112026	TC TC	11		3 Tons	
Reg Number	Reg Type	Reg Date	Exp Date		
20190042163	NR	9/18/2013	SEP 2014		
V.I.N.	Title Number	Title Pld			
1GCEK18T8Y270B54	1268270036	37.10			
Vehicle Info	CHEVROLET	GAS	30W EXTEND CAB		
2000	SILVERADO K1500				
MAR					
Owner Info					
DUNCAN SANDRA A					
1540 16TH STREET					
GERIING NE 69341					
PC					
RENEWALS MOVE IN FROM WYOMING					9/19/2013
Tax District 41 MSRP 28,924 2012 Make Year CHEVROLET 00 Model SILVERADO K1500 State 30W EXTEND CAB V.I.N. 1GCEK18T8Y270B54 Reg Date 9/19/2013 Exp Date SEP 2014 1326270036 990450					MOTOR VEHICLE CORR REG. FE PLATE TITLING

Requests for refunds or credits of fees upon loss of possession ownership of motor vehicle must be made within sixty days of loss or transfer.

SureSell^{now}

CERTIFICATE OF COMPLETION

This is to Certify that

Sandra Duncan

has met all training requirements and successfully completed the following course and/or exam.

SureSell Nebraska Alcohol Server Training

August 18, 2013

Expiration Date: August 17, 2016

Diversitys Learning, Inc.
1101 Arrow Point Drive, Suite 302
Cedar Park, TX 78613
SureSellNow.com

[Signature]
Authorized Signature

This course is approved by the Nebraska Liquor Control Commission (LCC). This training complies with all standards under Title 20 of Nebraska State Law.

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>

Mauli Khanna
Signature of Applicant

Sandra L. Duncan
Signature of Spouse

Sandra L. Duncan
Signature of Applicant

Mauli Khanna
Signature of Spouse

Signature of Applicant

Signature of Spouse

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RECEIVED

Signature of Applicant

Signature of Spouse

SEP 16 2013

AUG 22 2013

Signature of Applicant

NEBRASKA LIQUOR CONTROL COMMISSION

Signature of Spouse

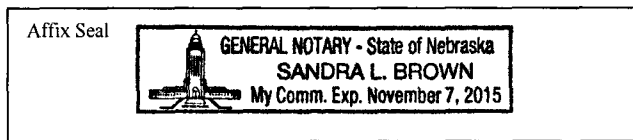
NEBRASKA LIQUOR CONTROL COMMISSION

ACKNOWLEDGEMENT

State of Nebraska
County of Scotts Bluff
21st day of Aug 2013 by _____
date

The foregoing instrument was acknowledged before me this
Martin Duncan
Sandra Duncan
name of person acknowledged

Sandra L. Brown
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.

**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.ne.gov

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

Corporate manager, including their spouse, are required to adhere to the following requirements

- 1) Must be a citizen of the United States
- 2) Must be a Nebraska resident (Chapter 2 – 006) and must provide proof of voter registration in the State of Nebraska
- 3) Must provide a copy of one of the following: state issued US birth certificate, naturalization paper or US passport
- 4) Must submit fingerprints (unless a non-participating spouse) (2 cards per person) and fees of \$38 per person, made payable to Nebraska State Patrol
- 5) Must be 21 years of age or older
- 6) May be required to take a training course

Corporation/LLC Information

Name of Corporation/LLC: Valley Bowl, LLC

Premise Information

Premise License Number: _____

(if new application leave blank)

Premise Trade Name/DBA: Valley Bowl Fun Center

Premise Street Address: 1702 17th Ave

City: Scottsbluff State: NE Zip Code: 69361

Premise Phone Number: 308-632-2695

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. Click on this link to see authorized individuals.
http://www.lcc.ne.gov/license_search/licsearch.cgi

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

NEBRASKA www.dmv.ne.gov
USA NE

OPERATORS LICENSE

4a License No. H12508585 4a ISS 09-19-2013
 3 DOB 05-20-1963 4b EXP 10-19-2013
 5a End NONE 5 Class O
 12 Rest. NONE

16 Sex M 16 Hgt 511 17 Wgt 210
 18 Eyes BRO 19 Hair BRO

WITH DRIVING PRIVILEGES

1 MARLIN L DUNCAN
 2 1540 18TH ST
 GERING, NE 69341

M. L. Duncan

Fee \$28.00 DONOR

NEBRASKA www.dmv.ne.gov
USA NE

OPERATORS LICENSE

4a License No. G21032528 4a ISS 09-19-2013
 3 DOB 05-14-1961 4b EXP 10-19-2013
 5a End NONE 5 Class O
 12 Rest. NONE

16 Sex F 16 Hgt 506 17 Wgt 110
 18 Eyes BRO 19 Hair B

WITH DRIVING PRIVILEGES

1 SANDRA A DUNCAN
 2 1540 18TH ST
 GERING, NE 69341

Sandra Duncan

Fee \$28.00 DONOR

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2003	2013	Wy Air Nat'l Guard	Col Gerald Champlin	307-772-6332
2006	2008	Wy State Engineers	Martin Zimmerman	307-777-5956

1. **READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY. Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.**

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

YES NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition
				RECEIVED
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				AUG 22 2013
				SEP 16 2013
				NEBRASKA LIQUOR CONTROL COMMISSION
				NEBRASKA LIQUOR CONTROL COMMISSION

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state? YES NO
IF YES, list the name of the premise.

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business? YES NO
4. Have you enclosed the required fingerprint cards and **PROPER FEES** with this application? (Check or money order made payable to the **Nebraska State Patrol for \$38.00 per person**)
 YES NO
5. List any alcohol related training and/or experience (when and where).
 SURESELL On-Line Training (online, Aug 13). USAirForce (Annually, 2010-2013)

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.

Macli Brown
Signature of Manager Applicant

Sandra L. Duncan
Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska

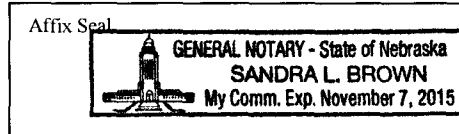
County of *Scotts Bluff*

The foregoing instrument was acknowledged before me this

21st day of Aug. 2013
date

by *Marlin Duncan*
Sandra Duncan
name of person acknowledged

Sandra L. Brown
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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Form 103
Rev 1/2012
Page 5 of 5

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.ne.gov

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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 (2 cards per person)
- 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 (Articles must show barcode receipt by Secretary of States office)

Name of Registered Agent: Simmons Olsen Law Firm, PC

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

Valley Bowl, LLC # 10180639

LLC Address: 1702 17th Ave

City: Scottsbluff State: NE Zip Code: 69361

LLC Phone Number: 308-632-2695 LLC Fax Number none

Name of Managing/Contact Member

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

Last Name: Duncan First Name: Marlin MI: L

Home Address: 1540 16th Street City: Gering

State: NE Zip Code: 69341 Home Phone Number: 308-641-3138

Signature of Managing/Contact Member

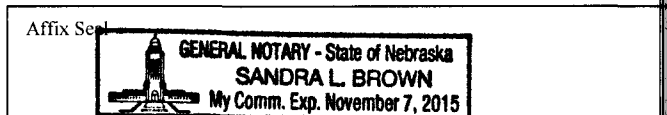
ACKNOWLEDGEMENT

State of Nebraska
County of Scotts Bluff

21st day of Aug 2013
Date

The foregoing instrument was acknowledged before me this

by Marlin Duncan
name of person acknowledged



FORM 102
REV 12/2010
Page 1 of 4

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

YES

NO

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

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: January Ending Date: December

Is this a Non Profit Corporation?

YES

NO

If yes, provide the Federal ID #. _____

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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.

FORM 102
REV 12/2010
Page 4 of 4

Nebraska Secretary of State

- John A. Gale

Business Services

Home » Corporation and Business Entity Searches

Wed Sep 18 14:15:57 2013

For Letters of Good Standing (\$6.50), Certificates of Good Standing (\$10.00), and/or images (\$0.45 per page) of documents filed with the Secretary of State please click the corresponding service below:

NEW SEARCH

[Back to Search Results](#)

Pay Services:

[Online Images of Filed Documents](#) | [Good Standing Documents](#)

Entity Name	SOS Account Number		
VALLEY BOWL, LLC	10180639		
Principal Office Address	Registered Agent and Office Address		
No address on file	SIMMONS OLSEN LAW FIRM, P.C. 1502 SECOND AVENUE SCOTTSBLUFF, NE 69361		
Designated Office Address			
1702 17TH AVENUE SCOTTSBLUFF, NE 69361			
Nature of Business	Entity Type	Date Filed	Account Status
Not Available	Domestic LLC Qualifying State: NE	Aug 14 2013	Active

Pay Services:

Click on the pay service items you wish to view. Your Nebraska Online account will be charged the indicated amount for each item you view.

- Images of Filed Documents

If an item is a link, the document may be retrieved online, otherwise you must contact the Secretary of State's office to obtain a copy of the document.

Code	Trans	Date	Price
CRT0	Certificate of Organization	Aug 14 2013	\$0.45 = 1 page(s) @ \$0.45 per page

- Letter of Good Standing

I require a Letter of Good Standing for this Corporation. - This is an online/electronic Letter of Good Standing which is immediately available for viewing or printing and will be charged to your Nebraska.gov account. \$6.50

**CERTIFICATE OF ORGANIZATION
OF
VALLEY BOWL, LLC**


1. **Name:** The name of the Company shall be Valley Bowl, LLC.
2. **Initial Designated Office:** The initial designated office of the Company shall be:

1702 17th Avenue
Scottsbluff, NE 69361

3. **Initial Agent for Service of Process:** The name and address of the initial agent for service of process is:

Simmons Olsen Law Firm, P.C.
1502 Second Avenue
Scottsbluff, NE 69361

Dated: August 13, 2013.


Marlin L. Duncan, Member

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NEBRASKA LIQUOR
CONTROL COMMISSION



2013-4695

NUM PAGES 1
 DOC TAX \$618.75 CHG _____
 FEES \$10.00 CHG _____
 TOTAL \$628.75
 REC'D Ferguson Title Services, LLC
 RET _____

NUM INDEX _____
 COMPUTER _____
 PICTURED _____
 IMAGED _____

NEBRASKA DOCUMENTARY
 STAMP TAX
 Aug 23, 2013
 \$ 618.75 By JBauer

RECORDED
 SCOTTS BLUFF COUNTY, NE

Date Aug 23, 2013 Time 02:47 PM

Inst. 2013-4695

Jean A. Bauer
 REGISTER OF DEEDS
 ELECTRONICALLY RECORDED

Return to:
 Ferguson Title Company
 P.O. Box 92
 Scottsbluff, NE 69363

WARRANTY DEED

Alyssa Frank, single (the "Grantors"), in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is acknowledged, conveys to Valley Bowl, LLC, a Nebraska limited liability company (the "Grantees"), the following described real estate (as defined in Neb. Rev. Stat. §76-201) in Scotts Bluff County, Nebraska (the "Real Estate"):

Block 4, East Portal Village Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska.

And

Lot 2, Subdivision of Block 9, East Portal Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska

The Grantor covenants with the Grantee that the Grantor:

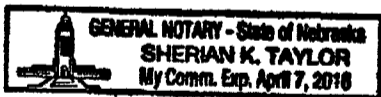
- (1) is lawfully seised of the Real Estate and that the Real Estate is free from encumbrances except subject to easements, restrictions, reservations, and rights-of-way of record;
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend the title to the real estate against the lawful claims of all persons.

Dated: August 23, 2013.

Alyssa Frank by Cousie Frank POA
 Alyssa Frank

State of Nebraska, County of Scotts Bluff: ss.

This Warranty Deed was acknowledged before me on August 23, 2013, by Alyssa Frank, single.



Sherian K. Taylor
 Notary Public

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 CONTROL COMMISSION

CHECK LIST

Neb. Rev. Stat. §53-132 Cum. Supp. 2002

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 E Spencer, Chief of Police
Date: 10/15/2013
Re: Application for a Class C Retail Liquor License number C-105076 in the name of Marlin Duncan, Valley Bowl LLC dba/Valley Bowl Fun Center 1702 17th Ave Scottsbluff, Nebraska 69361

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

A background check was conducted on Marlin Duncan as a means to determine his fitness to hold a liquor license. Marlin did not report any convictions on his application nor were any found during our background investigation.

Marlin and Sandra Duncan met with me on Friday October 11th, 2013 to discuss the liquor license application.

Marlin reported that he did not have any experience in the retail liquor industry but did have considerable experience with alcohol education and prevention at the F. E. Warren Air Force Base in Cheyenne while stationed there. Sandra reported having worked in several liquor type establishments.

Based on the information gather during the background investigation and my interview of the Duncan's, I find no reason to believe the applicant is not fit to hold a liquor license.

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

Any operator must adhere to the existing laws while doing business in the community and adhere to acceptable business practices. Marlin Duncan reported that he will manage the business adding that it will be somewhat of a family run business for some time. Marlin and Sandra reported that they do not have a formal policy but plan to terminate anyone that is responsible for a violation. Marlin and Sandra stated that they also plan to have formal policies that will be provided to employees in an employee handbook.

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:

Marlin Duncan reported that the business has a locked room that is designed to store the alcohol which is where he will store his. Marlin stated that the beer will be stored in the cooler so that it can be kept cool. Sandra stated that it will be her duty to inventory the liquor and beer. Sandra said that she plans to conduct the inventory most likely weekly, explaining they are still working on details.

The applicant stated that the business currently has an intrusion alarm and he is considering some type of interior video camera system.

Marlin stated that both Sandra and he have attended training and plan to require anyone of their employees that handle alcohol to do the same. Marlin and Sandra both stated that they will require wrist bands on nights when there is mixed age groups. Marlin explained when a customer provides proper identification and is of legal age they will receive a wrist band. Marlin stated this will help his employees ensure that only customers who have provided proof of legal age consume alcohol. Sandra told me that they will also require everyone who is drinking from a pitcher of beer to show legal identification before receiving a glass.

The applicant has provided a business plan that explains what they intend to accomplish with regards to maintaining a successful and hopefully profitable business.

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 hours of operation of the establishment will be from 02:00 pm to 11:00 pm daily.

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

SPECIFIC ISSUES COMMISSION MAY CONSIDER

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

There have been no known citizen protests of this business.

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

The business is located at 1702 17th Ave Scottsbluff, NE. It is a business that will attract customers during the afternoon and evening hours seven days a week Sunday through Saturday. Its location is easily accessible and convenient for customers. I would not anticipate any issues with location.

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

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

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

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

(I) The adequacy of existing law enforcement:

The Scottsbluff Police Department is allowed 32 full time officers in the department and handled approximately 15,000 incidents, not including traffic citations during 2012. The number of liquor licenses within the jurisdictional boundaries of the Police Department, regardless of the class, continues to be a concern to the Police Department and even routine monitoring of their business practices is difficult. Compliance checks continue to remain a concern to those businesses that sell alcohol to minors. The Nebraska State Patrol has assumed liquor law enforcement duties and their wide jurisdiction generally precludes any particular focus in the city.

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

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

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

EXHIBIT IV

Memo

Date: October 21, 2013
To: Honorable Mayor Meininger and Members of the City Council
From: Cindy Dickinson, City Clerk
CC: Rick Kuckkahn, City Manager
Re: Application of Valley Bowl dba Valley Bowl Fun Center

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

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

Class of License

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

Class A Licenses

Restaurants

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

726 West 27th Street
2203-07 Broadway

Total Class A Licenses 2

Class B Licenses

Convenience Stores

Total Class B Licenses 0

Class C Licenses

Restaurants

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

802 21st Avenue
18 East 16th Street

Hotel/Motel

Holiday Inn Express
Candlelight Inn & Lounge

1821 Frontage Rd.
1822 East 20th Place

Taverns/Lounges

Hight's Tavern
Silver Saddle Lounge (submitted request for change of location)
18th Street Bar and Grille
Bob's Garage & Bar
Lucky Keno LLC dba FrontSide
El Tequila

20 West 18th Street
610 W. 27th St. Unit A
1722 Broadway
1907 Broadway
1001 Avenue I
1619 East Overland

Retail

Racks (Catering)
Panhandle Cooperative Assn. (Catering)

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

Clubs

Elks BPO Lodge 1367
The Sugar Club

1614 1st Avenue
705 East Overland

TOTAL CLASS C LICENSES 14

Class D Licenses

Grocery Stores

Safeway of Western Nebraska

601 Broadway

Convenience Stores

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

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

Liquor Stores

Dermer's
Liquor Cabinet (Catering)
Cigarette Chain

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

Discount/Grocery Stores

Big Kmart #7024
Wal-Mart Supercenter #867

802 East 27th Street
3322 Avenue I

TOTAL CLASS D LICENSES 16

CLASS I LICENSES

Restaurants

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

Bowling Alleys

Theater

Hotel/Motel

Hampton Inn & Suites	301 W Hwy 26
----------------------	--------------

TOTAL CLASS I LICENSES 12

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
Class D	16
Class I	12
Class W	1
TOTAL LICENSES	45

Memo

Date: September 27, 2013
To: Honorable Mayor and City Council
From: Staff, Development Services
CC: Rick Kuckkahn
Re: Class "C" Liquor License Application
Valley Bowl LLC by Valley Bowl Fun Center
1702 17th Avenue
Scottsbluff, NE 69361

Action:

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

- (1) The property is situated in aC-2 Neighborhood and Retail Commercial zoning district where the proposed use is permitted by right pursuant to the City's Zoning Ordinance, Chapter 25, of the City's Municipal Code of Ordinances.
- (2) The area surrounding the Valley Bowl Fun Center property provides adequate off-street parking for the center. Municipal Code 25-5-1(2) requires that a bowling alley must have six parking spaces per lane. Parking will comply with these requirements.
- (3) The business is situated at the northwestern corner of the intersection of 17th Avenue and East 17th Street. Occupancy of the building as a bowling facility would not adversely affect the surrounding neighborhood, as there are no public or private institutions in close proximity to the subject property.
- (4) There are no churches, schools or other similar institutions within 500 feet of the subject property.
- (5) The existing population of Scottsbluff is approximately 15,039.