

**CITY OF GREEN RIVER
CITY COUNCIL MEETING
AGENDA DOCUMENTATION**

Preparation Date: December 7, 2011	Submitting Department: Finance
Meeting Date: January 10, 2012	Department Director: Jeff Nieters
	Requested by: Deputy City Clerk, Zaundra Hamilton

SUBJECT: Public Hearing to Transfer the Retail Liquor License from Bon Ton Roulet doing business as Clearview Bowling Center to Eckone, LLC doing business as Clearview Bowling Center

PURPOSE STATEMENT

To give the public the opportunity to voice their concerns about the transfer of the Retail Liquor License from Bon Ton Roulet to Eckone, LLC.

BACKGROUND/ALTERNATIVES

The Governing Body and the public should consider the following questions during the hearing.

- a. What factual information was presented at the hearing?
- b. Do existing licenses or permits meet the needs of the community?
- c. Have the desires of the residents been met or satisfied?
- d. Have other reasonable restrictions or standards imposed by the City been met or carried out?
- e. Will the welfare of the people residing in the vicinity be adversely or seriously affected?

ATTACHMENTS: Notice of Public Hearing

FISCAL IMPACT: None

STAFF IMPACT: None

LEGAL REVIEW: Sent to City Attorney December 29, 2011

RECOMMENDATION : none

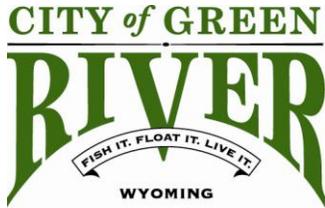
PUBLIC NOTICE

NOTICE OF APPLICATION FOR THE TRANSFER A RETAIL LIQUOR LICENSE

Notice is hereby given that on the 6th day of December, 2011, ECKONE, LLC dba Clearview Bowling Alley, 1410 Uinta Dr., Green River, Wyoming, filed an application to transfer the Retail Liquor License from BON TON ROULET, dba Clearview Bowling Alley, Green River, Wyoming; and protest, if any there be, against the transfer of this retail liquor license will be heard before the Governing Body of the City of Green River at the hour of 6:30 p.m. on the 10th day of January, 2012, in Council Chambers at City Hall, 50 East 2nd North, Green River, Wyoming.

Publish: December 14, 21, 28, 2011 & January 4, 2012

(s)Jeff Nieters
City Clerk



**CITY OF GREEN RIVER
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AGENDA DOCUMENTATION**

Preparation Date: December 7, 2011	Submitting Department: Finance
Meeting Date: January 10, 2012	Department Director: Jeff Nieters
	Requested by: Deputy City Clerk, Zaundra Hamilton

SUBJECT: Transfer of the Retail Liquor License from Bon Ton Roulet doing business as Clearview Bowling Center to Eckone, LLC doing business as Clearview Bowling Center

PURPOSE STATEMENT

To approve or disapprove the transfer of the Retail Liquor License from Bon Ton Roulet to Eckone, LLC

BACKGROUND/ALTERNATIVES

A public notice was posted at the premises and published from December 14, 2011 through January 4, 2012.

The application form was denied per the W.S. 12-4-103 (a) (iii) by the Liquor Division because of a discrepancy (Incomplete or unanswered question – Question #2 was not completed regarding the ownership or lease of property)

ATTACHMENTS: Liquor License letter and transfer application

FISCAL IMPACT: None

STAFF IMPACT: None

LEGAL REVIEW: The application was sent to the city attorney for review on December 29, 2011.

RECOMMENDATION : Staff recommends to deny

SUGGESTED MOTION:

I move to deny the transfer of the Retail Liquor License from Bon Ton Roulet to Eckone, LLC



1520 E 5th Street, Cheyenne, Wyoming 82002-0110

MATTHEW H. MEAD
Governor
EDMUND J. SCHMIDT
Director
GREG COOK
Administrator
Phone (307) 777-7231
Fax: (307) 777-6255
Website: <http://revenue.state.wy.us>

December 15, 2011

GREEN RIVER CITY CLERK
50 E 2ND N
GREEN RIVER, WY 82935

Re: CLEARVIEW BOWLING CENTER

Applicant: ECKONE LLC

We are in receipt of the liquor license and/or permit application for the above applicant and find the following discrepancies.

- _____ Clerk information-
- _____ Dispensing room-
- Incomplete or unanswered questions- **Question 2 was not completed.**
- _____ Application notarized-
- _____ Lease term-
- _____ Lease alcohol provision-
- _____ Drawing/suitable plans-
- _____ Financial condition statement-
- _____ Food service permit-
- _____ Secretary of State-

Additional comments:

Note: No Licensing Authority shall Approve or Deny the application until the Liquor Division has certified the application complete. (12-4-104(d) Your prompt attention in this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Montoya".

Agent: Tom Montoya (307) 777-6453

Please make corrections on the application for further reference and return this memo along with the information. Only copies of the corrected pages need to be returned.

**FOR NEW LICENSES AND TRANSFER
LICENSE AND/OR PERMIT APPLICATION
FOR LIQUOR, COUNTY MALT BEVERAGE, LIMITED, WINERY OR MICROBREWERY**

To be completed by the City, Town or County Clerk:

Date Filed: 12, 6, 11

	<u>Annual Fee</u>	<u>Prorated Fee</u>
Basic Fee:	\$ _____	\$ _____
Add'l Dispensing Room Fee:	\$ _____	\$ _____
Transfer Fee:	\$ _____	
Total License Fee	\$ _____	\$ _____
Collected Publishing Fee Collect:	\$ <u>90.00</u>	

Required Attachments Received: Yes

Advertising Dates(4): 12/14, 21, 28/2011 + 1/5/2012

Hearing Date: 01 10 112

Local Licensing Number: 17

For the license term: 01 1 112
Month Day Year

Through: 03 31 112
Month Day Year

A copy must be immediately forwarded to:
State of Wyoming Liquor Division
1520 E 5th Street
Cheyenne WY 82002-0110

Formerly Held by: BONTON ROULET

Applicant: ECKONE, LLC

Trade Name (dba): CLEARVIEW BOWLING CENTE

Premise Address: 1410 VINTA DRIVE
Number & Street

GREEN RIVER WY 82935 SWEETWA
City State Zip County

Mailing Address: 1305 CUMBERLAND AVE STE 21
Number & Street or P.O. Box

WEST LAFAYETTE IN 47906
City State Zip

Business Telephone Number: 765-463-6700 307-875-269

Fax Number: 765-463-6777

E-Mail Address: neal9iron@aol.com

LICENSING AUTHORITY: Begin publishing promptly. As W.S. 12-4-104(d) specifies: **NO LICENSING AUTHORITY SHALL APPROVE OR DENY THE APPLICATION UNTIL THE LIQUOR DIVISION HAS CERTIFIED THE APPLICATION IS COMPLETE.**

<p>FILING FOR</p> <input type="checkbox"/> NEW <input type="checkbox"/> TRANSFER LOCATION <input checked="" type="checkbox"/> TRANSFER OWNERSHIP	<p>TYPE OF LICENSE OR PERMIT (CHOOSE ONLY ONE)</p> <input checked="" type="checkbox"/> RETAIL LIQUOR LICENSE <input type="checkbox"/> on-premise only <input type="checkbox"/> off-premise only <input checked="" type="checkbox"/> combination on/off premise <input type="checkbox"/> RESTAURANT LIQUOR LICENSE <input type="checkbox"/> RESORT LIQUOR LICENSE <input type="checkbox"/> COUNTY RETAIL or SPECIAL MALT BEVERAGE PERMIT <input type="checkbox"/> VETERANS CLUB <input type="checkbox"/> FRATERNAL CLUB <input type="checkbox"/> GOLF CLUB <input type="checkbox"/> SOCIAL CLUB <input type="checkbox"/> MICROBREWERY <input type="checkbox"/> WINERY <input type="checkbox"/> BAR AND GRILL <input type="checkbox"/> LOCATED WITHIN 5 MILES OF CITY (County License only)	<p>To Assist the Liquor Division with scheduling inspections:</p> <p>DO YOU OPERATE?</p> <input checked="" type="checkbox"/> FULL TIME (e.g. Jan through Dec) <input type="checkbox"/> SEASONAL/PART-TIME (specify months of operation) from _____ to _____
<p>FILING IN (CHOOSE ONLY ONE)</p> <input checked="" type="checkbox"/> CITY OF <u>GREEN RIVER</u> <input type="checkbox"/> COUNTY OF _____		<p>DAYS OF WEEK (e.g. Mon through Sat) <u>MONDAY TO SATURDAY</u></p> <p>HOURS OF OPERATION (e.g. 10a - 2a) <u>10AM - 2AM - MON - SAT</u> <u>SUNDAY NOON - 10PM</u></p>
<p>FILING AS (CHOOSE ONLY ONE)</p> <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION <input type="checkbox"/> LTD PARTNERSHIP <input type="checkbox"/> ASSOCIATION <input type="checkbox"/> ORGANIZATION	<input checked="" type="checkbox"/> LLC <input type="checkbox"/> LLP	

1. Location of License:

(a) Give a description of the dispensing room and state where it is located in the building (e.g. 10x12 room in SE corner of 1st floor of building). If the building is not in existence, provide the location and an architect's drawing or suitable plans of the room and premises to be licensed: If Winery or Microbrewery, also list manufacturing facility. W.S. 12-4-102(a)(i): (Please submit a drawing of dispensing room)

60'X 70' ROOM - IN SE CORNER OF BOWLING ALLEY

(b) Do you have an additional dispensing room? YES NO If yes, provide description and location:

(c) Provide the legal description and the zoning of the site where the applicant will conduct business:

5.07 ACRES, SECTION 27, T18N, R107, SIXTH PM ZONED B-1

2. Do you W.S. 12-4-103 (a) (iii): SEE COURT ORDER RECEIVERSHIP. PAGE 3 LETTER K

(1) OWN the building in which sales room is located? YES (own)

(2) LEASE the building in which sales room is located? YES (lease)

(A) DATE lease expires _____ located on page _____ paragraph _____ of lease document.

(B) Provision for SALE of alcoholic or malt beverages located on page _____ paragraph _____ of lease.

NOTE: Attach a true copy of the lease to application. Lease MUST contain provision for SALE OF ALCOHOLIC or MALT BEVERAGES and be valid THROUGH the TERM OF THE LICENSE W.S. 12-4-103(a)(iii).

3. Have you already assigned, leased, transferred or do you intend to assign, lease, transfer, contract or in any other manner agree with any person or firm other than yourself as licensee to operate and assert control or partial control of the license and the licensed room to carry on the licensed liquor business? YES NO

4. Does any manufacturer, brewer, rectifier, wholesaler, or through a subsidiary affiliate, officer, director or member of any such firm: W.S. 12-5-401, 12-5-402, 12-5-403

- (a) Hold any interest in the license applied for? YES NO
- (b) Furnish by way of loan or any other money or financial assistance for purposes hereof in your business? YES NO
- (c) Furnish, give, rent or loan any equipment, fixtures, interior decorations or signs other than standard brewery or manufacturer's signs? YES NO
- (d) If you answered YES to any of the above, explain fully and submit any documents in connection therewith:

5. Does applicant have any interest or intent to acquire an interest in any other retail liquor license to be issued by this licensing authority? W.S. 12-4-103(b) YES NO
If "YES", explain: _____

6. Is applicant a mayor, member of a city or town council, or member of the board of county commissioners within the jurisdiction of this licensing authority? W.S. 12-4-103(a)(i) YES NO

7. Is applicant employed by the State, City or Town, or County as a law enforcement officer, or hold office as a law enforcement officer through election? W.S. 12-4-103(a)(ii) YES NO

RESTAURANT OR BAR AND GRILL LICENSE: Complete questions 8(a) and 8(b):

- 8. (a) Have you submitted a valid food service permit upon application? W.S. 12-4-407(a) W.S. 12-4-413(a) YES NO
- (b) Was your dispensing room for alcoholic and/or malt beverages in existence and open for consumption purposes prior to February 1, 1979? W.S. 12-4-410(b) YES NO N/A

RESORT LICENSE: Complete questions 9(a) through 9(c):

- 9. (a) Is the actual valuation of the resort complex at least one million dollars, or have you committed or expended at least one million dollars (\$1,000,000.00) on the complex, excluding the value of the land? W.S. 12-4-401(b)(i) YES NO
- (b) Does the resort complex include a restaurant and a convention facility which will seat at least one hundred (100) persons? W.S. 12-4-401(b)(ii) YES NO
- (c) Does the resort complex include motel or hotel accommodations with at least one hundred (100) sleeping rooms? W.S. 12-4-401(b)(iii) YES NO

MICROBREWERY AND/OR WINERY LICENSE: Complete questions 10 through 11:

10. Is premise to be co-existent with a retail, restaurant, resort or bar and grill liquor license? W.S. 12-4-412(b)(iii) YES NO

If "YES", please specify type: Microbrewery Winery Retail
 Restaurant Resort Bar & Grill:

- 11. (a) Do you self distribute your products? YES NO
- (b) Do you distribute your products through an existing malt beverage wholesaler? YES NO

ORGANIZATION AND/OR CLUB LICENSE: Complete questions 12 through 15 as applicable:

12. **FRATERNAL CLUBS** W.S. 12-1-101(a)(iii)(B)

- (a) The name and address of the grand lodge or national organization is: _____
- (b) Does lodge or fraternal organization hold a charter from a national organization or national grand lodge? YES NO
- (c) Has the fraternal organization been actively operating in at least thirty-six (36) states? YES NO
- (d) Has the fraternal organization been actively in existence for at least twenty (20) years? YES NO

13. **VETERANS CLUBS** W.S. 12-1-101(a)(iii)(A):

- (a) The name and address of the National Veterans organization is: _____
- (b) Has the Veteran's organization been chartered by the Congress of the United States for patriotic, fraternal or benevolent purposes? YES NO
- (c) Is the membership of the Veteran's organization comprised only of Veterans and its duly organized auxiliary? YES NO

14. SOCIAL CLUBS W.S. 12-1-101(a)(iii)(E):

- (a) Do you have more than one hundred (100) bona fide members who are residents of the county in which the club is located? YES NO
- (b) Is the club incorporated and operating solely as a nonprofit organization under the laws of this state? YES NO
- (c) Is the club qualified as a tax exempt organization under the Internal Revenue Service? YES NO
- (d) Has the club been in continuous operation for a period of not less than one (1) year? YES NO
- (e) Has the club received twenty-five dollars (\$25.00) from each bona fide member as recorded by the secretary of the club and are club members at the time of this application in good standing by having paid at least one (1) full year in dues? YES NO
- (f) Does the club hold quarterly meetings and have an actively engaged membership carrying out the objectives of the club? YES NO
- (g) Have you filed a true copy of your bylaws with the local licensing authority and the Wyoming Liquor Division? YES NO
- (h) Has at least fifty one percent (51%) of the membership signed a petition indicating a desire to secure a Limited Retail Liquor License?
(THE PETITION MUST BE ATTACHED TO APPLICATION) YES NO
- (i) Have you filed with the licensing authority and the Wyoming Liquor Division a detailed statement of your activities during the preceding year which were undertaken or furthered in pursuit of the objectives of the club, along with an itemized statement expended for such activities? YES NO

15. GOLF CLUBS W.S. 12-1-101(a)(iii)(D):

- (a) Do you have more than fifty (50) bona fide members? YES NO
- (b) Do you own, maintain, or operate a bona fide golf course together with clubhouse? YES NO

16.

- (a) **If applicant is an Individual or Partnership:** State the name, date of birth and residence of each applicant or partner, if the application is made by more than one individual or by a partnership.
If the application is for a Club: State the name, date of birth and residence of each officer.

True and Correct Name	Date of Birth	DONOT LIST PO BOXES Residence Address No. & Street City, State & Zip	Residence Phone Number	Have you been a DOMICILED resident for at least 1 year and not claimed residence in any other state in the last year?	Have you been Convicted of a Felony Violation?	Have you been Convicted of a Violation Relating to Alcoholic Liquor or Malt Beverages?
				YES <input type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
				NO <input type="checkbox"/>	NO <input type="checkbox"/>	NO <input type="checkbox"/>
				YES <input type="checkbox"/>	YES <input type="checkbox"/>	YES <input type="checkbox"/>
				NO <input type="checkbox"/>	NO <input type="checkbox"/>	NO <input type="checkbox"/>
				YES <input type="checkbox"/>	YES <input type="checkbox"/>	YES <input type="checkbox"/>
				NO <input type="checkbox"/>	NO <input type="checkbox"/>	NO <input type="checkbox"/>
				YES <input type="checkbox"/>	YES <input type="checkbox"/>	YES <input type="checkbox"/>
				NO <input type="checkbox"/>	NO <input type="checkbox"/>	NO <input type="checkbox"/>

(If more information is required, list on a separate piece of paper and attach to this application.)

- (b) **If the applicant is a Corporation, Limited Liability Company, Limited Liability Partnership or Limited Partnership:** State the name, date of birth and residence of each stockholder holding, either jointly or severally, ten percent (10%) or more of the outstanding and issued capital stock of the corporation, limited liability company, limited liability partnership, or limited partnership, **and** every officer, **and** every director.

True and Correct Name	Date of Birth	DONOT LIST PO BOXES Residence Address No. & Street City, State & Zip	Residence Phone Number	No. of Years in Corp or LLC	% of Stock Held	Have you been Convicted of a Felony Violation?	Have you been Convicted of a Violation Relating to Alcoholic Liquor or Malt Beverages?
						YES <input type="checkbox"/>	NO <input type="checkbox"/>
M. Neal Eckard	6/22/54	5655 SHOOTING STAR LANE	765-491-7892	6	SOLE MEMBER	NO <input checked="" type="checkbox"/>	NO <input checked="" type="checkbox"/>
						YES <input type="checkbox"/>	YES <input type="checkbox"/>
						NO <input type="checkbox"/>	NO <input type="checkbox"/>
						YES <input type="checkbox"/>	YES <input type="checkbox"/>
						NO <input type="checkbox"/>	NO <input type="checkbox"/>
						YES <input type="checkbox"/>	YES <input type="checkbox"/>
						NO <input type="checkbox"/>	NO <input type="checkbox"/>

(If more information is required, list on a separate piece of paper and attach to this application.)

OATH OR VERIFICATION

(Requires signatures by ALL Individuals, ALL Partners, ONE (1) LLC Member, or TWO (2) Corporate Officers or Directors except that if all the stock of the corporation is owned by ONE (1) individual then that individual may sign and verify the application upon his oath, or TWO (2) Club Officers.) W.S. 12-4-102(b)

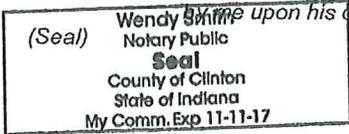
Under penalty of perjury, and the possible revocation or cancellation of the license, I swear the above stated facts, are true and accurate.

INDIANA
STATE OF WYOMING)

COUNTY OF Clinton SS.

Before Me, Wendy Smith, (specify)
(Printed name of Notary or other officer authorized to administer oaths)

Clinton a Notary Public, Officer authorized to administer oaths in and for
County, State of Wyoming, personally appeared
M. Neal Eckard name he/she being first duly sworn
(Insert Names)



Wendy Smith upon his oath, says that the facts alleged in the foregoing instrument are true.

1. [Signature]
2. _____
3. _____
4. _____

My Commission expires: 11-11-17

Witness my hand and official seal:
Wendy Smith
(Notary Public or other officer authorized to administer oaths)
Title Notary Public

Dated: 12-5-2011

REQUIRED ATTACHMENTS:

- (a) Attach any lease agreements W.S. 12-4-103 (a) (iii).
- (b) If the building is not in existence, an architect's drawing or suitable plans of the room and the premises to be licensed must be attached W.S. 12-4-102 (a) (i).
- (c) A statement indicating the financial condition and financial stability of the applicant W.S. 12-4-102 (a) (v).
- (d) Restaurant or Bar & Grill Liquor License applicants must include a copy of the CURRENT food service permit W.S. 12-4-407 (a) or 12-4-413 (a).
- (e) Include a drawing of the dispensing room W.S. 12-5-201 (a).
- (f) Check or bank draft as payment for the application and publishing the notice of application (Direct billing is permissible for publication fees) W.S. 12-4-101-4 (a).
- (g) If transferring a license from one ownership to another, a form of assignment from the current licensee to the new applicant authorizing the transfer W.S. 12-4-601 (b).

ADVERTISING REQUIREMENTS W.S. 12-4-104(a):

When an application for a license, permit, renewal or any transfer of location or ownership thereof has been filed with a licensing authority, the clerk shall promptly prepare a notice of application, place the notice conspicuously upon the premises shown by the application as the proposed place of sale and public the notice in a newspaper of local circulation once a week for four (4) consecutive weeks. The notice shall state that a named applicant has applied for a license, permit, renewal or transfer thereof, and that protests against the issuance, renewal, or transfer of the license or permit will be heard at a designated meeting of the licensing authority.

FOR LIQUOR DIVISION USE ONLY		
Reviewer	Initials	Date
Agent:		
Chief:		
Accl.:		

ASSIGNMENT OF RETAIL LIQUOR LICENSE

This Assignment is made by BON TON ROULET, INC (Assignor) in favor of ECKONE, LLC, (Assignee).

Section One: Assignment of Liquor License

For valuable consideration, the receipt of which is acknowledged, Assignor transfers, sets over and assigns, to Assignee all Assignors right, title and ownership interest in, the following license (the "License") the retail liquor license issued by the City of Green River, Wyoming to Assignor as Retail Number 17 including any extensions, and renewals.

Section Two: Effective Date of Assignment

This Assignment shall become effective on the date that the appropriate licensing authority with respect to the license, namely the City of Green River, approves Assignee's application for the transfer within six months of the date of this assignment, and then this assignment shall be deemed null & void.

Dated this 5th day of DECEMBER.

Assignor: [Signature]

Assignee: [Signature]

As Receiver for Bon Ton Roulet, Inc
As directed by a COURT ORDER
Page 3, Section K

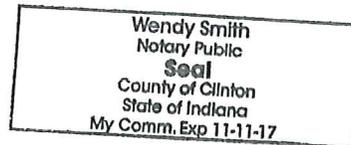
SOLE MEMBER

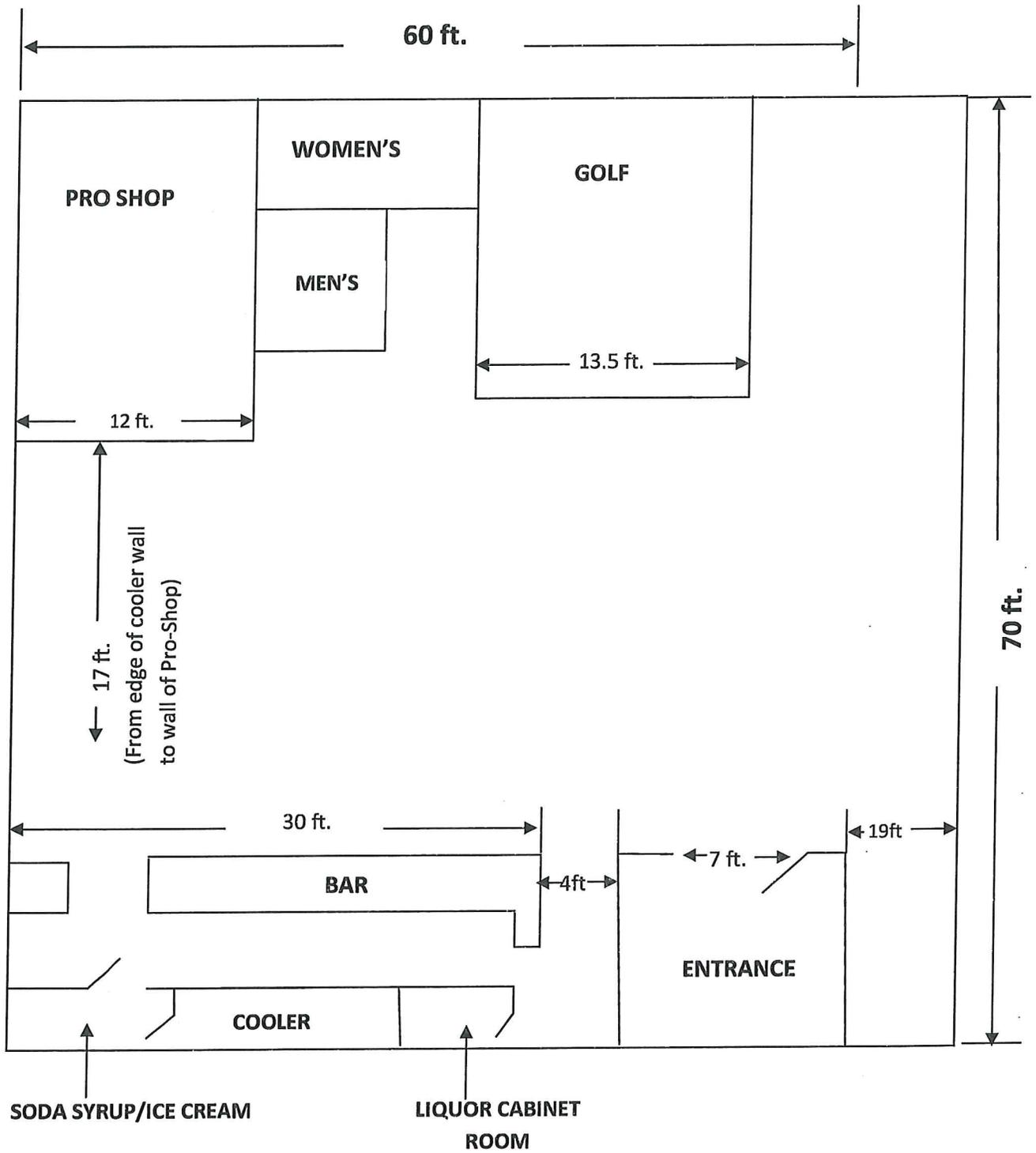
Indiana
State of ~~Wyoming~~
County of ~~Sweetwater~~ Clinton

The foregoing instrument was acknowledged before me by M. Neal Eckard this 05th day of December, 2011

Notary: Wendy Smith

My commission Expires: 11-11-17





Kermit C. Brown
 Elisa M. Butler
 Brown & Hiser LLC
 Stratford Building
 515 Ivinson Ave. (82070)
 P.O. Box 971
 Laramie, WY 82073-0971
 Phone: (307) 745-7358
 Fax: (307) 745-7385

IN THE DISTRICT COURT, THIRD JUDICIAL DISTRICT, IN AND
 FOR SWEETWATER COUNTY, WYOMING

COMMUNITY SOUTH BANK,)	
)	Docket No. C-11-435-R
Plaintiff,)	
)	
vs.)	
)	
BON TON ROULET, INC., FRED J.)	
FALCO, JR., the UNITED STATES)	
OF AMERICA through the UNITED)	
STATES SMALL BUSINESS)	
ADMINISTRATION; WIRTH)	
BUSINESS CREDIT, INC.; SYSCO)	
INTERMOUNTAIN INC. d/b/a)	
SYSCO INTERMOUNTAIN FOOD)	
SERVICES; and MERCHANTS)	
ADVANCE,)	
)	
Defendants.)	

FILED
 DISTRICT COURT
 THIRD JUDICIAL DISTRICT
 SWEETWATER COUNTY WY
 MAY 26 2011
 DONNA LEE SOBAK
 CLERK OF COURT
 BY _____ DEPUTY CLERK

ORDER APPOINTING RECEIVER

This matter came on to be heard on Plaintiff's EMERGENCY MOTION FOR ORDER AND/OR HEARING ON APPOINTMENT OF RECEIVER and on the VERIFIED COMPLAINT on file herein, Kermit C. Brown and Elisa M. Butler appearing on behalf of the Plaintiff. In light of the charges of the Plaintiff in regard to the waste and irreparable harm occurring the Court finds as follows:

1. The plaintiff's motion to appoint receiver should be granted.
2. M. Neal Eckard is a fit and proper person to serve as a receiver in this matter.
3. The plaintiff should be consulted and its approval obtained for any sale of the subject property.
4. Appointment of Mr. Eckard as Receiver is contingent on the following:

a. Executing and filing with the Clerk of the District Court an Oath from Mr. Eckard.

b. Filing with the Clerk of the District Court a bond issued by Great American Insurance Company in the amount of \$20,000.00 securing Mr. Eckard's faithful performance of his duties and of the orders of the Court as Receiver of the Clearview Bowling Center, the Sweet Dreams Inn, the bar, restaurant and RV/boat storage facility.

IT IS THEREFORE ORDERED that:

1. Mr. M. Neal Eckard of Nationwide Asset Management Group be, and he is hereby appointed receiver of the following described real property (the "Real Property") situate in Sweetwater County, Wyoming:

A TRACT OF LAND IN SECTION 27, TOWNSHIP 18 NORTH, RANGE 107 WEST, SIXTH PRINCIPAL MERIDIAN, SWEETWATER COUNTY, WYOMING, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT LIES SOUTH 18°56' WEST, 20.00 FEET FROM THE SOUTHWEST CORNER, LOT 1, BLOCK 6, OF THE PAXTON WEBB ADDITION TO THE TOWN (NOW CITY) OF GREEN RIVER, SWEETWATER COUNTY, WYOMING; THENCE SOUTH 18°56' WEST, 279.16 FEET; THENCE SOUTH 34°41' WEST, 159.59 FEET; THENCE SOUTH 64°49' EAST, 437.48 FEET TO A POINT ON THE WESTERLY R.O.W. LINE ON THE ARC OF A CURVE CENTRAL ANGLE 7°44', CHORD BEARING NORTH 35°48' EAST, A DISTANCE OF 502.36 FEET; THENCE NORTH 71°04' WEST, 537.22 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PORTION CONVEYED TO UTILITY COMPANIES BY INSTRUMENT RECORDED MAY 5, 1993 IN BOOK 836, PAGE 1991.

together with the Clearview Bowling Center and Sweet Dreams Inn situate thereon consisting of a bowling alley, bar, restaurant, and motel; and an RV/boat storage facility.

2. The Receiver is directed to manage and conserve the assets of the property during the pendency of this action or until the further order of this court.

3. The Receiver will perform the duties of his office as follows:

a. send notice to any and all tenants of the Property, directing

all Rents to be paid directly to the receiver;

b. enter upon and take possession of the Property;

c. manage and operate the businesses on the property including but not limited to a bowling alley, bar, restaurant, motel and RV/boat storage facility, collect the rents, issues, and profits therefrom, and maintain and protect the security of Plaintiff;

d. institute and carry on all legal proceedings necessary for the protection of the Property;

e. take possession of funds in all existing bank accounts or elsewhere relating to the ownership, management, and/or operation of the Property, including Rents, cash on hand, and proceeds of accounts receivable and credit card receipts;

f. maintain the Property and keep the same in repair;

g. pay the costs of operating the Property and of all services of all employees;

h. pay all continuing costs and expenses of maintaining the Property in proper repair and condition;

i. pay all taxes, assessments, water and other utility charges, and the premiums for fire and other insurance on the Property;

j. lease the whole or any part of the Property for such term or terms and on such conditions as the receiver deems appropriate;

k. execute any and all documents necessary to renew and transfer liquor licenses for the Property as allowed by the rules and regulations of the applicable government agencies; and

l. do all such other things and acts with respect to the Property as the receiver may deem appropriate.

4. The Receiver's management fee is hereby set at \$7,000 per month plus \$1,500 per month as an accounting fee and all reasonable and necessary out of pocket expenses shall be reimbursed as incurred.

5. The Receiver shall report to the court as soon as possible (understood to be 20 to 25 days after the first day of each month) by written statement, setting forth all money received during the previous month, the distribution of the money, and the balance retained. The report shall also set forth a cumulative total of all such money received, distributed and retained. Copies of this month statement shall be forwarded to counsel of record in this matter.

SO ORDERED this 26th day of May, 2011.

[Handwritten Signature]

District Judge



Copies to:

Kermit C. Brown & Elisa M. Butler
P.O. Box 971
Laramie, WY 82073

Bon Ton Roulet, Inc.
P.O. Box 308
Green River, WY 82935

United States Small
Business Administration
232 E. 2nd St., Suite 300
Casper, WY 80601

Sysco Intermountain Inc.
c/o Capitol Corporate Services, Inc.,
50 West 3900 South, Suite 2B
Salt Lake City, UT 84107

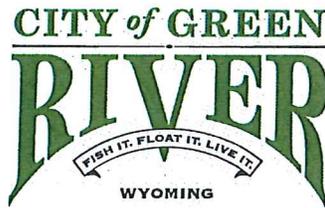
Fred J. Falco, Jr.
303 Brittany Park
Anderson, South Carolina 29621

Wirth Business Credit, Inc.
605 Highway 169N, Suite 400
Minneapolis, MN 55441

Merchants Advance
c/o Kurz & Kurz
P.O. Box 369
Jericho, New York 11753

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

Dated 5/26/11
Donna Lee Bobak
Clerk of the District Court
County of Sweetwater
State of Wyoming
By [Handwritten Signature]
Deputy



December 7, 2011

ECKONE, LLC
CLEARVIEW BOWLING CENTER
1410 UINTA DR
GREEN RIVER WY 82935

Dear Manager:

Please find the notice that will be published in the Green River Star listing your request for a Liquor License Transfer. Please post this publication in a conspicuous place in your establishment for the duration of the advertising process (December 14, 2011 through January 5, 2012). The public hearing will be held on January 10, 2012, and also be placed on the council agenda for consideration of approval.

Upon approval of the licenses transfer, the transfer fee of \$100 will be due by January 11, 2012.

You will then need to complete a Renewal Application to renew the license for the period of April 1, 2012 through March 31, 2013 and submit it to the deputy clerk along with a check in the amount of \$80 for the advertising fee. (Please make checks payable to the City of Green River).

If any further information is needed, please contact me or Joyce Peverley (872-6120).

Sincerely,

A handwritten signature in blue ink that reads "Zaundra Hamilton".

Zaundra Hamilton
Deputy Clerk
(307) 872-6145



City of Green River City Council Meeting Agenda Documentation

Preparation Date: January 5, 2012	Submitting Department: Finance
Meeting Date: January 10, 2012	Department Director: Jeff Nieters
	Presenter: Chris Meats

Subject: Discussion concerning the responsibility of a land lord in for tenant billing.

Purpose Statement

In the December 20th meeting the Governing body asked to have the issue concerning the responsibility of the landlord for tenant billing discussed at the January workshop.

Background/Alternatives

The City has always left the right to connect or disconnect services up to the individual property owner as they are the responsible party for the City's utility bills.

If a property owner allows someone to rent their property and sets up tenant billing authorization with the City, we also make reasonable attempts to contact the tenants for service connection or disconnections.

Attachments

None

Fiscal Impact

There are varying levels of fiscal impact

Staff Impact

Minimal

Legal Review

Legal Council should render an opinion on any direction given.



MUNICIPAL COURT
CITY OF GREEN RIVER

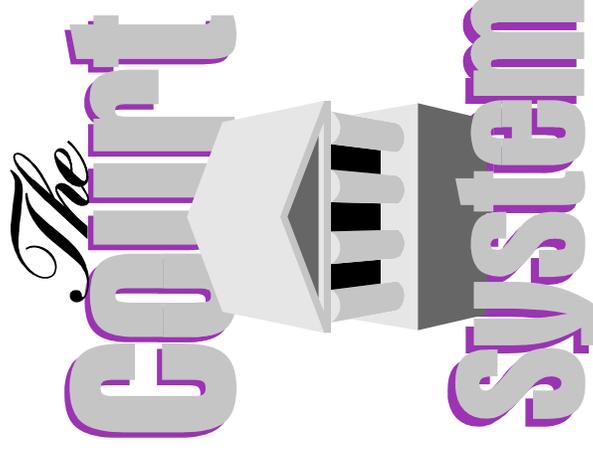


SOFTWARE PROPOSAL

inCode, a Tyler Technologies Court and Justice
System

What we are looking for in a Court Management Software Program:

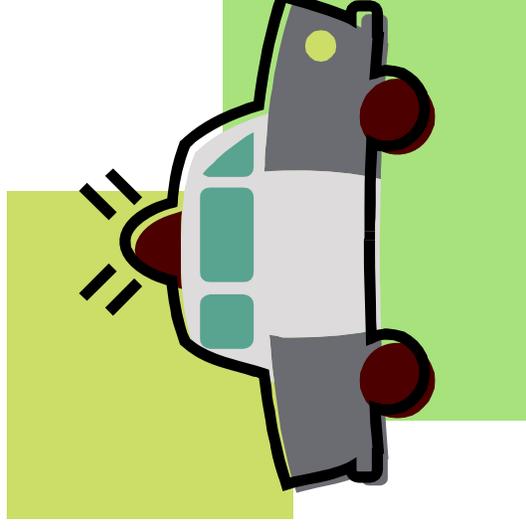
1. Data sharing with other agencies, for example the Police Records Department
2. Centralized information, automated workflow
3. Minimal reliance on 3rd party vendors
4. Efficient Master File Features
5. Court Document Management
6. Payment Features and Accounting
7. Court and Trial Docketing
8. Detailed Reporting
9. Easy search attributes
10. Jury Management
11. Scheduling features
12. Conversion of Caselle Case Files
13. Customer Support and Service



Data Sharing

Integration With The Police Department And Other Agencies – inCode, by Tyler Technologies

- This is in direct relation to entering citations so there is no duplication of entries.
- Hand-held electronic devices can automatically be integrated.
- Link attachments to any record by scanning photos, Police and Court Card files. Proof of Insurance / Restitution paid, etc. to any Court record.
- Direct integration with financial software
- Microsoft Windows and Microsoft Word interface – can attach to any document



Efficient File Features

- Names
- Vehicles
- Agencies and Officers
- Bonding Companies
- Attorneys
- Forms and Documents
- Cases Statuses

Court Document Management

- Add signature or court seal to any document, for example Warrants
- The Judge can approve paperwork from any location as inCode can also run on Mac, Apple and iPad; the iPad would use a remote desktop connection.
- Eliminates manual entry once hand-held citation devices are being used

Payment Features and Accounting

- Online payment capabilities - no third party use
- Ability for Defendants to request a driving class, etc. while posting bond for their citations
- Will be able to set up payment types such as, checks, cash, credit / debit cards
- Receipt single or multiple cases on a single receipt
- Print detailed close-out reports for cash drawers and reports for tracking how fees / fines were paid



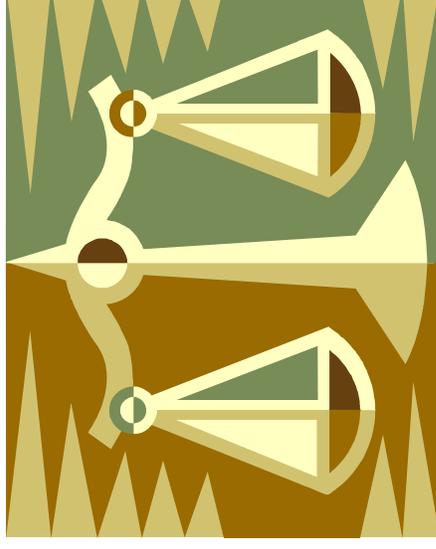
Court and Trial Docketing:

Several ways to create a court docket – which is an official summary of court proceedings, or what takes place in a court of law – a record of the Court's proceedings.

Separate dockets for Police Officers, Defense Attorneys, Prosecutors.

Detailed Reporting:

- Statistical Reports
- Bond reports
- Electronic Reporting
- Comparison reports
- Accounting



Subscription – Tyler Technologies hosted:

Services: \$26,335.00

Hosting Fee: \$20,340.00

Total for 1 year: \$46,675 (+travel)

Annual fee thereafter: \$20,340.00

This includes any updates, customer support and service. Also, the program can be accessed from any computer or iPad as this is online – the Judge can review and check the status of case files, sign warrants, etc.

Off-site back-ups of all court information.

Green River Hosted – traditional purchase and additional hardware:

Services: \$26,335.00

License Fees: \$40,360.00

Web Modules: \$1,600.00

Total in 1 year: \$68,295.00 (+travel)

Annual Maintenance fee due 90 days after
installation: \$12,333.00.



Proposal

Local Government Division

Presented to:

Lynn Birch

Clerk of the Court
City of Green River
50 E 2nd North
Green River, WY 92935
(307) 872-0550(307) 872-0550
lbirch@cityofgreenriver.org

Proposal date:

October 3, 2011

Submitted by:

Craig Dixon
(866) 809-2276
craig.dixon@tylertech.com

Tyler Technologies
Local Government Division
5519 53rd Street
Lubbock, Texas 79414

Subscription Summary (Internet Hosted)

Lynn Birch
 City of Green River
 October 3, 2011



Cost Summary

Proposal Valid until 12/31/11

Professional Services & Hardware	Cost
Implementation Services	14,000
Professional Services	5,500
Data & Conversion Assistance Fees	5,500
Cash Collections Hardware & Services	1,335
Services	26,335

Estimated Travel Expenses 8,186

*** Note: Travel expenses are billed as incurred based on Federal IRS per diem standards.*

Subscription		Annual Fees	
Length of Agreement	5 Years - 60 Months		
User Usage Fee	\$ 314		
Number of Users	5		
Estimated Fee		18,840	18,840
Court Online		1,100	1,500
Summary			20,340

***Note: Additional users may be added at any time at the per user rate of \$314*

Description

- Maintenance and Support
- High speed FTP connection to INCODE Network
- Daily Back-up Monitoring
- Data integrity check
- Off-site backup
- Assistance with establishing Managed Hosting Connection

Investment Summary (On-Premise Purchase)

Lynn Birch
 City of Green River
 October 3, 2011



Cost Breakdown

Proposal Valid until 12/31/11

Software	Cost	Annual Fees
License Fees	40,360	10,090
	40,360	10,090
Tyler On-Demand		
	Cost	Annual Fees
Hosted Applications	1,100	1,500
Tyler Online Training Center	500	500
	1,600	2,000
Hardware & Third Party Software		
	Cost	Annual Fees
Cash Collection Hardware	1,335	243
	1,335	243
Professional Services		
	Cost	
Implementation Services	14,000	
Professional Services	5,500	
Data & Conversion Assistance Fees	5,500	
	25,000	
Project Total	68,295	12,333

Estimated Travel Expenses 8,186

Note: Travel Expenses are billed as incurred based on Federal IRS per diem standards.

Software Licenses

Lynn Birch
 City of Green River
 October 3, 2011



Application Software	QTY	License Fee	Annual Maintenance
Incode Court Case Management Suite	1	26,225	6,556
Criminal Court Case Management Centralized Cash Collections Incode Scheduling <i>(Warrant Scheduling, Macro Scheduling, Citation Import Scheduling)</i> Court/Police (non-Incode) Interface <i>(Import or Export of Citations/Warrants/Dispositions)</i> General Ledger (non-Incode) Interface			
Incode Content/Document Management Suite	1	11,350	2,838
Incode Printing and Reporting Solutions Standard Forms Package <i>(4 Overlays for Court, 1 Logo)</i> Secure Signatures <i>(includes 2 signatures)</i>			
Output Director <i>(Base Engine, Print Output Channel, Tyler Content Management Output Channel, Email Output Channel)</i>			
Content Management Tyler Content Manager Standard Edition (TCM SE) <i>(Unlimited Full & Retrieval Licenses, Multiple Scan Stations, Advanced OCR, Content Manager for Incode Applications)</i>			
System Software		2,785	696
System Software			
Incode Application Subtotal		37,575	9,394
System Software Subtotal		2,785	696
Application and System Software Total		40,360	10,090

Professional Services

Lynn Birch
 City of Green River
 October 3, 2011



Application Professional Services Summary	Estimated Hours	Estimated Services
Implementation Services		
Court Case Management Suite	88	11,000
Content Management Suite	24	3,000
Conversion Services		
Court Case Management Suite	16	5,500
INCODE Professional Services		
Project Management		2,500
Final Implementation Services	24	3,000
Professional Services Total	152	25,000

Implementation Services Breakdown	Estimated Hours	Estimated Services
Incode Court Case Management Suite		
Criminal Court Case Management	84	10,500
Centralized Cash Collections	4	500
Court Case Management Suite Subtotal	88	11,000
Incode Content Management Suite		
Output Director	8	1,000
Tyler Content Manager Standard Edition (TCM SE)	16	2,000
Content Management Suite Subtotal	24	3,000
Professional Services		
Project Management		2,500
Final Implementation	24	3,000
Professional Services Subtotal	24	5,500

Professional Services

Lynn Birch
City of Green River
October 3, 2011



Conversion Services	Conversion Programming Fee	Estimated Hours	Estimated Services	Conversion Services
Court Applications				
Citation/Case Information	3,500	16.0	2,000	5,500
Violation (offense) Information	Included			
Fee/Fine/Cost Assessments	Included			
Fee/Fine/Cost Payments	Included			
Fee/Fine/Cost Non-Cash Credit	Included			
Bond Information	Included			
Warrant Information	Included			
Officers	Included			
Witnesses	Included			
Defendants	Included			
Offense Code Master	Included			
Vehicles	Included			
Attorneys	Included			
Citation History	Included			
Receipts	Included			
Conversion Services Subtotal	3,500	16	2,000	5,500
Conversion Services Total	3,500	16	2,000	5,500

Cash Collection Hardware

Lynn Birch
City of Green River
October 3, 2011



Misc. Hardware and Network Equipment	QTY	Price	Maintenance	Maintenance Source
<u>Cash Collection</u>				
Epson TM-H6000III Thermal Receipt Printer - Black,USB	1	1,050	203	INCODE - 12 mos warranty
Media Plus Automated Cash Drawer -Black NEW	1	200	40	INCODE - 12 mos warranty
Mag Stripe Reader	1	85		
Hardware & System Software Subtotal		1,335	243	
Hardware and System Software Total		1,335	243	

Hosted Applications

Lynn Birch
City of Green River
October 3, 2011



Service	QTY	Charges	Initial Year	Annual Fee
Citizen Portal				
One Time Setup Fee - Hardware Configuration - DNS registration	1	800	800	
Monthly fee to support and host Web site		25 /month	300	300
INCODE Court Online Component				
Monthly support/maintenance fee - Display of citation/citations for payment - Collects plea from defendant - Security -- SSL (Secure Socket Layer) - Payment Processing - Credit Card • Payment packet is created to be imported to Court System <i>NOTE: Defendant pays \$1.50 fee per transaction for payment on-line.</i>		100 /month		1,200
Hosted Applications Total			1,100	1,500

Tyler OnDemand - Tyler Online Training Center

Lynn Birch
City of Green River
October 3, 2011



Service

Annual Fee

Tyler OnDemand - Tyler Online Training Center

Tyler Online Training Center	500
<ul style="list-style-type: none">- Open for ALL Employees during subscription period- Unlimited Access to Live Webinars and Archived Webinars- Unlimited Access to Self Study Courses- Available 24/7- Continuing Professional Education Credit with NASBA Standards- Live Webinars conducted monthly with an estimated 60 webinars annually- Over 45 Online Self Study Courses- General business knowledge and Microsoft Office software based courses- Courses cover a variety of topics that span the entire suite of INCODE applications<ul style="list-style-type: none">o Court - New Webinars and Self Study Courses added throughout the year	

Tyler Technologies, Inc. is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN, 37219-2417. Web site: www.nasba.org

Tyler Online Training Center Total

500

Tyler OnDemand - Application Availability Service (Optional)

Lynn Birch
 City of Green River
 October 3, 2011



Service	QTY	Annual Fee
Tyler OnDemand - Application Availability Service (Lite Edition)		
Application Availability Service (Lite Edition)	1	2,018
INCODE Application coverage details:		
<ul style="list-style-type: none"> • Tyler INCODE Application Data sent to our DRS facility via FTP every 24 hours • Data integrity check to make sure your data is collected properly • Emergency response within 4 business hours. Application Availability within 8 business hours • We will help you establish a SaaS connection for up to 2 concurrent Users during service activation • We will assist you in restoring data from DRS facility to file server 		
Scope of Service:		
<p>Coverage includes INCODE Financial, CIS/CRM, Municipal Court, Utility Billing Data GASB, Report Writer, Property Tax, and Eden Financials are considered INCODE Application Data It does not include any Operating System, Active Directory, or Non-INCODE Application Data Tyler Content Manager, Tyler Public Safety, and Laserfiche are not covered in AAS Lite Edition</p>		
How we help you with your local removable-media backups:		
<ul style="list-style-type: none"> • General backup/restore assistance in non-disaster circumstances • Optional Monthly offsite backup tape storage • Monthly backup status reports • Daily backup monitoring for NTBackup and Backup Exec users 		
Notes:		
<p>AAS is not to be considered a replacement for local tape backups, but as a supplemental coverage service. Entity must perform backup procedures and tape rotation as established in INCODE's recommended backup procedures documentation Remote access to client servers must be provided through RDP, PCAnywhere or GotoAssist. Tyler requires a minimum 128 kbps upstream internet access from the INCODE Application server. 256kbps or better recommended</p>		
Entity must utilize the following:		
<p>Backup Software: Arcserve, Backup Exec, or NT Backup (Preferred) Only those Entity's who use Microsoft's NTBackup or Backup Exec are eligible for daily backup monitoring and monthly reporting Supported Backup Hardware: DDS3 12/24GB DAT, DDS4 20/40GB DAT, DDS5 35/70GB DAT or LTO Drives Optional: Entity sends tapes monthly to INCODE for off-site rotation</p>		
Non-Participation		
<ul style="list-style-type: none"> • \$125/hr for assistance in troubleshooting non-disaster backup/restore situation • \$150/hr for non-ASP related data recovery assistance in disaster situations. • One time fee: \$10,000 + \$500/day for Level 1 ASP service in disaster situations 		
Application Availability Service Total		2,018