

City of Seward, NE

Tuesday, July 5, 2016

Regular Session

Item G3

PUBLIC HEARING - 7:00 P.M. - LIQUOR LICENSE APPLICATION OF H & H RECREATION, INC dba SPARETIME LOUNGE & GRILL/SEWARD BOWL - Thomas Rief

Consideration of a Resolution approving liquor license for H & H Recreation, Inc., dba Sparetime Lounge & Grill/Seward Bowl

Consideration of application of Thomas M. Rief as Manager of Class CK liquor license for H & H Recreation, Inc., dba Sparetime Lounge & Grill/Seward Bowl

Administrative Report: H & H Recreation is applying for a class CK liquor license (Beer, Wine, Distilled Spirits, On and Off Sale & Catering) for 123 S 4th Street. This location is currently licensed as a CK under David Hoefs, dba Spare Time Lounge/Seward Bowl and has been licensed as such dating back to 1989.

Thomas Rief is currently the Manager of the Sparetime Lounge/Seward Bowl.

Following the public hearing, a motion to approve the resolution and the manager application would be in order.

Staff Contact:

**APPLICATION FOR LIQUOR LICENSE
CHECKLIST - RETAIL**

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

RECEIVED		
JUN 2 2016		
TOP none		
NEBRASKA LIQUOR CONTROL COMMISSION		
Hot List: YES / <u>NO</u>	New/Replacing #	<u>007719</u>
Class Type	<u>CK</u>	Initial <u>RS</u>
118158		

Applicant name H & H Recreation, Inc.


Trade name Sparetime Lounge & Grill/Seward Bowl

Previous trade name N/A

Contact email address gobowl_2000@yahoo.com

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

Office use only	<u>CK 17211</u>
PAYMENT TYPE	<u>\$100</u>
AMOUNT:	<u>CK 17210</u>
<u>Rct 168853</u>	<u>\$400</u>
	Received: <u>mm</u>


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1. ☒ Fingerprints are required for each person as defined in new application guide, found on our website under "Licensing Tab" in "Guidelines/Brochures". See Form 147 for further information, this form **MUST** be included with your application.
2. ☒ Enclose application fee of \$400 (nonrefundable), check made payable to the Nebraska Liquor Control Commission or you may pay online at www.ne.gov/go/NLCCpayport.
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)
- 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 (LLC) making application. Lease term must run through the license year being applied for.
5. ☒ If building is owned or being purchased send a copy of the deed or purchase agreement in the name of the applicant.
6. ☐ If buying the business of a current liquor license holder:
 - a. Provide a copy of the purchase agreement from the seller (must read applicants name)
 - b. Provide a copy of alcohol inventory being purchased (must include brand names and container size)
 - c. Enclose a list of the assets being purchased (furniture, fixtures and equipment)
7. ☐ If requesting to operate on current liquor license; enclose Temporary Operating Permit (TOP) (form 125).
8. ☐ Enclose a list of any inventory or property owned by other parties that are on the premises.
9. ☐ For citizenship enclose U.S. birth certificate; U.S. passport or naturalization paper
Top Score Amusement, Inc., a NE Corp. owns 4 pool tables, 1 juke box, and 3 game machines; see business card of owner/pres. of the corporation
 - a. For residency enclose proof of registered voter in Nebraska
 - b. See guideline for further assistance <http://www.lcc.nebraska.gov/brochures.html>
10. ☒ Corporation or Limited Liability Company (LLC) must enclose a copy of articles of incorporation; as filed with the Secretary of State's Office. This document must show barcode.
11. ☒ Submit a copy of your business plan. *See attachment*

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.

Theresa M. [Signature]
 Signature

June 1st, 2016

Date

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

FORM 100
REV MAY 2015
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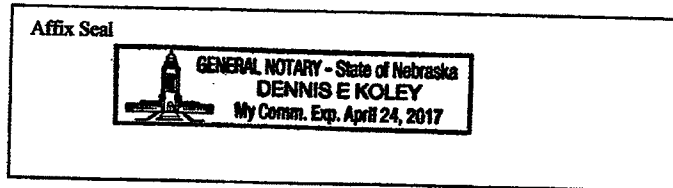
LIQUOR LICENSE # _____ CLASS TYPE _____
LICENSEE NAME H + H Recreation, Inc., a NE Corp.
TRADE NAME Spartan Lounge & Grill / Seward Bowl
PREMISE ADDRESS 123 South 4th Street RECEIVED
CITY Seward, NE 68434 JUN 2 2016
CONTACT PERSON Thomas M. Rief NEBRASKA LIQUOR
PHONE NUMBER OF CONTACT PERSON 402-643-6125 CONTROL COMMISSION
EMAIL ADDRESS OF CONTACT PERSON gobowl-200@yahoo.com

Thomas M. Rief
Signature of Licensee

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

1st day of June, 2016 by Thomas M. Rief
Date name of person acknowledged signing document

Dennis E. Koley
Notary Public Signature



**APPLICATION FOR LIQUOR LICENSE
RETAIL**

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

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

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

RETAIL LICENSE(S)

Application Fee \$400 (nonrefundable)

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

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

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

Class C license term runs from November 1 – October 31

All other licenses run from May 1 – April 30

Catering license (K) expires same as underlying retail license

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

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

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

Name Dennis E. Koley, Attorney, Box 470, Fremont, NE 68026-0470

Phone number: 402-721-3900

Firm Name Dennis E. Koley, Attorney; (email address) dkoley@windstream.net

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PREMISES INFORMATION

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Trade Name (doing business as) Spartime Lounge and Grill/Seward Bowl

JUN 2 2016

Street Address #1 123 South 4th Street

**NEBRASKA LIQUOR
CONTROL COMMISSION**

Street Address #2 _____

City Seward

County Seward

Zip Code 68434

Premises Telephone number (402) 643-6125

Business e-mail address gobowl_2000@yahoo.com

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

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

Name H & H Recreation, Inc.

Street Address #1 123 South 4th Street

Street Address #2 _____

City Seward

State NE

Zip Code 68434

**DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED
READ CAREFULLY**

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

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

Building: length 120' x width 98' in feet

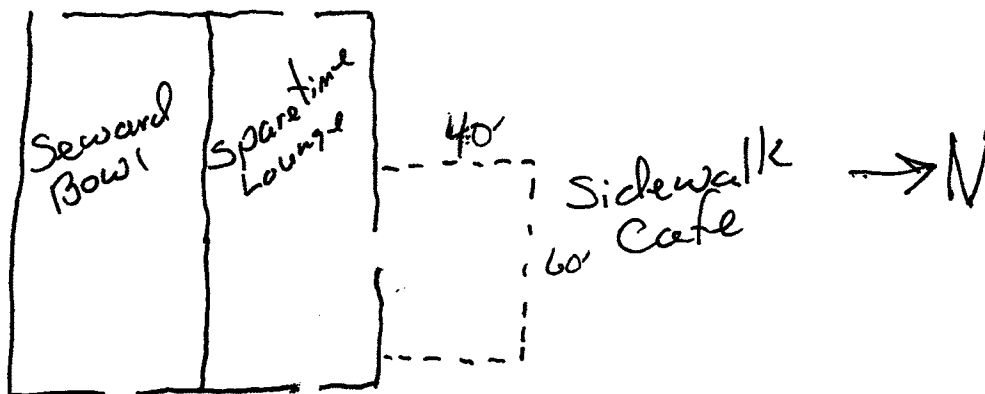
Is there a basement? Yes _____ No x

If yes, length _____ x width _____ in feet

Is there an outdoor area? Yes x No _____

If yes, length 40 x width 60 in feet

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



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

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

 YES **X** 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
				JUN 2-2016
				NEBRASKA LIQUOR CONTROL COMMISSION

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

X YES NO

If yes, give name of business and liquor license number

a) Submit a copy of the sales agreement

b) Include a list of alcohol being purchased, list the name brand, container size and how many

c) Submit a list of the furniture, fixtures and equipment

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

X YES NO

If yes, give name and license number

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

 YES **X** NO

If yes:

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

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

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

____ YES ☒ NO

If yes, list the lender(s) _____

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

____ YES ☒ NO

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

No silent partners

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

____ YES ☒ NO

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

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

____ YES ☒ NO

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

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

____ YES ☒ NO

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

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

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

Cattle National Bank & Trust Co. of Seward, Nebraska; Thomas M. Rief and Brenda R. Rief are authorized to write checks and/or make withdrawals.

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.

Not Applicable

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

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

NLCC certified training program completed:

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Thomas M. Rief	June, 1980	Techniques of Alcohol Mgmt. Course
Thomas M. Rief	July, 2011	Responsible Hospitality Management

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

Experience:

Applicant Name/Job Title	Date of Employment:	Name & Location of Business
Thomas M. Rief, Manager	1980 to 2016	Seward Bowl/Spartime Lounge and Grill, 123 south 4th Street, Seward, NE
Brenda R. Rief, Assistant Manager	1980 to 2016	11 - same as above ↑

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

14. When do you intend to open for business? Currently open

15. What will be the main nature of business? Restaurant/Lounge/Bowling Alley

16. What are the anticipated hours of operation? 7:00 AM to 1:00 AM

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

RESIDENCES FOR THE PAST 10 YEARS. APPLICANT AND SPOUSE MUST COMPLETE					
APPLICANT: CITY & STATE	YEAR FROM TO		SPOUSE: CITY & STATE	YEAR FROM TO	
Thomas M. Rief; Seward, NE	1980	2016	Brenda R. Rief; Seward, NE	1980	2016

If necessary attach a separate sheet.

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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 the 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 for an applicant(s) or spouse(s) that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

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

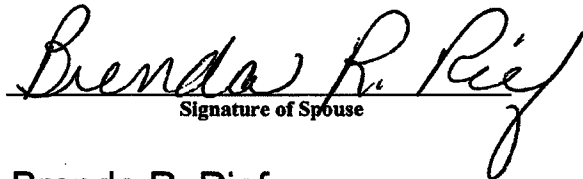
Must be signed in the presence of a notary public by applicant(s) and spouse(s). See guideline for required signatures <http://www.lcc.ne.gov/pdfs/New%20Application%20Guideline.pdf>



Signature of Applicant

Thomas M. Rief

Print Name



Signature of Spouse

Brenda R. Rief

Print Name

Signature of Applicant

Print Name

Signature of Spouse

Print Name

ACKNOWLEDGEMENT

State of Nebraska
County of Seward

1st day of June, 2016

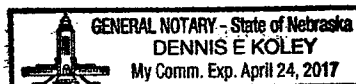
date

by

The foregoing instrument was acknowledged before me this
Thomas M. Rief and Brenda R. Rief, Husband and Wife,
name of person(s) acknowledged (individual(s) signing)



Notary Public signature

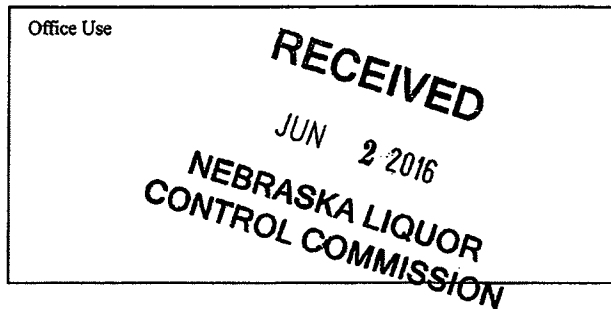


In compliance with the ADA, this application is available in other formats for persons with disabilities.
A ten day advance period is required in writing to produce the alternate format.

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**MANAGER APPLICATION
INSERT - FORM 3c**

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



MUST BE:

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

Corporation/LLC Information

Name of Corporation/LLC: H&H Recreation, Inc., a Nebraska Corporation

Premise Information

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

Premise Trade Name/DBA: Sparetime Lounge and Grill/Seward Bowl

Premise Street Address: 123 South 4th Street

City: Seward County: Seward Zip Code: 68434

Premise Phone Number: 402 643-6125

Email address: gobowl_2000@yahoo.com

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


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

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Rief First Name: Thomas MI: M

Home Address (include PO Box if applicable): _____

City: Seward County: Seward Zip Code: 68434

Home Phone Number: _____ Business Phone Number: 402 643-6125

Social Security Number: _____ Drivers License Number & State: _____

Date Of Birth: _____ Place Of Birth: _____

Email address: gobowl_2000@yahoo.com

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

☒ YES

☐ NO

Spouse's information:

Spouses Last Name: Rief First Name: Brenda MI: R

Social Security Number: _____ Drivers License Number & State: _____

Date Of Birth: _____ Place Of Birth: _____

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

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Seward, NE	1980	2016	Seward, NE	1980	2016

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NEBRASKA LIQUOR
CONTROL COMMISSION

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MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
1980	2016	H&H Recreation, Inc.	David J. Hoefs	402 643-6125

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

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

☐ YES ☒ NO

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

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

*NLCC Training Certificate Issued: _____ Name on Certificate: Tom Rief

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Thomas M. Rief		see attached

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

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
Thomas M. Rief, Manager	1980 to 2016	Seward Bowl/Sparetime Lounge & Grill, 123 South 4th St., Seward, NE

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NEBRASKA LIQUOR
CONTROL COMMISSION

5. Have you enclosed Form 147 regarding fingerprints?

☒ YES

☐ NO

PERSONAL OATH AND CONSENT OF INVESTIGATION

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

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

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

Thomas M. Rief Brenda K. Rief
Signature of Manager Applicant Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska
County of Seward The foregoing instrument was acknowledged before me this
1st day of June, 2016 by Thomas M. Rief + Brenda K. Rief, H + W
date name of person acknowledged
Dennis E. Koley
Notary Public signature

Affix Seal

GENERAL NOTARY - State of Nebraska
DENNIS E. KOLEY
My Comm. Exp. April 24, 2017

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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NEBRASKA LIQUOR
CONTROL COMMISSION

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City of Seward, Police Department
Chief of Police
Alan D. Baldwin
148 South First Street
Seward Nebraska 68434
Phone and TDD 402-643-2579 Fax 402-643-6785

June 27, 2016

Liquor license application

H & H Recreation, Inc
Sparetime Lounge & Grill / Seward Bowl
Thomas Rief
Brenda Rief

There were no pertinent negative local contacts

Recommendation is to issue license

Chief Alan D. Baldwin
Chief Alan D. Baldwin



0 55 110 220 Feet

123 S 4th St

RESOLUTION NO. 2016-

BE IT RESOLVED by the Mayor and Council of the City of Seward, Nebraska, that,

WHEREAS, Notice of Application for a Class CK Liquor License for H & H Recreation, Inc, dba Sparetime Lounge & Grill/Seward Bowl, 123 South 4th Street, Seward, Nebraska was published in the Seward County Independent on June 22, 2016; cost of such publishing fee being \$12.60, and,

WHEREAS, a public hearing was held before the Mayor and Council of the City of Seward on July 5, 2016;

WHEREAS, no written protests were filed with the City, and no oral objections were heard by the Mayor and Council,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Seward, Nebraska, that a Class CK Liquor License be granted to H & H Recreation, Inc, dba Sparetime Lounge & Grill/Seward Bowl, 123 South 4th Street, Seward, Nebraska.

The Mayor declared the resolution adopted.

Dated: July 5, 2016

THE CITY OF SEWARD, NEBRASKA

Joshua Eickmeier
Mayor

ATTEST:

Bonnie Otte
Assistant Administrator/Clerk-Treasurer
Budget & HR Director

(SEAL)