

H

RESOLUTION NO. 13-_____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS C LIQUOR LICENSE APPLICATION FOR NEBRASKA BREWING CO DBA NEBRASKA BREWING CO. IN LA VISTA, NEBRASKA.

WHEREAS, Nebraska Brewing Co DBA Nebraska Brewing Co, 6946 S 108th Street, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class C Liquor License, and

WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application, and

WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission, and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class C Liquor License application submitted by Nebraska Brewing Co DBA Nebraska Brewing Co, 6946 S 108th Street, La Vista, Sarpy County, Nebraska.

PASSED AND APPROVED THIS 17TH DAY OF DECEMBER, 2013.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

LA VISTA POLICE DEPARTMENT INTEROFFICE MEMORANDUM

TO: PAM BUETHE, CITY CLERK

FROM: BOB LAUSTEN, POLICE CHIEF

SUBJECT: LOCAL BACKGROUND- CORPORATE LIQUOR LICENSE / MANAGER- NEBRASKA BREWING COMPANY

DATE: 11/25/2013

CC:

The police department conducted a check of computerized records on the applicants, Paul H. Kavulak and Kimberly A. Kavulak for criminal conduct in Nebraska and Sarpy County in reference to the Liquor License application. The applicants have no entries.

► RECEIPT

11/19/2013

From: Jackie B Matulka – jackie.matulka@nebraska.gov

Phone: (402) 471 – 4881

Fax: (402) 471 – 2814

Nebraska Liquor Control Commission

To: City Clerk of La Vista – pbuethe@cityoflavista.org

App Info: Nebraska Brewing Co DBA Nebraska Brewing Co

Class C 105932

PLEASE COMPLETE THE BOTTOM SECTION IMMEDIATELY UPON RECEIPT OF THIS APPLICATION

SIGN AND DATE STAMP THIS RECEIPT AND EITHER FAX OR EMAIL THIS FORM BACK

--THANK YOU

11-22-13

DATE OF RECEIPT

m Garrod - La Vista

SIGNATURE Deputy City Clerk

RECOMMENDATION OF THE NEBRASKA LIQUOR CONTROL COMMISSION

Date delivered from NLCC office: November 19, 2013

JBM

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:

**Nebraska Brewing Co DBA Nebraska Brewing Co
6946 S 108 Street, La Vista, NE 68128 (Sarpy County)**

NEW APPLICATION for Class C 105932

45 days – January 3, 2014

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:** Motion Passed: _____ 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 _____

(Clerks Signature)

DATE _____

**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



Applicant Name **Nebraska Brewing Co.**

Trade Name **Nebraska Brewing Company** Previous Trade Name **same** **JM**

E-Mail Address: **kim@nebraskabrewingco.com** **105932**

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.

REQUIRED ATTACHMENTS

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

1. Fingerprint cards for each person; one card per person if done livescan or computer, two cards if done in ink include a processing fee in the amount of \$38.00 per person. All areas must be completed on cards as per brochure. We strongly suggest you go to any Nebraska State Patrol to be rolled. See fingerprint brochure <http://www.lcc.ne.gov/brochures/fingerprint.pdf>.

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

3) Enclose the appropriate application forms;
Individual License (requires insert form 1)
Partnership License (requires insert form 2)
Corporate License (requires insert form 3a & 3c)
Limited Liability Company (LLC) (requires form 3b & 3c)

4. If building is being leased send a copy of signed lease. Be sure the lease reads in the name of the individual(s), corporation or Limited Liability Company 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 (mu)



1300023679

CK 6050
\$400
mm

RECEIVED

REV 02/2013
GE 1

- 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).

N/A

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

X

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

X

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

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

10/29/13

Date

~~PTCC form for NBC Investment LLC~~

③

RECEIPT	DATE	11-4-13	No.	167822
	FROM	Nebraska Beverage Co.		
	FOR	Newtipp - Nebraska Brewing		
		CASH	<input type="checkbox"/>	
		CHECK #	1020	
		MONEY#		
		ORDER		
Received by <u>Jeffrey L. Lippert</u>				

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/

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CLASS OF LIQUOR FOR WHICH APPLICATION IS MADE AND FEES

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

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

TYPE OF LICENSE BEING REQUESTED FOR APPLICANT

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 APPLICANT OR ENTITY ASSOCIATED WITH APPLICATION (Name and address of Commissioner, Director, or other responsible person)

Name N/A

Phone number: _____

Firm Name _____

PREMISE INFORMATIONTrade Name (doing business as) **Nebraska Brewing Company**Street Address #1 ~~6948-6950 S. 108th Street~~ **6946 S 108 Street**

Street Address #2

City **La Vista**County **Sarpy**#**59**Zip Code **68128**Premise Telephone number **402-934-0950**E-mail **kim@nebraskabrewingco.com**

Is this location inside the city/village corporate limits:

YES

NO

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

Name **Nebraska Brewing Company**Street Address #1 **6946 S. 108th Street**

Street Address #2

City **La Vista**State **NE**Zip Code **68128****BUILDING AND AREA TO BE LICENSED****BUILDING AREA**

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 ~~See Attached~~ feet

Width feet

Is there a basement? Yes No

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

see attached diagram

APPLICATION FOR LIQUOR LICENSE**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

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

YES NO

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

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

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

YES NO

If yes, give name and license number _____

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

YES NO

If yes:

- Attach temporary operating permit (T.O.P.) (form 125)
- 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) _____

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)

Paul H Kavulak, Shareholder Kimberly A. Kavulak Shareholder, NBC Investment Corp Shareholder, Paul F Kavulak Shareholder

*Personal
used
on corp
form*

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.

i) a) Paul H. Kavulak and/or Kimberly A. Kavulak

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.

Nebraska Brewing Company 7474 Towne Center Parkway Suite 101 Papillion, NE. 68046 Class C 78151 Class LK 78152

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)
- d) Limited Liability Company, manager only (no spouse)

Applicant Name	Date Trained (mm/yyyy)	Name of program where trained (name, city)
Paul H Kavulak	4-24-2013	online RBST RBST RB-0009285

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 10/21/2023

Deed

Purchase Agreement

14. When do you intend to open for business? November 15, 2013

15. What will be the main nature of business? Production & Packaging Brewery with Tasting Room

16. What are the anticipated hours of operation? Brewery M-F 0800-2200; Tasting Room Thurs-Sun 1600-2200

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

RESIDENCE FOR THE PAST 10 YEARS APPLICANT AND SPOUSE MUST LIST SITE					
APPLICANT: CITY & STATE	YEAR FROM TO		SPOUSE: CITY & STATE	YEAR FROM TO	
8711 Raven Drive Louisville NE 68037	2002	2013	8711 Raven Drive Louisville NE 68037	2002	2013

If necessary attach a separate sheet.

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

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

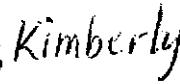
Must be signed in the presence of a notary public by applicant(s) and spouse(s). See guideline for required signatures.
<http://www.lcc.ne.gov/pdfs/New%20Application%20Guideline.pdf>



Signature of Applicant



Signature of Applicant



Signature of Spouse



Signature of Spouse

Signature of Applicant

Signature of Spouse

Signature of Applicant

Signature of Spouse

Signature of Applicant

Signature of Spouse

ACKNOWLEDGEMENT

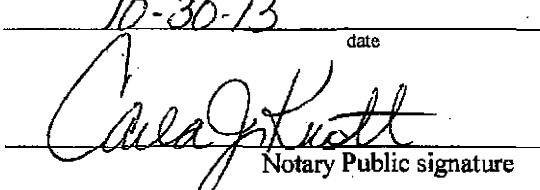
State of Nebraska
County of CASS

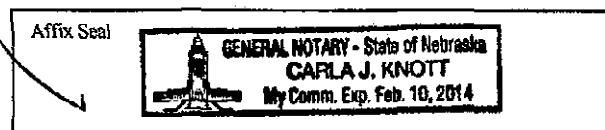
10-30-13

date

by

Paul H. Kavulak & Kimberly A. Kavulak
name of person acknowledged


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

Office Use

MUST BE:

- Citizen of the United States. Include copy of US birth certificate, naturalization paper or current US passport**
- Nebraska resident. Include copy of voter registration in the State of Nebraska**
- Fingerprinted. Two cards per person, fees of \$38 per person, made payable to Nebraska State Patrol. If printed at NSP mail check only.**
- 21 years of age or older**

Name of Corporation/LLC: Nebraska Brewing Co.

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

Premise Trade Name/DBA: Nebraska Brewing Company

Premise Street Address: 6946 S. 108th Street

City: La Vista

County: Sarpy

Zip Code: 68128

Premise Phone Number: 402-934-0950

Email address: kim@nebraskabrewingco.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

Pat K

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

Last Name: Kavulak First Name: Paul MI: H

Home Address (include PO Box if applicable): 8711 Raven Drive

City: Louisville County: Cass Zip Code: 68037

Home Phone Number _____ Business Phone Number: 402-933-3040

Social Security Number _____ Drivers License Number & State: _____

Date Of Birth: _____ Place Of Birth: Omaha, NE

Email address: Paul@nebraskabrewingco.com

YES NO

Spouses Last Name: Kavulak First Name: Kimberly MI: K

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

Date Of Birth: _____ Place Of Birth: Council Bluffs IA

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
8711 Raven Drive Louisville NE 68037	2002	2013	8711 Raven Drive Louisville NE 68037	2002	2013

YEAR FROM	TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2007	Present	Nebraska Brewing Company	N/A	402-934-7100
2000	2007	West Corporation	Skip Hanson	

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):

Nebraska Brewing Company 7474 Towne Center Parkway Suite 101 Papillion, NE 68046

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: 4-24-2013 Name on Certificate: Paul Harold Kavulak

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Paul Kavulak	<u>4-24-2013</u>	2000 RBST <u>RB-0099285</u>

*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:
Paul H. Kavulak / President	11/2007 - Present	Nebraska Brewing Company 7474 Towne Center Pkwy Suite 101 Papillion, NE 68046
Kimberly A. Kavulak / Brewpub GM	11/2007- Present	Nebraska Brewing Company 7474 Towne Center Pkwy Suite 101 Papillion, NE. 68046

5. 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

prints enclosed

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

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

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



Signature of Manager Applicant



Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska

County of

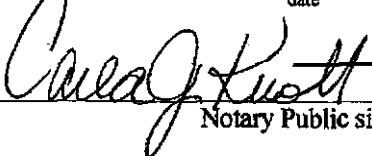


Cass

10-30-13 date

The foregoing instrument was acknowledged before me this

by Paul H. Kavulok & Kimberly A. Kavulok
name of person acknowledged



Notary Public signature

Affix Seal



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.