Council Meeting of April 8, 2015

Agenda Item No. 7b

REQUEST FOR COUNCIL ACTION

SUBJECT: Class B Beer and Restaurant Liquor

SUMMARY: Approve a Class B Beer License and a Full Restaurant Alcohol for Bar Down Sports Bar & Grill

FISCAL IMPACT: The City will receive a beer license fee in the amount of $625.00 for a Class B Beer, Restaurant Alcohol

STAFF RECOMMENDATION:

Staff recommends approval of a Class B Beer and Restaurant Alcohol

MOTION RECOMMENDED:

"I move to approve the Class B Beer for Bar Down Sports Bar & Grill located at 7078 Redwood Rd. West Jordan, Utah 84088

Roll Call vote required

Prepared by:

Marsha M. Lancaster
Business License Coordinator

Reviewed by:

Ryan Bradshaw
Finance Manager

Reviewed by:

Chief Doug Diamond
Police Chief

Recommended by:

Bryce Haderlie
Interim City Manager

BACKGROUND DISCUSSION:

Bar Down Sports Bar & Grill are a sports bar and restaurant and will be taking the place of The Fox Hole Tavern. Selina Kirkbride and James T. Lewis are the owners Selina will be the sole owner that will be overseeing all operations of the Bar and Restaurant. It will be located at 7078 Redwood Rd. Selina is ready to serve the patrons of West Jordan.

West Jordan Police
8040 South Redwood Road
West Jordan, Utah 84088
(801) 256-2000
Fax (801) 562-2105

Douglas L. Diamond
Chief of Police

March 31, 2015

Attn: Marsha Lancaster
Finance Department

Dear Marsha,

I received the application for a Class B Beer and Restaurant Liquor License for Bar Down Sports Bar & Grill, located at 7078 Redwood Road (formerly known as the Fox Hole). It has been reviewed and I can see no reason for one not to be issued to them.

If you have any questions, please feel free to contact me at extension 2001.

Sincerely,

Douglas L. Diamond
Chief of Police

DLD/knj

Finance and Administrative Services Department

INTEROFFICE MEMORANDUM

WEST JORDAN UTAH

TO: Chief Doug Diamond

CC: Larry C Montgomery, Ryan Bradshaw

FROM: Marsha Lancaster

SUBJECT: Class B Beer

DATE: March 19, 2015

Attached is an application for the Bar Down Sports Bar & Grill located at 7078 Redwood Rd formerly known as the Fox Hole. Selina Kirkbride is the owner and will be overseeing and managing all of the operations and training. This sports bar will be a full restaurant with full restaurant liquor permit. There will be a City Council Agenda Action that will be needed. I have the information included in this packet for our police department to run back ground checks that are needed.

Sincerely,

Marsha M. Lancaster

Business License Coordinator

#22775

WEST JORDAN
UTAH

CLASS B BEER AND RESTAURANT LIQUOR LICENSE APPLICATION

NOTICE

ALCOHOLIC SALES LICENSING APPLICATIONS TO WEST JORDAN CITY REQUIRE APPROVAL BEFORE THE LICENSE CAN BE ISSUED. NO IMMEDIATE PRIVILEGE IS GRANTED WITH THE COMPLETION OF AN APPLICATION.

THIS APPLICATION DOES NOT AUTHORIZE THE SALE, OR DISPLAY FOR SALE, OF ALCOHOLIC BEVERAGES UNTIL THE LICENSE HAS BEEN ISSUED.

Registered Business Name (DBA): Bar Down Sports Bar & Grill

Corporation Name: " LLC

Business Address: 7078 S. Redwood Rd. Phone: (801) 859-5524

Mailing Address: [illegible] UT 84092

Name of Owner: Selina Kirkbride

Phone (Home): _____ (Work): "

Owner Address: [illegible] 84092

Type of business or organization:

[ ] Proprietorship
[ ] Partnership
[X] Limited Liability Company
[ ] Corporation
[ ] Non-Profit Organization

A $300.00 non-refundable application, investigation and processing fee is required at the time of application in addition to the annual licensing fee.

I/We hereby apply to the West Jordan City Council for the following license(s):

[X] **Class B Retail Beer** – Original container or on draft sales for on premises consumption which furnish meals in good faith to the guests and patrons thereof.
$325.00 – Annual License Fee

[X] **Restaurant Liquor** – Original container or on draft sales for on premises consumption which furnish meals in good faith to the guests and patrons thereof. Requires possession of State Restaurant Liquor License.
$300.00 – Annual License Fee

$925.00 total
Due again Dec.

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UTAH

Number of years this organization has been in business: In Utah 0 Elsewhere 0

Utah State Sales Tax Number: #14023212-003-STC

Does this organization possess any other municipal, county, and/or state licenses or permits allowing the sale of alcohol? [ ] Yes [X] No

If Yes, in which jurisdiction(s)? _____

Has this business organization or any of its principals (officers, partners or managers) ever been convicted of or plead no contest to:

1) A felony under any federal or state law? [ ] Yes [X] No
2) Any violation of any federal or state law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation or alcoholic beverages? [ ] Yes [X] No
3) Has had any type of license, agency, or permit to sell liquor or beer revoked by any state, city or other state or local authority within the last five years? [ ] Yes [X] No
4) Any crime involving moral turpitude? [ ] Yes [X] No
5) Any misdemeanor conviction for crimes occurring within 5 years prior to the date of application. "Misdemeanor" shall not include minor traffic offenses (any traffic offense designated as a class "B" misdemeanor shall not be construed as a minor traffic offense). [ ] Yes [X] No

If yes to any of the above, fully explain on a separate attached sheet. State the date and the jurisdiction in which the incident took place.

Number of employees who will dispense or sell alcoholic beverages: 7

Manager at this location: Selina M. Kirkbride Phone: (801)859-5534

Assistant Manager at this location: _____

(Personal information required on following pages.)

WEST JORDAN
UTAH

BONDING COMPANY

(Required as per West Jordan Municipal Code Title 4-1B-10: Bond required from applicant for class B license.)

Name of bonding company: _____

Address of bonding company: _____

_____

Is bonding company licensed to do business in Utah? [ ] Yes [ ] No
A $5,000.00 bond is attached: [X] Yes [ ] No

NOTIFICATION

Provide the name and address of person to whom notification of violations and/or notification of official administrative action concerning the license should be sent. This person and address may NOT be the business address for which the license is issued. If the licensee is a national or regional business, the name and address must be the area, regional or national office headquarters.

Name: Selina Kirkbride

Address: [illegible]

Telephone: [illegible]

An **applicant** means any person or individual applying for a license. If the application is made by a corporation, partnership, individual or entity doing business under an assumed name, each partner, principal, officer, director and any shareholder (corporate or personal) of more than 20% of the stock of the business entity shall also be considered an applicant.

The following is taken from Alcohol Beverage Municipal Code Title 4-1B-5: Application and Disclosure:

B. Class B: An applicant seeking a class B beer sales license within the city for consumption on the premises shall provide a written application on forms provided by the city. The application shall be accompanied by:

   1. The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name.

   2. If the applicant is a corporation, partnership, limited partnership, individual or entity doing business under an assumed name, submittal of the information

required for individual applicants for each partner, principal, officer, director and any shareholder (corporate or personal) of more than 20% of the stock of any applicant. Any holding company or any entity holding more and 20% of an applicant shall be considered an applicant for purposes of disclosure under this article.

3. Identification by all corporations, partnerships or noncorporate entities included on the application of each individual authorized by the corporation, partnership or noncorporate entity to sign the checks for such corporation, partnership or noncorporate entity.

4. For all applicants, a statement of:

    a. Any other names or aliases used the individual;
    b. The age, date and place of birth;
    c. Height;
    d. Weight;
    e. Color of hair;
    f. Color of eyes;
    g. Present business address and telephone number (if applicable);
    h. Present residence and telephone number;
    i. Utah driver's license or identification number; and
    j. Social security number.

5. Acceptable written proof that an individual is at least 21 years of age and a U.S. citizen.

6. A statement of the business, occupation and employment history of the applicant for three years immediately preceding the date of the filing of the application.

7. A statement detailing the license and permit history of the applicant for the five year period immediately preceding the date of the filing of the application, including:

    a. Whether such applicant previously operated or was seeking to operate a business authorized to allow consumption of alcohol on the premises in this or any other county, city, state or territory.
    b. Whether such applicant has ever had a license, permit or authorization to do business denied, revoked or suspended.
    c. In the event of any such denial, revocation or suspension, a statement of the date, the name of the issuing or denying jurisdiction, and the

reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.

8. Disclosure of all misdemeanor criminal convictions or pleas of no contest for five years prior to the application date and all felony convictions or pleas of no contest, and the disposition of all such convictions or pleas of no contest for the applicant, individual, or other entity subject to disclosure under this chapter. This disclosure shall include identification of all ordinance violations, except minor traffic offenses (any traffic offense designated a class B misdemeanor shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or plea of no contest, sentence of each conviction or other disposition; identifying the convicting jurisdiction and sentencing court; and providing the court identifying case numbers or docket numbers. Application for an alcohol business license shall constitute a waiver of disclosure of any criminal conviction or plea of no contest for the purposes of any proceeding involving the business or employee license. Each applicant will be required to sign a release authorizing the city to perform a criminal background check.

9. Copies of the applicant's business license (if available) and of the application to the state for a liquor license.

10. A map drawn to scale showing evidence of proximity to any religious facilities, schools, public parks, day care centers, sexually oriented business or other business currently possessing any license which allows it to serve or sell liquor or beer.

11. Evidence that the business is carrying dramshop insurance coverage of at least $100,000.00 per occurrence, and $300,000.00 in the aggregate.

12. A nonrefundable application fee in an amount adopted by the City Council in its uniform fee schedule.

13. At least three character references who meet the following qualifications:

    a. The person giving the reference must have known the applicant for a minimum of five years.
    b. The person giving the reference must be of good repute.
    c. The person giving the reference may not be a relative of the applicant.

14. A signed consent form provided by the applicant stating that the licensee will permit any representative of the city or any law enforcement officer unrestricted right to enter the licensed premises.

WEST JORDAN
UTAH

15. Copies of the written policies, procedures, training materials and other methods which the applicant will use to ensure compliance with the laws relating to the marketing and sale of alcoholic beverages. The applicant must also sign a statement certifying that all employees have been trained in these policies, procedures and laws.

16. Any other information which the city may require to accurately evaluate the merits of the application.

COMPANY POLICIES

A copy of written company policies and procedures concerning the marketing and sales of alcoholic beverages are attached. [X] Yes [ ] No

If such written company policies and procedures are not attached, fully explain why.
(Attach a separate page to the back of this application.)

I/We certify that we have read the foregoing application and that the statements made therein are true. I/We recognize that any license to be issued hereunder is a mere revocable privilege and shall not confer any vested rights of any kind or nature upon me/us or my/our successors. The license applied for, if granted, shall be deemed to be personal and NON-TRANSFERRABLE to any other person or organization, or to any other location.

I/We have read the ***West Jordan City ordinances pertaining to the sale and use of alcoholic beverages*** *and agree to abide by their terms. I/We recognize that any violation of said ordinances may jeopardize the license issued and that said violation will justify the City Manager's/City Council's revocation or suspension of the license to be issued. The said violations may also subject the bond I/We have filed herewith to forfeiture to the City and may further subject the offender to criminal prosecution. Any knowing misstatement, omission or misrepresentation of a material fact in this application will result in the revocation of the license issued.*

SIGNATURE Selina M [signature] **DATE** 3/9/15

SIGNATURE Marsha M Lancaster **DATE** 3/9/15

SIGNATURE _____ **DATE** _____

WITNESS _____ **DATE** _____

WEST JORDAN
UTAH

PARTNER, PRINCIPAL, OFFICER, AND DIRECTOR

The following personal information must be furnished for each partner, principal, officer and director who own more than 20% of the stock. Any holding company or any entity holding more than 20% should also give the same information. This will expedite the background check.

Name/Aliases: Selina M. Kirkbride
Business Address:
9453 S. Hunts End Drive
Sandy, Utah 84092
Business Telephone: (801) 859-5534
Residence Address:
[illegible]
[illegible]
Residence Telephone:
Utah Driver's License #:
Social Security #:
Date of Birth:
Place of Birth:
Height: 5'8" Weight: 127
Hair Color: Brown Eye Color: Blue

Name/Aliases: James T. Lewis
Business Address:
9453 S. Hunts End Drive
Sandy, Utah 84092
Business Telephone: (801) 859-5534
Residence Address:
[illegible]
[illegible]
Residence Telephone:
Utah Driver's License #:
Social Security #:
Date of Birth:
Place of Birth:
Height: 6'04" Weight: 250
Hair Color: Brown Eye Color: Hazel

Name/Aliases:
Business Address:

Business Telephone:
Residence Address:

Residence Telephone:
Utah Driver's License #:
Social Security #:
Date of Birth:
Place of Birth:
Height: Weight:
Hair Color: Eye Color:

Name/Aliases:
Business Address:

Business Telephone:
Residence Address:

Residence Telephone:
Utah Driver's License #:
Social Security #:
Date of Birth:
Place of Birth:
Height: Weight:
Hair Color: Eye Color:

WEST JORDAN
UTAH

NOTICE: PAGES 8-11 WILL NEED TO BE FILLED OUT BY EACH PARTNER, PRINCIPAL, OFFICER, DIRECTOR WITH 20% STOCK OWNERSHIP AND MANAGERS AND ASSISTANT MANAGERS.

MANAGER/ASSISTANT MANAGER

PERSONAL INFORMATION

Name/Title: Selina M. Kirkbride Owner / General Manager

Business Name: Bar Down Bar & Grill

Business Address: 7078 S. Redwood Rd., W. Jordan, Ut 84084

Business Phone: (801) 859-5531 Home Phone: "

Residence Address: [illegible]

Age: [illegible] Date of Birth: [illegible] Place of Birth: [illegible]

Height: 5'8" Weight: 127 Hair Color: Brown Eye Color: Blue

Utah Driver's License #: [illegible] Expiration Date: [illegible]

SSN #: [illegible]

Number of years employed by company: As Manager: _____ Total: _____

EMPLOYMENT HISTORY

Employment history for the last 5 years (Class B):

* July 2013 - Current The Penalty Box (Owner)
Simply Sales & Consulting (off & on) the past 5 years
- consulted w/ bars, found theft, stream-lined for effeciency & trained managers/staff.
Eaglegate college - sales
Global vacation - sales

WEST JORDAN
UTAH

CITY OF WEST JORDAN ORDINANCE

PERTAINING TO THE SALE OF ALCOHOLIC BEVERAGES

I have read the West Jordan City ordinances pertaining to the sale and use of alcoholic beverages and agree to abide by their terms. I recognize that any violation of said ordinances may jeopardize the license issued and that said violation will justify the City Manager's/City Council's revocation or suspension of the license to be issued. The said violation may also subject the bond my employer has filed herewith to forfeiture to the City and may further subject the offender to criminal prosecution. Any knowing misstatement, omission or misrepresentation of a material fact in this application will result in the revocation of the license issued.

PRINT NAME Selina M. Kirkbride

SIGNATURE Selina M. **DATE** 3/9/15

WITNESS [illegible] **DATE** 3-9-15

WEST JORDAN
UTAH

EMPLOYEE TRAINING

I hereby swear that all my current employees have received training on the written policies, procedures and laws relating to the marketing and sale of alcoholic beverages.

PRINT NAME SELINA KIRKBRIDE

SIGNATURE _____ **DATE** 3/9/15

WITNESS _____ **DATE** 3-9-15

WEST JORDAN
UTAH

RIGHT TO ENTER PREMISES

CONSENT FORM

Having made application for an Alcohol Sales License with the City of West Jordan, I hereby authorize any representative of the City of West Jordan or any law enforcement officer unrestricted right to enter the licensed premises to verify compliance with the local ordinances and statutes regarding the marketing and sale of alcoholic beverages.

PRINT NAME SELINA KIRKBRIDE

SIGNATURE Selina Mg **DATE** 3/9/15

WITNESS [illegible] **DATE** 3-9-15

Bar Down Bar and Grill Procedure for training to serve alcohol:

I have been in the bar business for 16 years and I have been lucky enough to be trained by the best. I have ID'd, cocktailed, cooked, bar-tended, managed and been hired as a consultant. I have overseen a staff of 200+ and ran shifts with over 60 employees working and never received a violation. I am diligent when it comes to following the laws and I am adamant that my employees be the same. I encourage a team environment so my staff is aware that what might benefit one in the moment can be detrimental to the business/team in the long run. Not all staff members buy in to this idea but the ones that do are the ones that are still around. I have very much faith in my current staff and their abilities and I hope to double and/or triple the staff with the same mentality.

5 of the 7 member staff have already been previously trained by myself and they are all responsible servers/bartenders.

All staff both current and new will have to re-take their tips and sips course through Jerry Diana, who will teach a mandatory class at the business to ensure that we will all be trained and updated on the existing as well as new laws.

All staff will also have a mandatory meeting with Steve Wallenda (or any other DABC representative) to also receive responsible serving training and fill out the quiz.

Myself, my assistant and my head bartender will all be overseeing the staff to ensure responsible serving at all times.

Copy

UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

1625 S 900 W • PO Box 30408 • Salt Lake City, UT 84130-0408 • Phone (801) 977-6800 • Fax (801) 977-6889

"RESTAURANT LIQUOR BOND"

BOND # 62322196

KNOW ALL PERSONS BY THESE PRESENTS:

That **Principal**, Bar Down Sports Bar and Grill LLC,

a restaurant liquor licensee, doing business as The Fox Hole,

and **Surety**, WESTERN SURETY COMPANY, a corporation

organized and existing under the laws of the state of South Dakota and authorized to do business in Utah, are held and bound unto the Utah Department of Alcoholic Beverage Control in the sum of **$10,000,** for which payment will be made, we hereby bind ourselves and our representatives, assigns, and successors firmly by these presents.

Dated this 9th day of March, 2015.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, the above principal has made application to the Utah Alcoholic Beverage Control Commission for a restaurant liquor license pursuant to the provisions of 32B-5-204, Utah Code.

NOW, THEREFORE, if said principal, its officers, agents and employees shall faithfully comply with the provisions of Title 32B, Utah Code, and the rules and directives of the Utah Alcoholic Beverage Control Commission and the Utah Department of Alcoholic Beverage Control, then this bond shall be void; but, if said principal, its officers, agents and employees fail to comply with the provisions of the laws, rules and directives or orders as the commission or department may issue, then this bond shall be in full force and effect and payable to the Utah Department of Alcoholic Beverage Control. This bond shall run for a continuing term effective March 9th, 2015 unless canceled by service of written notice upon the Utah Department of Alcoholic Beverage Control, which cancellation shall be effective 30 days after receipt of such notice; provided however, that no part of this bond shall be withdrawn or canceled while violations, legal actions or proceedings are pending against said licensee / principal.

WESTERN SURETY COMPANY
Surety

Paul T. Bruflat

Attorney in fact, Paul T. Bruflat,
Vice President

{Corporate Seal}

WESTERN SURETY COMPANY CORPORATE SEAL SOUTH DAKOTA

Bar Down Sports Bar and Grill LLC
DBA The Fox Hole
Principal / Licensee

Authorized signature

Name / Title

Copy

STATUTORY AFFIDAVIT FOR CORPORATE SURETY

STATE OF: SOUTH DAKOTA

COUNTY OF: MINNEHAHA

On the 9th day of March, 2015, personally appeared before me, Paul T. Bruflat, Vice President, who, being by me duly sworn, did say that he / she is the attorney in fact of WESTERN SURETY COMPANY, **Surety**, and that said instrument was signed in behalf of said surety by authority, and acknowledged to me that he / she as such attorney in fact executed the same.

S. Petrik

Notary Public Signature & *Seal*

S. PETRIK
NOTARY PUBLIC
SOUTH DAKOTA
SEAL SEAL

My Commission Expires August 11, 2016

Note: ***Corporate surety's own affidavit also acceptable***

West Jordan Police Department
8040 South Redwood Road
West Jordan, Utah 84088
801-256-2000

APPLICATION FOR CRIMINAL HISTORY RECORD REVIEW

Your application will not be processed unless all sections of this form are filled out completely

NAME: Kirkbride, Selina, M. **DATE OF BIRTH** 8/30/77
Last Name First Name Middle Name

PREVIOUSLY USED NAME(S) (Maiden, etc.)

MAILING ADDRESS: 9483 S. Hunts End Drive, Sandy, Ut 84092

HOME PHONE NUMBER:

ALTERNATE PHONE NUMBER: -0-

SOCIAL SECURITY NUMBER:

DRIVER LICENSE# AND STATE: / Utah

PHYSICAL DESCRIPTION:

5'8"	127	Blue	Female	C
HGT	WGT	EYE COLOR	SEX	RACE

I hereby make application to review and receive my Utah Computerized Criminal History:

Signature of applicant: Selina M. **Date:** 3/9/15

FOR OFFICE USE ONLY:

Confirm identify of applicant with identification that shows photo, signature and date of birth. Confirm ID with the information above, then list the type of ID used and the ID number in the space provided below.

APPLICANT IDENTIFICATION INFORMATION

Type of identification used: Identification number:

Processed by: Nikol M.

Results: UCCH ~~None~~: Spillman Neg.

Miscellaneous info

**********WAIVER**********

INSTRUCTIONS FOR WAIVER: The waiver is required when application is made and you wish to have this information sent/given to someone other than yourself. This waiver must be signed and dated.

I request that the criminal history information requested be released to:

Attn: City Of West Jordan

Address: 8000 S. Redwood Rd

City/State/Zip: West Jordan, Utah 84088

I hereby release the City of West Jordan from any liability resulting from such request.

Signature of Applicant: Selina M

Date: 3/9/15