



# City of Grand Island

Tuesday, April 23, 2019

Council Session

## Item E-1

**Public Hearing on Request from Spirit in the Sky, LLC dba 40 North Tap & Grille, 520 West 3rd Street for a Class “IK” Liquor License**

*Council action will take place under Consent Agenda item G-3.*

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** April 23, 2019

**Subject:** Public Hearing on Request from Spirit in the Sky, LLC  
dba 40 North Tap & Grille, 520 West 3<sup>rd</sup> Street for a  
Class “IK” Liquor License

**Presenter(s):** RaNae Edwards, City Clerk

## **Background**

Section 4-2 of the Grand Island City Code declares the intent of the City Council regarding liquor licenses and the sale of alcohol.

### **Declared Legislative Intent**

- It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this chapter:
- (A) To express the community sentiment that the control of availability of alcoholic liquor to the public in general and to minors in particular promotes the public health, safety, and welfare;
  - (B) To encourage temperance in the consumption of alcoholic liquor by sound and careful control and regulation of the sale and distribution thereof; and
  - (C) To ensure that the number of retail outlets and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the abuse of alcohol and the occurrence of alcohol-related crimes and offenses is kept to a minimum.

## **Discussion**

Spirit in the Sky, LLC dba 40 North Tap & Grille, 420 West 3<sup>rd</sup> Street has submitted an application for a Class “IK” Liquor License. A Class “I” Liquor License allows for the sale of alcohol on sale only inside the corporate limits of the city. The Class “K” allows for catering one day events. This request would allow 40 North Tap & Grille to deliver, sell or dispense alcoholic liquors, including beer, for consumption at a location designated on a Special Designated Liquor License (SDL).

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Clerk, Building, Fire, Health, and Police Departments. See attached Police Department report.

Also submitted was a request for Liquor Manager Designation for Joseph Vavricek, 2729 Brentwood Blvd. Mr. Vavricek has completed a state approved alcohol server/seller training program. Staff recommends approval of the liquor license contingent upon final inspections and liquor manager designation for Joseph Vavricek.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

### **Recommendation**

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council approve this application.

### **Sample Motion**

Move to approve the application for Spirit in the Sky, LLC dba 40 North Tap & Grille, 520 West 3<sup>rd</sup> Street for a Class "IK" Liquor License contingent upon final inspections and Liquor Manager Designation for Joseph Vavricek, 2729 Brentwood Blvd.

04/04/19  
08:33

Grand Island Police Department  
LAW SUPPLEMENTAL NARRATIVE

450  
Page: 1

Incident number : L19040109  
Sequence number : 1  
Name : Vitera D  
Date : 11:02:35 04/02/2019  
Narrative : (see below)  
318

Grand Island Police Department  
Supplemental Report

Date, Time: Tue Apr 02 11:02:48 DT 2019  
Reporting Officer: Vitera  
Unit- CID

Joseph "Jay" Vavricek and Janet Vavricek are applying for a Class I (beer, wine, distilled spirits, on sale only) LLC Retail liquor license along with a catering license for a business called 40 North Tap & Grille. Jay is also applying to become the liquor manager.

According to the application, the front part of the building will be a restaurant/bar. The back portion of the building will be a sports lounge/events center. There will be an outdoor patio on the west side of the building, and the rooftop will also be a liquor-licensed area. While perusing the rest of the application, I noticed that: Jay disclosed a conviction for reckless driving and speeding, Janet didn't disclose any convictions, the Vavricek's have never had a liquor license before, they have lived in Grand Island since at least 1985, and they own 100% of the company.

I checked Jay and Janet through Spillman and NCJIS, and neither database showed any undisclosed convictions. Jay and Janet each have a valid Nebraska driver's license, and neither one has any outstanding arrest warrants. I also checked the Vavricek's through a paid online law enforcement-only database which tends to provide mostly personal identifying information and information about civil issues. I did not find anything out of the ordinary.

I called Jay on 4/3/19 and set up a meeting for 2 PM that afternoon. Nebraska State Patrol (NSP) Investigator Joe Hansen and I met with Jay and the contractor doing the construction work. Since Jay and Janet didn't have any undisclosed convictions and the application appeared to be filled out properly, I didn't have many questions. While Investigator Hansen was filling out his checklist of questions for the State, Jay advised that he will not be using the rooftop as a licensed area. He also brought up the topic of a video surveillance system. It sounds like he will be installing one. Jay said he may occasionally have some form of entertainment, but if it's in the back portion of the building where the sports bar/events center is, he doesn't want to disturb the dining experience of the customers in the front. Jay asked some other thought-provoking questions which indicated that he is taking the matter of having a liquor license seriously.

All in all, the Grand Island Police Department has no objection to 40 North Tap & Grille receiving a liquor license (with catering) or to Jay Vavricek becoming the liquor manager.

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## FOR IMMEDIATE RELEASE

40 North Tap + Grille  
Jay Vavricek  
(308) 380-4913  
jvavricek@krgi.com

April 1, 2019

### **40 NORTH TAP + GRILLE COMING SOON TO DOWNTOWN GRAND ISLAND** *Locally owned. Locally grown. Locally enjoyed.*

40 North Tap + Grille, a New Upscale American restaurant in Downtown Grand Island, is in its final stages of renovation. In what was once an auto dealership in 1920 and most recently Billie Berta's Antique Warehouse, its historical red brick and rustic décor at 520 West 3<sup>rd</sup> Street is being transformed to become a multidimensional customer destination.

Owned by Jay and Jan Vavricek, 40 North Tap + Grille and its 9,000 square feet historic building with arched ceiling rafters are being recreated into a contemporary rustic setting that will welcome customers with true Nebraska hospitality from chef created dining upfront, a west side patio, and a sports lounge and event venue.

Grand Island's geographical location is 40 degrees North and 98 degrees West. "The 40 North name is derived from those coordinates, to pinpoint where we are from. "We want to celebrate the communities and the people that make living in central Nebraska so great," said Vavricek. "Our mission is to be locally owned, locally grown, and locally enjoyed. Keeping in mind the 'scratch kitchen' philosophy, we will feature local, wholesome and fresh ingredients."

40 North Tap + Grille will feature a fine-dining experience in the front section of the newly renovated restaurant. Guests will enjoy fireside dining, a signature waterfall feature and a vast wine and beer selection. A crimson draft beer dispenser will feature its share of 40 draft beer selections. A west side covered patio will offer street-side experience, comfortable for all seasons. The back section of 40 North will consist of an upscale sports lounge where you can catch the big game in a room full of screens, including "Big Red," the largest sports television screen in the Tri-Cities. Patrons will have the opportunity to rent the sports lounge with its video screens for private parties, conferences, meetings, receptions or more.

"We are excited to become a part of the Downtown entertainment and food offerings in the historic Railside district of Grand Island." Whether creating unique dining selections or helping you celebrate in a sports lounge like none other, our careful attention to detail is for the great people of Central Nebraska. "We hope you find 40 North Tap + Grille to

be the place to enjoy a delicious meal, unique atmosphere and a great time with your friends and family.”

The renovation of 40 North Tap + Grille is in full swing in old Antique Warehouse building at 520 W 3<sup>rd</sup> Street. While there is not a Grand Opening date set at this point, updates on employment information, the cuisine, chef and more will become available over the next few months at [www.40NorthTapAndGrille.com](http://www.40NorthTapAndGrille.com) and on the 40 North Facebook page.



# Liquor License Application: Class "IK": 40 North Tap & Grille

