



City of Grand Island

Tuesday, June 26, 2018

Council Session

Item E-1

**Public Hearing on Request from MTE, LLC dba Sportsman's Bar,
501 N. Pine Street for a Class "C" Liquor License**

Council action will take place under Consent Agenda item G-4.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: June 26, 2018

Subject: Public Hearing on Request from MTE, LLC dba Sportsman's Bar, 501 N. Pine Street for a Class "C" 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

MTE, LLC dba Sportsman's Bar, 501 N. Pine Street has submitted an application for a Class "C" Liquor License. A Class "C" Liquor License allows for the sale of alcohol on and off sale inside the corporate limits of the city.

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 Mikyle Thorne, 301 North 5th Street. Mr. Thorne has completed a state approved alcohol server/seller training program. Staff recommends approval contingent upon final inspections.

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 MTE, LLC dba Sportsman's Bar, 501 N. Pine Street for a Class "C" Liquor License contingent upon final inspections and Liquor Manager Designation for Mikyle Thorne, 301 North 5th Street.

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Grand Island Police Department
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Grand Island Police Department
Supplemental Report

Date, Time: Wed Jun 13 10:55:01 CDT 2018
Reporting Officer: Vitera
Unit- CID

Mikyle Thorne is buying the Sportsman Bar. He is applying for a Class C (beer, wine, distilled spirits, on and off sale) LLC Retail Liquor license and is also applying to become the liquor manager. As I perused the application, I noticed the following: Zachary Butz assisted with filling out the application; Mikyle disclosed fourteen traffic-related convictions between 1996 and 2015; Mikyle is borrowing money from Dennis Nelson (prior owner of the Sportsman and Mikyle's father); Mikyle has never had a liquor license before; he lived in Omaha between 1991 and 2016, lived in Gillette, Wyoming between 2016 and 2018, and moved to Grand Island in 2018. No one else is listed on the application.

I checked Mikyle through Spillman and NCJIS. Mikyle had an old entry in Spillman from 1996 where he was listed as "interviewed." He did not have any undisclosed convictions in NCJIS. Mikyle has a valid Nebraska driver's license, and he doesn't have any outstanding warrants for his arrest. I also checked Mikyle through a paid law enforcement-only database which tends to provide mostly personal identifying information and information about civil issues. I did not find anything damaging to the application.

Nebraska State Patrol Investigator Joe Hansen and I met with Mikyle "Mike" at the Sportsman Bar on 6/14/18 at 1330 hours. I had found an alias of Michael J. Falmlen for Mike and asked him about that. Mike said that his mother was married four or five times, and Falmlen was of those names that he took. I had also noticed that Mike had used the bar's address as his home address on his Nebraska driver's license, and the home address listed on the application was not a valid Grand Island address. Mike was able to give me an updated home address which is valid. I was also able to clear up a discrepancy listed on the application concerning when and where he lived in the past. The application says he lived in Omaha between 1991 and 2016. Mike said he actually lived in Omaha between 1997 and 2016. I also asked Mike if he had any contact with law enforcement while he lived in Wyoming. He stated that the only contact he had was in the capacity of being a witness to shoplifting at a store where he worked.

I later contacted the Gillette Wyoming Police Department and learned that Mike was a suspect in an identity theft that was just reported in April of this year. I received a report from the Gillette Wyoming Police Department which indicates that an officer contacted Mike about the identity theft. Mike told the officer that he had claimed a couple of adult males on his taxes two years ago because they were living with him and not contributing anything towards the household expenses. Mike said if he claimed them on last year's taxes it was a mistake because he "automatically submits his taxes." The officer told Mike to check with the IRS and see if he mistakenly claimed them again. The "victim" in this case contacted the IRS to resolve the dispute, and the Gillette PD closed out their case.

On 6/19/18, Investigator Hansen and I tried to contact Mike at the Sportsman's Bar. He was not there, and we were told that his dad passed away last night.

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Mike had previously told us that his dad had terminal cancer and was in hospice care. The bartender told Mike we had stopped. Mike then called Investigator Hansen who asked Mike to meet us at the police department. Investigator Hansen and I spoke with Mike in the CID conference room. I asked Mike again if he had contact with law enforcement personnel in Wyoming other than in the capacity of being a witness to shoplifting at the store he worked. He said that he had not. I asked him if the name Adrian Moreno rang a bell. He said it did. When I told Mike about the identity theft complaint that Adrian had made against him, Mike finally acknowledged that he had at least spoken to Wyoming law enforcement personnel over the phone about the incident with Adrian. Mike said that he's been under a lot of stress and hasn't been sleeping much while his dad was in hospice care and while he was moving from Wyoming to Grand Island. Mike said he forgot about the incident with Adrian.

Although there were a few inaccuracies on the application, and Mike had to clarify a few issues; I didn't find anything that would automatically preclude Mike from receiving a liquor license. The Grand Island Police Department will not object to Mike receiving a liquor license for the Sportsman's Bar or to him becoming the liquor manager.

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Class “C” Liquor License Application: Sportman's Bar

