



MEMORANDUM

TO: Bob Klein, Chair, and Members of the
Alcoholic Beverage Control Board

DATE: June 12, 2018

FROM: Erika McConnell, Director

RE: 5628 Midnite Mine Brewing
Company

**Requested
Action:** New license

**Statutory
Authority:** AS 04.06.090(b): "The board shall review all applications for licenses made under this title and may order the director to issue, renew, revoke, transfer, or suspend licenses and permits authorized under this title."

AS 04.11.480(a): "A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application ... If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable."

AS 04.11.480(a): "The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application..."

AS 04.11.510(b)(2): "the board may, on its own initiative or in response to an objection or protest, hold a hearing to ascertain the reaction of the public or a local governing body to an application if a hearing is not required under this subsection; the board shall send notice of a hearing conducted under this paragraph 20 days in advance of the hearing to each community council established within the municipality and to each nonprofit community organization entitled to notification under AS 04.11.310(b);"

Staff Rec.: Uphold the protest with a 90 day abeyance

Background: The Fairbanks North Star Borough submitted a timely protest of this new package store, for not being permitted use in the zoning district where it is proposed to be located. The borough is considering whether or not to change the zoning.

5628 Midnite Mine Brewing Company

ABC Board June 12, 2018

Page 2

The board is required to hold a hearing to consider the protest, and the hearing shall be conducted under AS 04.11.510(b)(2).

The Fairbanks North Star Borough provided the licensee with an opportunity to be heard before the local governing body in accordance with 3 AAC 304.145(d), which states, “A local governing body that protests an application shall allow the applicant a reasonable opportunity to defend the application before a meeting of the local governing body.”

Attachment: Fairbanks North Star Borough protest
Application



Fairbanks North Star Borough

Mayor's Office

907 Terminal Street P.O. Box 71267 Fairbanks, AK 99707-1267 T.(907)459-1300 F.(907)459-1102

MEMORANDUM

TO: Alaska Alcoholic Beverage Control Board

FROM: Jim Williams, Chief of Staff
Fairbanks North Star Borough

SUBJECT: New Liquor License #5628

DATE: March 26, 2018

This is to notify you that the following license will be denied by the Fairbanks North Star Borough.

Brewpub – License #5628

Midnite Mine LLC
DBA: Midnite Mine
Location: 308 Wendell Ave.
Fairbanks, AK 99701

The administration recommends denial of the license as “Beverage manufacture, including breweries”, which would include a brew-pub use, is not a permitted use in the CBD zoning district (FNSB 18.68.020).

/km

cc: Concerned Licensee

LIQUOR LICENSE

Date Notice Received: 3/14/18 **60 DAY DUE DATE** 5/14/18

Type of License:

License Number: 5628

- NEW** **TRANSFER**
- Transfer of location
 - Transfer of ownership
 - Transfer of stock

- | | | |
|--|--|---|
| <input type="checkbox"/> Beverage Dispensary | <input type="checkbox"/> Distillery | <input type="checkbox"/> Tourism |
| <input type="checkbox"/> Restaurant/Eating Place | <input type="checkbox"/> Golf Course | <input type="checkbox"/> Duplicate |
| <input type="checkbox"/> Package Store | <input type="checkbox"/> Recreational Site | <input checked="" type="checkbox"/> Other <u>Brew Pub</u> |

DBA: Midnite Mine Brewing Company

Licensee/Applicant (LA): Midnite Mine LLC

Physical Address: 308 Wendell Ave. Fairbanks AK 99701

Mailing Address: PO Box 73852 Fairbanks AK 99701

INTERNAL REVIEW SCHEDULE

PLANNING DEPARTMENT: Signature: J. Christine Nelson Date: 3-20-18

- Land Use Compliance: Zone: CBD. "Beverage manufacture, including breweries", which would include a brew-pub use, is not a permitted use in the CBD zoning district (FNSBC 18.08.020). Community Planning recommends the license be protested because a brew-pub is not a permitted use in the CBD zone.

ASSESSING DEPARTMENT: Signature: Jolene Parnick Date: 3/20/18

- Parcel Key Number: 28738^{SW}
- Property Description: Lot 7A Block 3 Fairbanks Townside
- Property Owner (PO) Name: Robert M Bloney

TREASURY/ BUDGET: Signature: J. Wells Date: 3/20/18

- Property Taxes: \$
- (LA) (PO) Alcoholic Beverage Sales Taxes: NA - FAKS City Limits

(If either party owes, give amount and attach printout)



Fairbanks North Star Borough

Generic Report

PAN# 0028738

Printed on: 3/19/2018

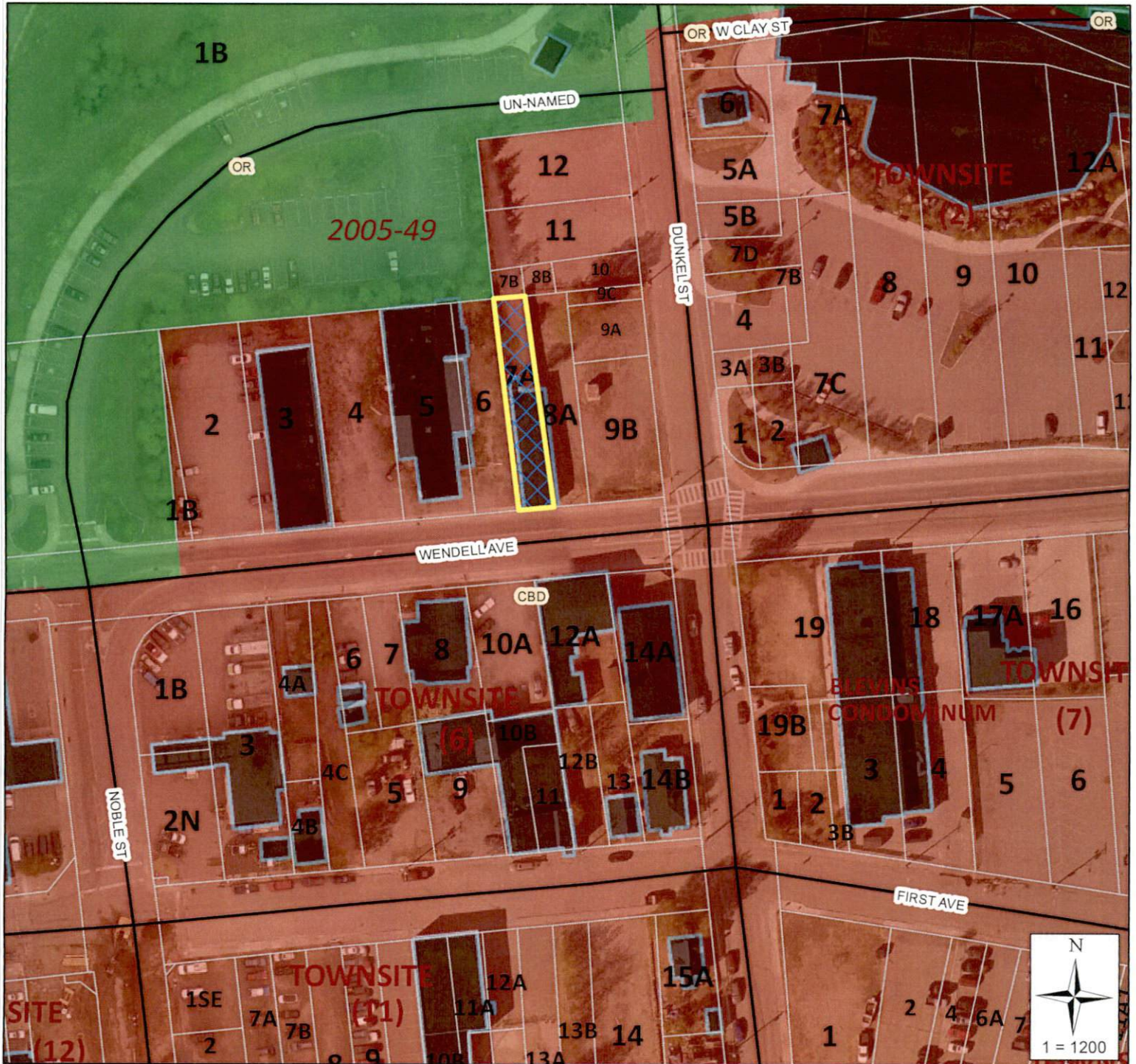


Image courtesy of: Pictometry

Property Information for PAN#: 0028738

PROPERTY DESCRIPTION: FAIRBANKS TOWNSI, BLOCK: 03, LOT: 07A

OWNER: Moloney Robert

SITUS ADDRESS: 308 Wendell Ave

ZONING: CBD (100%)

COMMUNITY PLANNING PERMITS: NONE

Legend

	Midnite Mine
	Building Outlines (2012)
Zoning	
	CBD
	OR

Proximity and Zoning Map Midnite Mine Brewing Company Liquor License - New - #5628 Brew Pub





Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

What is this form?

This new license application form is required for all individuals or entities seeking to apply for a new liquor license. Applicants should review **Title 04 of Alaska Statutes** and **Chapter 304 of the Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260 and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to be licensed.

Licensee:	MIDNIGHT MINE LLC				
License Type:	BREW PUB	Statutory Reference:	04.11.135		
Doing Business As:	MIDNITE MINE BREWING COMPANY				
Premises Address:	308 WENDELL AVENUE				
City:	FAIRBANKS	State:	AK	ZIP:	99701
Local Governing Body:	FAIRBANKS CITY COUNCIL				
Community Council:	NORTH STAR BOROUGH				

Mailing Address:	PO BOX 73852				
City:	FAIRBANKS	State:	AK	ZIP:	99707

Designated Licensee:	SHARON MENSİK				
Contact Phone:	907-978-7384	Business Phone:	907-347-6671		
Contact Email:	rickmensik@yahoo.com				

Seasonal License? Yes No If "Yes", write your six-month operating period: _____

OFFICE USE ONLY					
Complete Date:		License Years:		License #:	5628
Board Meeting Date:			Transaction #:	37862	
Issue Date:			BRE:		





Alaska Alcoholic Beverage Control Board Form AB-00: New License Application

Section 2 – Premises Information

Premises to be licensed is:

an existing facility

a new building

a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

.06 miles

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

.07 miles

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 4.
If more space is needed, please attach a separate sheet with the required information.
The following information must be completed for each licensee and each affiliate (spouse).

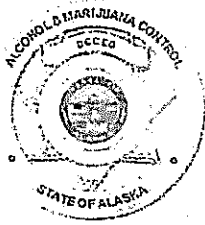
This individual is an: applicant affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an: applicant affiliate

Name:					
Address:					
City:		State:		ZIP:	





Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board
Form AB-00: New License Application

Section 4 - Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 5.

If more space is needed, please attach a separate sheet with the required information.

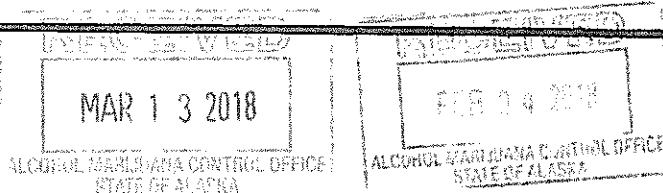
- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more of the stock in the corporation*, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:	Sharon Mensik			
Title(s):	member.	Phone:	907-978-7384	% Owned: 100
Address:	2701 Chief Alexander			
City:	Fairbanks	State:	AK	ZIP: 99709

Entity Official:				
Title(s):		Phone:		% Owned:
Address:				
City:		State:		ZIP:

Entity Official:				
Title(s):		Phone:		% Owned:
Address:				
City:		State:		ZIP:

Entity Official:				
Title(s):		Phone:		% Owned:
Address:				
City:		State:		ZIP:





Alaska Alcoholic Beverage Control Board
Form AB-00: New License Application

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10058841	AK Formed Date:	05/03/2017	Home State:	AK
Registered Agent:	RICK MENSIK		Agent's Phone:	907-347-6671	
Agent's Mailing Address:	PO BOX 70655				
City:	FAIRBANKS	State:	AK	ZIP:	99707

Residency of Agent: Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?

Section 5 - Other Licenses

Ownership and financial interest in other alcoholic beverage businesses: Yes No

Does any representative or owner named in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

Sharon Mensik-beverage dispensary #3148 Scooters inc-#3489-Arctic Fox bar LLC
 Rick Mensik-Beverage dispensary-#3148 Scooters inc-3489 Arctic Fox llc-#4232 JSR Inc-#3969JSR INC-#3198 Full Moon Inc

Section 6 - Authorization

Communication with AMCO staff: Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

If "Yes", disclose the name of the individual and the reason for this authorization:

Rick Mensik -agent





Alaska Alcoholic Beverage Control Board
Form AB-00: New License Application

Section 7 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

SM

I certify that all proposed licensees have been listed with the Division of Corporations.

SM

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

SM

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

SM

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

SM

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

Sharon Mensik

Signature of licensee

Sharon Mensik

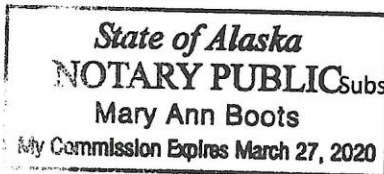
Printed name of licensee

Mary Ann Boots

Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: March 27, 2020



Subscribed and sworn to before me this 6 day of February, 2018.





Alaska Alcoholic Beverage Control Board
Form AB-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Midnight Mine LLC	License Number:	725		
License Type:	Brewpub				
Doing Business As:	Midnite Mine Brewing Company				
Premises Address:	308 Wendell Avenue				
City:	Fairbanks	State:	AK	ZIP:	99701

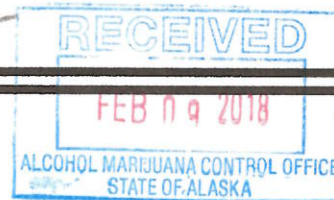
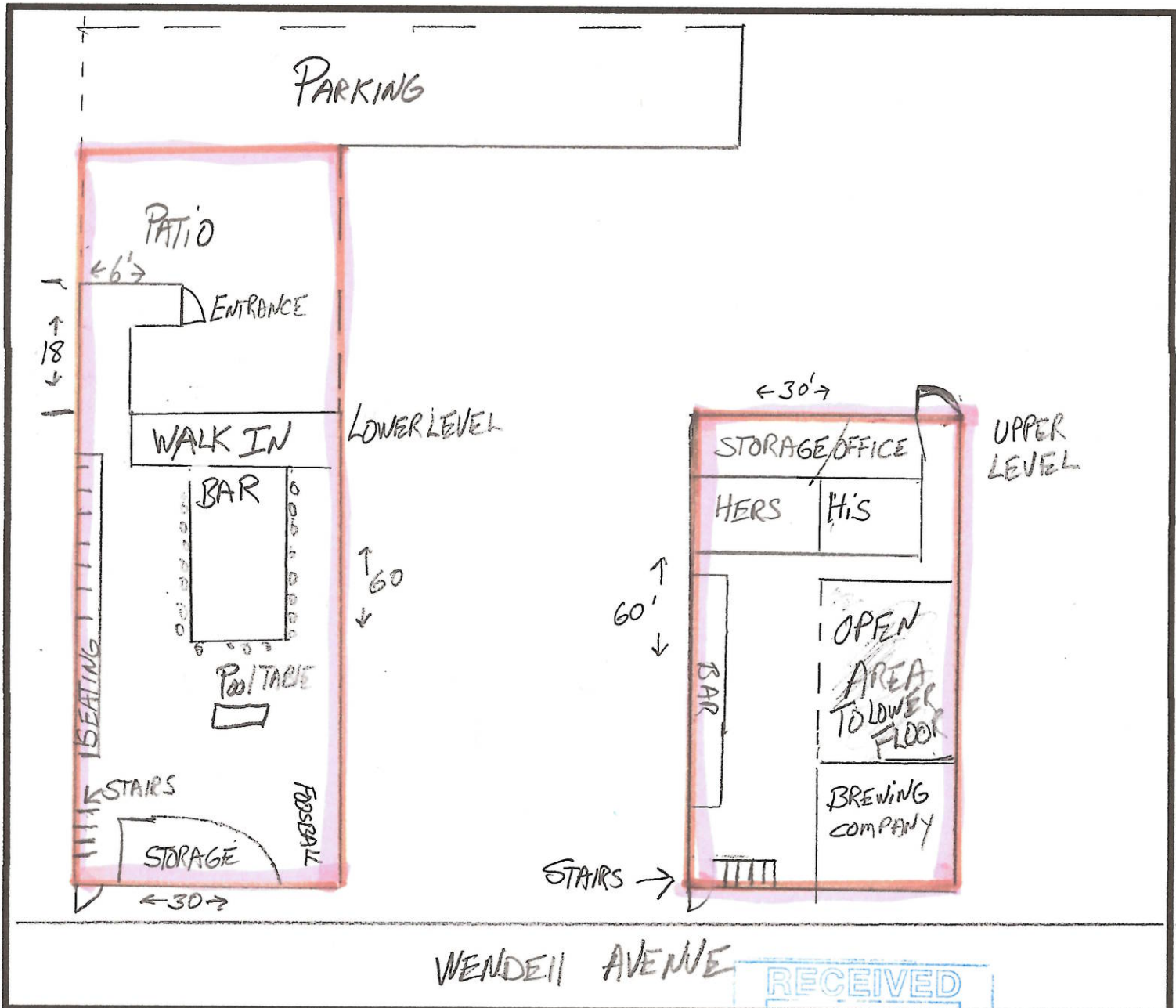




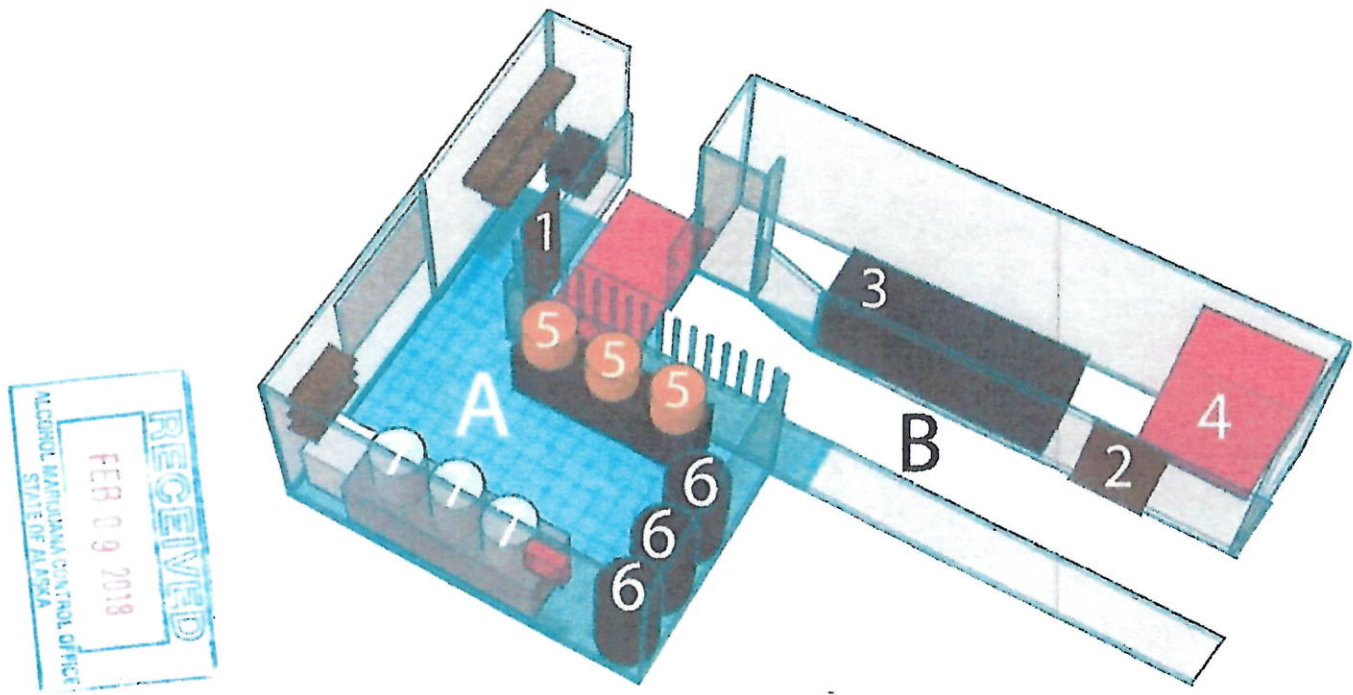
Alaska Alcoholic Beverage Control Board Form AB-02: Premises Diagram

Section 2 - Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.



MIDNITE MINE BRE'
REVISED DIA



- 1 BREWERY (EMPLOYEE) ACCESS
- 2 TASTING ROOM (EMPLOYEE) ACCESS
- 3 KEGERATOR
- 4 TAX PAID BEER STORAGE
- 5 BRITE TANK (TAX DETERMINATION VESSEL)
- 6 FERMENTATION VESSEL
- 7 BREWHOUSE

- A. BREWERY
- B. TASTING AREA