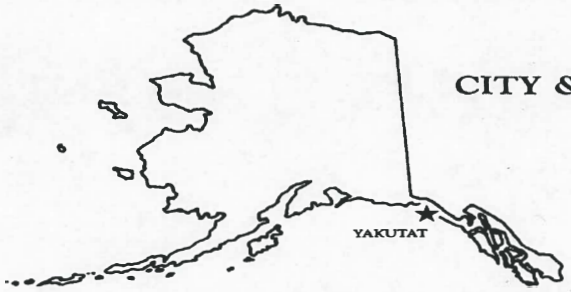

CITY & BOROUGH of YAKUTAT
P.O. Box 160
Yakutat, Alaska 99689
Phone (907) 784-3323
Fax (907) 784-3281

June 8, 2020

Glen Klinkhart, Interim Director
Department of Commerce, Community, and Economic Development
Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
amco.localgovernmentonly@alaska.gov

Pursuant to Alaska Statute 04.11.480 and 3 AAC 304.145, the Borough Assembly of the City and Borough of Yakutat hereby protests the application for transfer of ownership and location in regard to liquor license (package store) #1264 (Applicant: The North West Company (International), Inc.).

The Assembly has determined that this transfer is not in the best interests of the community of Yakutat for the following reasons:

1. The community does not need another liquor store so close to town or so close to the school. The current location is about 3.5 miles from the center of the community. If the transfer is approved, the location would be only 350 yards from a daycare center, 450 yards from the elementary/high school, and 95 yards from the Senior Center.
2. The liquor store would be located in a facility which is a gathering place for students. The applicant is a grocery store, which brings in families. It would normalize alcohol for children. Children in the community are already exposed to alcohol more than they need to be.
3. The community does not need two year-round liquor stores. The current owner is only open 6 or 7 months out of the year, while the applicant would be open year-round.
4. There is not enough business in the community for two liquor stores. If the applicant and the existing store (owned by YCC, Inc.) are competing, the existing store's business will go down and it will not be able to continue donating to the Community. It has donated almost $200,000 dollars back into the Community over the past 15 years, including to funeral expenses for residents. Funeral costs are a significant hardship in the community. The community needs that support.

Received by AMCO 6.8.20

CITY AND BOROUGH OF YAKUTAT, ALASKA

Nick Holcomb, Mayor Pro Tempore

ATTEST:

Alfredo Munoz Jr., Borough Clerk

CITY AND BOROUGH OF YAKUTAT
Corporate Seal Alaska
09/22/1992

Certificate of Service: This Notice of Protest was sent on the 8th day of June, by U.S. Mail and email to the following:

The North West Company (International) Inc.
Attention: Legal Department
77 Main Street
Manitoba, R3C 1A3
license@northwest.ca
asutton@northwest.ca

Alfredo Munoz, Jr., Borough Clerk

Received by AMCO 6.8.20

4.1

CITY & BOROUGH of YAKUTAT
P.O. Box 160
Yakutat, Alaska 99689
Phone (907) 784-3323
Fax (907) 784-3281

MINUTES- DRAFT FOR APPROVAL
CITY AND BOROUGH OF YAKUTAT
BOROUGH ASSEMBLY
REGULAR MEETING
June 4, 2020, 7:00 P.M. City Hall

CBY Staff Present: J. Erickson, Borough Manager and A. Munoz, Borough Clerk.

Public Present: Casey Mapes, Cathy Bremner, Beverly Bremner, Cynthia Peterson, Kip Hoadley, Walt Pickett, and Jeff Mancini.

Public Telephonic: Jana Weltzin, Raymond Sensmeier, Larry Powell, and Eva Sensmeier.

1. CALL TO ORDER:

Mayor, C. Bremner called the meeting to order at 7:04 p.m.

2. ROLL CALL:

N. Holcomb: Present
S. Nelson: Telephonic
G. Valle: Present
D. James: Present
M. Knutsen: Present at 7:10 p.m.
C. Bremner: Present
S. Demmert: Present

3. ADOPTION OF AGENDA:

MOTION: G. Valle moved to amend the Agenda placing Agenda Item 10.2 The North West Company (International), Inc. doing business as Alaska Commercial Company - Package Store Liquor License (#1264) Transfer Application before Agenda Item 10.1 Financial Report for Period Ending April 30, 2020.

SECOND: N. Holcomb

QUESTION: N. Holcomb

VOICE VOTE: All Ayes MOTION CARRIED

9. OLD BUSINESS: NONE

10. NEW BUSINESS:

10.1 Financial Report for Period Ending May 31, 2020.

10.2 Report to Assembly on Proposed Direct Sale of Borough- Owned Property (CCBY 7.16.065)

10.3 Changing of use of Borough –owned parcel per recommendation of the Planning Commission

11. AUDIENCE PARTICIPATION: ON ANY ITEM ON OR OFF THE AGENDA

11.1 IN PERSON PARTICIPATION
11.2 PARTICIPATION BY WRITTEN COMMENT
11.3 TELEPHONIC PARTICIPATION

12. MAYOR'S REPORT, ASSEMBLY MEMBERS COMMENTS:

13. ADJOURNMENT:

4. MINUTES OF PREVIOUS MEETING:

4.1 May 21, 2020 – Regular Meeting.

MOTION: N. Holcomb moved to approve the Minutes of the May 21, 2020 Regular Meeting.

SECOND: S. Demmert

QUESTION: N. Holcomb

VOICE VOTE: All Ayes MOTION CARRIED

5. MANAGER' S REPORT:

Borough Manager, J. Erickson: Commented on many subjects including: changes to the State of Alaska Health Mandates, CBY jail cells, Grant Writing, 4th of July, Resolution to accept COVID-19 Relief funds, PFAS, Notice for part time work, CBY surplus vehicles.

Mayor, C. Bremner: Thanked Jon and asked if anyone had questions for him.

Mayor, C. Bremner: Inquired on COVID-19 testing. Commented that COVID-19 has greatly impacted Yakutat's Sport Fishery. Inquired on enforcement regarding the State of Alaska Health Mandates. Commented on having a second Work Session regarding COVID-19 Relief Funds.

G. Valle: Commented on the current Health Mandates. Commented on the options for travelers coming into Yakutat.

6. COMMUNICATIONS AND APPEARANCE REQUESTS:

6.1 Information and comment to the Assembly from the applicant North West Company (International), Inc. doing business as Alaska Commercial Company – Package Store License (#1264) - (3 AAC 304.145(d)).

Mayor, C. Bremner: Declared her Conflict of Interest as General Manager of the Glass Door Bar and Liquor Store and Mayor Pro Tempore to lead the meeting.

N. Holcomb: Inquired if there are any Appearance Requests. Commented if there are no Appearance Requests the Assembly would move on to the next agenda Item.

Borough Manager, J. Erickson: Commented the Assembly may take Public Testimony on the License Transfer Application.

N. Holcomb: Inquired would Public Testimony be under 7.1.

Borough Manager, J. Erickson: Commented the Assembly can put it under 7.1. Commented he is unsure if the Assembly can have public comment when the Assembly is discussing a vote.

S. Demmert: Commented putting Audience Participation on the Table then move on to 7.1.
Borough Manager, J. Erickson: Commented that was his suggestion. Commented he believes to be legal you cannot have all the public comments and then have 7.1 and then have more public comment again.

N. Holcomb: Inquired if the Assembly will allow public comment after it is on the table.

Borough Manager, J. Erickson: Commented that would be his suggestion.

N. Holcomb: Commented the Assembly will now move on to 7.1 License Transfer Application. Inquired, what is the wish of the Assembly?

MOTION: M. Knutsen moved to protest the application based on the best interest of the community.

SECOND: G. Valle.

N. Holcomb: Commented a motion has been made and seconded, at this time we will take audience participation.

D. James: Commented on Agenda Item 6.1 comment from Northwest Company first then followed by public comment as the agenda was adopted.

N. Holcomb: Commented he had misread Agenda Item 6.1 and thanked D. James. Commented Alaska Commercial Company may make comments now.

Walt Pickett: Thanked the Assembly for the opportunity to speak. Commented AC has been in Yakutat for 15 years, have been good corporate citizens of the community, and AC does everything in its power to make sure that the business is run professionally and respect the rights and desires of the community as a whole. Commented the Northwest Company has 7 liquor stores in the state and this is a continuation of the business. Commented the business is an opportunity to provide products and services to make it convenient for costumers. Commented on True North Federal Credit Union was another example of providing products and services. Commented on the Sitka, Cordova, McGrath and Nome AC liquor stores. Commented the North West Company takes the laws very seriously. Commented on a trainer, additional benefits that this project would provide. All health and safety requirements have been met, commented the Fire Marshal has signed off on this project. The North West Company goes beyond the State of Alaska's requirements. Thanked the Assembly and audience members. Commented the intention is not to run any company out of business, but it is to provide additional opportunities for costumers.

N. Holcomb: Thanked Walt Pickett, and commented that the Assembly will now take in person public comment.

7. AUDIENCE PARTICIPATION:

7.1. License Transfer Application

A. Interested members of the public may comment upon the following Liquor License application for transfer of location and ownership:

Type: Package Store - License #1264
Applicant: The North West Company (International), Inc.
DBA: Alaska Commercial Company
Location: 716 Ocean Cape Road, Yakutat, Alaska

Cathy Bremner: Thanked the Assembly and Mayor C. Bremner. Commented that she is the YCC President and a direct descendant of the five chiefs. Commented that the Assembly will hear from Jena Weltzin who is employed by the YCC. Commented that she would like the record reflect that she urges the City and Borough of Yakutat to protest this transfer and liquor location. Commented on YCC's $185,000 donations made to the community over the past 15 years. Thanked the Assembly.

Larry Powell: Commented that he cannot hear what is being said over the phone.

N. Holcomb: Commented participants will be asked to speak louder.

Casey Mapes: Commented in favor of the License Transfer Application. Commented the City is going to have an increase in expenditures. Commented that the Assembly look into the revenue coming into Yakutat. Thanked the Assembly.

Cynthia Peterson: Commented she is the Vice President for the YCC and spoke in favor of protest for the License Transfer Application. Commented on the Letter from the YCC.

Larry Powell: Commented Yakutat resident for 56 years. Commented opposing the License Transfer Application. Commented on the location, the potential noise, road access.

N. Holcomb: Commented to Larry Powell he has exceeded his time limit.

Larry Powell: Commented opposed to the time limit.

N. Holcomb: Commented he may proceed.

Larry Powell: Commented on the location of the transfer, commented on the profits of the YCC. Commented there is no community need for another liquor store. Commented he would like the ability to submit his comments in writing.

N. Holcomb: Thanked Larry Powell and commented he has the opportunity to submit comments.

Jana D. Weltzin: Commented she is representative for YCC. Commented on the foundation of YCC and opposed the license transfer application. Requested the Assembly protest the license transfer application. Commented on the historical background of the locations involved. Commented on the original

liquor license intentions. Commented on Yakutat's population, oversaturation, and proposed location.

N. Holcomb: Commented time limit has been reached.

Jana D. Weltzin: Commented on having a liquor store inside of a grocery store, and thanked the assembly for their time.

Raymond Sensmeier: Commented on his personal and professional background in Yakutat, and read the names of the five chiefs. Commented in favor of the protest and on the donations YCC has made to the community. Commented on the location of the proposed license transfer application. Commented opposed on the time limit for audience participation.

N. Holcomb: Commented he has reached his time limit and may say a closing statement.

Raymond Sensmeier: Commented on the Coronavirus and George Floyd. Commented that Native people know that feeling. Commented allot of us feel that right now this evening with what's going on and are tired of it. Thanked the Assembly.

N. Holcomb: Inquired if there were any other in person or telephonic comments. Commented hearing none the clerk will read the written comments.

Written Comments: Please see attachments for full written comments.

Helen Galstad: Attachment A

Yakutat Tlingit Tribe: Attachment B

John Buller: Attachment C

Chantil Bremner- Firestack: Attachment D

Cathy Bremner: Attachment E

Jana D. Welzin, JDW Counsel: Attachment F

N. Holcomb: Commented Public comment was closed and inquired if there was any discussion from the Assembly Members.

M. Knutsen: Opposed another Liquor Store being so close to town and so close to the school. Commented the transfer will normalize alcohol for children. Commented children in the community are already exposed to alcohol more than they need to be. Commented YCC has donated almost $200,000 dollars back into the Community over the past 15 years. Commented AC does try and support the Community, but it is not at the same level as YCC. Commented if AC and YCC are competing YCC business will go down and will not be able to continue that same amount of donations to the Community. Commented she does not see AC donating to funeral expenses, which are a very big hardship in the community, especially when community

members pass away unexpectedly.

N. Holcomb: Inquired if there were any other Assembly Member comments

Eva Sensmeier: Commented in favor of protesting the License Transfer Application. Commented on the location of the proposed package store and normalizing alcohol for children.

D. James: Commented the current location is about 3.5 miles from the center of the community. Commented the proposed transfer location is approx. 350 yards from a Daycare center. Commented the proposed transfer location is approx. 450 yards from an Elementary/High School. Commented AC is a gathering place for students, also visiting high school students. Commented that the Senior Center is approx. 95 yards from the entrance of AC. Commented AC is a grocery store and it brings in families. Inquired if Yakutat needs another package store that will be open year round. Yakutat lodge is only open 6-7 months out of the year, whereas AC will be open year round.

N. Holcomb: Inquired if there were any other Assembly Member comments, hearing none call for the question.

QUESTION: M. Knutsen

ROLL CALL VOTE:

G. Valle: YES
S. Demmert: YES
D. James: YES
M. Knutsen: YES
S. Nelson: ABSTAIN
N. Holcomb: YES

MOTION PASSED

7.2 Audience participation on other matters, in the following order: in-person, by written comment, telephonically.

Cathy Bremner: Thanked the Assembly for listening to the community members and voting to protest.

8. HEARINGS, ORDINANCES AND RESOLUTIONS:

INTRODUCTION: NONE

PUBLIC HEARING AND ASSEMBLY ACTION: NONE

RESOLUTIONS: NONE

9. OLD BUSINESS: NONE

10. NEW BUSINESS:

10.1 Financial Report for Period Ending April 30, 2020.

MOTION: M. Knutsen moved to approve the Financial Report for Period Ending April 30, 2020.

SECOND: S. Nelson

DISCUSSION: None

QUESTION: S. Demmert

VOICE VOTE: ALL AYES MOTION CARRIED

10.2 The North West Company (International) , Inc. doing business as Alaska Commercial Company - Package Store Liquor License (#1264) Transfer Application.

11. AUDIENCE PARTICIPATION: None

12. MAYOR'S REPORT, ASSEMBLY MEMBERS COMMENTS:

M. Knutsen: Thanked the Assembly for listening to its community members and thanked the AC representatives.

S. Nelson: Thanked everyone for commenting and sharing their views on the liquor license. Opposed the Liquor License being in the community, however does not want to see AC shut down which brings in revenue to the CBY.

Mayor, C. Bremner: Commented on another Work Session regarding COVID-19 Relief Funds. Thanked everyone for their comments, and thanked the local radio station.

13. ADJOURNMENT:

MOTION: N. Holcomb moved to adjourn the meeting at 8:12 p.m.

SECOND: M. Knutsen

QUESTION: S. Demmert

VOICE VOTE: ALL AYES MOTION CARRIED

Attachment: A

Helen Galstad
P.O. Box 265
Yakutat, AK 99689

RECEIVED
JUN 03 2020
CITY & BOROUGH
YAKUTAT

June 3, 2020

City & Borough of Yakutat, Mayor & Assembly Members
P.O. Box 160
Yakutat, AK 99689

RE: Package License 1264

Dear Mayor and Assembly Members:

Please find the enclosed letter and signatures I previously sent to The Alcohol and Marijuana Control Office regarding the transfer application before you on June 4, 2020.

I'm grateful to live in a community that has the right to protest this transfer application, and I ask that you, on behalf of our community, do exactly that! This transfer is not in the best interest of our community! I ask that you honor, our children, our elders, our community, and the memory of The Five Chiefs of Yakutat, and file a formal protest with the Alcohol Marijuana Control Office, as soon as possible.

Thank you, for your time.

Sincerely,

Helen Galstad

Helen Galstad, Concerned Yakutat Citizen

Enc: Letter Sent to AMCO Dated December 20, 2019

Helen Galstad
P.O. Box 265
Yakutat, AK 99689

December 20, 2019

Alcohol and Marijuana Control Office delivered to via Email to
550 W 7th Avenue, Suite 1600 alcohol.licensing@alaska.gov
Anchorage, AK 99501

Yakutat Adventures, LLC delivered to via U.S. mail
989 Airport Road
Yakutat, AK 99689

The North West Company delivered to via U.S. Mail
ATTN: Legal Department
77 Main Street
Winnipeg, Manitoba R3C1A3

RE: Package License 1264 (located in Yakutat, AK)

To all:

Yesterday, I noticed the application notice. I, and many of my friends and neighbors, object to the transfer. See attached signatures of friends and neighbors.

This letter is to express my formal objection to the transfer of this license. Neither party to this transfer are local, and it will change how this community has operated for the last 60+ years.

The proposed location is so close to the Yakutat School District, The YTT Senior Center, The YTT Tribal Administrative Offices, two churches within 0.5 mile, and the soon to be new hospital.

We already have a designated place within 0.6 mile away where children are not allowed to go. There is no need for two package stores so close together in a town this size. Especially when my underage children and grandchildren frequent the proposed location.

Sincerely,

Helen Galstad, Concerned Yakutat Citizen

Helen Galstad

WE, the undersigned, are residents of the City & Borough of Yakutat, AK, object to the transfer of Package License #1264, Form AB-01 Transfer License Application, posted notice of December 10, 2019, with the Alaska Alcoholic Beverage Control Board, known as AMCO. As residents of the City & Borough of Yakutat, we object this transfer for the following reasons:

We already have a local, community-community owned package store within 0.6 tenths of a mile from the proposed location;

The application is wrong in statement of the distance to the Yakutat School District, which is actually 0.2 tenths of a mile from the proposed location;

The application is wrong in statement of distance to the nearest church, which is actually St. Ann's Catholic Church, at 0.3 tenths of a mile from the proposed location;

The application is wrong in statement of distance to The Church of Jesus Christ of Latter-Day Saints, which is actually 0.4 tenths of a mile away from the proposed location;

Many students of the Yakutat School District frequent the proposed location;

This transfer will change the dynamics of our community!

Robert Bermis

Jane R. Golchoff

Theodore Wells Jr.

Cliff Willing

Laine Petersen

John Williams Jr

John D Williams Jr

Harold May

Larry Bern

Helen Galstad

Raymond Sinsmeier

Pam Tolar

Tony Bertus

M Knutsen

Mitchell Schmach

JOHN LOWE GO

Amian Johnson

Eli Harbor J 12/19/2019

Eric Brown

Pablo O. Phillips

Elijah Johnson

Beverly J. Brenner

Vern Hanson

Samuel McClam

[illegible]

[illegible]

Attachment : B

Yakutat Tlingit Tribe

606 Forest Hwy. 10 * P.O. Box 418 * Yakutat, Alaska 99689
Phone (907) 784-3238 * Fax (907) 784-3595 * www.yttribe.org

June 1, 2020

Alcohol and Marijuana Control Office
Alcohol Licensing
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov

RECEIVED
JUN 04 2020
CITY & BOROUGH
YAKUTAT

RE: Objection to Transfer of License
License #1264, NWC (U.S.) Holdings, Inc.

To whom this may concern,

On behalf of the Yakutat Tlingit Tribal Council please accept this letter in opposition of the transfer of License #1264 to The North West Company (International) Inc., DBA AC Store.

Not only are there social concerns with a greater availability of beer, wine, and spirits, but there are also statutory restrictions and regulations that may prohibit such a transfer from being granted.

The current population of Yakutat is approximately 650 people. We have one existing package store licensee, The Glass Door Bar and Liquor Store that operates in close proximity to The AC Store.

Under Title 4, Article 5 there are restrictions on issuance and transfer of licenses and the board may prohibit relocation of an existing license.

Title 4, Article 5
Section 04.11.400. Population limitations.
(a) Except as provided in (d) – (k) of this section, a new license may not be issued and the board may prohibit relocation of an existing license

> (2) inside an established village, incorporated city, or unified municipality if, after the issuance or relocation, there would be inside the established village, incorporated city, or unified municipality
>
> > (B) more than one license of each type, including licenses that have been issued under (d) or (e) of this section, for each 3000 population or fraction of that population;....

Yakutat Tlingit Tribe Resolution 2016-12

There are exceptions and the board may approve transfers in a limited number of circumstances under (d) – (k).

Letter (d)(1) and (2) references tourist trades, hotels, motels, or similar businesses as well as airport terminals. Letter (e) (1, 2, and 3) are in reference to restaurants and eating places. Letter (f) is not applicable due to transfer distance greater than 1 mile from original location and not meeting necessary requirements as indicated in (f)(2)(A),(B), and (C). Letter (g) pertains to eating establishments. Letter (i) pertains to golf courses. Letter (j) pertains to recreation lodges. Lastly, letter (k) pertains to populations greater than 60,000.

Exceptions (d) through (k) are not applicable to this license transfer request and therefore should be denied.

Additionally, these two businesses (Glass Door and AC Store) are in close proximity to each other and the population limitations clearly do not support an additional license. The existing licensee, Yakutat Adventures, LLC, DBA Yakutat Lodge, operates at the Yakutat Airport which is approximately 2-3 miles outside of the population center and primarily serves their own clients and those arriving and/or departing Yakutat by way of the Yakutat Airport.

If you need additional information or would like to speak with me regarding this objection of transfer, please feel free to contact me at your earliest convenience.

Sincerely,

John P Buller
Tribal President
Yakutat Tlingit Tribe
john.buller85@gmail.com
907-784-3238

Attachment : C

Alfredo Munoz

From: John Buller <john.buller85@gmail.com>
Sent: Thursday, June 4, 2020 4:24 PM
To: Admin@yakutatak.us
Subject: Liquor License

Mayor and Assembly,

As a resident of Yakutat I hope to see the assembly object and protest the liquor license for Ac store. Why do we need another liquor store so close downtown by the school, sr. Center, clinic and federal offices. Thank you for your time.

John Buller

RECEIVED
JUN 04 2020
CITY & BOROUGH
YAKUTAT

--
John Buller
Aanakwei Eesh
Galyax Kaagwaantaan
Yakutat Tlingit Tribe
Tribal President

OUR MISSION:

"To preserve, maintain and protect the unique culture, land and resources of Yakutat Tlingit people; to maximize our social, health & well-being while creating economic development benefits to all tribal members."

Attachment : D

Alfredo Munoz

From: Chantil Bremner-firestack <chantil.firestack@yahoo.com>
Sent: Thursday, June 4, 2020 2:22 PM
To: admin@yakutatak.us
Subject: Comment on Package Store License (#1264) Transfer

To the Yakutat City and Borough Assembly Members,

I would like to take this opportunity to express my opposition of the transfer of the package store license #1264 to the North West Company (International). Inc, DBA Alaska Commercial Company. As we already have a package store located within the city limits I do not see a need to have another. I also think that approving the sale of a liquor license so close to a school is not something our community should condone. I believe our children are already exposed to alcohol enough and allowing the sale of it in our grocery stores just normalizes drinking and encourages underage consumption. I also believe that there is not enough business in the community to sustain two package stores and a large corporation would have the resources to undercut our local package store which in turn could cause that establishment to shut down causing jobs lost and more of our community members to leave in search of employment.

Thank you for your time on this matter.

Best Regards,
Chantil Bremner-Firestack

RECEIVED
JUN 0 4 2020
CITY & BOROUGH
YAKUTAT

Sent from Mail for Windows 10

Attachment: E

Alfredo Munoz

From: Cathy Bremner <cathy.bremner2012@gmail.com>
Sent: Thursday, June 4, 2020 4:22 PM
To: Alfredo Munoz
Subject: Object

Thank you Mayor Cindy Bremner and honorable assembly members, Jon Erickson borough manager, Thank you for your service to this community, my name is Cathy Bremner, YCC President, I am a descendent of the five chiefs. Born and raised in this community. You have heard the objection on behalf of YCC from Jena Weltzin. I will not repeat what she has stated however, I would like the record to reflect I urge city and Borough of the Yakutat to protest this transfer and liquor location. Thank you for your time.

RECEIVED
JUN 04 2020
CITY & BOROUGH
YAKUTAT

CathyB

Attachment: F

RECEIVED
JUN 0 3 2020
CITY & BOROUGH
YAKUTAT

Jana D. Weltzin
Licensed in Alaska & Arizona
901 Photo Ave
Anchorage, Alaska 99503
Phone 630-913-1113
Main Office 907-231-3750
JDW, LLC
jana@jdwcounsel.com

June 4th, 2020

Re: Package License 1264 – Transfer of Ownership & Transfer of Location Request

Dear Honorable Assembly of Yakutat:

This firm has the privilege of representing YCC, Inc. a community minded corporation, originally formed by the honorable Five Chiefs of Yakutat, Alaska, to further community interests and to protect their fellow community members. The purpose of this letter is to formally object to the relocation of Package License 1264 and request the assembly protest this transfer application pursuant to AS 04.11.480.

Brief Historical Review.

To better understand the reason for YCC, Inc.'s strong objection to this proposed relocation, its necessary to recap a bit of history. Originally, YCC was formed as a non-profit by the Five Chiefs of Yakutat. The Chiefs knew it was only a matter of time before liquor became a part of their community and they wanted to ensure that the dispensing and sale of liquor was entrusted in a company that had the best interest of the community members in mind – therefore, they banded together and formed YCC. YCC's creation stemmed from a strong desire to be mindful of community needs and a commitment to giving back to the community. YCC has done just that, since its inception, dating all the way back to its incorporation in 1962. Even at its very early stages of business operations, YCC consistently followed thru with the intent of the Five Chiefs – it gave interest free loans to persons who were experiencing emergencies or hardships, it gave three hundred dollars ($300) to the Alaska Native Brotherhood (back in the early 1960s) to help pay for a cinema screen and special adapter so that the Brotherhood could utilize their projector. YCC also bought games so that the Brotherhood could host game nights for adults and children. *See Letter from the Yakutat Community Corporation dated April 22, 1964 attached as* ***Exhibit A.*** This community mindfulness has continued to present day. Every year, all graduates from Yakutat High School receive a $500.00 scholarship from YCC. Each year, YCC donates to the Yakutat Senior Center, the Yakutat School District, and to the Yakutat Tlingit Tribe. Additionally, YCC also donates to families who have lost love ones and assist with funeral expenses for any descendants of the Five Chiefs. YCC's package store has been part of the life blood of this community for nearly six (6) decades – YCC's historical responsibility to Yakutat and its stewardship of the community is of the upmost importance to the board of YCC. The YCC

JDW
COUNSEL
ALIGNED FOR EXCELLENCE

Jana D. Weltzin
Licensed in Alaska & Arizona
901 Photo Ave
Anchorage, Alaska 99503
Phone 630-913-1113
Main Office 907-231-3750
JDW, LLC
jana@jdwcounsel.com

board includes members appointed by the Alaska Native Brotherhood, the Alaska Native Sisterhood Yakutat Camp 13, and members appointed by the Yakutat Tlingit Tribe.

The historical background on the package store License Number 1264, currently owned by Yakutat Adventures, LLC (an Arizona based company) is also an important part of the full consideration of the relocation request and the impact relocation will have on the community. License number 1264 was obtained prior to the Borough becoming incorporated – the license location (its current location) at the time, was outside of the city limits of Yakutat and therefore was not prohibited by population limits. It is the recollection of YCC that the license was objected to by the City, but ultimately granted due to being outside City limits. As documented in the YCC Board of Directors Special Meeting Minutes on February 6th, 1963, the original licensee of License Number 1264 meet with the Board of YCC and represented that the license was only to serve the folks coming to and from the airport area and the lodge that the original licensee owned at the time (Mr. and Mrs. Frank Ryman). *See Attached meeting minutes dated Feb. 6th, 1963, attached as* ***Exhibit B***. Mr. Ryman represented to the board that it was primarily concerned with servicing folks from the lodge, and did not intend to draw business from downtown area. In 1992 the City dissolved, and the Borough was incorporated, and the limits of the Borough extended passed the City limits which by default, included the licensed location of License Number 1264. Therefore, a license that would not have been allowed due to population licensing limitations was essentially "grandfathered-in" due to the borough's annexation. It is also important to remember, that during this time, there was nearly twice the amount of people living in the Yakutat area then there currently is now.

Saturation & Monopoly Risks.

Currently, this community of 540[1] people have two liquor stores; One in town, owned locally by YCC, and another four miles away, owned by an Arizona based company but in the process of being sold. The new proposed owners will be that of a Canadian based company. The propose request to relocated license 1264 within less than half a mile from the YCC license and to relocate it to the town center would saturate this small community and impose two package licenses in the middle of town – these licenses are supposed to serve 3,000 people per a license. The definition of saturation is a "state or process that occurs when no more of something can be absorbed, combined with, or added." This request further exacerbates the saturation in this market. This Assembly must consider whether this saturation and concentration in a small rural community is in the best interests of the community. The saturation of licenses in the heart of Yakutat should also give the assembly cause to be weary of approving this proposed relocation. The population of Yakutat is

[1] According to the License and Population Count Dated 4.30.2020 attached as ***Exhibit C.***

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only a fraction of what would be needed to support one package store license. The current location that is apprx. four (4) miles from the YCC license, makes survival of both licenses feasible. However, condensing both within less than a mile will create oversaturation and risk of local business failure. There is precedent to deny this re-location/transfer based on saturation. The Alcohol Control Board (ABC Board) addressed a similar situation in 2014 regarding a Nome beverage dispensary license. At the December 2014 ABC meeting, the board considered the transfer request of license number 110 (Bering Sea Saloon). Nome, as the local governing body, protested under AS 04.11.480 stating "The motion to protest was based on the Councilmen's shared belief that Nome has already exceed the number of liquor licenses necessary to accommodate the public convenience." *See 2014 Board Tab Materials & Board Minutes attached as **Exhibit D**.* The Board upheld the local government protest on that basis.

According to the License and Population Count Dated 4.30.2020 authored by the Alcohol and Marijuana Control Office ("AMCO"), Yakutat is only supposed to have one license, but as you know, it has two. The proposed new licensee is listed as The North West Company (International), Inc. ("NW Company"), a Canadian based company. NW Company listed all the package store licenses it has acquired in its transfer application. Below is a screen shot, for your reference, of the licenses NW Company owns:

1. The North West Company (International) Inc.; Commercial Retail; Lic. No. 08; Package Store.
2. The North West Company (International) Inc.; Commercial Retail; Lic. No. 775; Package Store.
3. The North West Company (International) Inc.; Commercial Retail; Lic. No. 1248; Package Store.
4. The North West Company (International) Inc.; Commercial Retail; Lic. No. 1463; Package Store.
5. The North West Company (International) Inc.; Commercial Retail; Lic. No. 1948; Package Store.
6. The North West Company (International) Inc.; Commercial Retail; Lic. No. 3410; Package Store.
7. The North West Company (International) Inc.; Commercial Retail; Lic. No. 3537; Package Store.
8. The North West Company (International) Inc.; Commercial Retail; Lic. No. 164; Package Store.

Upon digging into where these licenses sit, it has become apparent that the business model for this company is to acquire and operate rural package store licenses.

License No. 08 is located in Sand Point, within the Aleutians East Borough. The limit for package store licenses in Sand Point is one, and only one license, license no. 08, exists.

License No. 775; License No. 1248; and License No. 3537 are all three located in Nome. Nome has four (4) package store licenses, of which NW Company owns three (3).

License No. 1463 is located in McGrath in an unorganized borough, which as a population of 289 people.

License No. 1948 is located in Craig in an unorganized borough, just over 1,000 people live in this community.

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License No. 3410 is located in Cordova, an unorganized borough – with a population of 2,343.

License No. 164 is located outside city limits in the Bristol Bay Borough, again a community with a population of less than 1,000.

While we certainly appreciate that a multinational corporation sees the value of doing business in rural Alaska, the amount of and the specific targeting and acquiring of licenses in rural communities should cause pause and consideration. The Alaska Legislature recognized the risks and negative impacts of monopolies and codified in law the intent to restrict monopolies for liquor licensed establishments in *AS 04.11.690 Discouragement of Monopolies.* The statute provides that, "In a general sense, it is against the public interest that the issuance, renewal, or transfer of licenses issued under this title will create, or assist in the creation of, a monopoly." Alaska Stat. Ann. § 04.11.690 (West)(Emphasis added). Ultimately, while corporate investment and development may be added benefits to a rural community, it is not a benefit when a multinational corporation intends to develop without causation and careful analyzation of the negative impacts it could have on a small community like Yakutat. Moreover, the Assembly should be particularly sensitive to the fact that NW Company is and has been procuring rural licenses and in this particular situation, moving within less than ½ a mile YCC's location poses a real risk to YCC's business viability. YCC is a community minded corporation, profit is not at the top of their priorities – the community is. It will be difficult to compete with NW Company, given NW's financial holdings and multiple licenses.

Proposed Location Prohibited by AS 04.11.150(e).

The proposed new location illustrates a lack of community mindfulness. Going to the grocery store is a necessity, it is a requirement for every community member to get their essential needs. Going to a liquor store is a choice, you consciously make the decision to go to the package store for an alcoholic beverage. The proposed relocation is not only attached to the grocery store, *it is within the grocery store with no separate and independent entrance.* Per statue, a package store cannot be located inside another retail without a separate entry, unless this Board affirmatively approves such a layout. The Assembly should include in its protest that it does not wish the ABC Board to approve such a variance from the requirements of AS 04.11.150(e). AS 04.11.150(e) states:

> *The business premises occupied by a holder of a package store license* ***may not*** *be connected by a door, opening, or other means of passage intended for the access of the general public*

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to an adjacent retail business not licensed under this title, unless approved by the board.

To the best of our knowledge, this package store is proposed to be on the second level of the grocery store with no independent separate exit. A customer of the package store would enter thru the general public entrance, go up the stairs, make their liquor purchase, and then go back down the stairs and through the store, and finally out the front public entrance, carrying their liquor purchase with them as they left. This is especially concerning given the fact that school age minors routinely utilize the café/deli area in the grocery store for lunch during the school year. Students congregate there, it is a small community, this is as close to a mall as its going to get. Again, this type of proposed location of a liquor store within a retail store is prohibited by AS 04.11.150(e). We would strongly encourage the Assembly to protest this relocation request and urge the ABC Board to not allow such a variance, especially knowing that minors during the school year eat lunch in the same building every day. The rationale for the purpose of 04.11.150(e) is to avoid (especially in small communities where grocery stores become akin to community centers and social gathering places) from imposing on impressionable youth the visibility of liquor and liquor products in areas that should be free from such influences. Granting an exemption to AS04.11.150(e) would not be in the best interests of this community. The Planning Commission partially recognized this danger and provided conditional #2 on the approval of the conditional use permit. However, condition number 2 is vague at best and does not fully address the issue at hand. Although the Planning Commission issuance was based on the Borough's code, the Commission did not fully consider the damaging impact to the community. The proposed upstairs location for the liquor store is right next to the youth games and toys section.

AS 04.11.340(1) Denial of Relocation Based on not being in public's best interest.

As discussed above, relocating this license inside of a grocery store, in a rural community with limited spaces for socialization, is not in the best interest of this community. Rather, it is self-serving and introduces the normalcy of alcoholic beverages to our youth in a space that should only be for gathering everyday essential products. In addition, the application does not correctly state the distances from other sensitive uses that would be impacted by relocating the liquor store to be within the grocery store. First, the distance from the proposed location to the Yakutat School District grounds is only two tenths of a mile – not four tenths as noted in the application. Second, the nearest church, St. Ann's Catholic Church, is three tenths of a mile away from the proposed location. The application did not even identify or mention St. Ann's Catholic Church at all in the application. Lastly, The Church of Jesus Christ of Latter-Day Saints is actually four tenths of a mile away from the proposed location, not half a mile away as represented in the application.

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Conclusion and Respectful Request to Deny Relocation Request.

Per 3 AAC 304.145, a local governing body protest may be based on facts that render the particular application objectionable to the local governing body OR may be based upon a general public policy. *See 3 AAC 304.145(e).* In this case, the local governing body has both reasons to protest – the particular application is objectionable due to its location, nature of community and use by minors of the grocery deli located within the proposed location, lack of independent entrance and exit, and saturation of this license type in the heart of Yakutat. Additionally, on the basis of general public policy, there are less than 600 people in the community of Yakutat. The State's population base limits for package store licenses is one per every 3000 residences. License 1264 was originally granted because it was outside the city limits and then when the borough incorporated it was essentially grandfathered in. However, its current location is 3.9 miles door to door from the YCC package license. Moving license 1264 3.3 miles right into the heart of Yakutat further undermines the population-based license limitations provided by state law and exacerbates the fact that this community has twice as many package stores as it should have by law. Condensing the location of these licenses within less than a half a mile of distance from the other package store license creating a concentration of liquor stores right in the heart of the community, and this will have a negative impact on the community of Yakutat.

Truly and Sincerely Yours,

Jana D. Weltzin, *Esq.*

Exhibit A

W. THOMAS MOORE

Yakutat Community Corporation

YAKUTAT, ALASKA

April 22, 1964

Alcoholic Beverage Control Board
Juneau, Alaska

Re: Yakutat application for 6-month retail license

Gentlemen:

It is our understanding that Mrs. Frank Ryman of the Yakutat Airport Lodge is making application for a six-month retail license at the airport.

Certainly it is not our desire or character to discourage further business and growth in the Yakutat area. We cannot justify in our minds however a need for another package store in Yakutat. It is our hope that we can reason with you and thereby justify our request that this application be denied.

We cannot know the reasoning behind this application. Our store is located approximately four miles from the airport, but on the main road from the same. It is located on the new Mallott's Avenue and has ample parking space. There is a rent-a-car system in Yakutat as well as a taxi service. Furthermore, Mr. Dick Nichols, owner-flier for the Totem Air Taxi, brings in his hunters to our store or any store in town free of charge. According to verbal information from PNA the Totem Air Taxi gets a 5 to 1 ratio of hunter business compared to the Gulf Air Taxi. Certainly it cannot be argued that our store is too far from hunters and tourists. There are very few tourists to speak of.

If we are to observe the statutes, we hardly have the minimum population of fifteen hundred in the entire Yakutat area. Our population hardly affords two hundred who are eligible to drink. We have done our very best to please and serve those of the outlying area, such as the F.A.A. and the Warning System both located several miles away. We have even offered free delivery service to the F.A.A. but they have not taken advantage of it because they seemingly don't feel it necessary.

By any business standard, the Rymans certainly should NOT NEED the liquor store. The Ryman Family (Mr. and Mrs. Ryman) own several businesses already. They own a restaurant, a lodge, an air taxi and a cocktail lounge. Many people who own half of what they do, fare well, even in communities the size of Yakutat. If their business is poor it certainly isn't the fault of their facilities or a small population. The other air taxi is doing well, the local restaurant does well by operating in the summertime only, ANY cocktail lounge in Yakutat would do well, and certainly even another lodge or hotel in Yakutat would do well. We operater only one type of business at this time, and that is the liquor store. Rather than expanding and trying to swallow up every type of business we're presently trying to stabalize our business. From this one business and source of revenue we are trying to improve the condition of the town.

Along with attempting to improve the town by increasing its economy, we are also trying to improve our own plant and operations, all of which runs into high cost. We have erected a new liquor store building. To do this, we bought several pre-fab buildings and cleared the land of forest before building. Because of the necessity to settle in the building of our own, this year we have not been able to turn over to the town as much money as we would like.

We have however been doing our financial best to help in the local situation. In 1963 alone, we hired over twenty different men for different reasons at the wage cost of over $4,000.00. We have spent over $8,000.00 in managerial cost, for a total of better than $12,000.00 which was used in the community. The Governor's project allowed $3,500.00 in 1963 for aiding the Yakutat economy. During that time , none of the men working for us worked on the Governor's project nor did they find it necessary to apply for welfare aid. The amount we paid in wages you will notice, totaled more than that put up by the Governor. These jobs were never before obtainable in Yakutat.

In dire emergencies, we do not hesitate to make loans to groups or individuals who are capapble of repayment. Our loans are made without interest to any good cause.

We gave three hundred dollars to the Alaska Native Brotherhood to help pay for a cinema screen and special adapter for their projector. Recently the Alaska Native Brotherhood began a game night for adults on Mondays and for children on Saturdays. The Yakutat Community Corporation bought the games for this cause in excess of $40.00.

During the winter months the Corporation donated a heating unit and its installation to the Presbyterian Church.

To aid our fellow merchants we have purchased in excess of $2,500.00 locally on items such as fuel, groceries for different occasions, Christmas items, and the like.

On Hallowean we purchased apples and candies and CrackerJack enough forall the children in the town.

This Christmas we made a very special effort to decorate our store both inside and outside and was probably the only decorated store in town, lifting the spirit of the local folk because this was "their" store.

We contribute $100.00 every month to the city for police pay. Furthermore we pay our two percent city sales tax and purposely use as much electricity as possible to aid the public utilities. We will be paying our property tax as well.

We have plans for the future also. Together with the local ANB-ANS we are planning a "clean up the town" campaign and the corporation is planning to match individuals on their purchase of exterior paint to encourage the local people to paint their homes. Eventually we hope that our business can expand, that more revenue can be brought into the corporation, that more money could be turned to improving the town.

The only question we can ask is, could all these things be done if the profits were going into one man's pocket?

We could not appreciably operate and turn over any profits if we were in competition with another package store in town.

It is our sincere hope that you will deny the application for another liquor store in Yakutat.

Yours truly,

Board of Directors
Yakutat Community Corporation

by

. Thomas
Manager
and
Member of the Board

Exhibit B

Minutes of special meeting of the Board of Directors of the Yakutat Community Corporation, held in the liquor store on the 6 day of February 1963 at 8:15 pm.
Pursuant to: Election of Officers.

Minutes of preceeding meeting read and adopted. Meeting scheduled forl December 27 not held.
Election of Officers:
President: Herb Bremner nominated by George Ramos
John Williams nominated by John Morris
Nomiations closed
Written vote: Herb Bremner 5 John Williams 3
Herb Bremner elected President.
Vice-President: George Ramos nominated by John Morris
Marjorie Adams nominated by Herb Bremner
Nominations closed.
Written vote: George Ramos 5 marjorie Adams 3
George Ramos elected Vice-President.
Secretary Treasurer: John Morris nomiated by Herb Bremner. Nomination Declined.
Lorraine James nominated by Jack Hummel
Jack Hummel nominated by Lorraine James. Nomination Declined.
Marge Adams nominated by John Morris
John Willimas nominated by Lorraine James.
Nominations closed.
Written vote: Lorraine James 5 John Williams 3
Lorraine James elected Secretary-Treasurer.
Special meeting closedl
Ordinary business.
Unaminousx vote to pay for correspondence courses for Martha Totland.
Joe Shotwell reminded to provide form for applications for money.
Authoriged to secure new signautre cards from bank.
Meeting adjourned.

Minutes of special meeting of the Board of Directors of the Yakutat Community Corporation, held in the coffee shop of the Yakutat Airport Lodge on the 18 day of February, 1963 at 8:15 pm

Pursuant to: Meeting called at request of Frank Ryman of Yakutat Airport lodge.

Minutes of previous meeting dispensed with.

1. George Ramos moved that we grant $350.00 for science equipment to the Yakutat Public School. Jack Hummel seconded. Vote unanimous.

2. Frank Ryman:

"Trying to get retail store licence. Can see no legal reason why Lodge can't have one. Liquor board fears city to vote dry if granted to Lodge. Have invested $100000.00 in present Lodge. This investment covered with present income. Lodge inadequate for Tourism. To develop area, must expand. Need $75,000.00 to properly expan. Do not anticipate to take business from downtown. Expect to get Faa, and airport business. Much liquor shipped in via P N A etc., to F A A. Primarily concerned with service to people staying at lodge. People down town would patronize lodge only after closing hours of store in town. Juneau wants expnasion. "

Questions:

1. What are your proposed hours? Open until midnight.
2. Stock comparison? Lodge has better. Store shoud stock more variety.
3. What effect would dry vote have? Retail licence would be stopped because of verbal agreement with Liquor Board; cocktail liclence would be unaffected.
4. What kind of opinion do you wish from Corporation? Write to State Liquor Board that the Corporation has no objection to the Lodge having a retail licence.
5. Would the liquor store ever be permanently closed in the future when expansion completed? Unknown.
6. Why not form corporation and sell stock? Taxation high, burdensome, not reputable.
7. What do you estimate yearly income from retail store? $30,000.00 to $40,000.00.
8. What cooperation can corporation expect in control matters? Will not go along with early closing. Otherwise O K.
9. What advantages for the community are there in Lodge getting licence? Increased business, payroll, —all indirect benefits.

Meeting adjourned to Air Terminal where Directors discussed the preceeding.

Board members unanimously agreed to forstall decision until Friday February 22. Opinion strongly against favoring Lodge at this meeting.

Board also advised that the corporation holds an affidiavit stating Joe Shotwell has been charging almost double prices to strangers at the store. President has called for auditor to come from Juneau on Thursday, February 21. Purpose to audit books, set up fool proof bookkepping, and to advise on money matters.
Joe Shotwell to be replaced immediatley after audit.
Meeting adjourned.

Exhibit C

(1)-Dept. of Commerce, Community, and Econ. Dev. 2020 Pop.Data
(2)-Inmates 3/31/2020

ALCOHOL AND MARIJUANA CONTROL OFFICE

Population as of July 2019
License Count as of 4.30.2020
3 AAC 304.905

				ALLOWED BASED ON POPULATION (Not all communities allow for all license types. Check with your local government)		ACTUAL NUMBER OF LICENSES ISSUED* (Not all license types subject to population are listed. Contact AMCO for license types not listed before you apply)								
				3,000	1,500	Non-Restaurant/Eating Place								
Local Governing Body	CED (1)	Inm (2)	Net Pop	Non-R/E	R/E	BD	Pkg	Club	Brwpb	Brewy	Wine	Dist	Rec	R/E
Aleutians East Borough	30		30	1	1		1							
Akutan	990		990	1	1	1								
Cold Bay	60		60	1	1	1	1							
False Pass	42		42	1	1									
King Cove	919		919	1	1	1	1							
Sand Point	897		897	1	1	1	1							1
Anchorage, Municipality of	291,845	1,132	290,713	97	194	120	93	20	5	10	6	3	8	144
Bristol Bay Borough	869		869	1	1	5	4							1
Denali Borough	1,578		1,578	1	2	5	6		1					1
Anderson	282		282	1	1	2	1							
Fairbanks North Star Borough	62,852		62,852	21	42	24	25	2	1	1	1	2	1	16
Fairbanks	30,955	248	30,707	11	21	39	15	5	1	2	1	2	2	19
North Pole	2,091		2,091	1	2	2	3	1						1
Haines Borough	2,516		2,516	1	2	3	4	1		1	1	1		2
Juneau, City and Borough	31,986	222	31,764	11	22	20	16	4		4	1	1	4	22
Kenai Peninsula Borough	38,323		38,323	13	26	19	29	5		2	1			11

R/E=Restaurant or Eating Place Lic.
BD=Beverage Dispensary Lic.
Pkg=Package Store Lic.

Club=Club Lic.
Brwpb=Brewpub Lic.
Brewy=Brewery Lic.
Wine=Winery Lic.

Dist=Distillery Lic.
Rec=Recreation Site Lic.
*Includes delegated applications

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				3,000	1,500	Non-Restaurant/Eating Place								
Local Governing Body	CED (1)	Inm (2)	Net Pop	Non-R/E	R/E	BD	Pkg	Club	Brwpb	Brewy	Wine	Dist	Rec	R/E
Homer	5,478		5,478	2	4	9	8	2		2				4
Kachemak	506		506	1	1	1					1			
Kenai	7,056	438	6,618	3	5	5	5	3					1	3
Seldovia	226		226	1	1	1	2							
Seward	2,545	537	2,008	1	2	7	4	1	1					2
Soldotna	4,233		4,233	2	3	4	3	1	1	1			1	3
Ketchikan Gateway Borough	5,202		5,202	2	4	3	4			1				1
Ketchikan	8,103	54	8,049	3	6	15	11	5		2				4
Saxman	434		434	1	1	1	1							
Kodiak Island Borough	6,519		6,519	3	5	2	2	1	1					
Kodiak	5,818		5,818	2	4	11	4	2		1				3
Lake and Peninsula Borough	919		919	1	1	3	2							
Egegik	85		85	1	1		1							
Matanuska-Susitna Borough	89,549	1,579	87,970	30	59	30	33	4	1	5	1	1	3	24
Houston	2,112		2,112	1	2	1	1							1
Palmer	6,041		6,041	3	5	5	3	1		3	1		2	3

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				3,000	1,500	Non-Restaurant/Eating Place								
Local Governing Body	CED (1)	Inm (2)	Net Pop	Non-R/E	R/E	BD	Pkg	Club	Brwpb	Brewy	Wine	Dist	Rec	R/E
Wasilla	8,736		8,736	3	6	6	7	3		2			2	6
Petersburg Borough	3,209		3,209	2	3	3	3	2						2
Sitka, City and Borough	8,532		8,532	3	6	8	5	3		1				6
Skagway, Municipality of	1,095		1,095	1	1	2	2	2	1	1	1	1	1	1
Wrangell, City and Borough	2,400		2,400	1	2	3	5	1						
Yakutat, City and Borough	540		540	1	1	2	2							
Cities Outside of Boroughs														
Adak	298		298	1	1	1	1							
Bethel	6,259	195	6,064	3	5									1
Bettles	7		7	1	1	1	1							
Coffman Cove	174		174	1	1	1	1							
Cordova	2,343		2,343	1	2	4	4	1						2
Craig	1,074		1,074	1	1	2	3	1		1				1
Delta Junction	1,157		1,157	1	1	2	2	1						1
Dillingham	2,327		2,327	1	2	2	2							1
Galena	445		445	1	1	1	1							
Gustavus	537		537	1	1	1	1							

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				3,000	1,500	Non-Restaurant/Eating Place								
Local Governing Body	CED (1)	Inm (2)	Net Pop	Non-R/E	R/E	BD	Pkg	Club	Brwpb	Brewy	Wine	Dist	Rec	R/E
Hoonah	782		782	1	1	1	1			1				1
McGrath	289		289	1	1	2	3							
Nenana	362		362	1	1	1	2		1					1
Nome	3,690	115	3,575	2	3	6	4	2						2
Pelican	69		69	1	1	1	1							1
Ruby	149		149	1	1		1							
Saint George	59		59	1	1		1							
Saint Paul	385		385	1	1	1	1							
Tenakee Springs	140		140	1	1		1							
Thorne Bay	562		562	1	1	1	1							
Unalaska	4,592		4,592	2	4	2	2							1
Valdez	3,876		3,876	2	3	2	2	2		2				3
Whittier	280		280	1	1	1	1							1

Note: Since the 2017 population count was published, staff has reviewed the census data for students and military personnel. In accordance with the Census Bureau "Residence Rule" (https://www.census.gov/population/www/cen2010/resid_rules/resid_rules.html), students and military personnel are counted at the residence where they live and sleep most of the time. Thus these populations are counted by the Census in the appropriate population areas and no populations of students or military personnel need be discounted per 3 AAC 304.905(a)(2) and (b).

Alcohol & Marijuana Control Office

April 30, 2020
Date

R/E=Restaurant or Eating Place Lic.
BD=Beverage Dispensary Lic.
Pkg=Package Store Lic.

Club=Club Lic.
Brwpb=Brewpub Lic.
Brewy=Brewery Lic.
Wine=Winery Lic.

Dist=Distillery Lic.
Rec=Recreation Site Lic.
*Includes delegated applications

Exhibit D

THE STATE of ALASKA
GOVERNOR SEAN PARNELL

Department of Commerce, Community, and Economic Development
ALCOHOLIC BEVERAGE CONTROL BOARD
2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5438
Fax: 907.334-2285

MEMORANDUM

TO: Robert Klein, Chair and Members of the Board

DATE: November 24, 2014

FROM: Cynthia Franklin
Director, ABC Board

RE: Bering Sea Saloon #110

Questions for the Board:

1) Is there a valid objection to the transfer of the license based on debt owed by a corporation that unsuccessfully attempted to purchase the license?
2) Will the board uphold the City of Nome's protest to the transfer of the license

The Bering Sea Saloon license has been in waiver status following the death of the license holder, Stanley Sobocienski. There was an attempted transfer of the license to T&C, Inc., which included a security interest agreement, but the transfer fell through and was never completed. Attorney Matt Claman has filed an objection to the currently proposed transfer of the license to Stanley's widow, Balassa Sobocienski. Mr. Claman has sent letters relating to his claim which are contained in the board packet.

AS 04.11.360(4) provides that a transfer shall be denied if the transferor has not paid all debts or taxes arising from the conduct of the business licensed under this title. The board must determine if the debt in question qualified under this section to require denial of the license transfer.

Additionally, the City of Nome has lodged a protest to the transfer under AS 04.11.480. The materials related to Nome's protest are included in the board packet. The board must determine whether to uphold Nome's protest and deny the transfer of the license based on its protest.

P.O. Box 281 • Nome, Alaska 99762
phone 907.443.6663 fax 907.443.5345

October 28, 2014

Alcoholic Beverage Control Board
Records & Licensing Supervisor
2400 Viking Drive
Anchorage, Alaska

RE: TRANSFER OF BEVERAGE DISPENSARY LIQUOR LICENSE #110

To Whom It May Concern:

This letter is intended to serve as notice that at its regularly-scheduled meeting of October 27, 2014, the Nome City Council unanimously voted to protest the transfer of Beverage Dispensary Liquor License #110. The motion to protest was based on the Councilmen's shared belief that Nome has already exceeded the number of liquor licenses necessary to accommodate the public convenience. If you have any further questions, or if you require a copy of the meeting minutes once approved, please do not hesitate to contact me.

Most sincerely,

Tom Moran
City Clerk

State of Alaska
Alcoholic Beverage Control Board
Anchorage Meeting Minutes
December 1, 2014

Board Members Present:
Bob Klein, Chair
Ellen Ganley, Vice Chair (joined at 10:25 AM due to travel)
Ethan Billings, Member
Marvin Yoder, Member
Bobby Evans, Member (telephonic)

Staff Members Present:
Cynthia Franklin, Director
Sarah Oates, Records & Licensing Supervisor
Robert Beasley, Enforcement Supervisor

ABC Board Counsel Present:
Harriet Milks, Assistant Attorney General

- **DIRECTOR BRIEFING** — **9:06:55 AM**

  A. Director's Report — **9:07:01 AM** — **TAB 1**

- **ADMINISTRATION** — **9:22:40 AM**

  A. Approve minutes of the October 8, 2014 Board Meeting — **9:24:27 AM** — **TAB 2**

  Ethan Billings **motions to approve the minutes.**
  Marvin Yoder **seconds the motion.**
  Motion carries.
  Approved 4-0

- **PUBLIC TESTIMONY** — **9:25:43 AM**

  A. Period of time for public testimony on issues not on this agenda.
  Please phone 1-800-315-6338 code 69173

- **EXECUTIVE SESSION** — **9:55:58 AM**

  Marvin Yoder **motions to enter executive session.**
  Bobby Evans **seconds the motion.**
  Motion carries.
  Approved 4-0

- **THIRD WAIVERS** — **11:07:42 AM** — **TAB 20**

110 **Bering Sea Saloon:** Stanley L. Sobocienski; Nome
No Premises
License: Beverage Dispensary

Request withdrawn by Fred Odsen after protest of transfer upheld.

- **NOTICES OF VIOLATION**

A. Notices of Violation Issued and Licensee Responses — **TAB 21**

- **TITLE 04 STATUTE REVIEW** — **2:24:53 PM** — **TAB 22**

Role of the ABC Board

RB-1	**3:12:00 PM**
RB-2	**3:18:16 PM**
RB-3	**3:19:28 PM**
RB-4	**3:23:48 PM**
RB-5	**3:27:14 PM**
RB-6	**3:27:58 PM**

Local Option

LO-1	**3:31:08 PM**
LO-2	**3:31:56 PM**
LO-3	**3:38:02 PM**
LO-4	**3:40:46 PM**
LO-5	**3:43:18 PM**

Meeting Adjourned For the Day. — **3:49:42 PM**