

Introduced by: Council Member Welch
Date: February 28, 2017
Action: Passed
Vote: 5-1

CITY OF BETHEL, ALASKA

Resolution # 17-03

CITY OF BETHEL PROTEST OF PACKAGE STORE LIQUOR LICENSE #5533 FOR KUSKO LIQUOR STORE, LOCATED AT 801 FRONT STREET BETHEL, OWNED BY CEZARY MACZYNSKI

WHEREAS, Cezary Maczynski made an application with the Alaska Alcohol and Marijuana Control Office (AMCO) Package Store License #5533, to be used for Kusko Liquor Store, located at 801 Front Street, Bethel, Alaska 99559;

WHEREAS, the City Clerk received a copy of this application on January 12, 2017 and has determined that the last day for the Council to file a protest is March 13, 2017;

WHEREAS, City of Bethel Administration submitted a report to the Bethel City Council on January 30, 2017 (Attachment) with the following finding;

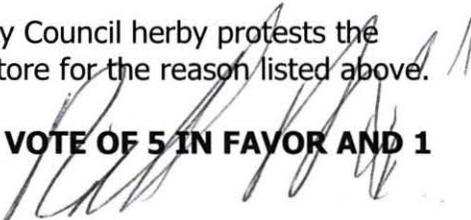
WHEREAS, Alaska Statutes 04.11.420 Zoning Limitations, states, in part: "a person may not be issued a license or permit in a municipality if a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages unless a variance of the regulations or ordinance has been approved;"

WHEREAS, as of February 28, 2017, Kusko Liquor Store has not been granted a conditional use permit from the City of Bethel, as required under Bethel Municipal Code 5.08.060, Conditional Use Permit Required;

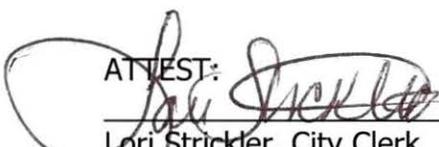
WHEREAS, the map of the proposed area for parking provides in the application is located partially on land that is not owned by the applicant. There has been no survey conducted to determine the owner of the lands adjacent to the establishment;

NOW, THEREFORE, BE IT RESOLVED the Bethel City Council hereby protests the issuance of a Package Store License for Kusko Liquor Store for the reason listed above.

ENACTED THIS 28 DAY OF FEBRUARY 2017 BY A VOTE OF 5 IN FAVOR AND 1 OPPOSED.


Richard Robb, Mayor

ATTEST:


Lori Strickler, City Clerk

City of Bethel, Alaska

Resolution #17-03
1 of 1



City of Bethel

Administration
P.O. Box 1388 Bethel, Alaska 99559
Phone # 907-543-1371
Fax # 907-543-4171

January 30, 2017

Bethel City Council
P.O. Box 1388
300 state highway
Bethel, AK 99559

Mayor, Vice-Mayor and Members of City Council;

In the matter of an application by Kusko Liquor, located at 801 Front Street in Bethel, AK 99559; # 5533 to State of Alaska Alcohol & Marijuana Control Office and in accordance with AS 04.11.150.

Bethel Municipal Code (BMC) 5.08.020(d) requires the City Manager provide a written report to City Council, with a copy to the applicant, listing any objections to the Board issuance of the application.

According to BMC 5.08.020© City Planner, City Finance Director, City Fire Chief and Police chief shall forward written statements to the City Manager outlining their findings:

- a) Planning Director- Listed the following concerns (1) A Conditional Use Permit has not been issued. An application has been submitted but to date is incomplete; (2) there is inadequate parking; (3) The building is within 75' of another business with an alcohol license; (4) The building is 10' from the seawall which has a 20' vertical drop to the river; and (5) The area designated for a "store" appears to be in a garage.
- b) Finance Director- Sales Tax Filings and Utility Bills are current.
- c) Police Chief- There was only one service call to 801 Front St. from 1/23/2016 to 1/23/2017. There were five service calls labeled Czary or Cezarys near 801 Front Street. The Police Dept. did not deem these calls as excessive, per BMC 05.08.020 (B)(3)
- d) Fire Chief – EMS and Fire calls were not excessive. The applicant was unable to provide plans and reconfiguration/remodel of the proposed site. There is nothing to inspect for compliance with compliance with fire and safety code at this time. The applicant reported he was preparing plans for review by the State Fire Marshall (thus the required State Fire Marshall approval has not been received as of the date of this application).

City Manager Concerns – The applicant has submitted a hand-drawn map that is difficult to decipher in regards to true dimensions. The City was able to obtain the last known survey of the Premises (conducted in 2007 by Sentec and attached herein). That survey

shows encroachment onto the City's land and shows the difficulty in parking which the business will have.

As the attached photographs demonstrate, there is no safe parking in the front of the Auto Body Shop. There is also no viable parking in between the shop and the private home with attached garage (to be converted into the package store).

To resolve the parking issue, the applicant proposes to use space to the East of the Shop stating the space has been leased from the City. However, no City records can be found showing a lease currently exists for this space. The applicant does have some space to the East but has taken to encroaching on City land for its needs. The lease that does exist between the City and the applicant is not for the space to the East but is instead a limited lease on the South-Side of the home and per the terms of the lease cannot contain any obstructions to the seawall.

Peter A Williams 2/1/2017

Peter Williams
City Manager, City of Bethel



January 12, 2017

City of Bethel
Attn: Lori Strickler
VIA Email: lstrickler@cityofbethel.net

License Type:	Package Store	License Number:	5533
Licensee:	Cezary J Maczynski		
Doing Business As:	Kusko Liquor		

- New Application**
 Transfer of Ownership Application
 Transfer of Location Application
 Transfer of Controlling Interest Application

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant’s proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

AMCO Staff
amco.localgovernmentonly@alaska.gov





KTC

Kasigluk Traditional Council

Post Office Box 19

Kasigluk, Alaska 99609

Ph: (907) 477-6405 / 6406 Fx: (907) 477-6212

kasigluk.admin@gmail.com

kasigluk.bookkeeper@gmail.com

February 8, 2017

Bethel Council;

We as a village are having problems ever since your liquor stores have opened, way back KTUU news said your liquor store has made profit since it has opened...and stated that the surrounding villages were NOT affected by it... did you guys ask the surrounding villages about it?? **NO** you did not!! Since the liquor store has opened its been hurting our villages... more people in jail, in the villages that are supposed to be dry are WET! Theirs been deaths too, people are importing alcohol to villages bootlegging, Its hurting our villages, ask the surrounding villages how its hurting our village. We're even having court with same offenders for the same reason they came to pc, people are going to your liquor stores drinking and driving back home and some are not even making it back home, BSAR already found a dead body on the Kuskokwim river due to drinking! You guys should open your eyes and look at the surrounding villages you guys are hurting. How would you guys go about if we the surrounding villages did a petition to close down the liquor stores, would you guys even consider closing it down with the petition signed? Before you guys get sued I would close it down. You can get sued for lives being lost. Think about that. It was better when the liquor store wasn't there at all. Just look at what problems you gave to our communities, the surrounding villages! **THINK ABOUT IT!!!** I'm also writing letters to the surrounding villages to do a petition to close down your liquor stores!! Do something about it before more death comes from that liquor store being opened!!!!!!!!!!!!!!

Kasigluk Tribal Courts

Native Village of Nunapitchuk
Nunapitchuk IRA Council
P.O. Box 130
Nunapitchuk, Alaska 99641
Phone (907) 527-5705; Fax (907) 527-5711

Alcohol Beverage Control Board
550 West 7th Ave., Suite 1000
Anchorage, AK 99501

February 16, 2017

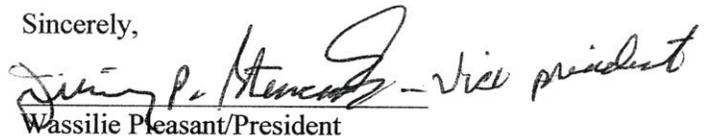
Dear Sir,

Granting a liquor license in the City of Bethel. Opposition to granting a liquor license seeing my fellow natives snow machines parked outside Quick Stop near the AC Store made me want to write this letter. Coupled with joblessness my people are vulnerable to fire water. And on top of that my people are dying due to hypothermia and use of alcohol when driving. Loss of direction when disoriented easily acquired. Alcohol makes them inebriated and loss of clear judgment on what's right or wrong. Bethel Search and Rescue just made it known by public radio that people shouldn't drink and drive, after witnessing an Akiak man's death near Steam boat slough and Atmautluak Tribal Administrator suffered hypothermia due to alcohol usage.

Close and far from Bethel hub we as yupik natives are being adversely affected by your granting of liquor licenses within Bethel. Close down facilities that violate your rules. I would also add to your rules not to furnish local village buyers of alcohol to those communities that have opted not to bring alcohol into their community. Better yet make us voters in a community where alcohol will be dispensed for we will be socially affected. Make some kind of radius so we'd be counted to vote.

Once again please do not issue alcohol license within Bethel to serve Bethel and not to serve people natives/citizens outside Bethel voting district. Serve only Bethel residents who vote. Vote alcohol yes and or no ballots should be given to residents of Bethel and 75 mile radius outside Bethel communities that can vote on alcohol dispensing. Thank you for this opportunity to vie for my fellow natives and to decrease social problems here in my village and in the whole region of AVCP.

Sincerely,

 - vice president
Wassilie Pleasant/President

Cc: Rep. Zach Fanisler
Senator Lyman Hoffman
Lt. Governor Byron Mallot
Governor **Bill** Walker
City of Bethel – Councilmen
AVCP Healthy Families
files



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:	Cezary J. Maczynski				
License Type:	Package Store	Statutory Reference:	AS 04.11.150		
Doing Business As:	KUSKO Liquor				
Premises Address:	801 Front Street				
City:	Bethel	State:	Alaska	ZIP:	99559
Local Governing Body:	City of Bethel				
Community Council:	Bethel City Council				

Mailing Address:	P.O. Box 1805				
City:	Bethel	State:	Alaska	ZIP:	99559

Designated Licensee:	Cezary J. Maczynski				
Contact Phone:	(907) 545-4241	Business Phone:	(907) 543-4241		
Contact Email:	cezarysauto@live.com				

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

OFFICE USE ONLY			
Complete Date:	License Years:	Transaction #:	License #:
Board Meeting Date:	BRL:		
Issue Date:			





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.

1.4 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.

579 Feet

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:	Cezary J. Maczynski			
Address:	P.O. Box 1805			
City:	Bethel	State:	Alaska	ZIP: 99559

This individual is an: applicant affiliate

Name:	Florence E. Maczynski			
Address:	P.O. Box 1805 537 Yukon Court			
City:	Bethel	State:	Alaska	ZIP: 99559





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.

Sole Proprietorship

Entity Official:	Cezary J. Maczynski			
Title(s):	Owner	Phone:	(907) 543-4241	% Owned: 100%
Address:				
Qty:		State:		ZIP:

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

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

Entity Official:				
Title(s):		Phone:		% Owned:
Address:				
Qty:		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 #:	NA	AK Formed Date:		Home State:	
Registered Agent:	NA	Agent's Phone:			
Agent's Mailing Address:	NA				
City:		State:		ZIP:	

Residency of Agent: Yes No

NA 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):

NA

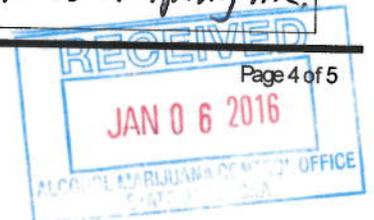
Section 6 – Authorization

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 his authorization:

E-Mail: arvindull@gci.net
Arvin D. Dull My friend who is helping me.





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 AS04.11.260) and affiliates have been listed on this application.

MC

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

NA

MC

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.

MC

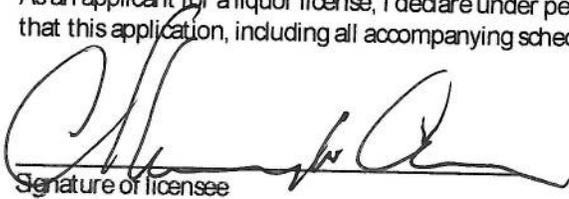
I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC304.465.

MC

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

MC

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS04 and 3 AAC304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.


Signature of licensee

Cezary J. Maczynski
Printed name of licensee

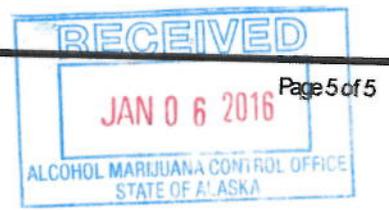

Signature of Notary Public

Notary Public in and for the State of Alaska



My commission expires 11-27-17

Subscribed and sworn to before me this 4th day of January, 2017.





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, and consumption. 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:	Cezary J. Maczyuski	License Number:	5533
License Type:	Package Liquor Store		
Doing Business As:	Kuskö Liquor		
Premises Address:	801 B. Front Street		
City:	Bethel	State:	AK
		ZIP:	99559





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, and consumption. 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.

See Attachment



LEZARY J. MACZYNSKI
KUSKO LIGUOR

ENTER PARKING FIRST AVENUE

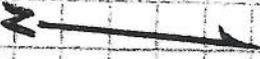
47.32'

138'

55' City of Bethel
Leased Land
Parking

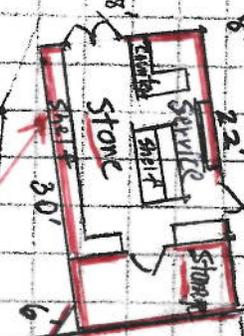
Autobody Shop

82.48'



Storage has 396
Storage has 144

KUSKOWIM RIVER

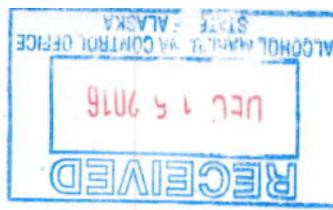


Private

NO
Consumption
Areas

Storage
Service (Store)





Alaska Alcoholic Beverage Control Board

Form AB-07: Public Notice Posting Affidavit

What is this form?

A public notice posting affidavit is required for all liquor license applications. An applicant must give notice of a liquor license application to the public by posting a true copy of the **Form AB-00** (new licenses) or **Form AB-01** (license transfers) for ten (10) days at the location of the proposed licensed premises and one other conspicuous location in the area of the proposed premises, per AS 04.11.310 and 3 AAC 304.125. The public notice must be given within the 60 days immediately preceding filing of the application.

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

Section 1 – Establishment Information

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

Licensee:	Cezary J. Maczynski				
License Type:	Package Liquor Store				
Doing Business As:	Kusko Liquor				
Premises Address:	801 B. Front Street				
City:	Bethel	State:	AK	ZIP:	99559

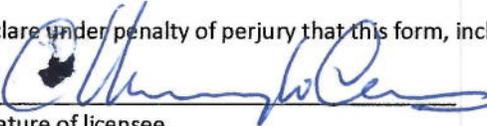
Section 2 – Certification

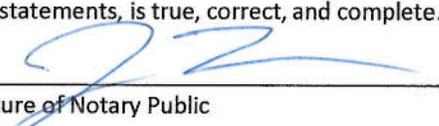
I certify that I have met the public notice requirement set forth under AS 04.11.310 by posting a copy of my application for the following 10-day period at the location of the proposed licensed premises and at the following conspicuous location in the area of the proposed premises:

Start Date: 11-26-16 End Date: December 7, 2016

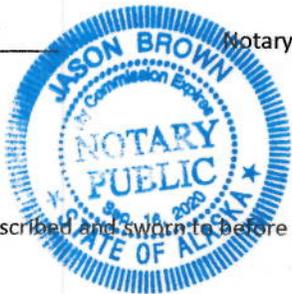
Other conspicuous location: 801A Front Street

I declare under penalty of perjury that this form, including all accompanying schedules and statements, is true, correct, and complete.


 Signature of licensee


 Signature of Notary Public

Cezary Maczynski
 Printed name of licensee



Notary Public in and for the State of Alaska

My commission expires: 09/16/2020

Subscribed and sworn to before me this 15th day of December, 2016



Alaska Alcoholic Beverage Control Board
Form AB-08a: Authorization of Records Release

Section 3 – Certifications and Approvals

Read each line below, and then sign your initials in the box to the right of any applicable statements: Initials

I certify that I have **never** been convicted of an act that constitutes a crime involving moral turpitude. mc

I certify that I have **never** been convicted of a violation of AS 04 or regulations adopted by the ABC Board. me

I certify that I have **never** been convicted of a violation of the alcoholic beverage control laws of another state, as a licensee of that state. me

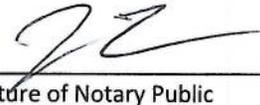
I certify that I have **not** been convicted of a felony in this state, the United States, or another state or territory, including a suspended imposition of sentence, during the 10 years immediately preceding the date of this form. mc

Sign your initials to the following statement only if you are unable to certify one or more of the above statements: Initials

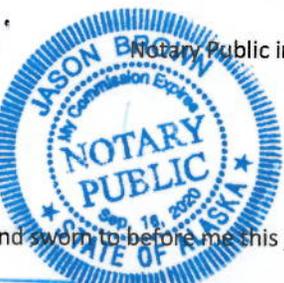
I **have been convicted** of one or more of the above offenses, and I **have attached a written explanation** that includes the type of offense and why it would be in the public interest for the ABC Board to approve me as a licensee.

I declare under penalty of perjury that this form, including all attachments and accompanying schedules and statements, is true, correct, and complete, and I understand that by signing this form, I am providing written authorization for release of my conviction and arrest records to the Alaska Alcoholic Beverage Control Board through the Alaska Alcohol & Marijuana Control Office under AS 04.11.295 and 3 AAC 304.105.


Signature of licensee/affiliate


Signature of Notary Public

Cezary J. Maczyuski
Printed name of licensee/affiliate



Notary Public in and for the State of Alaska

My commission expires: 09/16/2020

Subscribed and sworn to before me this 6th day of December, 2016.





Alaska Alcoholic Beverage Control Board

Form AB-08a: Authorization of Records Release

What is this form?

This authorization of records release form is required for all liquor license applications. Each licensee and affiliate who is required to be listed on an application for a liquor license under AS 04.11.260 must provide written authorization for release of conviction and arrest records, as required by 3 AAC 304.105(a)(1).

The following individuals must complete this form:

- If the applicant is a sole proprietor, this form must be completed by the **applicant** and the applicant's **spouse**.
- If the applicant is a **corporation**, this form 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**, this form 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**, this form must be completed for each **partner with an interest of 10% or more**, and for each **general partner**.

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

Section 1 – Establishment Information

Enter information for licensed establishment.

Licensee:	Cezary J. Maczyuski				
License Type:	Package Liquor Store	License Number:			
Doing Business As:	Kusko Liquor				
Premises Address:	801 B Front Street				
City:	Bethel	State:	AK	ZIP:	99559

Section 2 – Individual Information

Enter information for the individual licensee or affiliate.

Name:	Cezary J. Maczyuski
Title:	Owner
Date of Birth:	2-27-55





Alaska Alcoholic Beverage Control Board

Form AB-09: Statement of Financial Interest

What is this form?

A statement of financial interest is required for all liquor license applications, per 3 AAC 304.105(b)(3). A person other than a licensee may not have a direct or indirect financial interest (as defined in AS 04.11.450(f)) in the business for which a liquor license is issued, per AS 04.11.450.

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

Section 1 - Establishment Information

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

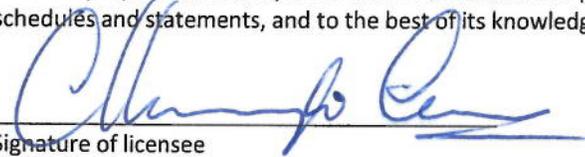
Licensee:	Cezary J. Maczynski				
License Type:	Package Liquor Store	EIN:	465 59 4247		
Doing Business As:	Kusko Liquor				
Premises Address:	801 B Front Street				
City:	Bethel	State:	AK	ZIP:	99559

Section 2 - Certifications

The sole proprietor or entity listed above certifies that no person other than a proposed licensee listed on the liquor license application has a direct or indirect financial interest, as defined in AS 04.11.450(f), in the business for which a liquor license is being applied for.

The sole proprietor or entity listed above additionally certifies that any ownership change shall be reported to the board as required under AS 04.11.040, AS 04.11.045, AS 04.11.050, and AS 04.11.055.

The sole proprietor or entity listed above declares under penalty of perjury that it has examined this form, including all accompanying schedules and statements, and to the best of its knowledge and belief find it to be true, correct, and complete.


 Signature of licensee


 Signature of Notary Public

Cezary J. Maczynski
 Printed name of licensee

Notary Public in and for the State of Alaska



My commission expires: 09/16/2020

Subscribed and sworn to before me this 6th day of December, 2016.

Alaska Business License # 1044791

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806

This is to certify that

KUSKO LIQUOR

P. O. BOX 1805 BETHEL AK 99559

owned by

CEZARY J MACZYNSKI

is licensed by the department to conduct business for the period

November 12, 2016 through December 31, 2018
for the following line of business:

42 - Trade

This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.
This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Chris Hladick



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2016-001115-0

Recording Dist: 402 - Bethel
12/16/2016 10:33 AM Pages: 1 of 1



Bethel Recording District
When Recorded Return to:
Cezary J. Maczynski
P.O. Box 1805
Bethel, Alaska 99559

THIS INSTRUMENT IS BEING RECORDED
BY FIRST AMERICAN TITLE CO. OF AK. AS
AN ACCOMMODATION ONLY. IT HAS NOT
BEEN EXAMINED AS TO ITS EFFECT, IF ANY,
ON THE TITLE OF THE ESTATE HEREIN.

216755

**TRANSFER OF LEASE AGREEMENT
TO SUBSEQUENT OWNER**

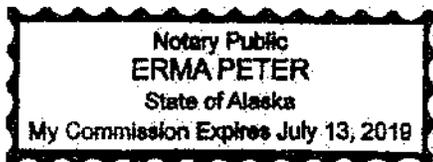
On November 7, 2008, Fermin Iturbide and Ulye Iturbide entered into a lease agreement with the City of Bethel to lease A Parcel of land within Tract C, Alaska Tidelands Survey No. 1346, which was recorded in Plat 92-4 in the Bethel Recording District, Alaska. The Recordation Document Number is 2008-001315-0 with a recording date as November 7, 2008. More particularly described as:

Beginning at the POINT OF BEGINNING, the Meander corner No. 1 of said Tract C of ATS 1346, proceed along the northerly boundary of Tract C S77°13'31"E, 43.88ft. and S88°44'44"E, 36.05 ft. to the southwesterly corner of Lot 2, Bethel Waterfront Subdivision; thence along the direct extension of the common line between Lots 1 and 2 of Bethel Waterfront Subdivision 11.16 ft. to the water side of the existing bulkhead of the Bethel Seawall; thence westerly along the existing bulkhead of the Bethel Seawall to a point on the direct extension of the westerly boundary of Lot 1 of Bethel Waterfront Subdivision, thence North along a line which is an extension of the westerly boundary of Lot 1, 20.7 ft. to the POINT OF BEGINNING, containing 540 square feet, more or less.

The legal description of Lot 1 of the U.S. Survey Number 1002 (Lot 1) which is referred to within the Lease Agreement is found in the Statutory Warranty Deed recorded in the Bethel Recording District Book 0096 and Page 056. The purchase from Fermin Iturbide and Ulye Iturbide by Cezary J. Maczynski on October 7, 2009 by Statutory Warranty Deed is recorded in the Bethel Recording District Document Number 2009-001227-0 on October 7, 2009.

I, Ulye Iturbide, hereby legally transfer the Lease as Lessee to Cezary J. Maczynski, Subsequent Owner of above described property.

Ulye Iturbide *12-12-16*
Ulye Iturbide Date



NOTARY PUBLIC in and for the STATE OF ALASKA
This foregoing instrument was acknowledged before me this *12th* Day of *Dec* 2016 by
Ulye Iturbide Notary Public: *Erma Peter* *Erma Peter*

Copy



Bethel Recording District
When Recorded Return to:
Cezary J. Maczynski
P.O. Box 1805
Bethel, Alaska 99559

**TRANSFER OF LEASE AGREEMENT
TO SUBSEQUENT OWNER**

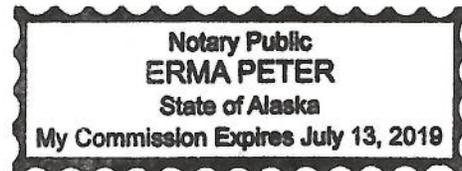
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I, Ulye Iturbide, hereby legally transfer the Lease as Lessee to Cezary J. Maczynski, Subsequent Owner of above described property.

Ulye Iturbide 12-12-16
Ulye Iturbide Date



NOTARY PUBLIC in and for the STATE OF ALASKA

This foregoing instrument was acknowledged before me this 12th Day of Dec 2016 by Ulye Iturbide. Notary Public: Erma Peter

CC Attachment A

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2009-001227-0

Recording Dist: 402 - Bethel

10/7/2009 10:05 AM Pages: 1 of 2



Bethel RECORDING DISTRICT

When recorded, return to:
Cezary J. Maczynski
P.O. Box 1805
Bethel, Alaska 99559

STATUTORY WARRANTY DEED

Fermin Iturbide and Ulye Iturbide ("Grantor"), whose address is P.O. Box 1069,,
Bethel, Alaska 99559, for and in consideration of the amount of Ten &
00/100 Dollars (\$10.00), in hand paid, conveys and warrants to
Cezary J. Maczynski, a married man ("Grantee"), whose mailing
address is P.O. Box 1805 Bethel, Alaska 99559, the following described real estate
located in the Bethel Recording District, Fourth Judicial District, State of Alaska:

That Portion of U.S. Survey No. 1002, Bethel Recording District, Fourth Judicial District, State of
Alaska, more particularly described as follows:

BEGINNING AT THE B.L.M. BRASS CAP MONUMENT COMMON TO THE CENTER LINES
OF FIRST AVENUE IN BETHEL, ALASKA AND THE BOUNDARY LINE BETWEEN U.S. SURVEY
1002 AND 3032A; THENCE S. 85 DEGREES 56' 30" W., 309.00 FEET ALONG THE CENTER LINE OF
FIRST AVENUE TO A POINT; THENCE S. 04 DEGREES 03' 30" E., 30.00 FEET TO THE CORNER
NO. 1 OF THE ORIGINAL SURVEY, THENCE S. 85 DEGREES 56' 30" W., 250 TO THE CORNER NO.
2 OF THE ORIGINAL SURVEY AND TRUE POINT OF BEGINNING FOR THIS SURVEY; THENCE S.
04 DEGREES 03' 30" E., 55.00 FEET DISTANT TO THE BANK OVERLOOKING THE KUSKOKWIM
RIVER; THENCE S. 84 DEGREES 41' 54" E., 92.23 FEET DISTANT ALONG THE BANK OF THE
KUSKOKWIM RIVER; THENCE N. 04 DEGREES 03' 30" W. 70 FEET CREATING A NEW BOUNDARY
DIVIDING THE MOST NORTHWESTERLY PORTION OF ORIGINAL LOT, THENCE S. 85 DEGREES
56' 30" W. ALONG SOUTH RIGHT-OF-WAY LINE OF FIRST AVENUE 91.00 FEET DISTANT TO
CORNER NO. 2 AND TRUE POINT OF BEGINNING.

DATED this 7th day of October, 2009.

GRANTORS:

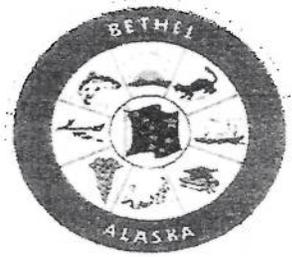
Fermin Iturbide
Fermin Iturbide

Ulye Iturbide
Ulye Iturbide



STATUTORY WARRANTY DEED

CITY OF BETHEL PLANNING OFFICE
 Po Box 1388
 Bethel, AK 99559
 (907) 543-5306
 (907) 543-4168 (facsimile)



RECEIVED
 City Planning Dept.
 12-13-16

**APPLICATION FOR A CONDITIONAL USE PERMIT
 REGULATION OF ALCOHOLIC BEVERAGE USES
 BETHEL MUNICIPAL CODE 5.08 AND BETHEL MUNICIPAL CODE 18.60.20**

Carefully read instructions and applicable City code. Fill out forms completely. Attach information as needed. Incomplete applications will create a delay in the review process.

Application Fee must be attached:	\$200.00	Conditional Use Permit
Payment Type:	<input type="checkbox"/> Credit Card	<input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Cash

1. General Information

NAME OF APPLICANT:	Cezary J. Maczyuski
Physical Address:	801 B. Front St
Mailing Address:	P.O. Box 1805
Home Phone Number:	(907) 543-2307
Work Phone Number:	(907) 543-4241
Cell Phone Number:	(907) 545-4241
Email Address:	cezarysauto@live.com

Please note:

The City of Bethel will not communicate regarding the application with anyone other than the applicant or his/her designated agent. If applicant will be represented by an agent or attorney, proof of consent for representation must be submitted with the application.

Revised 2-8-16

RECEIVED
 DEC 15 2016
 ALCOHOL MARIJUANA CONTROL OFFICE
 STATE OF ALASKA

b. Please comment on any potential impacts on pedestrian and vehicular traffic circulation and safety on roads abutting the property.

There will be no adverse impacts on pedestrian or vehicular traffic with the proposed business.

c. Describe existing parking facilities and whether they can accommodate a reasonably expected increase in demand for parking created by issuing the permit. Include the number of regular and handicap parking spaces currently available and whether the applicant intends to add additional parking spaces.

Code calls for 3 parking spots. There is enough parking for 10 vehicles.

d. Describe existing and any planned access to and from the property.

Entrance to the parking is from 1st Avenue and exit is to the same. As depicted in the drawing

e. Describe water and sewer facilities and capacities on the property.

Water tank is 750 gallons

Sewer holding tank is 1,000 gallons

f. Describe special features and/or restrictions you have designed to minimize potential negative impacts from the proposed Conditional Use in order to ensure the public health, safety, and welfare of nearby structures and residents.

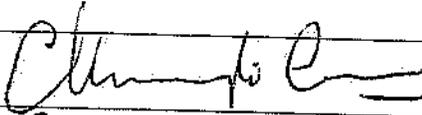
There will be one handicap parking and five normal parking spots.

g. What are the dimensions of the structure within the proposed use?

18' x 22' (22' x 18' is retail and 8' x 18')



5. Owner's Statement

1. I hereby apply for approval for an alcoholic beverage use conditional use permit on the above property as described in this application.	
2. I understand all activity must be conducted in compliance with all applicable standards of the Bethel Municipal Code, Chapters 5.08, 18.04 and 18.60 and with all other applicable State or Federal laws.	
3. The information submitted in this application is accurate and complete to the best of my knowledge.	
Applicant's Signature:	
Printed Name:	Cezary J. Maczywski
Date:	

If property is owned by someone other than the applicant, the owner must consent to the application:

Owner's Signature:	
Printed Name of Owner:	
Mailing Address for Owner:	
Contact Number for Owner:	

FOR OFFICIAL USE ONLY

For answers that indicate a deficiency, a detailed explanation must be attached explaining the deficiency and outlining the City's request to the applicant.

1. Will the granting of the conditional use permit be harmful to the public health, safety, convenience, and welfare?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Is there any potential negative impact on to the street from which access to and from the establishment is obtained?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Are there adequate parking facilities to accommodate a reasonably expected increase in demand for parking created by issuing the permit?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Will a reasonably expected increase in traffic to the property impact the abutting road or to the existing road system beyond?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Is the use compatible with the character of the surrounding neighborhood?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

3. A description of the proposed conditional use;
4. A map or plat of the general area surrounding the parcel, with notations of the uses and structures that exist on abutting and nearby lots;
5. Potential impacts on pedestrian and vehicular traffic circulation and safety;
6. Potential output of noise, fumes, dust, wastes and other forms of potential environmental pollution;
7. Special features and restrictions designed to minimize negative impacts and to ensure the public health, safety and welfare of the residents;
8. A complete site plan permit application for the proposed use, including fill placement, quantities and contours and drainage plans;
9. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the proposal shall address the relevant matters and standards covered by BMC 15.08.160 through 15.08.180;
10. The names and addresses of all persons who own property within six hundred (600) feet of the boundaries of the parcel.

B. A fee shall be included as established by resolution of the city council. [Ord. 01-05 § 8.]

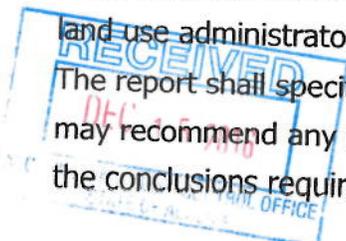
18.60.030 Hearing and notification.

A. Upon receipt of a complete application for a conditional use permit, the land use administrator shall set a date for public hearing before the planning commission. The public hearing shall be scheduled no sooner than twenty (20) calendar days and no later than fifty (50) calendar days from the date of acceptance of a complete application.

B. Notice of the public hearing on a proposed conditional use shall be provided as set out in BMC 18.04.070. [Ord. 01-05 § 8.]

18.60.040 Staff review.

A. The land use administrator shall review the conditional use permit application and the accompanying site plan permit application for completeness and request any additional material required. Upon determining that the application is complete, the land use administrator shall prepare a staff report with analysis and recommendations. The report shall specifically address drainage on the parcel. The land use administrator may recommend any conditions reasonably necessary for the proposed use to permit the conclusions required under subsection B of this section. The written staff report



proposed adequately address the relevant matters and standards covered by BMC 15.08.160 through 15.08.180. [Ord. 01-05 § 8.]

18.60.050 Planning commission review.

- A. The applicant or an authorized representative shall be present at the public hearing, informed and available for questions relative to the proposed project. The planning commission may take action on the agenda item even if the applicant or an authorized representative is not present at the public hearing. The planning commission may deny the project based entirely on failure of the applicant or an informed, authorized representative to be available at the hearing.
- B. The planning commission shall consider the matter at a public hearing. The commission shall consider the application, the land use administrator's staff report, any written comments from members of the public submitted prior to the public hearing, and oral comments made at the public hearing.
- C. During all phases of the public hearing, any speaker shall address the chairperson prior to making any comment. If any person wishes to question any other person in attendance, the question shall be directed through the chairperson. All public hearings shall be conducted in the following manner:
1. The chairperson shall explain the hearing procedure;
 2. Planning department staff shall present a staff report and recommendations regarding the subject project;
 3. The planning commissioners shall ask staff any questions they may have regarding the staff review and recommendations;
 4. The applicant shall be given the opportunity to explain the nature of the project and any other relevant information, including rebuttal or additional information regarding any of the correspondence received and matters raised by the staff or the commission;
 5. Planning commissioners may ask the applicant any questions they may have about the project;
 6. The neighbors or any other interested persons will be given the opportunity to speak. The chairperson will read all written comments submitted regarding the proposed project or copies shall be provided to each commission member. Information provided should be limited to facts. Persons who have given testimony previously during the hearing may comment on any new information limiting comments to new information only. The chairperson may limit repetitious testimony based on time constraints or other situations which may arise;

18.60.070 Lapse of approval.

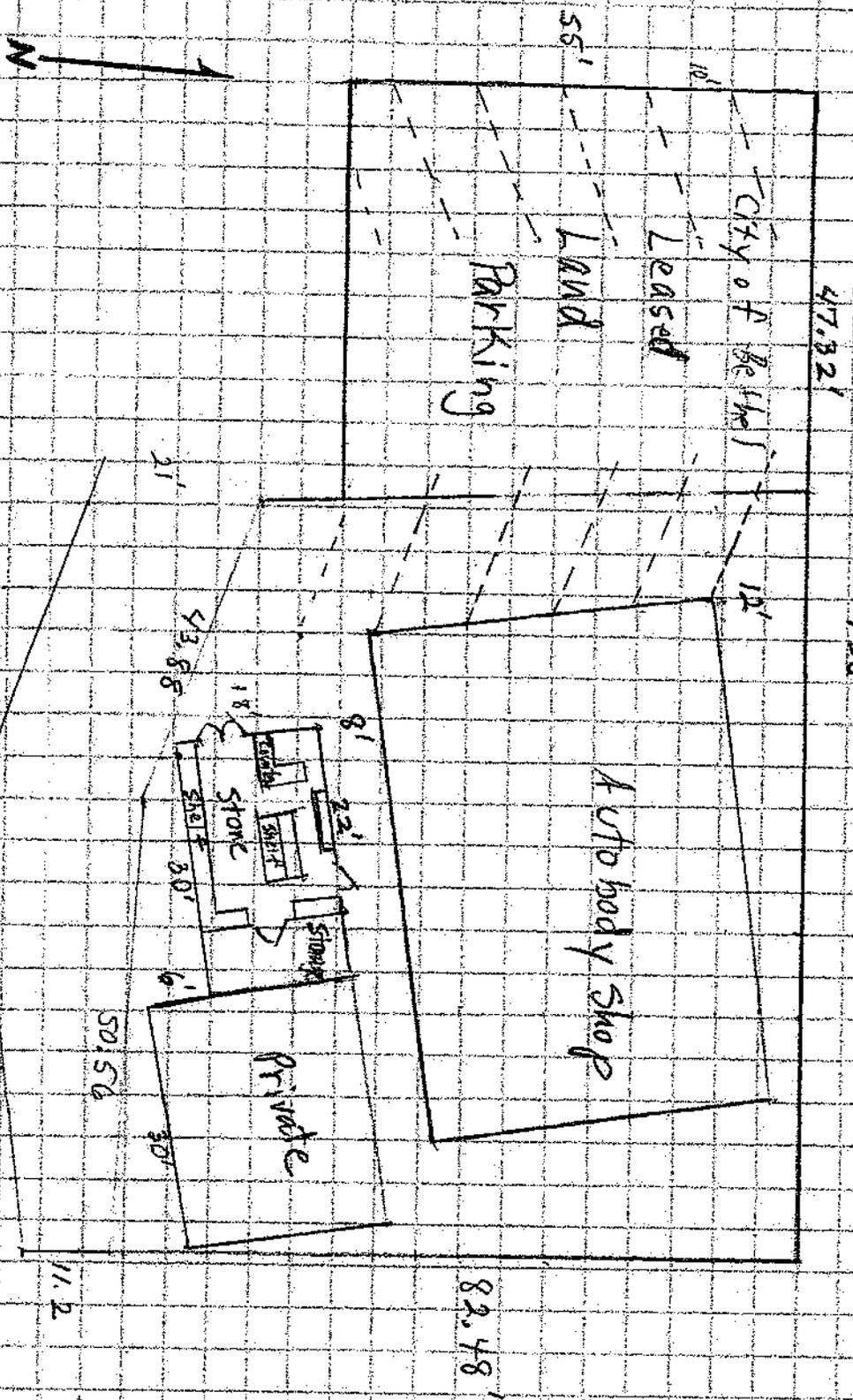
A. Unless a longer time is specifically established as a condition for approval, a conditional use permit approval shall lapse and shall become void if not exercised within one (1) year from the date of approval. For a permit to be considered "exercised," substantial improvement to the land must be performed within one (1) year from the date of approval. Substantial improvement is the completion of fifty (50) percent or more of the total authorized improvements as specified on the subject permit as measured by cost. If the conditional use permit is primarily for a use not involving substantial improvements to the land, the permit is "exercised" when the use commences and continues for thirty (30) days or more.

B. A conditional use permit approval subject to lapse may be extended by the planning commission for an additional period of up to one (1) year; provided, that prior to the expiration date, a written request for extension is submitted to the planning commission and good cause for the extension is shown. [Ord. 01-05 § 8.]



CEZARY J. MACZYNSKI
KUSKO LIGNOR

Enter Parking
FIRST AVENUE



Store has 396
Storage has 144

KUSKOKWIM RIVER

CC

Attachment A

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L
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2009-001227-0

Recording Dist: 402 - Bethel
10/7/2009 10:05 AM Pages: 1 of 2



Bethel RECORDING DISTRICT

When recorded, return to:
Cezary J. Maczynski
P.O. Box 1805
Bethel, Alaska 99559

STATUTORY WARRANTY DEED

Fermin Iturbide and Ulye Iturbide ("Grantor"), whose address is P.O. Box 1069,,
Bethel, Alaska 99559, for and in consideration of the amount of Ten &
00/100 Dollars (\$10.00), in hand paid, conveys and warrants to
Cezary J. Maczynski, a married man ("Grantee"), whose mailing
address is P.O. Box 1805 Bethel, Alaska 99559, the following described real estate
located in the Bethel Recording District, Fourth Judicial District, State of Alaska:

That Portion of U.S. Survey No. 1002, Bethel Recording District, Fourth Judicial District, State of
Alaska, more particularly described as follows:

BEGINNING AT THE B.L.M. BRASS CAP MONUMENT COMMON TO THE CENTER LINES
OF FIRST AVENUE IN BETHEL, ALASKA AND THE BOUNDARY LINE BETWEEN U.S. SURVEY
1002 AND 3032A; THENCE S. 85 DEGREES 56' 30" W., 309.00 FEET ALONG THE CENTER LINE OF
FIRST AVENUE TO A POINT; THENCE S. 04 DEGREES 03' 30" E., 30.00 FEET TO THE CORNER
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2 OF THE ORIGINAL SURVEY AND TRUE POINT OF BEGINNING FOR THIS SURVEY; THENCE S.
04 DEGREES 03' 30" E., 55.00 FEET DISTANT TO THE BANK OVERLOOKING THE KUSKOKWIM
RIVER; THENCE S. 84 DEGREES 41' 54" E., 92.23 FEET DISTANT ALONG THE BANK OF THE
KUSKOKWIM RIVER; THENCE N. 04 DEGREES 03' 30" W. 70 FEET CREATING A NEW BOUNDARY
DIVIDING THE MOST NORTHWESTERLY PORTION OF ORIGINAL LOT, THENCE S. 85 DEGREES
56' 30" W. ALONG SOUTH RIGHT-OF-WAY LINE OF FIRST AVENUE 91.00 FEET DISTANT TO
CORNER NO. 2 AND TRUE POINT OF BEGINNING.

DATED this 7th day of October, 2009.

GRANTORS:

Fermin Iturbide
Fermin Iturbide

Ulye Iturbide
Ulye Iturbide



STATUTORY WARRANTY DEED

Fansler from page 4

mittees over the next two years represent nearly every region of Alaska, including both rural and urban Alaska. They are tasked with doing the heavy lifting to move legislative solutions through the committee process and I have faith that they will work diligently and always put the best interests of the people of Alaska above the needs and wants of special interests and lobbyists."

The members of the new House Majority Caucus have come together with a shared goal to overcome Alaska's fiscal challenges. Additionally, they are committed to hearing all needed legislation with ample input from the people of Alaska.

Below is the list of the committee chairs for the 30th Alaska State Legislature. The full membership of the various committees will be decided once the Legislature convenes on January 17, 2017.

Letters from page 7

ture, robust economic growth and jobs, a strong military, and rolling back the Obama administration's executive orders and overregulation of our economy.

"I also want to congratulate my new and returning Senate colleagues on their hard fought victories. The voters chose to keep the Senate Republican Majority working for the American people. And I want to extend a special congratulations to my friends Lisa Murkowski and Don Young. Alaskans should know they have a strong and united congressional delegation that will continue to fight for Alaska's interests.

"Finally, I would like to reinforce the important and unifying words of President-elect Trump from his speech last night, calling for 'America to bind the wounds of division, and come together as one united people.'"

U.S. Senator Dan Sullivan
Washington, D.C.

ASRC mourns with the region

As respected leader Edward S. Itta is laid to rest today (Nov. 10th) on the North Slope, Arctic Slope Regional Corporation mourns with the region, while we celebrate his life and achievements. Edward was an inspirational, skilled and graceful leader of our people. His many contributions to our whaling culture, Alaska Native policy and Arctic stewardship have improved the lives of so many Alaskans. His legacy has touched every home in our region. Our deepest condolences are with the Itta family.

Arctic Slope Regional Corp.
Anchorage, AK

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- Complimentary Local Phone Calls
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- Complimentary Continental Breakfast
- 24 Hour Courtesy Shuttle Service to Airport & Train Station
- Complimentary Unlimited WiFi
- Select Rooms With Refrigerators & Microwaves

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888-FLY-GRANT or 543-2000 in Bethel & Emmonak Areas

Cezary J. Maczynski is making application for a new Package Liquor Store (AS 04.11.150) liquor license, doing business as **Kusko Liquor** located at 801 B Front Street, Bethel, Alaska 99559. Interested persons should submit written comment to their local governing body, the applicant and to the Alcoholic Beverage Control Board at 550 West 7th Ave., Suite 1600, Anchorage AK 99501.

PenAir
THE SPIRIT OF ALASKA

Fish the waters of Bristol Bay
Take time to watch the wild animals play
Visit friends and family far away
Book your trip today!

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DEC 15 2016
ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA

PenAir
The Spirit of Alaska!

Web Specials
Take advantage of our discounted web specials available at: www.penair.com

Make Reservations online @ www.penair.com or call (800) 448-4226
Freight & passenger Charters; Charters@penair.com or (907) 771-2500