

Introduced by: Council Member Albertson
Date: March 28, 2017
Action: Passed
Vote: 4-0

CITY OF BETHEL, ALASKA

Resolution # 17-05

CITY OF BETHEL PROTEST OF PACKAGE STORE LIQUOR LICENSE #5544 FOR ACC LIQUOR STORE, LOCATED AT 1110 BRIDGE AVENUE, UNIT NO. 1, OWNED BY THE NORTH WEST COMPANY (INTERNATIONAL) INC.

- WHEREAS,** the North West Company, made an application with the Alaska Alcohol and Marijuana Control Office (AMCO) Package Store License #5544, to be used for ACC Liquor Store, located at 1110 Bridge Avenue, Unit No. 1, Bethel, Alaska 99559;
- WHEREAS,** the City Clerk received a copy of this application on March 1, 2017 and has determined that the last day for the Council to file a protest is April 29, 2017;
- WHEREAS,** City of Bethel Administration submitted a report to the Bethel City Council on March 9, 2017 (Attachment) with the following findings;
- 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 March 20, 2017, ACC Liquor Store has not submitted and has therefore not received a conditional use permit from the City of Bethel, as required under Bethel Municipal Code 5.08.060, Conditional Use Permit Required;
- WHEREAS,** in the previous 12 months there have been 99 incidents in the area of the proposed site, many of which were alcohol related calls;
- WHEREAS,** the Council finds the number of calls in this area excessive, and determines the location of the proposed package store is not conducive to the neighborhood;
- WHEREAS,** based on the population density of the City of Bethel, a total of three package store licenses can be issued in the City, two of those licenses have already been granted: one to Bethel Native Corporation and the other to North West Company Inc.;
- WHEREAS,** with the hope of creating a fair and competitive market, the Council believes the North West Company should not hold two of the three liquor licenses in the community;
- WHEREAS,** the Alcohol Marijuana Control Office provided notice to the City of Bethel 29 days after the application was received by the Alcohol Marijuana Control Office,

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providing a significant limitation for the City to review the application prior to the scheduled Alcohol Beverage Control Board meeting;

WHEREAS, while the error was clerical in nature, the result is the City's sixty day review period will close on April 29, 2017, weeks after the Board has potentially made a decision;

WHEREAS, had the application been submitted to the City timely, the 60 day review period would have closed on April 1, 2017, prior to the Alcohol Beverage Control Board meeting;

WHEREAS, any decision by the ABC board prior to April 29, 2017 would essentially render the City Council's consideration moot and would violate the Council's rights under Alaska Statute to a fair and impartial review of the application;

WHEREAS, any decision by the Board prior to April 29, 2017 would deny the citizens of the City of Bethel their statutory right to appear before their elected officials on the matter;

WHEREAS, the members of the City Council for the City of Bethel speak for the citizens of Bethel, so it is critical to allow the citizens their statutory right to come before the council and be heard on this license just as they were provided an opportunity to be heard on the other license applications;


WHEREAS, denying the citizens and the Council of this opportunity would provide an unfair advantage to one applicant over the other applicants for what could conceivably be a very valuable license;

WHEREAS, to ensure a fair review and consideration of the application and the applicant to include the City's standard period of public comment on the Liquor License Applications, the Alcohol Beverage Control Board should not issue this license or approve this license with delegation until such time the community of Bethel has had their legally entitled time to review the application;

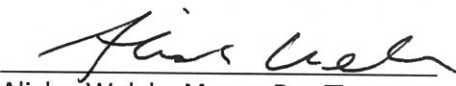
NOW, THEREFORE, BE IT RESOLVED the Bethel City Council hereby protests the issuance of a Package Store License for ACC Liquor Store for the reasons listed above.

ENACTED THIS 28 DAY OF MARCH 2017 BY A VOTE OF 4 IN FAVOR AND 0 OPPOSED.

ATTEST:


Lori Strickler, City Clerk

City of Bethel, Alaska


Alisha Welch, Mayor Pro Tempore



CITY OF BETHEL

P.O. Box 1388 Bethel, Alaska 99559

907-543-1385

Fax 907-543-2936

March 21, 2017

The North West Company (International) Inc.
Attn. Legal Department
77 Main Street
Winnipeg, Manitoba R3C 1A3

Re: Package Store License 5544

Mr Pickett:

The Bethel City Council will be considering a protest of the State of Alaska, Package Store Liquor License No. 5544 at their Regularly Scheduled Council Meeting, March 28, 2017. As per Bethel Municipal Code 5.08.040, and in accordance with 3 AAC 304.145, you will be provided a reasonable opportunity to defend your application for a Package Store License before the Bethel City Council at this meeting.

The March 28, Council Meeting will be held at City Hall, 300 State Highway, Bethel, and will begin at 6:30p. Resolution 17-05, Protesting the Issuance of a State of Alaska, Package Store License for ACC Liquor Store, will be considered under New Business Item B. The Agendas will be posted on Wednesday March 22, and will be available on the City of Bethel website, www.cityofbethel.org.

Attached are documents the Council will use in their consideration of the protest in addition to the regulations provided in Bethel Municipal Code 5.08.

Respectfully,

Lori Strickler,
City Clerk

Enclosures



City of Bethel

Administration

P.O. Box 1388 Bethel, Alaska 99559

Phone # 907-543-1371

Fax # 907-543-4171

March 9, 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 The North West Company (International), Inc. located 1110 Bridge Ave., Bethel, AK 99559; License # 5544 - 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(c) City Planner, City Finance Director, City Fire Chief and Police chief shall forward written statements to the City Manager outlining their findings:

- a) Finance Director- Sales Tax Filings, Utility Bills and State and City Business License are all current.
- b) Planning Director-A conditional use permit, a scaled map and a Fire Marshall Plan has not been submitted.
- c) Police Chief- The Police responded to two calls at 1110 Bridge St. One was regarding a taxi cab bootlegging and the other a suspicious incident. Over a 12 mo. period in the vicinity, approximately a block radius, of 1110 Bridge St. The Police reports for "Second Ave", "2nd Ave.", "Bridge", "1170 Bridge "and "North Star "show there were 99 incidents between 3/1/16 and 3/1/17. 29 calls were for intoxicated persons and one was for a DUI. There were 7 subject removals,7calls for disturbances,7 calls for subject removals,5 calls for citizens requesting assistance, one call each for EMS, hit and run, assault and theft.
- d) Fire Chief- Reports that there has been no excessive or unlawful activity at 110 Bridge Ave. The Fire Chief has reviewed the fire and life safety code compliance of the proposed package store. The Fire Marshall Plan review

has not been submitted. This building appears to being used as apartments and would need to be converted into a store.

City Manager Concerns- As Port Director for the City of Bethel for 7 yrs. I'm very aware of the problems this area has with people using alcohol in various areas near the proposed store such as the boat launch across from Northstar Gas, the Seawall which is a block away, too hang around and drink. The Small Boat Harbor attendants patrol this area 24/7 and on every shift encounter someone or groups of people drinking and not going anywhere, just hanging around. What doesn't show in this report as reported by the Police is in a lot cases, every day during the summer, that the incidents involving alcohol are people who can barely walk or are sleeping it off on the ground or sleeping in the bushes.

A handwritten signature in cursive script that reads "Peter Williams". The ink is dark and the signature is fluid, with a large initial 'P' and a long, sweeping 'W'.

Peter Williams
City Manager, City of Bethel



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7th Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

January 31, 2017

City of Bethel

Attn: Lori Strickler

VIA Email: lstrickler@cityofbethel.net

Attn: Patty Burley, City Attorney

VIA Email: pburley@cityofbethel.net

License Type:	Package Store	License Number:	5544
Licensee:	The North West Company (International) Inc.		
Doing Business As:	ACC Liquor Store		

☒ New Application

☐ Transfer of Location Application

☐ Transfer of Ownership 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.

This application was completed on January 31, 2017, which is reflected in the attached notice.

Unfortunately, notice was not sent to the local governing body in accordance with AS 04.11.520 due to staff error and oversight, but this application is considered a competing application for the final package store license in the City of Bethel, pursuant to AS 04.11.400, 3 AAC 304.110, and 3 AAC 304.112.

Because you did not receive notice until today, your 60-day protest period does not begin until today march 1, 2017, per 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.



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

Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

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:	The North West Company (International) Inc.				
License Type:	Package Store	Statutory Reference:	4.11.150		
Doing Business As:	ACC Liquor Store				
Premises Address:	1110 Bridge Avenue, Unit No. 1				
City:	Bethel	State:	Alaska	ZIP:	99559
Local Governing Body:	Bethel				
Community Council:	N/A				

Mailing Address:	77 Main Street	Attention: Legal Department			
City:	Winnipeg	State:	Manitoba	ZIP:	R3C 1A3

Designated Licensee:	Walter Pickett				
Contact Phone:	907-273-4642	Business Phone:			
Contact Email:	wpickett@northwest.ca				

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

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





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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.

1.3 miles to Akiak School (5227 Akiak Drive)

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.

0.3 miles to Immaculate Conception Catholic Church (775 Eddie Hoffman Hwy)

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 4.

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

The following information must be completed for each licensee and each affiliate (spouse).

This individual is an:

☐

applicant

☐

affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an:

☐

applicant

☐

affiliate

Name:					
Address:					
City:		State:		ZIP:	





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

Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 4 – Entity Ownership Information

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

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

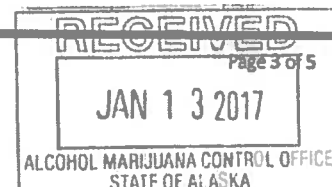
- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following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

Entity Official:	NWC (U.S.) Holdings Inc.				
Title(s):	Shareholder	Phone:		% Owned:	100
Address:	550 West 64th Avenue, Suite 200				
City:	Anchorage	State:	Alaska	ZIP:	99518-1720

Entity Official:	Rex Wilhelm				
Title(s):	Director, President	Phone:	907-273-4662	% Owned:	
Address:	6800 Crooked Tree Circle				
City:	Anchorage	State:	Alaska	ZIP:	99507-7005

Entity Official:	Walter Pickett				
Title(s):	Director, Vice President	Phone:	907-273-4642	% Owned:	
Address:	19211 Upper Skyline Drive				
City:	Eagle River	State:	Alaska	ZIP:	99577-7936

Entity Official:	John King				
Title(s):	Treasurer	Phone:	204-934-1397	% Owned:	
Address:	11 Yager Cove				
City:	Winnipeg	State:	Manitoba	ZIP:	R3R 3S8





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Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 4 - Entity Ownership Information

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

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

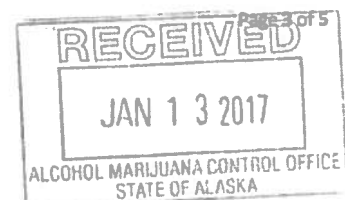
- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following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

Entity Official:	Paulina Hiebert				
Title(s):	Secretary, Vice President	Phone:	204-934-1756	% Owned:	
Address:	8039 - 184th Street				
City:	Edmonton	State:	Alberta	ZIP:	T5T 4S6

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

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

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

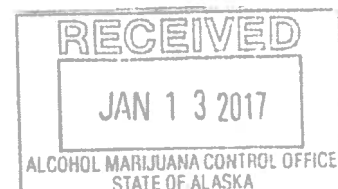


Alcohol and Marijuana Control Office

**Alaska Alcoholic Beverage Control Board
New License Application
Schedule "A"**

**The North West Company (International) Inc.
DBA ACC Liquor Store
1110 Bridge Avenue
Unit No 1
Bethel, Alaska 99559**

Licensee	Doing Business As	License Type	Address
The North West Company (International) Inc.	Alaska Commercial Company	Package Store	100 Main Street Sand Point, Alaska
The North West Company (International) Inc.	Alaska Commercial Company	Package Store	175 Main Street McGrath, Alaska
The North West Company (International) Inc.	Alaska Commercial Company	Package Store	106 Nicholoff Way Cordova, Alaska
The North West Company (International) Inc.	AC Express/ Bells Flats	Package Store	11012 Rezanof Drive West Kodiak, Alaska
The North West Company (International) Inc.	Alaska Commercial Company	Package Store	1300 Craig Klawock Highway Craig, Alaska
The North West Company (International) Inc.	Nome Liquor Store	Package Store	205 Front Street Nome, Alaska
The North West Company (International) Inc.	Nome Liquor Store	Package Store	303 Front Street Nome, Alaska
The North West Company (International) Inc.	Alaska Commercial Company	Package Store	908 Nome-Teller Highway Nome, Alaska
The North West Company (International) Inc.	The Bottle Stop	Package Store	East Bank of Eskimo Creek King Salmon, Alaska
The North West Company (International) Inc.	AC Quickstop	Package Store	131 Akakeek Street Bethel, Alaska





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Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

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 #:	120143	AK Formed Date:	12/18/2008	Home State:	DE
Registered Agent:	National Corporate Research Ltd.	Agent's Phone:	1-800-221-0102		
Agent's Mailing Address:	3085 Mountainwood Circle				
City:	Juneau	State:	Alaska	ZIP:	99801

Residency of Agent: Yes No

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

☒ ☐

Section 5 – Other Licenses

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

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

☒ ☐

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

See attached Schedule "A"

Section 6 – Authorization

Communication with AMCO staff: Yes No

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

☒ ☐

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

Josilda Rodrigues / Paulina Hiebert



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

Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 7 – Certifications

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

Initials

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



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



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.



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



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



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

Walter Pickett

Signature of licensee

Walter Pickett

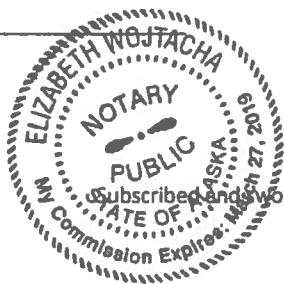
Printed name of licensee

Elizabeth Wojtacha

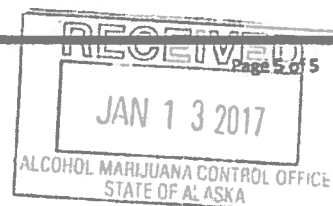
Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 3/27/19



Subscribed and sworn to before me this 12th day of December, 2016.





Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

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

What is this form?

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

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

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

Yes No

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

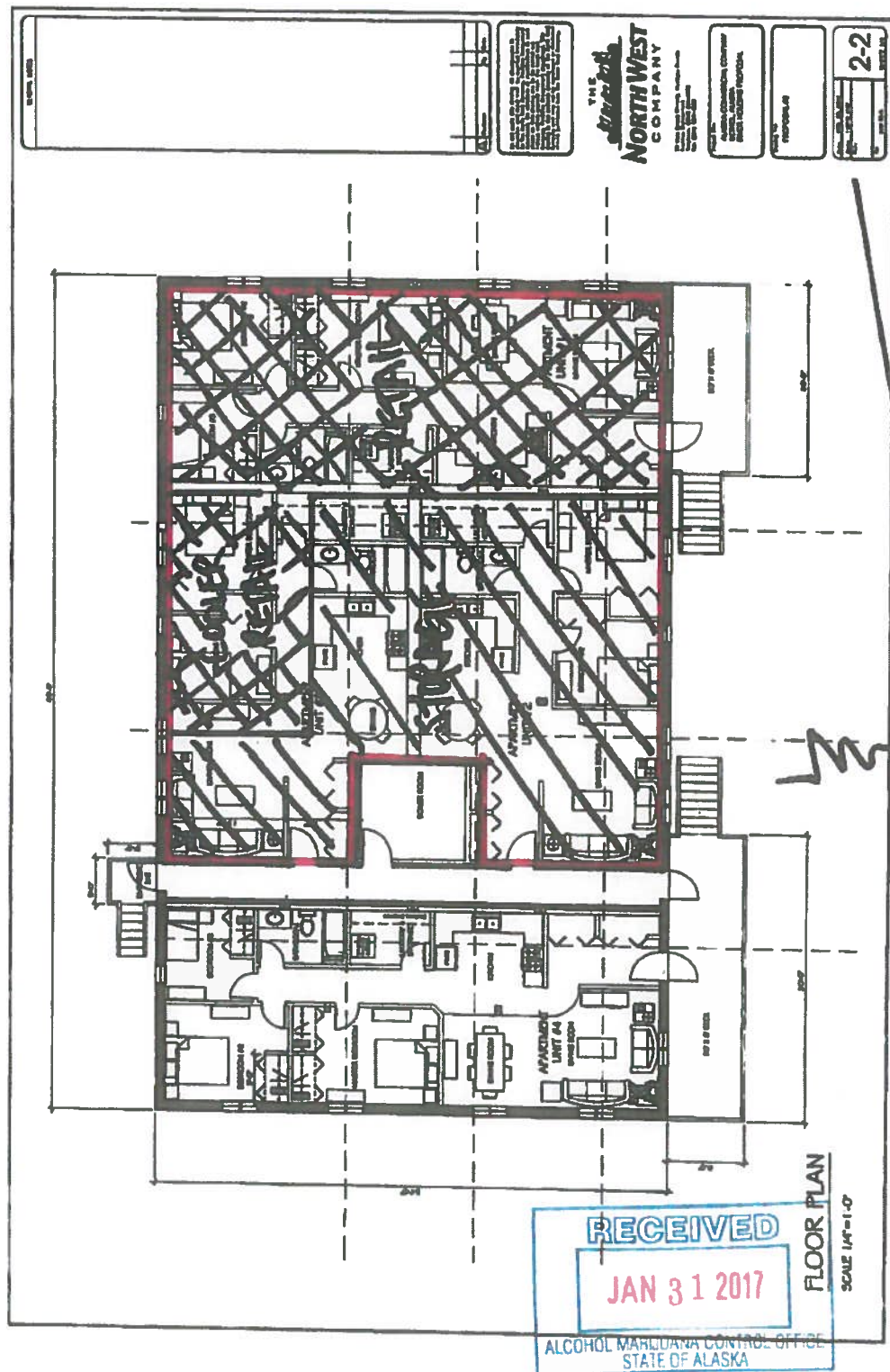


Section 1 - Establishment Information

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

Licensee:	The North West Company (International) Inc.	License Number:	5544
License Type:	Package Store		
Doing Business As:	ACC Liquor Store		
Premises Address:	1110 Bridge Avenue, Unit No. 1		
City:	Bethel	State:	AK
		ZIP:	99559





Sincerely,

A handwritten signature in black ink, appearing to read "Jedediah Smith". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jedediah Smith, Local Government Specialist
amco.localgovernmentonly@alaska.gov