Introduced by: Council Member Jung-Jordan
Date: August 13, 2019
Action: Passed
Vote: 5-0

CITY OF BETHEL, ALASKA

Resolution #19-09

A RESOLUTION BY THE BETHEL CITY COUNCIL PROTESTING THE ISSUANCE OF A RETAIL MARIJUANA LICENSE TO ALASKAN GROWN CANNABIS LICENSE NO. 20439, ALASKAN GROWN PRODUCTS, LLC PROPOSING TO OPERATION AT 230 TUNDRA WAY, BETHEL

WHEREAS, Alaskan Grown Products, LLC submitted an application for a Retail Marijuana Facility to the State of Alaska Alcohol Marijuana Control Office (AMCO), License #20439, notice of the application was received by the City Clerk's Office on June 27, 2019, deadline for Council's Protest on the Application is August 26, 2019;

WHEREAS, the proposed location of the retail marijuana license is 230 Tundra Way;

WHEREAS, on July 17, City Administration submitted a report to the City Council;

WHEREAS, this administrative report identified that as of July 17, the applicant had not yet applied for a conditional use permit with the City's Planning Department;

WHEREAS, Bethel Municipal Code Chapter 5.10.070 requires each operator of a marijuana establishment obtain a conditional use permit;

WHEREAS, Alaskan Grown Cannabis is not in compliance with our zoning regulation;

WHEREAS, the Administrative Report also identified concerns as the proposed location is connected to a premises identified by the State Deputy Fire Marshal to have fire and life safety hazards which were discovered after a Fire and Life Safety Inspection conducted on May 11, 2018;

WHEREAS, 240 Tundra Way is an apartment complex which is physically attached to the proposed location for the Retail Marijuana License,

WHEREAS, due to this proximity and the type of hazards identified, the Council does not feel the property would be safe for any type of occupancy,

WHEREAS, the inspection of 240 Tundra Way identified 15 points of concern and correction and required the immediate vacation of the property and the implementation on a fire watch on the building while it is occupied;

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WHEREAS, the license should not be issued unless the occupancy meets all applicable fire and life safety code requirements, as confirmed with a code compliance inspection by the State of Alaska Division of Fire and Life Safety;

NOW, THEREFORE, BE IT RESOLVED with the information provided and all relevant facts considered the Council finds the issuance of a Retail Marijuana License to Alaskan Grown Products due to the lack of a Conditional Use Permit and the life health safety concerns associated with the proposed location.

ENACTED THIS 13 DAY OF AUGUST 2019 BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.

ATTEST:

Thor Williams, Vice-Mayor

Lori Strickler, City Clerk

AMCO Received 8/21/2019

City of Bethel

Lori Strickler <lstrickler@cityofbethel.net>

City of Bethel- Marijuana License Process

2 messages

Lori Strickler <lstrickler@cityofbethel.net> Wed, Jul 17, 2019 at 11:42 AM
To: kpeacock1@hotmail.com

Hello,

The City of Bethel is working through the review process for Alaskan Grown Cannabis License application for the 230 Tundra Way Location.

You should be getting the Administrative Report from the City Manager within the coming days. This report will also be presented to the City Council at their July 23, 2019 Regular Meeting simply as a review. While you as the applicant are welcome to attend, there is now action scheduled for this meeting, just an opportunity for the City Manager to present any findings. If you are interested in listening but are not able to be here I can set up a teleconference line for you.

Additionally, with the future review of the license, I wondered if you would prefer email, or mailed communication? If we do have a protest of your license, I will need to provide you with seven days advance notice of that protest. If I mail that to you, you may not get it in time.

Finally, I have received notices from you that you intend to apply for licenses at two locations. I have only received notice from the AMCO office of the 230 Tundra Way location. Do you happen to know what the status is of the 1510 Chief Eddie Hoffman Highway location?

Thank you and please let me me know if you have any questions.

Lori Strickler, CMC

City Clerk, City of Bethel

300 Chief Eddie Hoffman Highway

Bethel, AK 99559

907-543-1384

www.cityofbethel.org

AMCO Received 8/21/2019

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Lori Strickler <lstrickler@cityofbethel.net> Mon, Jul 29, 2019 at 2:29 PM
To: Kalla Peacock <alaskangrownproducts@gmail.com>

Hello Kalla,

This is the second email I wanted to ensure you have received. Additionally, I have been asked to prepare a Resolution protesting the issuance of the retail license as Alaskan Grown Products has not yet obtained a conditional use permit through our planning department and that the attached building to 230 Tundra Way has significant life safety issues pointed out by the Fire Marshals report. More detail on this report can be found in the group of documents sent to you in the previous email.

The resolution protesting the issuance will be presented to the Bethel City Council on August 13th for consideration. I will be emailing or mailing, whichever you prefer, you the protest and any relevant supporting documentation on August 6th. I will assume that mailing is the best way to provide you with information unless you respond to this email to inform me otherwise. At the August 13th council meeting, you will be provided an opportunity to defend the license. Please let me know if you wish to participate by teleconference at that meeting by August 13th so that I can set up the teleconference line.

Thank you and please let me know if you have any questions.

Lori Strickler, CMC

City Clerk, City of Bethel

300 Chief Eddie Hoffman Highway

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[Quoted text hidden]

AMCO Received 8/21/2019

City of Bethel

Lori Strickler <lstrickler@cityofbethel.net>

Notice of Opportunity to Defend Bethel City Council

1 message

Lori Strickler <lstrickler@cityofbethel.net> Tue, Aug 6, 2019 at 12:27 PM
To: Kalla Peacock <alaskangrownproducts@gmail.com>

Ms. Peacock:

The Bethel City Council will be considering a protest of the State of Alaska, License No. 20439 at their Regularly Scheduled Council Meeting, August 13, 2019. You will be provided a reasonable opportunity to defend your application before the Bethel City Council at this meeting.

The Council Meeting will be held at City Hall, 300 State Highway, Bethel, and will begin at 6:30p. Resolution 19-09, Protesting the Issuance of a State of Alaska, License for Alaskan Grown Cannabis, will be considered under New Business. The Agendas will be posted on Wednesday August 7, 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 5.10 which is also available on the City's Website.

I have attempted to send emails to the email addresses listed in the application without response:
alaskangrownproducts@gmail.com,
kpeacock1@hotmail.com

I have additionally attempted to call: 907-312-8521, 907-313-8521.

This information is being sent Priority Mail to:
HC 89 Box 255
Willow, Alaska 99688

Respectfully,

Lori Strickler, CMC

City Clerk, City of Bethel

300 Chief Eddie Hoffman Highway

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2 attachments

Administrative Report Alaska Grown Cannabis.pdf
1186K

Resolution 19-09 Protesting The Issuance Of A Retail Marijuana License To Alaskan Grown Cannabis License No. 20439.pdf
112K

AMCO Received 8/21/2019