

Introduced by:	Council Member Herman
Date:	September 22, 2015
Action:	Passed
Vote:	5-0
Rescinded	November 10, 2015
Vote:	4-3

CITY OF BETHEL, ALASKA

Resolution # 15-15

RESCINDED BY COUNCIL NOVEMBER 10, 2015

A RESOLUTION BY THE CITY OF BETHEL PROTESTING THE ISSUANCE OF A STATE OF ALASKA ALCOHOLIC PACKAGE STORE LICENSE FOR AC QUICKSTOP; LOCATED AT 131 AKAKEEK STREET; OWNED BY NORTH WEST COMPANY INC.; LICENSE ID# - 5418

- WHEREAS,** in 2010, the City held an advisory vote and asked the following question to the citizens of Bethel: "Should the City of Bethel support a liquor license application for a liquor store within the City of Bethel?;"
- WHEREAS,** in response to the question, 498 citizens (63%) voted no, they did not want the City Council to support the issuance of a liquor license application for a liquor store within the City and 287 (37%) voted in favor;
- WHEREAS,** public policy dictates the Bethel City Council represent the will, desires and opinions of the voters and citizens of Bethel, Alaska Administrative Code 3 AAC 304.145 states, "the board will not substitute its judgment for that of the local governing body on matters of public policy that have reasonable factual support;"
- WHEREAS,** at the March 24, 2015 Bethel City Council meeting, 43 people provided public testimony on potential sales of alcoholic beverages in the community, and with 37 of those individuals, or 73% speaking in opposition;
- WHEREAS,** at the April 6, 2015 town hall meeting, 50 people provided public testimony on potential sales of alcoholic beverages in the community and 40 of those people spoke in opposition;
- WHEREAS,** in the Anchorage Police Department 2013, Annual Statistical Report (the 2014 report was not available on the Municipal website), 4.58% of the calls for service were for Drunken Problems/Drunken Transports;

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Whereas, in contrast to Anchorage’s statistics, the Bethel Police Department reports show that in 2014, thirty-three (33%) percent of the calls for service were in response to Intoxicated Pedestrians;

WHEREAS, State Trooper’s calls for service in the community of Bethel for the years 2013 and 2014 totaled 242 with 29.3% being alcohol related;

WHEREAS, the Yukon Kuskokwim Juvenile Detention Facility’s statistics show over 19% of their referrals involved alcohol;

WHEREAS, over a three year period, 2012 through 2014, the State of Alaska Court System reports an average of 127 Minor Alcohol Related cases per year;

WHEREAS, the Yukon Kuskokwim Health Corporation (YKHC) Sobering Center Program provides sleep-off and other services to intoxicated individuals through close collaboration with the Bethel Police Department, Yukon Kuskokwim Correctional Center, YKHC Emergency Department and YKHC Behavioral Health, YKHC reports;

WHEREAS, the sobering center intake numbers for 2014 totaled 1n686 and the YKHC Sobering Center reports that half of the people served were residents of Bethel, indicating the impacts of alcohol in Bethel are not limited to citizens of this community;

WHEREAS, a review of the statistics kept by the Alaska Court System revealed that Driving While Intoxicated (DUI's) has remained steady both before and after going wet, however, bootlegging appears to have increased significantly;

WHEREAS, determining just how much bootlegging goes on in Bethel is a figure that cannot be ascertained to any degree of certainty, all that can be stated with any certainty is that bootlegging does occur both in Bethel and more greatly impacts the villages surrounding Bethel;

WHEREAS, the Bethel WAANT unit indicates that since going wet, rates of bootlegging in Bethel appear to have remained steady while bootlegging to the surrounding communities appears to have increased, this is supported by the statistics obtained from the Bethel courthouse;

WHEREAS, in 2009, the year Bethel went wet, there were 53 importation (bootlegging) convictions, these offenses are typically attempts to take

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alcohol from Bethel to the surrounding dry communities, the 2009 figure was a stark increase from the damp years of 2007 (1 conviction) and 2008 (12 convictions), following 2009, the figures remained high: 91 in 2010, 93 in 2011, 52 in 2012 and 67 in 2013, these figures would appear to support the City Council's concerns that the more readily available alcohol is in Bethel, the more of it that will flow to the surrounding villages to feed its bootlegging/importation businesses;

WHEREAS, while the AC Quickstop is not located within three (300) feet of a school, it is located on a heavily traveled access road utilized by school children;

WHEREAS, AC Quickstop's proximity to two elementary schools and the high school, and located on a main thoroughfare will mean that large numbers of vulnerable children will have to travel in front of the package store daily;

WHEREAS, the legislative intent behind AS 04.11.410 is to protect children attending school from direct exposure to some of the demoralizing circumstances which, by the authority of common knowledge, are incident to the traffic in intoxicating liquor. *Application of Wakefield*, 10 Alaska 599 (D. Alaska 1975);

WHEREAS, the Lower Kuskokwim School District (LKSD) tends to and addresses the impact of alcohol on its students daily;

WHEREAS, alcohol abuse is prevalent for some of the children's families and has caused the school to offer showers, laundry facilities and extra meals in order to help provide some of the basic needs of its students, needs are not being met at home, often times due to significant alcohol abuse;

WHEREAS, the more easily accessible alcohol is in Bethel the more influx of people from surrounding dry communities traveling to Bethel to not casually drink but binge drink causing more strain on the Police Department and interrupting the peaceful enjoyment of community members;

WHEREAS, AC Quickstop is applying for a package store license, to be located in the Housing Subdivision, which is primarily made up of Alaska Housing Finance Corporation, State subsidized housing;

WHEREAS, the Housing Subdivision is approximately one square mile;

WHEREAS, between May 11, and July 31, 2015, 41 of the 141 (30%) calls for service to the Housing Subdivision were alcohol related;

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WHEREAS, a study by Rutgers, Center of Alcohol Studies, titled, *Varying Impacts of Alcohol Outlet Densities on Violent Assaults: Explaining Differences Across Neighborhoods*, states,

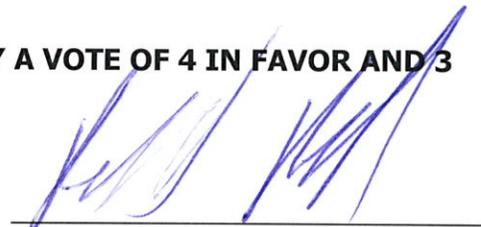
"Assaults were related to outlet densities in local and surrounding areas, the mix of outlet types, and neighborhood characteristics. The addition of one outlet per square mile was related to a small 0.23% increase in assaults. A 10% greater proportion of bars in a ZIP code was related to 7.5% greater assaults, whereas a 10% greater proportion of bars in surrounding areas was related to 6.2% greater assaults. The impacts of bars were much greater in areas with low incomes and dense populations. Conclusion - The effect of bar density on assault injuries was well supported and positive, and the magnitude of the effect varied by neighborhood characteristics. Posterior distributions from these models enabled the identification of locations most vulnerable to problems related to alcohol outlets;"

WHEREAS, the conclusion of this study as well as the statistical information from the Bethel Police Department, specific to the neighborhood, provide reasonable factual support that the impacts to the surrounding neighborhood if alcohol sales was available would be significant;

NOW, THEREFORE, BE IT RESOLVED the Bethel City Council opposes the issuance of a package store license for the AC Quickstop.

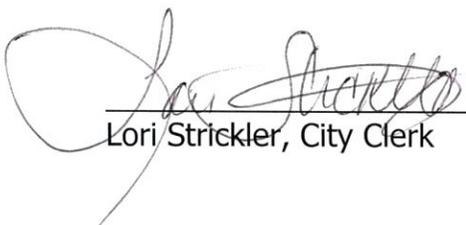
ENACTED THIS 22nd DAY OF SEPTEMBER, 2015 BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.

RESCINDED THIS 10th DAY OF NOVEMBER 2015, BY A VOTE OF 4 IN FAVOR AND 3 OPPOSED



Richard Robb, Mayor

ATTEST:



Lori Strickler, City Clerk