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.

Alisha Welch, Mayor Pro Tempore

ATTEST:

Lori Strickler, City Clerk

City of Bethel, Alaska