

**CITY OF PALMER ACTION MEMORANDUM No. 10-068**

**SUBJECT:** City Council Statement of Non-objection to the New Liquor License, License #5010, for Alaska Avalanche Hockey Club, Located at the MTA Palmer Arena, 1317 Kerry Weiland Court, Palmer

**AGENDA OF: September 28, 2010**

<b>Council action:</b>	<b>No objection</b>
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**Approved for presentation by Sara Jansen, Acting City Manager** *Sara Jansen*

Route To:	Department/Individual:	Initials/Date:	Remarks:
x	Originator – Mayor Combs		
x	City Clerk	<i>JBC</i> 9/8/10	
x	City Attorney	<i>[Signature]</i> 9/22/10	
	Director of Administration		
	Director of Community Development		
	Director of Community Services		
	Director of Public Safety		
	Director of Public Works		

**Attachment(s):** ABC Forms  
Liquor License Review Form

**Certification of Funds:**

x	No fiscal impact.	
	Funds are budgeted from this account number:	
	Funds are not budgeted. Budget modification is required. Affected account number:	
	<b>Unrestricted/undesignated fund balance (after budget modification):</b>	

Director of Administration Signature: *[Signature]*

**Summary statement:** The Alaska Avalanche Hockey Club has applied for a "Restaurant Eating Place Public Convenience" license.

State law requires local governing bodies to review requests pertaining to liquor licenses within their municipalities. The City may voice a non-objection or may file a protest to a request.

**Administration recommendation:** Authorize action memorandum 10-068.

## City of Palmer • Liquor License Review Form

**NAME OF BUSINESS:** Alaska Avalanche Hockey Club      **OWNER:** Alaska Avalanche Hockey Club LLC

**LOCATION:** 1317 Kerry Weiland Court      **TYPE OF LICENSE:** Restaurant Eating Place – Public Convenience

**MAILING ADDRESS:** PO Box 877001  
Wasilla, AK 99685

*Route to: Department of Administration*

Sales Tax Current: <input checked="" type="checkbox"/>		If no, explain:
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Utilities Current: <input checked="" type="checkbox"/>		If no, explain: n/a
Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Property Taxes Current: <input checked="" type="checkbox"/>		If no, explain: n/a
Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Special Assessments Current: <input checked="" type="checkbox"/>		If no, explain: n/a
Yes <input type="checkbox"/>	No <input type="checkbox"/>	

*K Weisk*      9/10/10  
Department of Administration Director      Date

*Route to: Department of Community Development*

Code Compliant: <input checked="" type="checkbox"/>		If no, explain:
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

*Sandra Hauley*      9/09/2010      PMC17.40.020  
Department of Community Development Director      Date

*Route to: City Manager's Office*

OTHER COMMENTS:

*[Signature]*      9.10.10  
City Manager      Date

**FORWARD TO COUNCIL FOR AGENDA OF:** September 28, 2010

*Route to: CLERK'S OFFICE*



A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is “arbitrary, capricious and unreasonable”. Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

Sincerely,

*/s/ Christine C. Lambert*

Christine C. Lambert

Records & Licensing Supervisor



# State of Alaska

## Department of Public Safety

# Alcoholic Beverage Control Board

Sean Parnell, Governor  
Joseph A. Masters, Commissioner

September 8, 2010

City of Palmer  
Attn: City Clerk  
VIA EMAIL: jbower@palmerak.org  
Re: **Alaska Avalanche Hockey Club License #5010**

Transfer of Ownership       Name Change       Restaurant Designation Permit  
 Transfer of Location       New Application      Old License # (if changed):

We have received the enclosed liquor license application within the **City of Palmer**. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

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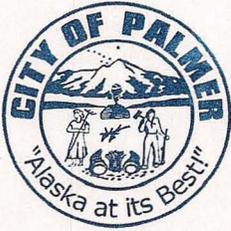
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**Note:** Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

*/s/Christine C. Lambert*  
Christine C. Lambert  
Licensing & Records Supervisor



August 17, 2010

**Bill Allen**  
City Manager

City of Palmer  
231 W. Evergreen Ave.  
Palmer, AK 99645-6952  
Phone (907) 745-3271  
Direct (907) 761-1317  
Fax (907) 745-0930  
ballen@palmerak.org  
www.cityofpalmer.org

Shirley Gifford, Director  
Alcoholic Beverage Control  
Alaska Department of Public Safety  
5848 E. Tudor Road  
Anchorage, Alaska 99507

Dear Director Gifford:

The City of Palmer supports the approval of an application for a Public Convenience Restaurant/Eating Place license to be located at the Palmer Arena, 1317 S. Kerry Weiland Ct., within the Palmer municipal boundary. The license is currently being sought by Mark D. Lee, Managing Member of the Alaska Avalanche Hockey Club, LLC, P.O. Box 877001, Wasilla, Alaska 99687.

The provision of this food and beverage service at the Palmer Arena will enhance the use of this municipal facility and expand the options available to local organizations and groups to conduct conferences and other meeting in the City of Palmer.

Your prompt review of this application is appreciated. You may contact me at 761-1317 if you have any questions.

Best regards,

B. B. Allen

City of Palmer