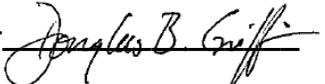


**CITY OF PALMER ACTION MEMORANDUM No. 10-077**

**SUBJECT:** City Council Statement of Non-Objection to the Transfer of Location and Name Change of Liquor License #2098, for Carr-Gottstein Foods Company, Doing Business as Oaken Keg #1739, Located at 664 W. Evergreen Avenue, Palmer

**AGENDA OF: November 23, 2010**

|                        |                     |
|------------------------|---------------------|
| <b>Council action:</b> | <b>No Objection</b> |
|------------------------|---------------------|

**Approved for presentation by Douglas B. Griffin, City Manager** 

| Route To: | Department/Individual:            | Initials/Date:   | Remarks: |
|-----------|-----------------------------------|--|----------|
| X         | Originator – Clerk's Office       |  11/17/10 |          |
| X         | City Clerk                        |  |          |
| X         | City Attorney                     |  11/17/10 |          |
|           | Director of Administration        |  |          |
|           | Director of Community Development |  |          |
|           | Director of Community Services    |  |          |
|           | Director of Public Safety         |  |          |
|           | Director of Public Works          |  |          |

**Attachment(s):**

**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: 

**Summary statement:** Carr-Gottstein Foods Company has applied for a transfer of location and name change for license #2098.

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:** Approve the action of action memorandum 10-077.





DEPARTMENT OF COMMUNITY DEVELOPMENT

Sandra Garley  
Director

David Meneses  
Building Inspector

Mail: 231 W. Evergreen Ave.  
Location: 645 E. Cope Industrial Way  
Palmer, AK 99645-6748  
Phone: 907-745-3709  
Fax: 907-745-5443  
www.cityofpalmer.org

## MEMORANDUM

TO: Sandra Garley

FROM: Ron Anderson, Planning & Code Compliance Technician 

DATE: November 1, 2010

SUBJECT: Code Issue with Oaken Keg

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The Oaken Keg is located on GREATLAND TER III RSB TB-1&B-2 TRACT B-3. This property is located within the C-G District. The Permitted uses for this district are listed in the Palmer Municipal Code, Chapter 17.32.020-Permitted uses.

Item #3 of this section allows for "Bar, cocktail lounge, liquor and beer sales, including brewpubs and wineries". Oaken Keg meets this requirement. Therefore, this use is code compliant.



**State of Alaska**  
Department of Public Safety  
**Alcoholic Beverage Control Board**

Sean Parnell, Governor  
Joseph A. Masters, Commissioner

October 29, 2010

City of Palmer, Mat-Su Borough  
Attn: Jeannette Bower, Susan Lee  
VIA Email: [jbower@palmerak.org](mailto:jbower@palmerak.org); [susan.lee@matsugov.us](mailto:susan.lee@matsugov.us)  
Re: **Oaken Keg #1739 License #2098**

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

We have received the enclosed application for Restaurant Designation Permit 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.**

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 have 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.

**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/ Leighanne D. Atwood*  
Leighanne D. Atwood  
Business Registration Examiner

State of Alaska  
**Alcoholic Beverage Control Board**

Date of Notice: October 29, 2010

Application Type:  NEW  **TRANSFER**  
 Ownership  
 Location  
 Name Change

Governing Body: **City of Palmer, Mat-Su Borough**  
 Community Councils: None

License #: **2098**  
 License Type: **Package Store**  
 D.B.A.\*: **Oaken Keg # 1739**  
 Licensee/Applicant: **Carr-Gottstein Foods Co.**  
 Physical Location: **664 W. Evergreen Ave  
 Palmer, AK 99645**

Mail Address: **P.O. Box 29096, ms 6531  
 Phoenix, AZ 85038-9096**  
 Telephone #: **623-869-3573 Fax: 623-869-6211**  
 EIN: **92-0135158**

| Corp/LLC Agent:                 | Address   | Phone               | Date and State of Limited Partnership/Corporation | Good standing? |
|---------------------------------|---|---------------------|---|----------------|
| <b>Carr-Gottstein Foods Co.</b> | <b>P.O. Box 29096, ms 6531<br/>Phoenix, AZ 85038-9096</b> | <b>623-869-3573</b> | <b>08/17/1990</b>                                 | <b>Yes</b>     |

*Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.*

| Member/Officer/Director:   | DOB             | Address  | Phone                  | Title/Shares (%)        |
|--|-----------------|--|------------------------|-------------------------|
| <b>Robert L. Edwards</b>   | <b>08/11/55</b> | <b>3954 Pontina Court,<br/>Pleasanton, CA 94566</b>      | <b>925-467-3276</b>    | <b>President / 0</b>    |
| <b>Gregory Sparks</b>  | <b>08/02/60</b> | <b>130 Windsor Drive SE,<br/>Sammamish, WA<br/>94566</b> | <b>425-868-9973</b>    | <b>VP Manager / 0</b>   |
| <b>Robert A. Gordon</b>  | <b>09/14/51</b> | <b>Robert Road, Orinda,<br/>CA 94563</b>                 | <b>925-467-3276</b>    | <b>VP Secretary / 0</b> |
| <b>Bradley S. Fox</b>  | <b>12/31/55</b> | <b>315 Lowell Lane West,<br/>Lafayette, CA 94549</b>     | <b>925925-467-3276</b> | <b>VP Treasurer / 0</b> |
| <b>SSI-AK Holdings, Inc.<br/>(which is in turn owned<br/>100% by Safeway Inc.)</b> |                 | <b>5918 Stoneridge Mall<br/>Road, Pleasanton, CA</b>     |                        | <b>100%</b>             |

If **transfer** application, current license information:

License #: 2098  
Current D.B.A.: Oaken Keg # 1814  
Current Licensee: Carr-Gottstein Foods Co.  
Current Location: 535 W Evergreen Ave  
Palmer, AK

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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.

Sincerely,

*/s/ Leighanne D. Atwood*  
Leighanne D. Atwood  
Business Registration Examiner