City of Palmer
Action Memorandum No. 15-023

Subject: City Council Statement of Non-objection to Liquor License #3696, for La Fiesta Mexican Restaurant, Located at 132 West Evergreen, Palmer

Agenda of: March 10, 2015

Council Action: No objection stated

Originator Information:

Originator: City Clerk

Date: February 11, 2015 **Requested agenda date:** March 10, 2015

Department Information √:

Route to:	Department Director:	Signature:	Date:
	Community Development		
	Finance		
	Public Safety		
	Public Works		

Approved for presentation by:

	Signature:	Remarks:
City Manager	Joseph A. Hansen	
City Attorney		
City Clerk	Jane Burnett	

Certification of Funds:

Total amount of funds listed in this legislation: $ 0

This legislation (√):

- [√] Has no fiscal impact
- [ ] Creates a positive impact in the amount of: $
- [ ] Creates a negative impact in the amount of: $

Funds are (√):

- [ ] Budgeted Line item(s):
- [ ] Not budgeted Affected line item(s):

General fund unassigned balance (after requested budget modification): $

Enterprise unrestricted net position (after requested budget modification): $

Director of Finance Signature: Esther Greene

Attachment(s):

- Renewal Notice
- Review Form

Summary statement: The owner of the La Fiesta Restaurant has applied for renewal of their liquor 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 15-023.

City of Palmer • Liquor License Review Form

BUSINESS NAME: La Fiesta Mexican Restaurant
OWNER: Pedro A. Gonzales
LICENSE TYPE: Restaurant/Eating Place
LOCATION: 132 W Evergreen Avenue

Route to: Department of Finance

Department of Finance

Sales Tax Current: √ [x] Yes [ ] No

If no, explain: _____

Utilities Current: √ [x] Yes [ ] No

If no, explain: _____

Special Assessments Current: √ [x] Yes [ ] No

If no, explain: _____

Other Comments:

Director, Department of Finance — Date: 2/11/15

Route to: Department of Community Development

Department of Community Development

Code Compliant: √ [x] Yes [ ] No

If no, explain: _____

Other Comments:

Director, Department of Community Development — Date: 2/11/2015

Route to: Palmer Police Department

Palmer Police Department

Code Compliant: √ [√] Yes [ ] No

If no, explain: _____

_____

Other Comments:

_____

_____

T Kemaley _____ 2/14/15

Chief of Police Date

Route to: City Manager's Office

Other Comments:

_____

_____

Joseph A. Hanna _____

City Manager Date

FORWARD TO COUNCIL FOR AGENDA OF: *March 10, 2015*

Route to: CLERK'S OFFICE

THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development
ALCOHOLIC BEVERAGE CONTROL BOARD

Sarah Daulton Oates
2400 Viking Drive
Anchorage, AK 99501
Direct: 907.269.0356
Fax: 907.334.2285

February 10, 2015

City of Palmer
Attn: Janette Bower, City Clerk
VIA Email : jbower@palmerak.org
Cc: susan.lee@matsugov.us

Re: Notice of Liquor License Renewal Applications

Dear Ms. Bower,

We have received a renewal application for each of the following licenses within your jurisdiction:

Lic. #	Doing Business As	License Type	Licensee	Premises Address
39	Alaska State Fair	Recreational Site	Alaska State Fair, Inc.	1 Mile South of Palmer
649	Klondike Mike's Saloon	Beverage Dispensary	U-Line Beverage Company, Inc.	820 S Colony Way
744	Loyal Order of Moose Lodge #793	Club	Palmer Lodge #793 Loyal Order of Moose, Inc.	1136 South Cobb Street
1274	Lou-Jacks Palmer Bar	Beverage Dispensary	Lou-Jack, Inc.	828 South Colony Way
2098	Oaken Keg #1739	Package Store	Carr-Gottstein Foods Co.	644 West Evergreen Avenue
2931	Mat-Su Miners	Recreational Site	Mat-Su Baseball, Inc.	Hermon Brothers Field
3696	La Fiesta Mexican Restaurant	Restaurant / Eating Place	Pedro A. Gonzales	132 W Evergreen Avenue
3767	Peking Garden	Restaurant / Eating Place	Lih & Tracy Tzou	775 W Evergreen Avenue
4064	Palmer Municipal Golf Course	Golf Course	City of Palmer	1000 LePak Avenue
5032	Arkose Brewery	Brewery	Brew Barons, LLC	650 East Steel Loop Road

A local governing body as defined under AS 04.21.080(b)(18) may protest the approval of an application(s) pursuant to AS 04.11.480 by providing 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 our office 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 when 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(s) 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 regarding local governing body protests, please refer to 3 AAC 304.145.

If you have any questions or concerns or require additional information, please feel free to contact me directly.

Sincerely,

Sarah Daulton Oates
Records & Licensing Supervisor
sarah.oates@alaska.gov
(907)269-0356