

**CITY OF PALMER
ACTION MEMORANDUM NO. 14-062**

Subject: City Council Statement of Non-objection to Liquor License #1436, for Pizzeria Delphi Restaurant and Approval of the Restaurant Designation Permit, Located at 103 West Arctic Avenue, Palmer

Agenda of: August 26, 2014

Council Action: No objection stated

Approved for presentation by:

City Manager Joseph A. Hansen
City Attorney [Signature]
City Clerk [Signature]

Certification of Funds:

Total amount of funds listed in legislation:	\$ <u>0</u>
This legislation (✓):	
<input checked="" type="checkbox"/> Has no fiscal impact	
Creates:	
<input type="checkbox"/> A negative fiscal impact in the amount of:	\$ _____
<input type="checkbox"/> A positive fiscal impact in the amount of:	\$ _____
<input type="checkbox"/> Funds are budgeted.	
Funds are budgeted from this (these) line item(s):	
a) ➤	\$ _____
b) ➤	\$ _____
a) Funds originally budgeted in line item :	\$ _____
Difference in budgeted funds:	\$ _____
b) Funds originally budgeted in line item :	\$ _____
Difference in budgeted funds:	\$ _____
<input type="checkbox"/> Funds are not budgeted.	
Budget amendment required in the total amount of:	\$ _____
Affected line item(s):	
➤	\$ _____
➤	\$ _____
<input type="checkbox"/> General fund unassigned balance (after budget modification)	\$ _____
<input type="checkbox"/> Enterprise unrestricted net position (after budget modification)	\$ _____
Director of Finance signature certifying funds:	<u>[Signature]</u>

Attachment(s):

- Liquor License Review Form
- Application from the Alcohol Beverage Control Board

Summary statement: Pizzeria Delphi Restaurant has requested a liquor license owner transfer. In addition to the liquor license, Pizzeria Delphi has applied for a Restaurant Designation Permit (RDP). The RDP allows them to serve food, as well, alcohol within the restaurant.

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.

Action memorandum 14-062 provides for a statement of non-objection to the liquor license transfer and Restaurant Designation Permit.

Administration recommendation: Approve action memorandum 14-062.

City of Palmer • Liquor License Review Form

BUSINESS NAME: Pizzeria Delphi Restaurant

OWNER: Kenneth John Christensen

LICENSE TYPE: Restaurant/Eating Place

LOCATION: 103 W Arctic

Route to: Department of Finance

Department of Finance

Sales Tax Current: ✓ Yes No

If no, explain: _____

Utilities Current: ✓ Yes No

If no, explain: _____

Special Assessments Current: ✓ Yes No N/A

If no, explain: _____

Other Comments: _____



Director, Department of Finance

7/29/14

Date

Route to: Department of Community Development

Department of Community Development

Code Compliant: ✓ Yes No

If no, explain: _____

Other Comments: _____



Director, Department of Community Development

7/29/2014

Date

Route to: Department of Public Safety

Department of Public Safety

Code Compliant: Yes

Yes No

If no, explain:

Other Comments:



Director, Department of Public Safety

July 30, 2014

Date

Route to: City Manager's Office

Other Comments:



City Manager

August 6, 2014

Date

FORWARD TO COUNCIL FOR AGENDA OF: August 26, 2014

Route to: CLERK'S OFFICE



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,

and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

City of Palmer
Attn: Jeanette Bower
VIA EMAIL: jbower@palmerak.org

Kenneth John Christensen

d.b.a. Pizzeria Delphi Restaurant – License #1436

- New Application Transfer of Ownership Transfer of Location
 Restaurant Designation Permit DBA Name Change

We have received an application for the above listed licenses (see attached application documents) within your jurisdiction. 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 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.

Note: Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e),

and 3 AAC 304.660(e) must be approved by the governing body.



Maxine Andrews
Business Registration Examiner
Direct line: 907-269-0358
Email: maxine.andrews@alaska.gov

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r



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11387

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Transfer Liquor License

(907) 269-0350
Fax: (907) 334-2285
<http://commerce.alaska.gov/dnn/abc/Home.aspx>

License is: Full Year OR Seasonal List Dates of Operation: _____

SECTION A - LICENSE INFORMATION			FEES
License Year: 2014 - 2015	License Type: Restaurant or Eating Place	Statute Reference Sec. 04.11.100	Filing Fee: \$100.00
License #: 1436			Rest. Desig. Permit Fee: (\$50.00) \$ 50.00
Local Governing Body: (City, Borough or Unorganized) City of Palmer & Matanuska Susitna Borough	Community Council Name(s) & Mailing Address: N/A		Fingerprint: \$ 51.50 (<i>\$51.50 per person</i>)
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Kenneth John Christensen	Doing Business As (Business Name): Pizzeria Delphi Restaurant	Business Telephone Number: 907-745-2929	TOTAL \$201.50
Mailing Address: PO Box 3184 City, State, Zip: Palmer AK 99645	Street Address or Location of Premises: 103 West Arctic Ave Palmer AK 99645	Fax Number: 907-745-7028	Email Address: christensending@yahoo.com
Is any shareholder related to the current owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes" please state the relationship ? N/A			
SECTION B - TRANSFER INFORMATION			
<input type="checkbox"/> Regular Transfer		Name and Mailing Address of <i>CURRENT</i> Licensee: Vasilios Karagounis PO Box 2563 Palmer AK 99645	
<input checked="" type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application. Real or personal property conveyed with this transfer must be described. Provide security interest documents.		Business Name (dba) <i>BEFORE</i> transfer: Pizzeria Delphi	
<input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.		Street Address or Location <i>BEFORE</i> transfer: 103 West Arctic Ave Palmer AK 99645	
SECTION C - PREMISES TO BE LICENSED			
Distance to closest school grounds: .8 miles	<i>Distance measured under:</i> <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.	
Distance to closest church: 2 blocks, 1200 feet +/-	<i>Distance measured under:</i> <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____	<input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.	
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	

Transfer Liquor License

SECTION D – LICENSEE INFORMATION

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

Yes No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State
N/A				

2. Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

Yes No If Yes, attach written explanation.

SECTION E – OWNERSHIP INFORMATION - CORPORATION

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership):	Telephone Number:	Fax Number:
N/A - Sole proprietorship		
Corporate Mailing Address:	City:	State:
		Zip Code:
Name, Mailing Address and Telephone Number of Registered Agent:	Date of Incorporation OR Certification with DCED:	State of Incorporation:

Is the Entity in "Good Standing" with the Alaska Division of Corporations? Yes No
 If no, attach written explanation. Your entity *must* be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
N/A					

Transfer Liquor License

NOTE: If you need additional space, please attach a separate sheet.

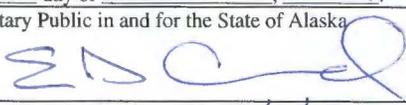
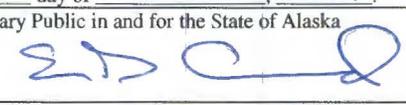
SECTION F – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

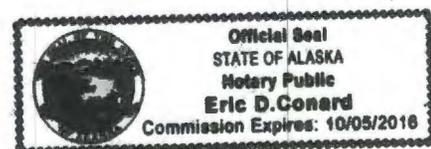
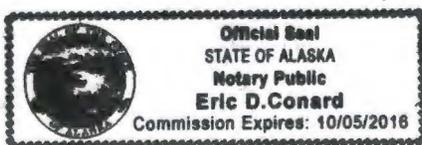
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: Kenneth John Christensen Address: PO Box 3184 Palmer AK 99645 Home Phone: (907) 354-3019 Work Phone: (907) 745-2929	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
	Date of Birth: 10-23-1966		
Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Current Licensee(s)	Signature of Transferee(s)
Signature	Signature
Signature 	Signature 
Name & Title (Please Print) Vasilios Karagounis, Sole Proprietor	Name & Title (Please Print) John Kenneth Christensen
Subscribed and sworn to before me this <u>20th</u> day of <u>June</u> , 2014.	Subscribed and sworn to before me this <u>20th</u> day of <u>June</u> , 2014.
Notary Public in and for the State of Alaska 	Notary Public in and for the State of Alaska 
My commission expires: <u>10/5/2016</u>	My commission expires: <u>10/5/2016</u>



**STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT
AS 04.16.049 & 3 AAC 304.715 - 794**

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons between the ages of 16 - 20 for employment. If for employment, please indicate in detail what the employment duties will be in question #3.

License Number: 1436 Type: Restaurant or Eating Place

This application is for designation of premises where: (Please check the appropriate items below)

- 1. Bona fide restaurant pursuant to 3 AAC 304.305 & 3 AAC 304.715-794.
- 2. Persons 16 - 20 years of age may dine unaccompanied.
- 3. Persons under 16 may dine accompanied by a person 21 years of age or older.
- 4. Persons between 16 - 20 years of age may be employed. *(See note below)

Licensee's Name: Kenneth John Christensen

Name of Business: Pizzeria Delphi

Business Address: 103 West Arctic Ave City: Palmer

1. Hours of operation 11AM to 11PM. Telephone Number: 907-745-2929

2. Have police been called to your premises for any reason? Yes [] No
(If you answered yes, please explain below).

We have called the police to have some vagrants removed from the side of the building.

3. * Duties of employment: dishwashing, cleaning, cooking, delivery, phone answering.

4. Are video games available to the public on your premises? [] Yes No

5. Do you provide live entertainment, such as live music, pool tables, karaoke, dancing, sports or pin-ball?
[] Yes No

6. How is food served? Table Service [] Buffett Service [] Counter Service [] Other _____

7. Is an owner, manager or supervisor 21 years of age or older always present during business hours? Yes [] No

***** A MENU AND DETAILED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION *****

A menu and diagram were previously submitted.

***Employees 16 and 17 years of age must have a valid work permit and a letter maintained in your files from a parent or guardian authorizing employment at your establishment.**

****Please attach additional sheets of paper if more space is needed to describe food service, entertainment, etc.**

Licensee Signature _____

Local Governing Body Approval _____

Subscribed and sworn to before me this 24th day of July 14

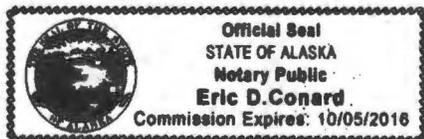
Date _____

Notary Public in and for Alaska _____

My Commission expires: 10/5/16

Director, ABC Board _____

Date _____



STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: Pizzakia Delphi Restaurant

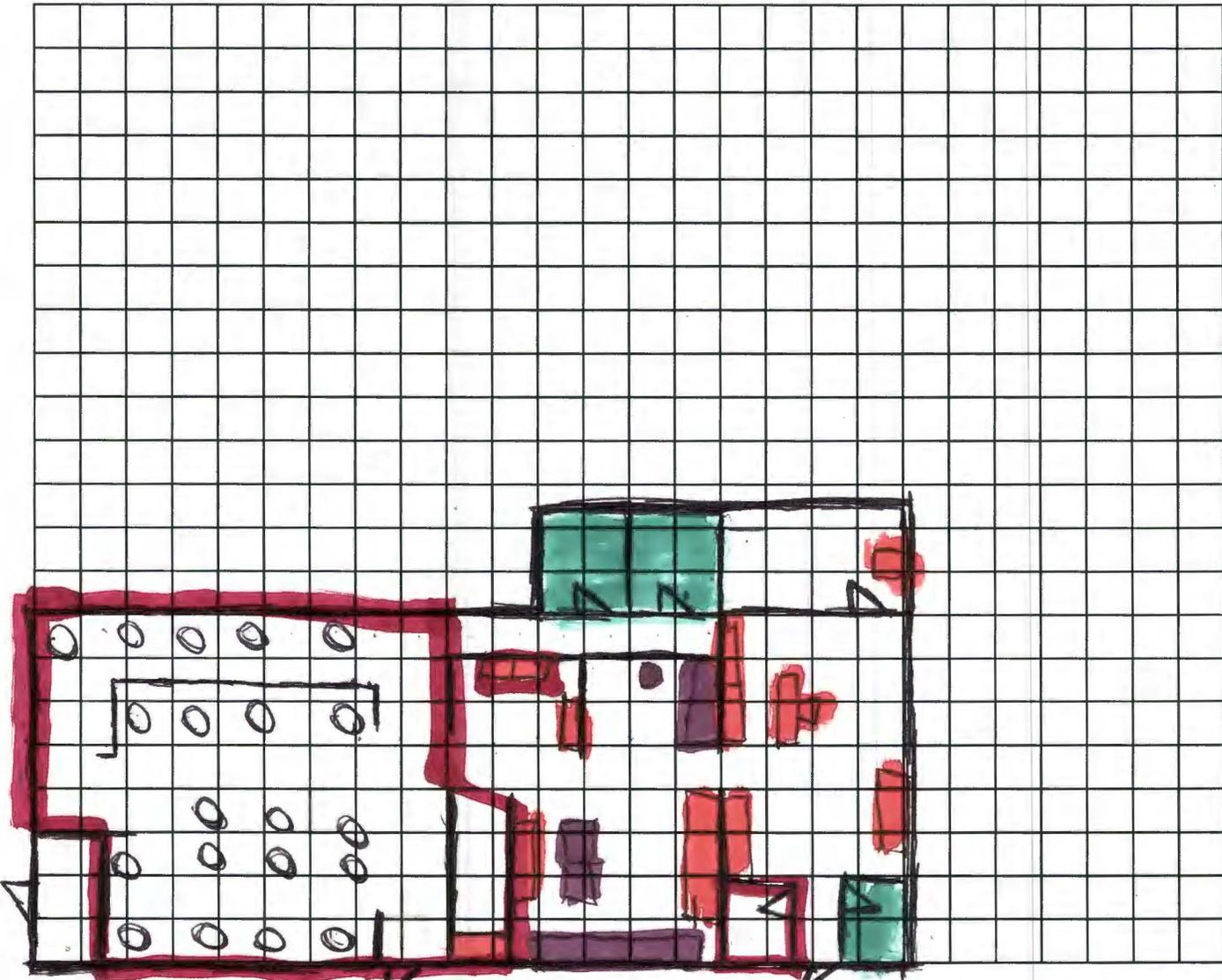
PREMISES LOCATION: 103 W. ARCTIC

Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: X 1 SQ. = 4 FT. SCALE B: _____ 1 SQ. = 1 FT.

Length and width of premises in feet:

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



Revised 6/16/06



Bathrooms/office



Liquor Storage or Sale



coolers



Ovens/GRILLS/FRYERS/Dishwasher

Pasta

(All dinners include salad and garlic bread)

Fettuccini Deluxe	(Broccoli, Chicken, and Mushrooms)	\$14.95
Fettuccini Alfredo	(Tossed in a delicious cream and cheese sauce)	\$13.25
Seafood Fettuccini Alfredo	(Shrimp, Scallops, and Smoked Salmon)	\$16.95
Fettuccini with Clam Sauce	(Baby Clams and garlic tossed in a delicious alfredo sauce)	\$13.95
Fettuccini Special	(Chicken, Bacon, Ham, Spinach, Ranch, and Cream)	\$14.95
Spaghetti Carbonara	(Ham, Cheese, and Cream)	\$13.95
Spaghetti	(With Meat Sauce, Marinara, or Pesto Sauce)	\$11.25
Spaghetti	(With Meatball or Italian Sausage)	\$12.95
Beef or Cheese Ravioli	(With Meat Sauce or Marinara)	\$12.95
Cheese Ravioli Carbonara	(With Bacon and Alfredo Sauce)	\$13.95
Greek Spaghetti	(Tossed in a butter sauce with Chicken and Feta Cheese)	\$13.95

Baked Dishes

(Served with salad and garlic bread and your choice of meat sauce or marinara sauce)

Cheese Manicotti	\$13.95	Eggplant Parmesan	\$14.95
Chicken Spinach Manicotti	\$14.95	Chicken Parmesan	\$15.95
Seafood Manicotti	\$14.95	Veal Parmesan	\$15.95
Lasagna with Meat Sauce	\$13.95	Baked Ravioli	\$13.95

Steaks

(Served with your choice of baked potato or french fries, salad and garlic bread)

Shish Kebob (served with salad only)	\$11.25
New York, T-Bone, or Rib-Eye	\$19.95
New York, T-Bone, or Rib-Eye with Three Jumbo Prawns	\$22.95
GY Plate (served with salad only)	\$12.95

Seafood Specialties

(Served with salad and garlic bread)

Deep Fried Prawns	(Served with Fries)	\$16.25
Shrimp ala Delphi	(Shrimp sauteed in a special hot sauce)	\$17.95
Shrimp With Alfredo Sauce	(Tossed with Fettuccini Noddles)	\$17.95
Fish & Chips	(Deep fried halibut with fries)	\$15.95

Beverages

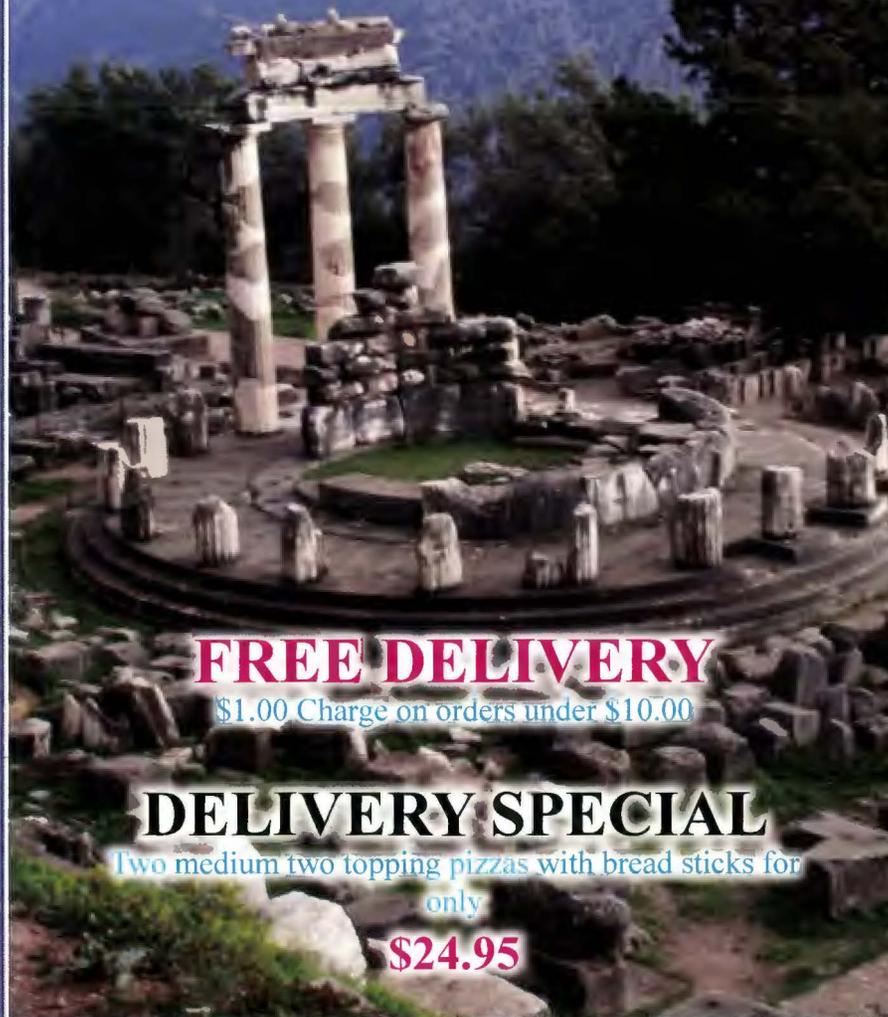
Soft Drinks – 24oz. Bottle	(Pepsi, Diet Pepsi, Mountain Dew)	\$2.25
Soft Drinks – 12oz. Can	(Root Beer)	\$1.75

Pizza Delphi

745-2929

at the Corner of Arctic Ave. & North Alaska

Serving you since 1978



FREE DELIVERY

\$1.00 Charge on orders under \$10.00

DELIVERY SPECIAL

Two medium two topping pizzas with bread sticks for only

\$24.95

Appetizers

Mozzarella Sticks.....	\$7.95	Bread Sticks w. Meat Sauce.....	\$4.75
Jalapeno Poppers.....	\$7.95	Greek Bread w/ Feta Cheese.....	\$7.95
Buffalo Wings.....	\$8.95	Garlic Bread w/ Cheese.....	\$4.95
Combo Platter w/ Mozzarella Sticks, Poppers, and Wings.....	10.95		

Salads

Green Salad.....	\$4.75
Antipasto Salad.....	\$10.75
<i>(Lettuce topped with pepperoni, salami, cheese, olives, artichoke hearts, and tomatoes)</i>	
Chef's Salad.....	\$10.75
<i>(Lettuce topped with ham, turkey, cheese, tomatoes, artichoke hearts, olives, and eggs)</i>	
Greek Salad.....	\$10.75
<i>(Lettuce, tomatoes, cucumbers, greek olives, feta cheese, red onions, and green peppers)</i>	
Crispy or Grilled Chicken Salad.....	\$10.95
<i>(Lettuce, tomatoes, artichoke hearts, olives, cheese, and chicken)</i>	

Sandwiches

Charbroiled Hamburger with Fries.....	\$7.75
Charbroiled Cheeseburger with Fries.....	\$8.75
Gyro with Fries.....	\$9.95
Submarine with Fries.....	\$8.95
Meatball or Italian Sausage Sub with Fries.....	\$8.95
Delphi Sub.....	\$10.75
Grilled Chicken and Bacon Sub with Ranch.....	\$10.95
Delphi Roast Beef.....	\$10.95
Grilled Chicken Gyro with Fries.....	\$9.95

From the Fryer

Chicken Strips with Fries.....	\$8.75
Chicken Nuggets with Fries.....	\$8.25
Deep Fried Chicken with Fries.....	\$9.75

Side Orders

Garlic Bread.....	\$1.95	Meatball.....	\$2.25
Italian Sausage.....	\$2.25	Fries.....	\$4.75
Bowl of Soup.....	\$3.75	Gyro Sauce.....	\$2.95
Children's Portion of Spaghetti or Ravioli.....	\$6.95		

Desserts

Home Made Baklava or Greek Custard.....	\$3.50
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Pizzas

For something different, try our **BUTTERY** crust pizza or calzone.
NO PIZZA SAUCE

	Individual	Small	Medium	Large
Plain Cheese.....	\$8.95	\$10.25	\$11.95	\$12.95
Build your Own Pizza				
Each Additional ... Topping.....	\$1.00	\$1.75	\$1.95	\$2.00

Pepperoni	Black Olives	Pineapple
Italian Sausage	Onions	Anchovies
Canadian Bacon	Green Peppers	Feta Cheese
Salami	Mushrooms	Pepperoncini
Hamburger	Fresh Tomatoes	Jalapenos

	Individual	Small	Medium	Large
Delphi Special.....	\$12.95	\$14.95	\$17.95	\$19.95
<i>(Pepperoni, Canadian Bacon, Italian Sausage, Mushrooms, Black Olives, Onions, Green Peppers)</i>				
Vegetarian.....	\$10.95	\$12.95	\$15.95	\$17.95
<i>(Mushrooms, Black Olives, Fresh Tomatoes, Onions, Green Peppers)</i>				
Meat Combo.....	\$10.95	\$13.95	\$16.95	\$18.95
<i>(Pepperoni, Salami, Italian Sausage, Canadian Bacon)</i>				
Bill's Favorite.....	\$10.95	\$12.95	\$14.95	\$16.95
<i>(Pepperoni with Pepperoncini - BUTTERY SAUCE ONLY)</i>				
Greek Pizza.....	\$10.95	\$13.95	\$15.95	\$17.95
<i>(Spinach, Feta Cheese, Roasted Garlic, Fresh Herbs, and Fresh Tomatoes - BUTTERY SAUCE ONLY)</i>				
Grilled Chicken.....	\$10.95	\$13.95	\$15.95	\$18.75
<i>(With Spinach, Pesto, and Roasted Garlic)</i>				
Grilled Chicken and Bacon.....	\$11.95	\$14.95	\$16.95	\$19.95
<i>(With Pepperoncini, Roasted Garlic, and Ranch)</i>				
Grilled Eggplant and Chicken.....	\$11.95	\$14.95	\$16.95	\$18.95
<i>(With Roasted Garlic, Pesto, and Feta Cheese)</i>				
Sicilian.....				\$25.95
<i>(Double Crust, Extra Cheese, Canadian Bacon, Pepperoni, Salami, Italian Sausage, Mushrooms, Black Olives, Onions, Green Peppers, Fresh Tomatoes)</i>				
Delphi's Best.....	\$10.95	\$13.95	\$16.95	\$18.95
<i>(Pepperoni, Sausage, Pepperoncini, Spinach, Feta Cheese, , Roasted Garlic, Fresh Tomatoes - BUTTERY SAUCE ONLY)</i>				

Calzones

Delphi Calzone.....	\$11.25	Meat Calzone.....	\$10.95
Veggie Calzone.....	\$10.95	Greek Calzone.....	\$10.95
Chicken Calzone.....	\$10.95	Kiki's Calzone.....	\$10.95