

Submitted by: ASSEMBLY CHAIR FLYNN,
VICE CHAIR GUTIERREZ, AND
ASSEMBLY PUBLIC SAFETY
COMMITTEE CHAIR CLAMAN
Prepared by: Municipal Clerk
For reading: March 23, 2010

CLERK'S OFFICE

APPROVED

ANCHORAGE, ALASKA

AR NO. 2010-91

Date:

3-23-10

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A NEW PACKAGE STORE LIQUOR LICENSE #4964 FOR SLUICE BOX INVESTMENTS, INC. DBA:GOLD NUGGET, LOCATED AT 903 W. NORTHERN LIGHTS BLVD AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.

WHEREAS, Sluice Box Investments, Inc. has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a new Package Store Liquor License #4964, to be used for Gold Nugget, located at 903 W. Northern Lights Blvd, Anchorage, Alaska; and

WHEREAS, the Assembly must enter any protest to the ABC Board within 60 days following receipt of the application; and

WHEREAS, the Anchorage Municipal Clerk received a copy of this application on January 27, 2010 and has determined that the last day for the Assembly to file a protest is March 28, 2010; and

WHEREAS, the Assembly Meeting on March 23, 2010 is the last scheduled regular meeting of the Anchorage Assembly prior to the expiration of the protest period; and

WHEREAS, the Municipal Clerk reports the following status concerning this location:

1. There are no ABC Board violations and/or incidents are on file that would lead to an ABC Board violation;
2. No taxes are owing to the Municipality of Anchorage;
3. Building Safety Department approval was received on March 2, 2010;
4. Fire Department approval was received on February 3, 2010;
5. Health and Human Services Department was received February 26, 2010;
6. Conditional Use Permit, required by AMC 21.50.160, **has not been received**;

WHEREAS, protest by the Assembly is in order until Municipal Clerk confirmation that outstanding items required for this location have been completed;

1
2 NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:
3

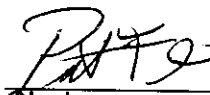
4 Section 1. The Anchorage Assembly hereby enters its **PROTEST** for a new
5 Package Store Liquor License #4964 until this condition is met:
6

- 7
- 8 • Successful complete of the Conditional Use Permit under AMC
9 21.50.160 is confirmed by the Municipal Clerk.

10 Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic
11 Beverage Control Board as proof that the Anchorage Assembly, as the
12 local governing body, has stated its protest in order to allow the Director
13 of the Alcoholic Beverage Control Board to hold processing of Package
14 Store Liquor License #4964 under local protest, until receipt by the
15 Director of confirmation from the Municipal Clerk that the conditions in
16 Section 1 have been met, and this protest is lifted as authorized by this
17 Assembly Resolution.
18

19 Section 3. The Anchorage Assembly hereby authorizes the Municipal Clerk, upon
20 Municipal Clerk confirmation that all conditions in Section 1 have been
21 met, to provide written notification to the Alcoholic Beverage Control
22 Board that this protest by the Anchorage Assembly is lifted, without
23 further action by the Assembly.
24

25
26 PASSED AND APPROVED by the Anchorage Assembly this 23rd day of
27 March, 2010.
28

29
30 
31
32 _____
33 Chair

34 ATTEST:

35
36
37 
38 _____
39 Municipal Clerk
40



State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A Masters, Commissioner

January 26, 2010

Municipality of Anchorage
Barbara Gruenstein
P.O. Box 196650
Anchorage, Alaska 99519

Re: **Gold Nugget – License # 4964**

We have received the enclosed application for a new liquor license within the **Municipality of Anchorage**. 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 15 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 15 AAC 104.335(a)(3), AS 04.11.090(e), and 15 AAC 104.660(e) must be approved by the governing body.

Alcoholic Beverage Control Board

5949 E Tudor Rd Anchorage, AK 99507 Voice (907) 260-0350 Fax (907) 272-0417

Alcoholic Beverage Control Board
5848 E Tudor Rd
Anchorage, AK 99507

New Liquor License

PAGE 1 OF 2

(907) 269-0350

Fax: (907) 272-9412

www.dps.state.ak.us/abc

This application is for:

- Seasonal - Two 6-month periods in each year of the biennial period beginning _____ and ending _____
Mo/Day Mo/Day
- Full 2-year period

6258

| SECTION A. LICENSE INFORMATION. Must be completed for all types of applications. | | | FEE'S |
|---|--|--|--------------------------------------|
| License Year: 2010 | License Type: Package STORE | Statute Reference | License Fee: \$ |
| Office Use Only License #: 4964 | | Sec. 04.11. 150 | Filing Fee: \$100.00 |
| Local Governing Body: (City, Borough or Unorganized) MOA Seward Community Council | Community Council Name(s) & Mailing Address: Seward Community Council Matt Burkholder Chair 4859 Canterbury Way Anchorage AK 99503 | | Fingerprint: (\$54.25 per person) |
| Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): SLICE BAR INVESTMENTS INC | Doing Business As (Business Name): Gold Nugget | Business Telephone Number: 907-272-1341 | Total Submitted: \$ 1600 |
| Mailing Address: 825 W. Northern Lights Blvd | Street Address or Location of Premise: 903 W. Northern Lights Blvd Anchorage AK 99503 | Fax Number: 907-272-5007 | Email Address: |
| City, State, Zip: Anchorage AK 99503 | | | |

SECTION B. PREMISES TO BE LICENSED. Must be completed.

| | | |
|---|---|---|
| Closest school grounds Holy ROSARY ACADEMY | Distance measured under: <input 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. |
| Closest church: ANCHORAGE Good News CHURCH | Distance measured under: <input 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. <input type="checkbox"/> Not applicable |
| 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 | |

SECTION C. Individual, corporate officer, limited liability organization member, manager or partner background.

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 |
|-----------|------------------|-----------------|-------------------------|--------|
| Fred Dahl | Blues Central | BAR-RESTAURANT | 825 W. Northern Light | ALASKA |
| Fred Dahl | PIT BAR | BAR | Seward Hwy - Seward | ALASKA |
| Fred Dahl | Seward Alehouse | BAR | 215 4th Ave Seward | ALASKA |

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.

Office use only

| | |
|---------------|----------------------|
| Date Approved | Director's Signature |
|---------------|----------------------|

Liquor License

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) <i>Street Box Investments Inc</i> | Telephone Number <i>907-272-1341</i> | Fax Number <i>907-272-5067</i> |
| Corporate Mailing Address: <i>825 W. Northern Lights Anchorage</i> | State <i>AK</i> | Zip Code <i>99503</i> |
| Name, Mailing Address and Telephone Number of Registered Agent <i>FRANK DAHL 907-529-4477</i> <i>825 W. Northern Lights Blvd Anchorage AK 99503</i> | Date of Incorporation OR Certification with DCED <i>1-1-97</i> | State of Incorporation <i>ALASKA</i> |

Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? 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 |
|-------------------|-----------------|------------|-----------------------------------|-----------------------|---------------|
| <i>Frank Dahl</i> | <i>Pres/Mgr</i> | <i>100</i> | <i>3437 Sagan Cir, Anch 99517</i> | <i>529-4477</i> | <i>9-9-45</i> |
| | | | | | |
| | | | | | |

NOTE: On a separate sheet provide information on ownership other organized entities that are shareholders of the licensee.

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

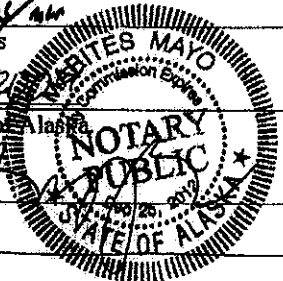
| | | | |
|---|--|---|--|
| Name: Address: Home Phone: Work Phone: | Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: | Name: Address: Home Phone: Work Phone: | Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: |
| Name: Address: 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 Licensee(s)

| | |
|--|--|
| Signature <i>[Handwritten Signature]</i> | Signature |
| Name & Title (Please Print) <i>FRANK DAHL, Pres/Mgr</i> | Name & Title (Please Print) |
| Subscribed and sworn to before me this <i>23rd</i> day of <i>Dec</i> , 2012 | Subscribed and sworn to before me this _____ day of _____, 2012 |
| Notary Public in and for the State of Alaska <i>12/25/2012</i> | Notary Public in and for the State of Alaska |
| My commission expires: | My commission expires: |



Content ID: 008808

Type: AR_AllOther - All Other Resolutions

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Title:

Author: delongmm

Initiating Dept: Muni_Clk

Date Prepared: 3/4/10 11:54 AM

Assembly Meeting Date: 3/23/10

| Workflow Name | Action Date | Action | User | Security Group | Content ID |
|-------------------------|-----------------------|---------------|--------------------------|-----------------------|-------------------|
| Clerk_Admin_SubWorkflow | 3/4/10 11:56 AM | Exit | Michelle M. DeLong | Public | 008808 |
| AllOtherARWorkflow | 3/4/10 11:56 AM | Checkin | Michelle M. DeLong | Public | 008808 |