

Janice Williams

Subject: FW: City Council Letter Opposing Liquor Store

From: Kristin Donaldson [mailto:kristinmdonaldson@gmail.com]
Sent: Monday, October 10, 2016 11:10 PM
To: cityclerk@dillinghamak.us
Subject: City Council Letter Opposing Liquor Store

October 10, 2016

To City Clerk:

Hello, please give this message to the City Council so it can be included in the board member's packets for the meeting on the 13th.

I am writing in regards to the proposed liquor store on Raspberry Circle. I have a friend, Ayla Budrow, that lives on this road with her family and young children. I can sympathize with her as she does not want this liquor store to be in her neighborhood. Not only will this store bring unwanted traffic in a residential area with young kids, it will bring a controlled substance that in no way benefits the neighborhood, let alone the town, and more often than not causes undue harm. Please give this proposal serious scrutiny and listen to the concerned citizens that it will affect the most. In my opinion, there is no need to have this commercial liquor store in a residential area. I appreciate you taking input from concerned residents like myself!

From,
Kristin Donaldson

Janice Williams

Subject: FW: Liquor store

On Tue, Oct 11, 2016 at 8:18 AM, Donovan G. Andregg <dandregg@bbahe.org> wrote:

Good Morning Alice, Rose, and Paul,

Please share my input regarding the proposed liquor store. Mark me as very opposed.

I oppose this business in the residential location in which I am living. The type of business, the car and foot traffic, I believe would all have a negative impact on the residents along Raspberry Circle.

Sincerely,

Donovan Andregg

Tenant in #3 Raspberry Flats, Raspberry Circle

Staff Development Training Manager
Bristol Bay Area Health Corporation
6000 Kanakanak Road; P.O. Box 130
Dillingham, Alaska 99576
Phone: [907-842-9324](tel:907-842-9324)
Fax: [907-842-9251](tel:907-842-9251)

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Alice Ruby, Mayor
City of Dillingham

Janice Williams

Subject: FW: New liquor store

-----Original Message-----

From: Warren Downs [mailto:vwdowns@gmail.com]

Sent: Monday, October 10, 2016 6:10 PM

To: Cityclerk@dillinghamak.us

Subject: New liquor store

To whom it may concern:

I'm writing to express my concern with the proposed new liquor store to be opened near the apartments on Raspberry. In my view, this is expressly targeting snowmobilers on their way to Manokotak, or people coming directly from the airport and on the highway out of town. It would seem irresponsible of the city to encourage drinking for those just setting off on a trip (Manokotak) or on the highway to Aleknagik. We don't want more fatal accidents in either of those directions.

Neither do we need a new drinking venue near a residential area with children. Not to mention the danger to the many people who walk the roadside path in that area, including myself and my family.

Besides all the safety concerns, there is the fact that the proposed store was not given an honest attempt at public notice. The notice should have been published in commonly read papers like the Bay Times, on Dillingham Trading Post, etc.

For all these reasons, I request that the City of Dillingham refuse to grant the license for the proposed store.

Sincerely,

Warren E. Downs, System Administrator
Choggiung Limited

Janice Williams

Subject:

FW: Opposition of the package store

From: Melissa Newman [mailto:melissasenewman@gmail.com]

Sent: Monday, October 10, 2016 11:33 PM

To: cityclerk@dillinghamak.us

Subject: Opposition of the package store

Ladies and gentlemen of the Dillingham City Council,

I am writing this letter in opposition to the proposed package store that would be located near Raspberry Road. I am against the proposed package store because I believe it will increase traffic and drunk driving in the surrounding residential area.

If the proposed package store is built and operates in a residential area the residents will face increased area traffic from its patrons. This could present a significant safety concern to parents of small children in the neighborhood. And that's assuming all of the drivers are sober.

Dillingham has an alcohol abuse problem, and I am concerned about the particular type of traffic a package store would bring to the area. During the last council meeting, the owner of the proposed store stated that intoxicated people are unlikely to walk out to his package store, and I think he's right. They won't walk, they'll drive; in and around a residential area. Recently, I was asked the question "I wonder how many cars we will see in the ditch this weekend?" As a person that commutes on the 'Lake Road, I can't help but wonder and worry about how many of those accidents were alcohol related. I don't want to see more cars in the ditch.

In addition to these concerns I offer a solution to make an ordinance that establishes the minimum distance between businesses that sell controlled substances and residential properties.

Thank you for your time and service to our community.

Regards,
Melissa Dunham

October 11, 2016

Department of Commerce, Community, and Economic Development
Alcohol & Marijuana Control Office
550 West 7th Ave, Suite 1600
Anchorage, Alaska 99576

City of Dillingham
141 Main Street
PO Box 889
Dillingham, Alaska 99576

Re: Transfer of License Application #2787

We write to you again with concerns regarding the transfer of license #2787.

#1 Public Notice Requirements

On August 19th, 2016 a letter was sent to the State of Alaska's Department of Commerce, Community and Economic Development. This letter was from the City of Dillingham protesting the license transfer application submitted by Kvichak Pacific. The City stated their reason for protest as being "inadequate public noticing". The vote was unanimous.

In Mr. Coffey's memorandum to the Council he notes that the City of Dillingham has no ordinance or regulation requiring any specific type of notice. Although the City of Dillingham does not have any ordinances or regulation on public notice, the State of Alaska Does, AS 04.11.310, as Mr. Coffey mention in his memorandum. What he forgot to mention was that the ABC Board may have additional requirements. Such as the follow on the license transfer application:

*"A public notice posting affidavit is required for all liquor license applications. An applicant must give notice of a liquor license application to the public by posting a true copy of the **Form AB-00** (new licenses) or **Form AB-01** (license transfers) for ten (10) days at the location of the proposed licensed premises and one other conspicuous location in the area of the proposed premises, per AS 04.11.310 and 3 AAC 304.125. The public notice must be given within the 60 days immediately preceding filing of the application."*

The City was correct in their decision. Their notice was not conspicuous and it was inadequate. In addition, it is the burden of the applicant to prove they did it in compliance with law and regulation.

1. The location in and of itself was not clear on the application. In fact, at the October 4th meeting, Mr. Coffey brought a new map to try to clear it up. If Mr. Coffey was unclear then how can adequate public notice be given? This is not proper public notice.

2. The application requires notice ON the proposed site. In a conspicuous area. If the posting was in a conspicuous area, someone should have seen it. In addition, where is the evidence that this happened? We see no affidavit in the application that it was posted as required, on the location.
3. The public notice requires two publications in the area, not one. One notice is to be on the proposed premises and the other in a, “conspicuous location in the area”. See below, conspicuous. In addition, the applicant claims that there are three conspicuous public notices.
 - a. The applicant states the notice was posted in the United States Postal Service Office, the local Post Office is not *in the area* of the proposed transfer. It is several miles away. Not in the area, not conspicuous.
 - b. It is against Federal Law, to post any items that are not federal business in the Post Office. Even if a Post Master agrees to let a person post by pressure for example, it is against the laws of the Postal Service and therefore, not proper notice to the public. If a community member does not have federal business, why would one stop to look? In addition to the non-compliant posting, it can be removed the day it is stamped and posted. How can anyone ensure it was up for 10 days, if proof is not provided?
 - c. The Alaska Journal of Commerce is not a community news means. It is not sold at AC, N&N, Bigfoot, or any other location in Dillingham that is considered public. The Alaska Journal of Commerce is not “conspicuous” in a bush community and is not sold in Dillingham.

Conspicuous: Adjective - 1. Easily seen or noticed; readily visible or observable: a conspicuous error.
 2. Attracting special attention, as by outstanding qualities or eccentricities

True Copy: A faithful duplicate of an original document that is virtually identical and sufficient for its purposes to act as one. How do we know a “true copy” was posted on the site? If a true copy was there, how big would it need to be to properly post?

We believe it is the applicant that has the burden of proof and that proper public notice was not given and support the City’s decision to protest the application.

In addition, Mr. Coffey states in his memo that the City’s protest is based on a fact that the street name on which the business is proposed to be located was not included in the advertising. This may have been a consideration of the City but the City’s letter clearly states they are objecting based on “inadequate public noticing”.

The letter to the City from the Alcoholic Beverage Control Board states: “If a protest is filed, the board will not approve the application unless it finds that the protest is arbitrary, capricious and unreasonable.” This language states that all three meanings, arbitrary, capricious, and unreasonable must be met. We do not believe that any of these have been met, the City’s decision shows that they do not believe the statutory requirements were met, and we support the City Councils decision to protest the application based on inadequate public noticing.

Arbitrary: Adjective -1. Subject to individual will or judgment without restriction; contingent solely upon one's discretion: an arbitrary decision. 2. Decided by a judge or arbiter rather than by a law or statute. 3. having unlimited power; uncontrolled or unrestricted by law; despotic; tyrannical: an arbitrary government. 4. Capricious; unreasonable; unsupported: an arbitrary demand for payment. **And...**

Capricious: Adjective - 1. Subject to, led by, or indicative of a sudden, odd notion or unpredictable change; erratic: He's such a capricious boss I never know how he'll react. 2. Obsolete. Fanciful or witty. **And...**

Unreasonable: Adjective 1. Not reasonable or rational; acting at variance with or contrary to reason; not guided by reason or sound judgment; irrational: an unreasonable person. 2. Not in accordance with practical realities, as attitude or behavior; inappropriate: His Bohemianism was an unreasonable way of life for one so rich. 3. Excessive, immoderate, or exorbitant; unconscionable: an unreasonable price; unreasonable demands. 4. Not having the faculty of reason.

#2 Public Safety

It is legal to say that this is a license transfer, but what it really is, is an additional location to increase the profits for an owner that does not even live in the city or proposed area and is not affected by the social impact this has on the housing area, that this license is being transferred to, or to the community by adding another location.

What is well known to the community is the building referred to as The Willow Tree. The Willow Tree is known as a bar. Although some may know, it is not as well known that the building actually holds two licenses. And, this building has two different physical addresses and two different names on those licenses? Attached record of licenses.

History has proven that where there are additional liquor stores, there is also:

- Public drunkenness – Look outside the downtown liquor store. Not only is there drunkenness but those selling other unmentionables on the other side of the street.
- Increase in intoxicated drivers. Yes, the local police will have to frequent the area much more than they have had to in the past. What a convenient way to avoid the police, have the liquor store out of town. What about bootlegging?
- What about the response time for police?
- Vehicle accidents – we see them on a regular basis.
- Physical assaults – we see them on a regular basis.
- Crime increase – this is another location request. More liquor stores, more crime.
- Vandalism
- Damage to our roads
- Loitering – Folks may not loiter at the new location/store, but what about the outlying area? The area is surrounded by family homes.
- Trespass – Will now become a problem.
- Dead end roads – People will be driving down them or walking down them. All roads in this subdivision end at private homes.
- Littering
- Targeting village business – I know this may or may not be a consideration but this is the area that people from close villages (dry, wet, damp?) will have easy access to.
- OUR CHILDREN

#3 The Economic Consideration

Any financial gain that this new location has for the city and owner will be offset by the costs to the city. There will be an increase in the need for more law enforcement, the need for more maintenance and repairs in the area.

The property values in the area will decrease. Who wants to rent or buy in an area that has a liquor store in the middle of the community? The prices and the tax assessments and appraisals will decrease.

It is important to all single family housing areas to maintain quality, character, safety, and to protect our existing values. We may not be a zoned area but we are clearly a residential/housing area. The name "estate" has several meanings but two that apply here are from dictionary.com: 1. a piece of landed property, especially one of large extent with an elaborate house on it: to have an estate in the country. 3. British. a housing development.

There is precedence on situations like this, see attached. This is an established housing area regardless of zoning and we want to maintain this by keeping a liquor store out. In addition, please see City of Dillingham 17.19.150. and City Map. Every X is a home or apartment.

#4 Social Responsibilities

IT IS NOT IN THE BEST INTEREST OF THE PUBLIC. Dillingham is already suffering a great deal from alcohol and other drug related issues. Why would we as a community want to increase the availability of alcohol?

#5 Other Considerations

The Willow Tree and Olsen's Liquor Store are in the same physical location with two licenses that have two different owners and two physical addresses? So, what this transfer of license really means is a new/additional location.

There are several businesses in the area, none of them are liquor stores. One, at the beginning of the lake road, a restaurant, has a license. The rest of the lake road is mainly residential.

Manokotak is a dry community and seems to be the target or at least one of the targets of this new location. Has there been any thought as to how these communities feel about this new store and the impacts?

Again, we object to this license transfer and urge the powers at be to keep liquor stores out of any housing area, Ahklun View Estates, Nerka, HUD, etc. We also urge the City Council to stand by its original decision to object to the transfer.

Respectfully,

James and Jessica Denslinger
Gary Hale

News posted: 4/12/2016 5:31 AM

St. Charles moves to ban liquor stores from residential areas

**James Fuller**

One-Stop Liquors will soon be the only place to stop for liquor in a residential area of St. Charles. Aldermen gave preliminary approval Monday to a ban on any businesses dedicated to liquor or tobacco sales from locating in a neighborhood.

The change follows a situation that arose last summer when a liquor license application came before aldermen that would have created a liquor store at the current location of the St. Charles Mini-Mart on 710 S. 3rd St.

Neighbors fought against the application. Some even brought in their children to talk about how they would have to go past the store on the way to and from school or to play at a nearby park. Aldermen agreed and rejected the application.

However, nothing in city code prohibited a similar request from coming forward in the future.

Next week, aldermen will sit as the full city council and put the ban in place. It prevents any business that devotes 50 percent or more of its floor space to alcohol and/or tobacco sales from locating in residential neighborhoods. City staff said the law does not impact restaurants that generate a significant portion of their income from alcohol sales.

Under the change, liquor and tobacco shops would only be able to locate in areas that are solely or primarily business oriented. Staff said the change specifically permits liquor and tobacco stores on major arterial roads, such as Main Street, Randall Road or Kirk Road.

The only question that was raised before aldermen gave preliminary approval to the plan came from Alderman Bill Turner. He wanted to ensure no liquor store could ever move into the St. Charles Mini-Mart location. Staff assured Turner it could not.

The city's plan commission also gave a thumbs-up to the plan. However, they did debate the appropriateness of treating liquor and tobacco stores differently than any other business. Staff justified the pending change by saying it is consistent with the city's comprehensive plan goals of preserving the character of existing single-family residential neighborhoods.

Once made permanent, the One-Stop Liquors establishment will be grandfathered in. It can remain in operation but never expand.

17.19.150 Existing substandard lots. 

Conveyance Restricted—Petition for Determination. In the case of a lot record at the time of passage of land use regulations affecting that lot, which does not conform to the land use regulations of the city, and which adjoins along a side lot line property held in the same ownership, no such lot shall be conveyed nor shall a building permit be issued for a structure on such a lot except in conformity with the following:

A. The owner of such substandard lot may, at any time prior to the proposed conveyance of such lot or request for building permit, petition the city for a determination as to the status of such lot.

B. Such petition shall be referred to the planning commission for study to determine the practical possibility of a redivision of such ownership to provide lots which will be in conformity to the land use regulations of the city and shall act within sixty days to give consideration, among others, to the following factors:

1. The size, quality, and character of existing lots and building development in the immediate area with a view to maintaining compatibility and protecting existing values.

2. Where public sewer is not available, a lot size necessary to comply with DEC standards.

3. The economic and engineering practicability of any possible redivision. (Ord. 90-03 § 1 (part), 1990.)



CITY OF DILLINGHAM

P.O. BOX 191

DILLINGHAM, ALASKA 99576

TELEPHONE (907) 842-5211 or 842-5212

May 28, 1982

TO WHOM IT MAY CONCERN:

There are no taxes owing on Ahklun View Estates North.

Sincerely,

Vivian M. Braswell

Vivian M. Braswell
City Clerk

82-14

RECORDED-FILED 1000	
Bristol Bay REC. DIST.	
DATE	6-8 1982
TIME	3:20 P M
Requested by	City of
Address	Dillingham



CURVE DATA CHART

NO	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CHORD BEARING	NO
1	50.00	88°16'53"	71.00	43.68	65.79	N44°06'34"E	1
2	50.00	53°17'30"	46.51	26.08	44.85	S71°08'15"E	2
3	50.00	45°39'23"	39.77	21.00	36.73	S67°14'41"E	3
4	50.00	96°38'15"	33.73	26.45	28.67	S4°38'08"W	4
5	250.00	14°22'01"	63.12	31.73	62.96	N79°54'08"W	5
6	20.00	105°21'51"	36.78	26.24	31.61	N79°42'24"W	6
7	275.00	49°00'00"	235.18	123.30	228.00	N78°00'00"E	7
8	300.00	49°00'00"	256.26	136.72	248.82	S78°00'00"W	8
9	325.00	49°00'00"	277.24	148.11	269.56	S78°00'00"W	9
10	50.00	20°08'19"	17.37	8.88	17.48	S67°39'10"E	10
11	50.00	76°18'44"	66.80	39.85	61.76	N44°12'19"E	11
12	50.00	60°12'14"	58.54	28.99	50.15	N24°03'10"W	12
13	50.00	89°20'43"	72.73	44.51	66.49	N6°10'28"E	13
14	20.00	79°41'56"	27.81	16.69	25.68	N13°36'36"E	14
15	1000.00	00°58'31"	17.02	8.51	17.02	S25°14'40"E	15
16	20.00	94°47'36"	33.09	21.75	29.44	N25°56'12"W	16
17	225.00	28°44'19"	113.12	57.78	111.93	N45°35'31"E	17
18	250.00	49°00'00"	205.08	108.70	199.37	N36°30'00"E	18
19	275.00	29°33'20"	141.85	72.54	140.29	N41°06'12"E	19
20	50.00	51°19'04"	44.78	24.02	43.30	S65°32'10"W	20
21	50.00	118°40'55"	103.57	64.35	86.07	N39°19'05"W	21
22	50.00	56°19'38"	48.15	26.77	47.80	N39°19'38"W	22
23	50.00	86°37'23"	75.59	47.14	68.60	N18°11'52"E	23
24	50.00	35°11'02"	30.70	15.83	30.22	N43°55'02"E	24
25	275.00	04°07'08"	19.77	9.89	19.77	N77°56'26"E	25
26	80.00	85°12'24"	29.74	18.39	27.08	S77°23'48"W	26
27	50.00	60°00'00"	58.36	28.67	50.00	S78°00'00"W	27

CERTIFICATE OF OWNERSHIP

I, we hereby certify that I am (we are) the property shown and described hereon, and adopt this plan of subdivision and dedicate walks, parks, utility easements, and other public use.

Witness my hand and official seal the day hereinafore written.

NOTARY'S ACKNOWLEDGE

STATE OF ALASKA
THIRD JUDICIAL DISTRICT
On this _____ day of _____, 1981, I, a notary public for the State of Alaska, do hereby acknowledge to me known to be the person(s) described in the foregoing certificate of ownership and acknowledged to me that he (they) executed free voluntary act:
Witness my hand and official seal the day hereinafore written.

My Commission Expires _____ Notary F. _____

PLAT APPROVAL

This plat having been approved by the city of Dillingham as recorded in the official minutes of the city of Dillingham on _____, 1981, is hereby acknowledged and accepted as to any and all conditions and requirements pertaining thereto.
City of Dillingham
By: _____

SURVEYOR'S CERTIFICATE

I, Stanley E. Sears, hereby certify that I am the land surveyor and that I have completed hereon. I declare that the dimensions, monuments shown hereon have been set to the best of my professional knowledge.

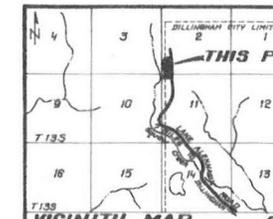
Date _____

CERTIFICATE OF ACCEPTANCE

The City of Dillingham hereby accepts for public purposes the real property described including, but not limited to, the real and contents for public utilities, streets, trails, parks and other public areas shown hereon.

Dated at Dillingham, Alaska this _____ day of _____, 1981.

Attest: _____
City Clerk



PLAT OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

PARCEL E
AHKLUN VIEW ESTATES
SITUATED APPROXIMATELY SEVEN MILES NORTHWEST OF DILLINGHAM, ALASKA

CONTAINING 26.55 ACRES

STAN SEARS AND ASSOCIATES
REGISTERED LAND SURVEYOR
POST OFFICE BOX 300
EAGLE RIVER, ALASKA

SCALE: 1" = 100'
DATE: 08/11/81
DRAWN BY: I.E.G.
CHECKED BY: S.E.S.

LEGEND:

- ⊕ RECOVERED 3/8" BLM BRASS CAP MONUMENT
- ② CURVE NUMBER
- (R) RECORD
- (F) FOUND
- (NR) NON-RADIAL
- (RL) RADIAL
- 3/8" 30' REBAR WITH 1/2" ALUMINUM SURVYAP SET THIS SURVEY AT ALL CORNERS, UNLESS OTHERWISE NOTED.

TYPICAL 1/2" ALUMINUM SURVYAP



NOTES:

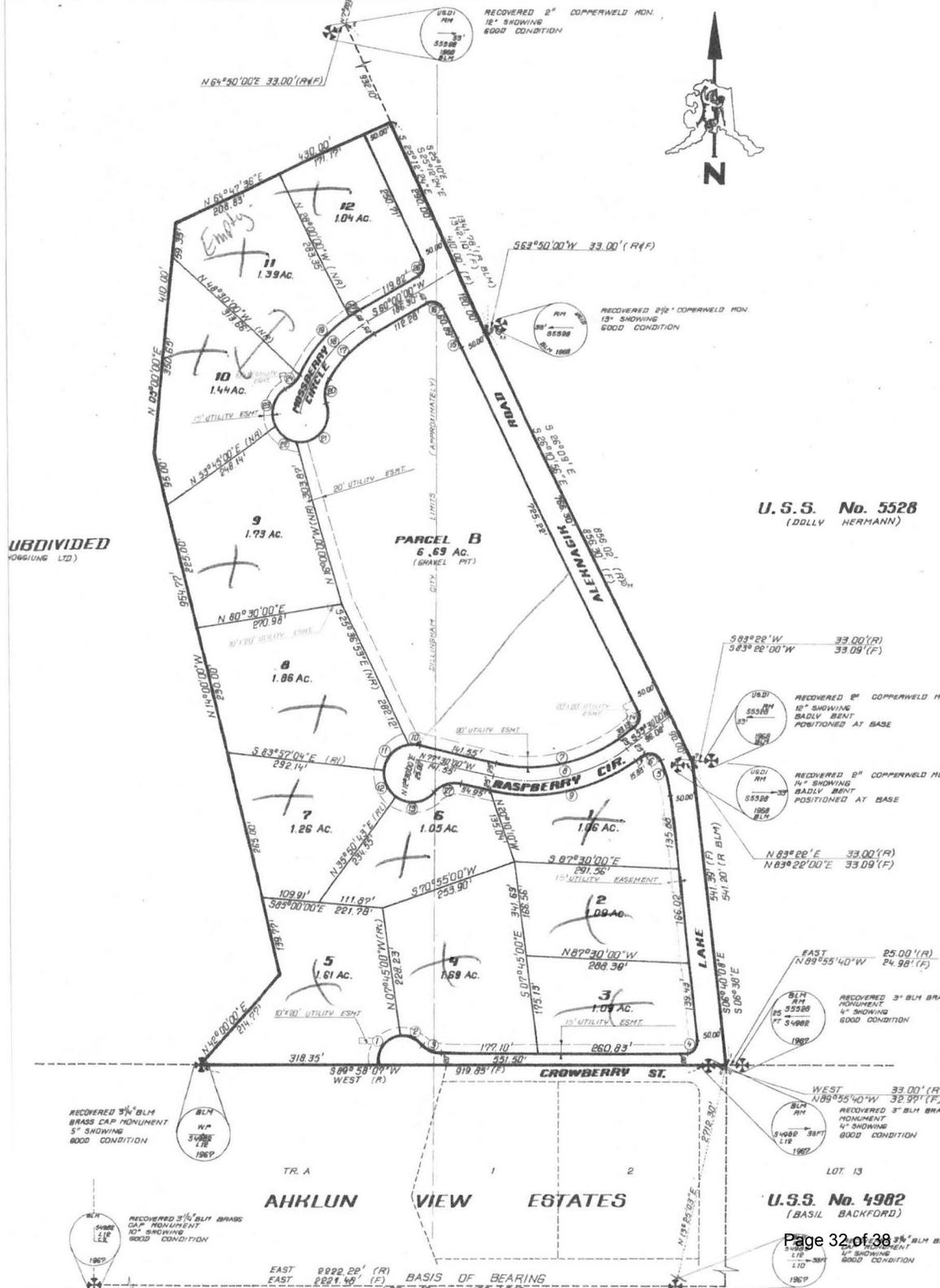
1. RECORD INFORMATION TAKEN FROM BLM PLAT OF U.S. SURVEY NO. 4982 DATED DECEMBER 3, 1970, & U.S. SURVEY NO. 5528 DATED SEPTEMBER 10, 1970. THE BASIS OF BEARING IS THE LINE BETWEEN CORNER 1 AND CORNER 2 OF LOT 12 U.S. SURVEY NO. 4982 AS SHOWN ON THE BLM PLAT DATED DECEMBER 3, 1970.
2. THERE SHALL BE A 20-FOOT BUILDING SETBACK REQUIREMENT FROM ALL DEDICATED RIGHTS-OF-WAY.
3. WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.

LEGAL DESCRIPTION

THE EXTERIOR BOUNDARY OF AHKLUN VIEW ESTATES NORTH SUBDIVISION WAS SURVEYED ACCORDING TO DIRECTIONS FROM CHOROBING LTD. THIS PARCEL IS LOCATED WITHIN TRACT 1789, RESV. 5, N. ALASKA, AND IS AN INTEREST CONVEYANCE NUMBER NATIVE CLAIMS SETTLEMENT UNDER THE TERMS OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT. THE BOARD OF DIRECTORS FOR CHOROBING LTD. DEFINES THE BOUNDARY OF THIS LAND AS A PARCEL OF LAND LOCATED WITHIN T135, R56 W, S14 ALASKA, APPROXIMATELY SEVEN MILES NORTHWEST OF DILLINGHAM, ALASKA, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT REFERENCE MONUMENT TO CORNER 1, LOT 12, U.S.S. 4982 MARKED BY A 3/8" BLM BRASS CAP MONUMENT, HENCE BEARS EAST 282°14' (282°25' BLM RECORD) FROM CORNER 2, LOT 12, U.S.S. 4982 MARKED BY A 3/8" BLM BRASS CAP MONUMENT, THENCE BEING THE BASIS OF BEARING FOR THIS SURVEY, THENCE N 135°25'02" E 278.50' TO CORNER 4, LOT 12, U.S.S. 4982, HENCE N 85°56'10" W 355.85' TO A BEGINNING FOR THIS SURVEY, THENCE S 89°58'07" W 158.55' TO A 3/8" BLM BRASS CAP MONUMENT, THENCE N 85°00'00" W 158.55' TO A 3/8" ALUMINUM SURVYAP, THENCE N 15°00'00" W 354.99' TO A 1/2" ALUMINUM SURVYAP, THENCE N 89°55'40" W 24.98' TO THE CENTERLINE OF LAKE ALASKA ROAD, THENCE S 2°12'24" W 412.00' ALONG THE CENTERLINE OF LAKE ALASKA ROAD, THENCE S 86°10'56" E 652.30' ALONG THE CENTERLINE OF SAID ROAD, THENCE S 0°40'00" E 541.30' MORE OR LESS ALONG THE CENTERLINE OF SAID ROAD, TO THE TRUE POINT OF BEGINNING, CONTAINING 26.55 ACRES MORE OR LESS, ALL AS SPECIFIED ON THIS PLAT.
INFORMATIONAL CALLS ARE BASED UPON BLM PLAT OF U.S. SURVEY 4982 DATED DECEMBER 3, 1970.

U.S.S. No. 5528 (DOLLY HERMANN)

U.S.S. No. 4982 (BASIL BACKFORD)



Juliana Montooth
PO Box 1454
3931 Aleknagik Lake Rd
Dillingham, Alaska 99576

October 10, 2016

To Whom It May Concern:

I am writing to express my strong opposition to the proposed liquor store in Ahklun View Estates North, Lot 1 on Raspberry Circle and Aleknagik Lake Rd. My concerns are as follows:

1. Property values will decrease in the neighborhood of the proposed liquor store. The proposed site is in a primarily residential neighborhood with many properties being affected. It is well documented that property near a liquor store decreases in value.
2. Crime will increase. The National Council on Alcoholism and Drug Dependence states "Alcohol and drugs are implicated in an estimated 80% of offenses leading to incarceration in the U.S." "Alcohol...plays a particularly strong role in the relationship to crime and other social problems. Alcohol is a factor in 40% of all violent crimes today". I have heard several law enforcement officers in Dillingham estimate that 90% of their jobs would not exist without Alcohol and drugs.
3. Alcohol associated crime will be harder to stop. The proposed new liquor store location is a long distance from the police station. The location is close to the main snow machine trail to villages which is not patrolled by law enforcement. Law enforcement personnel will be stretched thin and costs will increase with trying to police 2 liquor store locations. The location close to a major snowmachine trail and close to the end of Dillingham City Limits will encourage irresponsible drinking.
4. Children and families in the primarily residential neighborhood of the proposed new liquor store will have increased safety risks. Safety risks will occur from loitering , or intoxicated individuals operating snow machines and cars, increased commercial traffic on the roads and through the trees and on tundra, increased litter, increased crime associated with Alcohol.
5. The dry villages of Manokotak, Togiak, and Twin Hills will have increased bootlegging. The location of the proposed liquor store will gain many customers from the nearby snow machine thoroughfare with little police oversight. A \$20.00 bottle of liquor sells for \$200.00-\$300.00 in a dry village.
6. If the proposed liquor store is approved, a precedent will be set that could enable future liquor stores in other residential neighborhoods in Dillingham.
7. Mr Keenan, and Kvichak Pacific, LLC did not provide the required public notice. The application seems to have been attempted very secretly. I never saw a single sign posted nor did any person I know. They published their proposed liquor store in only one magazine that is not sold anywhere in Dillingham and no one that I have spoken to reads. The Post office was the final location they said they posted at—7 miles from the proposed Liquor building site. The Post office officially does not post local postings so

most community members never check Post office postings. I have found no one yet who saw the posting in the post office either.

8. Costs and demands on time will increase for community members such as volunteer emergency medical services, police, volunteer firefighters, search and rescue, and hospital staff. Increased accidents from intoxicated individuals operating motor vehicles such as cars and snow machines will likely occur and intoxicated individuals could require help in multiple isolated areas along Lake Rd or on routes to surrounding villages.

I am a mother of 3 young children and 1 teenager who lives with my family approximately 1/4 mile away from the proposed liquor store location. I also have worked as a physician in the community of Dillingham for 13 years and have observed the devastation Alcohol has brought to many people in Dillingham and the surrounding villages. I am opposed to the proposed new Liquor store location because of both the negative impact on my family and adverse effects in Dillingham and surrounding villages. Thank you for the time you are dedicating to this very important matter.

Sincerely,

Juliana Montooth

Edward & Ayla Budrow

P.O. Box 1086

5061 Raspberry Cl.

Dillingham, AK 99576

October 9, 2016

Attn:

Dillingham City Council

Dear Members of the Board,

We are contacting you once again, in regards to the application submitted by Kvichak Pacific, LLC for the transfer of their package store liquor license, from the current location 1.25 Mile Willow Lane/ 513 Wood River Road, Dillingham, Alaska to Ahklun View Estates North, Lot 1 Dillingham, Alaska. Also referred to as Raspberry Circle.

As residents of Raspberry Circle (Ahklun View Estates) and the parents of young children, we would like to state our reasoning behind our protest of the approval of this application, as well as address a few issues raised at the Dillingham City Council meeting on October 6th, 2016.

Beginning with our original concerns, we believe that,

1. This package store will increase both foot and vehicle traffic on our quiet street. Hindering our young children from being able to play outside without fear of their safety.

2. Increased foot and vehicle traffic also increases the concern of theft, vandalism, loitering, and various other crime, illegal, and menacing acts. History has proven that where there is alcohol, there is increased crime. This will add additional burden to our local police department.
3. This package store will increase public intoxication, and people operating motor vehicles under the influence; be it by snowmobile, 4 wheeler, or any other motor vehicle. This not only puts people driving on the road in danger, it also puts us and our neighbors at risk of a drunken vehicle operator hitting one of our children or pets playing in our own yard.
4. It seems to be that this new store is targeted at people living in surrounding villages, making it easier for them to access alcohol rather than them having to travel all the way into downtown to make a purchase, this is extremely counterproductive in our community's efforts to prevent alcohol abuse. As well, it puts a lot of people at risk for accidental death traveling under the influence.
5. The roads and surrounding roads accessing the package store will become littered with broken bottles, cans, and other litter that is harmful to children, and pets living in this neighborhood.
6. In reviewing the license transfer application packet from the City of Dillingham, it seems that currently this package store license has low activity, as it is not commonly known that the Willow Tree Bar building holds this license. Opening an additional location with this license will only promote more alcohol consumption in our community.
7. Inadequate public notice, as this proposal was only advertised in the Alaska Journal of Commerce. Rather than a locally known media source.

In addition, we would like to expand on a few of our original concerns.

Referencing back to concern number 4 of this letter, we would like to make it known that the village this liquor store is seemingly targeting is the village of Manakotak, Alaska. According to the states website Manakotak is a dry village. Meaning that the sale, importation and possession of alcohol is banned from this village. We believe that this liquor store would not only add burden to the City of Dillingham's police department but also Manakotak's police department. They will have an even more difficult time enforcing the ban of alcohol in their village.

Once again, we would like to highlight that this will potentially turn our private driveways in to major snow machine trails, because we would be a straight shot from Manakotak to the top of Raspberry Circle. We would also like to make it known that this liquor store will be directly above a large rock pit. This could be a dangerous attraction. We believe that all of the profit that this liquor store will bring to our city could potentially be offset with the cost of increased law enforcement.

It was stated at the City Council meeting on October 6th, by a few of Mr. Keenan's business partners that loitering, littering and public intoxication will not be an issue. They stated that they would take responsibility for their patrons. How can they make these statements? How can they guarantee that these issues will not arise? Mr. Keenan does not live in Dillingham nor does his lawyer. It was also stated that this will be a country market themed store, selling meats, cheeses and breads. Those items are not of our concern. Our concern is the social economic impact that a new package liquor store location will bring.

We would also like to expand on concern number 7 of this letter. Since originally writing this letter, we have become more familiar with the laws of advertising involved with this sort of business venture. Mr. Keenan by law was required to post notice in 3 conspicuous locations. A media source, a conspicuous location on the property, as well as a conspicuous location in the area. Mr. Keenan has not provided proof that any of these criteria were met. He has provided proof of the notice being published in The Alaska Journal of Commerce, which is not a paper that is circulated in Dillingham. Not a single person to this date, living on or near Raspberry Circle can attest to seeing the notice that was supposedly posted on the property, nor was any proof provided that it was. Lastly Mr. Keenan states that notice was posted on the bulletin board at the Dillingham

Post office. According to the United States Postal Service website, under rules and regulations governing conduct on postal service property ***“Depositing or posting of handbills, flyers, pamphlets, signs, posters, placards, or other literature (except official Postal Service and other governmental notices and announcements) on the grounds, walks, driveways, parking and maneuvering areas, exteriors of buildings, and other structures, or on the floors, walls, stairs, racks, counters, desks, writing tables, window ledges, or furnishings in interior public areas on Postal Service premises is prohibited.”*** Again there was no proof being provided that this was posted nor is there proof that it was hung for the required 10 days.

I Ayla, have lived here in Dillingham for nearly my entire life, and I plan to raise my children here. Specifically in or around Ahklun View Estates. For these, and multiple other reasons we believe that this proposal is socially irresponsible, and we strongly protest it. We as well, request that the local governing body deny this application and that all other governing bodies do what they can to prevent it.

Thank you for your consideration,

Ed and Ayla Budrow and Family

Residents of Ahklun View Estates

Meeting Date: October 13, 2016

CITY OF DILLINGHAM, ALASKA

RESOLUTION 2016-XX

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO AMMEND THE LETTER TO THE STATE OF ALASKA, DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT, SUBJECT MATTER – KVICHAK PACIFIC DBA OLSEN’S LIQUOR STORE – REQUEST FOR LIQUOR LICENSE TRANSFER OF LOCATION.

WHEREAS, the City Council acted and responded to the request for a liquor license transfer of location in protest; and

WHEREAS, the City Council found the application to be inadequate and not meeting state statutes and regulation; and

WHEREAS, the City Council finds this transfer application to be detrimental to character of existing lots and building development in the immediate area with a view to maintaining compatibility and protecting existing values; and

WHEREAS, the City Council finds this transfer application to be a possible diversion of alcohol to dry communities/importation; and

WHEREAS, the City Council finds this transfer to be negative socially and economically to the City of Dillingham and surrounding villages; and

WHEREAS, the precedence has been set in banning liquor stores in housing areas; and

WHEREAS,
WHEREAS,
WHEREAS,

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council amends it’s letter dated August 19, 2016 to include the above.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on October 13, 2016.

CLERK NOTE: This draft ordinance was submitted by Jessica Denslinger.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

DRAFT