
MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Marjie Veeder, City Clerk
Through: Chris Hladick, Interim City Manager
Date: March 9, 2023
Re: Application to Transfer Liquor License – Airport Restaurant

SUMMARY: The new owners of the Airport Restaurant have applied to the State of Alaska to transfer ownership of the related Liquor License. The type of license is for a Beverage Dispensary-Tourism. The local governing body may protest approval of the application. Staff recommends no protest.

PREVIOUS COUNCIL ACTION: Council reviews liquor license applications and renewals as they are submitted to the city by the state. Council discussed protesting specific license renewals in the past due to delinquent utility bills but did not file any protests. In 2010 Council protested the renewal of a liquor license due to delinquent sales tax, property tax and utility bills, and because the business had no physical location due to fire.

BACKGROUND: Pursuant to Alaska Statute 04.11.480, the Alcohol & Marijuana Control Office issued the attached notice to the City of Unalaska as the local governing body. A local governing body may protest the approval of an application pursuant to AS 04.11.480 by furnishing the director and the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of the notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

DISCUSSION: Johnny & Genevieve Rabanal, doing business as J & G Airport Restaurant, applied to transfer ownership of the Airport Restaurant liquor license.

The new business is compliant with their obligations to the City of Unalaska (business license, reporting and payment of taxes, concession reports, utilities and lease payments). The Rabanals and the Ports Department are working with the State of Alaska to finalize the lease within the airport terminal building.

Public Safety completed a licensed premises inspection on March 2, 2023. Council also considers the number of public safety calls made to an establishment each year, which are detailed below for 2022. Unalaska's Department of Public Safety has no concern about the transfer of this liquor license.

CALL TYPE	2022 Calls
Ambulance Request	1
Assistance Rendered	1
Drunk Disturbance	2
Traffic Crime	1
Welfare Check	2
Total Calls to Establishment	7
Calls initiated by officer	3
Calls initiated by staff/civilian	4

ALTERNATIVES: Council may choose to protest the license, but must provide the applicant an opportunity to present a defense to the protest at a future council meeting. This must be accomplished no later than April 15, 2023.

FINANCIAL IMPLICATIONS: Probable loss of tax revenue if a license is not granted.

LEGAL: None

STAFF RECOMMENDATION: Staff recommends no protest.

PROPOSED MOTION: No action is necessary unless Council wishes to lodge a protest.

CITY MANAGER'S COMMENTS: I support staff's recommendation of no protest.

ATTACHMENTS: Notice to Local Governing Body



February 15, 2023

City of Unalaska

Via Email: mveeder@ci.unalaska.ak.us

License Type:	Beverage Dispensary- Tourism	License Number:	3759
Licensee:	Johnny & Genevieve Rabanal		
Doing Business As:	J & G Airport Restaurant		
Premises Address	Unalaska Airport Terminal		

- New Application**
 Transfer of Ownership Application
 Transfer of Location Application
 Transfer of Controlling Interest Application

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant’s proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov