

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Special Meeting of February 23, 1999

1. CALL TO ORDER:

The meeting was convened at 4:09 p.m. by Assembly Chair Fay Von Gemmingen in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

Present: Bob Bell, Ted Carlson, George Wuerch, Melinda Taylor, Charles Wohlforth, Fay Von Gemmingen, Cheryl Clementson, Kevin Meyer, Pat Abney, Dan Kendall, Joe Murdy.
Absent: None.

3. CONTINUED PUBLIC HEARING:

- A. Resolution No. AR 98-164, a resolution revoking the conditional use permit allowing the retail sale and dispensing of alcoholic beverages at 6119 Old Seward Highway, formerly known as the Sawmill Club and currently known as **Klondike Kate's Bare Trap Saloon**, Community Planning and Development/Public Works.
1. Assembly Memorandum No. AM 474-98.
(CONTINUED FROM 7-14-98, 10-6-98, 1-5-99, 1-12-99, AND 1-26-99)

Chair Von Gemmingen reviewed the status of the resolution.

Ms. Clementson moved, to approve AR 98-164.
seconded by Mr. Murdy,

Ms. Clementson moved, to amend AR 98-164 by deleting the words beginning on
seconded by Ms. Taylor, page 1, line 9 through page 2, line 9 and replacing them with
sheets entitled "Klondike Kate's Conditional Use Revocation"
which includes Findings of Fact and Conclusions of Law and
Decision.

Ms. Clementson read the contents of the amendment attached as Exhibit A. Further, Ms. Clementson noted the changes to the hearing officer's findings were based on minutes of Assembly meetings held on September 25, 1984; January 8, 1985; and January 14, 1986. Although the owners of the club assert the right to cure, no such right exists for conditional use permits issued under the Municipal Code. The licensee repeatedly violated the terms of the conditional use permit with respect to the size of the bar area and food service requirement. Prior Assemblies based approval of this license on testimony that the establishment would be a supper club. That establishment never materialized.

Mr. Wuerch spoke in favor of the amendment. He felt the Assembly had an obligation to address violations of conditional use permits.

Mr. Meyer moved, to amend the amendment to add to the
seconded by Mr. Murdy, "Decision" paragraph the following
and it was accepted words, "for blatant and willful failure to
as a friendly amendment, comply with conditions of the permit."

Mr. Meyer stated the documentation showed the owners knew, before they opened the establishment, that they needed to serve food but they failed to do so.

Question was called on Ms. Clementson's amendment as amended and it passed:

AYES: Bell, Carlson, Wuerch, Taylor, Wohlforth, Von Gemmingen, Clementson, Meyer, Abney, Kendall, Murdy.
NAYS: None.

Question was called on the motion to approve AR 98-164 as amended and it passed:

AYES: Bell, Carlson, Wuerch, Taylor, Wohlforth, Von Gemmingen, Clementson, Meyer, Abney, Kendall, Murdy.
NAYS: None.

Mr. Wuerch suggested materials classified as attorney-client privilege be returned to Ms. Wicks.

Mr. Murdy moved, immediate reconsideration of the
seconded by Mr. Wuerch, approval of AR 98-164 as amended.

AYES: None.
NAYS: Bell, Carlson, Wuerch, Taylor, Wohlforth, Von Gemmingen, Clementson, Meyer, Abney, Kendall, Murdy.

4. **ADJOURNMENT:**

Mr. Murdy moved,
seconded by Mr. Meyer,
and it passed without
objection,

to adjourn.

The meeting adjourned at 5:02 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: August 17, 1999

LF/lf