

Submitted by: ASSEMBLY CHAIR TRAINI,
VICE CHAIR FLYNN, AND ASSEMBLY
PUBLIC SAFETY
COMMITTEE CHAIR HONEMAN

CLERK'S OFFICE

Prepared by: Municipal Clerk
For reading: September 14, 2010

APPROVED

Date: 9-14-10

**ANCHORAGE, ALASKA
AR NO. 2010-258**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
PROTEST REGARDING A NEW RESTAURANT EATING PLACE LIQUOR LICENSE
#5003 AND RESTAURANT DESIGNATION PERMIT FOR MIDNIGHT MOON COMPANY,
INC. dba KALADI BROTHERS COFFEE CO., LOCATED AT 3800 CENTERPOINT DRIVE
SUITE 101, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.**

WHEREAS, Midnight Moon Company has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a new Restaurant/Eating Place Liquor License #5003 and Restaurant Designation Permit, to be used for Kaladi Brothers Coffee Co., located at 3800 Centerpoint Drive Suite 101, 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 July 16, 2010 and has determined that the last day for the Assembly to file a protest is September 14, 2010 and

WHEREAS, the Assembly Meeting on September 14, 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. No ABC Board violations and/or incidents that would lead to an ABC Board violation;
2. No taxes owing to the Municipality of Anchorage;
3. Administrative site plan review, required by AMC 21.50.500, **has not been completed**;
4. Approvals from the Municipal Health & Human Services, Building Safety and Anchorage Fire Departments **have been received**; and

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

NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:


Section 1. The Anchorage Assembly hereby enters its PROTEST for a new Restaurant Eating Place Liquor License # 5003 and Restaurant Designation Permit until these conditions are met:

- Successful completion of the administrative site plan review under AMC 21.50.500 is confirmed by the Municipal Clerk.

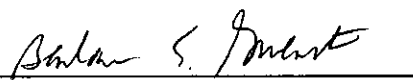
Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic Beverage Control Board as proof that the Anchorage Assembly, as the local governing body, has stated its protest in order to allow the Director of the Alcoholic Beverage Control Board to hold processing of Restaurant Eating Place Liquor License # 5003 and Restaurant Designation Permit under local protest, until receipt by the Director of confirmation from the Municipal Clerk that the conditions in Section 1 have been met, and this protest is lifted as authorized by this Assembly Resolution.

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

PASSED AND APPROVED by the Anchorage Assembly this 14th day of September, 2010.


Chair

ATTEST:


Municipal Clerk



State of Alaska

Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A Masters, Commissioner

July 16, 2010

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

Re: Kaladi Brother Coffee Co – License # 5003 - Restaurant Designation Permit Application enclosed.

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

5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

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 _____
Full 2-year period

Mo/Day

Mo/Day

#6498

SECTION A. LICENSE INFORMATION. Must be completed for all types of applications.

License Year: 2010	License Type: Liquor License for Restaurant Eating Place	Statute Reference: Sec. 04.11.	FEES License Fee: \$600 Res. Vess. Permit: \$50.00 Filing Fee: \$100.00 Fingerprint: 108.50 (\$54.25 per person) Total Submitted: \$
(Office Use Only) License #: 5003	Local Governing Body: (City, Borough or Unorganized) Anchorage, Alaska	Community Council Name(s) & Mailing Address: Midtown	
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Midnight Morn Company, Inc.	Doing Business As (Business Name): Kaladi Brothers Coffee Co.	Business Telephone Number: (907) 644-7400 Fax Number: (866) 893-4708	Email Address: michele@kaladi.com or ting@kaladi.com

Mailing Address:

6921 Brayton Drive Suite 201
Anchorage, AK 99507

Street Address or Location of Premise:

3800 Centerpoint Drive
Suite 101
Anchorage, AK 99503

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

Closest school grounds Willow Crest Elementary	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. <input checked="" type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Not applicable
Closest church: Anchorage Korean Church	Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	
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

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)	Telephone Number	Fax Number
Kaladi Brothers Coffee	(907) 644-7400	(866) 893-4708
Corporate Mailing Address:	City	State
6921 Brayton Drive Ste 201	Anchorage	Alaska
Name, Mailing Address and Telephone Number of Registered Agent	Date of Incorporation OR Certification with DCED	State of Incorporation
Tim Gravel / Same address / (907) 644-7405	6/19/98	Alaska
Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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
Tim Gravel	owner President	50	(907) 529-0104 99501 941 W. 16 th Ave, Anchorage AK	(907) 644-7405	5/22/66
Brad Bigelow	owner	50	1129-B 10 th Ave, Seattle WA (206) 963-4291 98102	(907) 644-7405	1/27/58

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

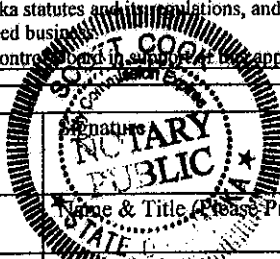
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name:	Applicant <input type="checkbox"/>	Name:	Applicant <input type="checkbox"/>
Address:	Affiliate <input type="checkbox"/>	Address:	Affiliate <input type="checkbox"/>
Home Phone:	Date of Birth:	Home Phone:	Date of Birth:
Work Phone:		Work Phone:	
Name:	Applicant <input type="checkbox"/>	Name:	Applicant <input type="checkbox"/>
Address:	Affiliate <input type="checkbox"/>	Address:	Affiliate <input type="checkbox"/>
Home Phone:	Date of Birth:	Home Phone:	Date of Birth:
Work Phone:		Work Phone:	

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
Name & Title (Please Print)	Name & Title (Please Print)
Subscribed and sworn to before me this	Subscribed and sworn to before me this
day of	day of
Notary Public in and for the State of Alaska	Notary Public in and for the State of Alaska
My commission expires:	My commission expires:



STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 15 AAC 104.715-794
FEE: \$50.00

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons under the age of 19 for employment. If for employment, please state in detail, how the person will be employed, duties, etc. (13 AAC 104.745).

This application is for designation of premises where: (please mark appropriate items).

- 1 ☒ Under AS 04.16.010(c) Bona fide restaurant/eating place.
- 2 ☒ Persons between 16 & 21 may dine unaccompanied.
- 3 ☒ Persons under 16 may dine accompanied by a person 21 years or older.
- 4 ☒ Persons between 16 and 19 years may be employed. (See note below).

LICENSEE: Midnight Moon Company Inc.

D/B/A: Kaladi Brothers Coffee

ADDRESS: 3800 Centerpoint Drive

1. Hours of Operation: M-F 6:00am to 6:00pm Telephone # (907) 644-7472
2. Have police ever been called to your premises by you or anyone else for any reason: ☐ Yes ☒ No
If yes, date(s) and explanation(s).

3. Duties of employment: Coffee house / lunch bistro food and drink service

4. Are video games available to the public on your premises? NO

5. Do you provide entertainment: ☐ Yes ☒ No If yes, describe.

6. How is food served? ☒ Table Service ☐ Buffet Service ☒ Counter Service ☐ Other*

7. Is the owner, manager, or assistant manager always present during business hours? ☒ Yes ☐ No

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

This permit remains in effect until the liquor license is transferred OR at the discretion of the Alcoholic Beverage Control Board. (13 AAC 104.795)

I certify that I have read AS 04.16.049, AS 04.16.060, 13 AAC 104.715-795 and have instructed my employees about provisions contained therein.

[Signature]
Applicant(s) signature

Subscribed and sworn to before me this 20th day of May

[Signature]
Notary Public in and for Alaska

My Commission expires 8-1-2013



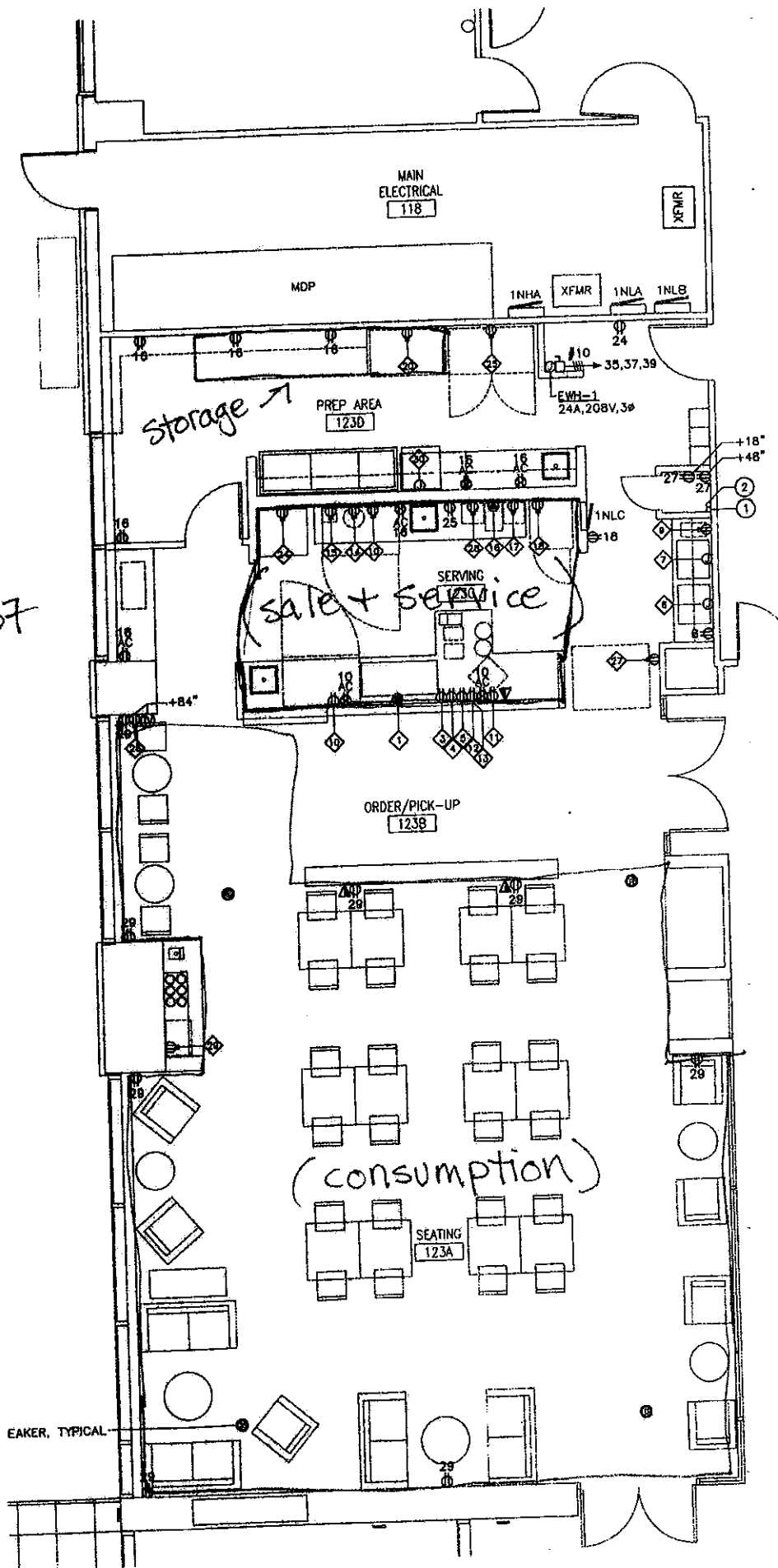
Application approved (13 AAC 104.725(e))

Notary Public

Date: 1/1/13

Director, ABC Board

Premises
Square Feet = 2,357



1 POWER AND SIGNAL PLAN

Content ID: 009374**Type:** AR_AllOther - All Other Resolutions

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A NEW RESTAURANT EATING PLACE LIQUOR LICENSE #5003 AND RESTAURANT DESIGNATION PERMIT FOR MIDNIGHT

Title: MOON COMPANY, INC. dba KALADI BROTHERS COFFEE CO., LOCATED AT 3800 CENTERPOINT DRIVE SUITE 101, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION. Assembly Chair Traini, Vice-Chair Flynn and Assembly Public Safety Committee Chair Honeman.

Author: moserak**Initiating Dept:** Muni_Clk**Date Prepared:** 9/3/10 10:34 AM

Assembly Meeting Date :
9/14/10

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	9/3/10 10:58 AM	Exit	Amanda Moser	Public	009374
AllOtherARWorkflow	9/3/10 10:58 AM	Checkin	Amanda Moser	Public	009374