

Submitted by: ASSEMBLY CHAIR OSSIANDER,
VICE-CHAIR HALL AND ASSEMBLY
PUBLIC SAFETY
COMMITTEE CHAIR HONEMAN

Prepared by: Municipal Clerk
For reading: April 24, 2012

CLERK'S OFFICE

APPROVED

Date: 4/24/12 ANCHORAGE, ALASKA
AR NO. 2012-111

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A NEW PACKAGE STORE LIQUOR LICENSE #5121 FOR SILVER GULCH BREWING AND BOTTLING, INC. dba SILVER GULCH BREWING AND BOTTLING, LOCATED AT 5000 WEST INTERNATIONAL AIRPORT ROAD, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.

WHEREAS, Silver Gulch Brewing & Bottling, 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 #5121, to be used for Silver Gulch Brewing and Bottling, located at , 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 March 6, 2012 and has determined that the last day for the Assembly to file a protest is May 7, 2012 and

WHEREAS, the Assembly Meeting on May 7, 2012 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. Anchorage Fire Department approval **has not** been received;
4. Conditional Use Permit required by AMC 21.50.160; **has not** been approved;
5. Approvals from the Municipal Health & Human Services and Building Safety Departments **have not 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;

1 NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:
2

3 Section 1. The Anchorage Assembly hereby enters its PROTEST for a New
4 Package Store Liquor License #1625 until these conditions are met:
5

- 6 • Approval from the Anchorage Fire Department is received and
7 confirmed by the Municipal Clerk.
- 8 • Successful completion of the Conditional Use Permit under
9 AMC 21.50.160 is confirmed by the Municipal Clerk.
- 10 • Approval from the Municipal Health & Human Services and
11 Building Safety Department are received and confirmed by the
12 Municipal Clerk.
13

14 Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic
15 Beverage Control Board as proof that the Anchorage Assembly, as the
16 local governing body, has stated its protest in order to allow the Director
17 of the Alcoholic Beverage Control Board to hold processing of Package
18 Store Liquor License #5121 under local protest, until receipt by the
19 Director of confirmation from the Municipal Clerk that the conditions in
20 Section 1 have been met, and this protest is lifted as authorized by this
21 Assembly Resolution.
22

23 Section 3. The Anchorage Assembly hereby authorizes the Municipal Clerk, upon
24 Municipal Clerk confirmation that all conditions in Section 1 have been
25 met, to provide written notification to the Alcoholic Beverage Control
26 Board that this protest by the Anchorage Assembly is lifted, without
27 further action by the Assembly.
28

29 PASSED AND APPROVED by the Anchorage Assembly this 24th day of
30 April, 2012.
31

32
33
34 Emuel Koel
35 Chair
36

37 ATTEST:

38
39 Randee S. Owens
40 Municipal Clerk
41



State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A. Masters, Commissioner

March 5, 2012

Municipality of Anchorage
Attn: Amanda Moser, Licensing & Minutes Clerk
VIA Email: munilicenses@muni.org

**Silver Gulch Brewing and Bottling, Inc. – Package Store License #5121
DBA Silver Gulch Brewing and Bottling**

- New Application** **Transfer of Ownership** **Transfer of Location**
 Restaurant Designation Permit **DBA Name Change**

We have received an application for the above listed licenses (see attached application documents) within your jurisdiction. 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.

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

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 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. GIFFORD
Director

A handwritten signature in black ink, appearing to read 'Sarah D. Oates', written over a large, stylized loop.

Sarah D. Oates
Business Registration Examiner
sarah.oates@alaska.gov
(907)269-0356

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: March 5, 2012

Application Type: **NEW**

 TRANSFER
 Ownership
 Location
 Name Change

Governing Body: **Municipality of Anchorage**
Community Councils: Sand Lake Community Council

License #: 5121
License Type: Package Store
D.B.A.: Silver Gulch Brewing and Bottling
Licensee/Applicant: Silver Gulch Brewing and Bottling, Inc.
Physical Location: 5000 W International Airport Rd, South Terminal, Rm C3980, Anchorage, AK 99502
Mail Address: PO Box 82125, Fairbanks, AK 99708
Telephone #: 907-452-2739
EIN: 92-0065618

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
Silver Gulch Brewing & Bottling, Inc.	PO Box 82125 Fairbanks, AK 99708	907-452-2739	01/13/1975 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Glenn Brady President	02/09/1971	PO Box 82125 Fairbanks, AK 99708	907-388-2106	50%
Charles Ward Vice President	01/03/1964	846 Landon Lane Fairbanks, AK 99712	907-474-7351	5%
Tobie Brady Secretary / Treasurer	02/15/1971	PO Box 83230 Fairbanks, AK 99708	907-458-4229	0.2%

If transfer application, current license information:

License #:
Current D.B.A.:
Current Licensee:
Current Location:

Additional comments:

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Sincerely,

SHIRLEY A. GIFFORD
Director



Sarah D. Oates

Business Registration Examiner
sarah.oates@alaska.gov
(907)269-0356

New Liquor License

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

(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

SECTION A. LICENSE INFORMATION. Must be completed for all types of applications.			FEES
License Year: 2012-2013	License Type: Package Store	Statute Reference Sec. 04.11.150	License Fee: \$1,500.00
(Office Use Only) License #: 5121			Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorganized) Municipality of Anchorage	Community Council Name(s) & Mailing Address: 632 W 6th Avenue, Suite 250, Anchorage, AK 99501 Sand Lake		Fingerprint: (<i>\$54.25 per person</i>)
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Silver Gulch Brewing and Bottling, Inc.	Doing Business As (Business Name): Silver Gulch Brewing and Bottling	Business Telephone Number: (907) 452-2739 (907) 388-2106 (Glenn cell phone) Fax Number:	
Mailing Address: PO Box 82125	Street Address or Location of Premise: 5000 W. International Airport Rd. South Terminal, Rm C3980 Anchorage, AK 99502	Email Address: glenn@sunairsheetmetal.com	
City, State, Zip: Fairbanks, AK 99708		Total Submitted: \$1,600.00	

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

Closest school grounds 2.33 miles	Distance measured under: <input checked="" 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: 2.19 miles	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		

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
Glenn Brady	Silver Gulch Brewing and Bottling	Brewpub (AS 04.11.135)	2195 Old Steese Hwy North,	Fairbanks, AK 99712
Glenn Brady	Silver Gulch Brewing and Bottling	Beverage Dispensary (AS 04.11.090)	2195 Old Steese Hwy North,	Fairbanks, AK 99712
Glenn Brady	Silver Gulch Brewing and Bottling	Beverage Dispensary (AS 04.11.090)	5000 W. International Airport Rd., Rm C3980 South Terminal	Anchorage, AK 99502
Glenn Brady	Silver Gulch Brewing and Bottling	Beverage Dispensary - Duplicate (AS 04.11.090)	2195 Old Steese Hwy North, Fairbanks, AK 99712	Fairbanks, AK 99712

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
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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) Silver Gulch Brewing and Bottling, Inc.		Telephone Number 907-452-2739	Fax Number 907-452-2774
Corporate Mailing Address: PO Box 82125	City Fairbanks	State AK	Zip Code 99701
Name, Mailing Address and Telephone Number of Registered Agent Glenn Brady, PO Box 82125, Fbnks, AK 99708 (907)388-2106		Date of Incorporation OR Certification with DCED Entity# 13943D 01/13/75	State of Incorporation 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
Glenn Brady	President	50	PO Box 82125, Fairbanks, AK 99708 (907)388-2106	(907) 388-2106	2/9/1971
Charles 'Chilkoot' Ward	Vice President	5	846 Landon Lane, Fairbanks, AK 99712 (907)457-1513	(907) 474-7351	1/3/1964
Tobie Brady	Sec/Treas	.2	PO Box 83230, Fairbanks, AK 99708 (907)321-3112	(907) 458-4229	2/15/1971

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

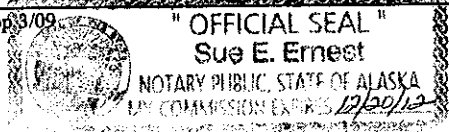
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)			
Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	Date of Birth:
Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	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	Signature
Name & Title (Please Print) Glenn Brady, President	Name & Title (Please Print)
Subscribed and sworn to before me this 10th day of JANUARY, 2012	Subscribed and sworn to before me this day of
Notary Public in and for the State of Alaska <i>Sue E. Ernest</i>	Notary Public in and for the State of Alaska
My commission expires: 12/30/2012	My commission expires:

New License App 3/09



AIA Gate C0
Silver Gulch Brewing
Brewpub/Package Store
Licensed Premises Diagram
1/9/2012



Walk-up Counter
Service for Food &
N/A Beverage ONLY

Walk-up Counter
Service for Silver
Gulch Beer Growlers

Dispensary
License/Brewpub
Restaurant/Bar
Entrance

Package Store
Entrance

