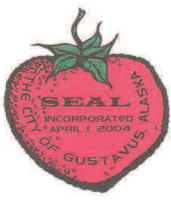




City of Gustavus
P.O. Box 1
Gustavus, AK 99826
Phone: (907) 697-2451

COUNCIL PACKET
JULY 12, 2012 GENERAL MEETING



CITY COUNCIL MEETING AGENDA

GENERAL MEETING

JULY 12, 2012 - THURSDAY

7:00PM @ CITY HALL

Karen Taylor

Mayor

mayor@gustavus-ak.gov

Mayor Term Expires 2012

Council Seat Term Expires 2012

Lou Cacioppo

Vice Mayor

lou.cacioppo@gustavus-ak.gov

Vice Mayor Term Expires 2012

Council Seat Term Expires 2013

Noël Farevaag

Council Member

noel.farevaag@gustavus-ak.gov

Term Expires 2014

Melanie Lesh

Council Member

melanie.lesh@gustavus-ak.gov

Term Expires 2012

Jim Mackovjak

Council Member

jim.mackovjak@gustavus-ak.gov

Term Expires 2013

Sandi Marchbanks

Council Member

sandi.marchbanks@gustavus-

ak.gov

Appointed Until October 2012

Term Expires 2014

Tim Sunday

Council Member

tim.sunday@gustavus-ak.gov

Term Expires 2012

COUNCIL MEETINGS:

Work Sessions:

1st & 3rd Thursdays

General Meeting:

2nd Thursday

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - A. June 14, 2012 General Meeting
 - B. June 21, 2012 Special Meeting
4. Mayor's Request for Agenda Changes:
5. Committee Reports:
 - A. DRC
 - B. Road
 - C. GVA
 - D. Library
6. Public Comment on Non-Agenda Items
7. Consent Agenda:
 - A. Resolution 2012-20, A Resolution of the City of Gustavus Accepting the Broadband Network Technical Concept and Business Model Recommended by ICF International
 - B. Publish FY13-02 Amendment of Title 2 Executive Session
8. Ordinance for Public Hearing: None
9. Unfinished business: None
10. New Business:
 - A. Road Sign RFQ—Reissue
 - B. FY13-03NCO Amending Road Budget—Road Signs
 - C. SeaPort/Wings of Alaska ABC Liquor License Application
11. Staff Reports:
12. City Council Reports
 - A. Mayor's report
 - B. City Clerk report
13. City Council Questions and Comments
14. Public Comments on Non-Agenda Items
15. Executive Session:
 - A. Discussion of litigation strategy regarding a law suit filed by the City, the immediate knowledge of which would clearly have an adverse effect on the finances of the City – City of Gustavus Gravel Pit
16. Adjournment

NOT YET APPROVED
City Council Minutes
City of Gustavus, Alaska

City Council General Meeting
June 14, 2012

1. Call to Order: A General Meeting of the Gustavus City Council was held on June 14, 2012 at 7:00PM.
Mayor Taylor called the meeting to order at 7:00PM.

2. Roll Call:

Comprising a quorum of the Council the following were present:

Mayor Taylor
Vice Mayor Cacioppo
Council Member Farevaag -Via Teleconference
Council Member Lesh
Council Member Mackovjak
Council Member Marchbanks
Council Member Sunday

3. Approval of Minutes

A. May 3, 2012 City Council Special Meeting

Minutes of the May 3, 2012 meeting were approved by unanimous consent.

B. May 10, 2012 City Council General Meeting

Minutes of the May10, 2012 meeting were approved by unanimous consent.

C. May 30, 2012 City Council Special Meeting

Minutes of the May 30, 2012 meeting were approved by unanimous consent.

D. May 31, 2012 City Council Special Meeting

Minutes of the May 31, 2012 meeting were approved by unanimous consent.

4. Mayor's Request For Agenda Changes: None

5. Committee Reports:

- A. GCN Committee report given by Wayne Howell.
- B. Library Board will give report next month in July.

NOT YET APPROVED
City Council Minutes
City of Gustavus, Alaska

6. Public Comment on Non-Agenda Items:

1. Diane Klawunder
2. Ken Klawunder

7. Consent Agenda:

- A. FY12-23NCO GVFD—Publish
- B. Resolution 2012-18—Bypass Competitive Bid GVFD
- ~~C. Award FY13 Road Maintenance Contract~~
- D. Approve MOA—ABSN
- E. Approve Labor Reim. Agreement—ABSN Weatherization
- F. Approve Labor Reim. Agreement—ABSN Lighting
- G. Award FY13 GCN System Manager Contract
- H. Approval of Mt. View Drainage Fish Passage Design & Authorize Mayor to Sign.
- I. Authorize Mayor to Sign Application for Federal Assistance SF-424 and Proceed With US Fish & Wildlife Application Process —Mt. View Fish Passage
- J. Authorize Mayor to Sign Assurance—Non Construction Programs– Mt. View Fish Passage

(Clerk's Note: Agenda Item 7C was removed from the Consent Agenda and moved to New Business 10F.)

Resolution 2012-18 was read by Council Member Mackovjak.

Motion:	Vice Mayor Cacioppo moved to accept the Consent Agenda as amended.
Seconded by:	Council Member Farevaag

ROLL CALL VOTE ON MOTION:

Yes: Cacioppo, Farevaag, Lesh, Mackovjak, Marchbanks, Sunday, Taylor

No: None

Motion Passes 7/0

8. Ordinances for Public Hearing:

- A. FY12-21NCO FY13 Budget

Public Hearing:

Motion:	Council Member Marchbanks moved the City Council adopt FY12-21NCO the FY13 budget.
Seconded by:	Council Member Sunday

NOT YET APPROVED
City Council Minutes
City of Gustavus, Alaska

ROLL CALL VOTE ON MOTION:

Yes: Cacioppo, Farevaag, Lesh, Mackovjak, Marchbanks, Sunday,
Taylor

No: None

Motion Passes 7/0

B. FY12-22NCO Amending Admin Budget

Public Hearing:

Motion: Council Member Mackovjak moved the City Council
adopt FY12-22NCO.

Seconded by: Vice Mayor Cacioppo

ROLL CALL VOTE ON MOTION:

Yes: Cacioppo, Farevaag, Lesh, Mackovjak, Marchbanks, Sunday,
Taylor

No: None

Motion Passes 7/0

9. Unfinished Business: None

10. New Business:

**A. Public Comment on Seaport Airlines/Wings Alcoholic Beverage
Control Board Application**

Public Comment:

Diane Klawunder
Tom McLaughlin

B. Issue RFQ—Road Sign—Materials

Public Comment: None

Motion: Council Member Mackovjak moved to issue the RFQ
for the road signs.

Seconded by: Vice Mayor Cacioppo

NOT YET APPROVED
City Council Minutes
City of Gustavus, Alaska

ROLL CALL VOTE ON MOTION:

Yes: Cacioppo, Farevaag, Lesh, Mackovjak, Marchbanks, Sunday,
Taylor
No: None

Motion Passes 7/0

C. Resolution 2012-19 - Establishing a Deferred Comp. Plan

Public Comment: None

Resolution 2012-19 was read by Council Member Marchbanks.

Motion:	Council Member Sunday moved the City Council adopt Resolution 2012-19.
Seconded by:	Vice Mayor Cacioppo

ROLL CALL VOTE ON MOTION:

Yes: Cacioppo, Farevaag, Mackovjak, Sunday, Taylor
No: Lesh, Marchbanks

Motion Passes 5/2

D. Authorize Mayor to Sign Lincoln Financial Services Agreement

Public Comment: None

Motion:	Council Member Marchbanks moved the City Council authorizes the Mayor to sign the Lincoln Financial Services agreement for the employees of the City of Gustavus.
Seconded by:	Council Member Sunday

ROLL CALL VOTE ON MOTION:

Yes: Cacioppo, Farevaag, Mackovjak, Marchbanks, Sunday,
Taylor
No: Lesh

Motion Passes 6/1

NOT YET APPROVED
City Council Minutes
City of Gustavus, Alaska

E. Approval of Retention of Attorney for Supplementary Legal Services

Public Comment: None

Motion:	Council Member Marchbanks moved the City Council retains Attorney Robert P. Blasco of the firm Hoffman & Blasco as supplementary legal counsel for the City of Gustavus and authorize the mayor to sign an engagement letter.
Seconded by:	Council Member Mackovjak

ROLL CALL VOTE ON MOTION: Yes: Cacioppo, Farevaag, Mackovjak, Marchbanks, Sunday, Taylor No: Lesh Motion Passes 6/1
--

F. Award FY13 Road Maintenance Contract

Public Comment: None

Motion:	Council Member Mackovjak moved that we award the FY13 Road Maintenance contract to Glacier Bay Construction.
Seconded by:	Council Member Sunday

CONFLICT OF INTEREST: Council Member Marchbanks declared a conflict due to the fact that she is a owner in Glacier Bay Construction.

RULING: Mayor Taylor declared a conflict of interest and ruled that Council Member Marchbanks should not vote.

ROLL CALL VOTE ON MOTION: Yes: Cacioppo, Farevaag, Lesh, Mackovjak, Sunday, Taylor No: None Recused: Marchbanks Motion Passes 6/0 With 1 Recused
--

11. Staff Reports: None

12. City Council Reports

A. Mayor's Report

- Thanked Council Member Marchbanks and Council Member Sunday for going down to the floats and boat harbor and working with the fee collection.
- Received Fire Marshall approval for Library snow shed roof.
- Old Tank Farm cleanup is continuing.
- Next work session the ACS Lease will be addressed.
- Special Work Session on June 28th to meet with ICF.

B. City Clerk's Report: None

13. City Council Questions & Comments

- Council Member Marchbanks discussed the stickers on boats at the harbor.
- Vice Mayor Cacioppo thanked Council Member Marchbanks and Sunday for the time they have spent down on the floats. Also asked about DNR.
- Council Member Mackovjak thanked Rachel and Jason Parks for organizing the Thursday night softball.
- Council Member Lesh requested the Council rescind their motion from the May 31st Special Meeting concerning the Lands Committee.
- Council Member Sunday stated he will be hand delivering the Harbor Registration forms to individuals and businesses. Also working on signs for floats.
- Council Member Marchbanks discussed parking at the Salmon River Boat Harbor.
- Council Member Farevaag asked if there was any rules for camping at the beach.

14. Public Comment on Non-Agenda Items:

1. Diane Klawunder
2. Tom McLaughlin
3. Jim Martell
4. Ken Klawunder

15. Executive Session: None

16. Adjournment:

With no further business before the Council the meeting was adjourned at 8:44PM.

NOT YET APPROVED
City Council Minutes
City of Gustavus, Alaska

City Council Special Meeting
June 21, 2012

1. Call to Order: A Special Meeting of the Gustavus City Council was held on June 21, 2012 at 7:00PM.
Mayor Taylor called the meeting to order at 7:00PM.

2. Roll Call:

Comprising a quorum of the Council the following were present:

Mayor Taylor
Vice Mayor Cacioppo
Council Member Lesh
Council Member Marchbanks
Council Member Sunday

Council Members not in attendance:

Council Member Farevaag -Absent
Council Member Mackovjak -Absent

3. Approval of Minutes: None

4. Mayor's Request For Agenda Changes: None

5. Committee Reports: None

6. Public Comment On Non-Agenda Items:

1. Devin Brown

7. Consent Agenda: None

8. Ordinances for Public Hearing:

A. FY12-23NCO Amending the GVFD Budget

Public Hearing: With no one who wished to be heard the public hearing was closed.

Motion:	Council Member Marchbanks moved the Council adopt FY12-23NCO.
Seconded by:	Council Member Lesh

NOT YET APPROVED
City Council Minutes
City of Gustavus, Alaska

ROLL CALL VOTE ON MOTION:
Yes: Cacioppo, Lesh, Marchbanks, Sunday, Taylor
No: None

Motion Passes 5/0

9. Unfinished Business: None

10. New Business: None

11. Staff Reports: None

12. City Council Reports

A. Mayor's Report

- Mayor Taylor passed on a comment from Council Mackovjak about his concern about bicyclist safety and vehicular traffic.

B. City Clerk's Report: None

13. City Council Questions & Comments: None

14. Public Comment on Non-Agenda Items:

1. Devin Brown

15. Executive Session: None

16. Adjournment:

With no further business before the Council the meeting was adjourned at 7:15PM.

**CITY OF GUSTAVUS, ALASKA
RESOLUTION 2012-20**

A RESOLUTION OF THE CITY OF GUSTAVUS ACCEPTING THE BROADBAND NETWORK TECHNICAL CONCEPT AND BUSINESS MODEL RECOMMENDED BY ICF INTERNATIONAL

WHEREAS, universal broadband Internet access is increasingly critical to public health and safety, education, economic development, and quality of life; and

WHEREAS, the 2005 strategic plan, 2008 community survey, and 2010 election show strong public support for broadband Internet service; and

WHEREAS, the best Internet service available in Gustavus today does not cover the entire community and lacks the performance, capacity, and reliability for today's interactive, media-rich Internet content, and is entirely unsuitable for tomorrow's communications; and

WHEREAS, the City of Gustavus requested, and the Alaska Legislature awarded, a grant to plan and design a model community broadband network; and

WHEREAS, the City of Gustavus awarded a broadband planning contract to ICF International to assess the community, to set last-mile networking goals, to develop options for meeting those goals, and to recommend the best options to the City of Gustavus; and

WHEREAS, ICF International has delivered documents "Gustavus Community Assessment" dated June 25, 2012 and "Broadband Deployment Options & Recommendations" dated June 22, 2012; and

WHEREAS, ICF International recommends the City of Gustavus build and own a community-wide hybrid fiber-coax network; and

WHEREAS, ICF's options and recommendations were discussed at length at three public meetings; and

WHEREAS, ICF answered all questions satisfactorily and no opposition has been voiced to their recommendations; and

WHEREAS, The GCN Board moved to accept ICF's recommendations,

NOW THEREFORE BE IT RESOLVED that the City of Gustavus finds ICF's recommended technical concept appears to be the optimum solution to the community's last-mile networking needs; and

BE IT FURTHER RESOLVED that the City of Gustavus accepts ICF's recommendation that the city build and own a hybrid fiber-coax network; and

BE IT FURTHER RESOLVED that the City of Gustavus directs ICF International to develop the Gustavus Broadband Plan using the recommended options.

PASSED AND APPROVED by a duly constituted quorum of the city council this

_____ day of _____, 2012.

Karen Colligan-Taylor, Mayor

Lou Cacioppo, Vice Mayor

Noël Farevaag, Council Member

Tim Sunday, Council Member

Melanie Lesh, Council Member

Sandi Marchbanks, Council Member

Jim Mackovjak, Council Member

Attest: Kapryce Manchester, MMC
City Clerk

City of Gustavus, Alaska
Ordinance No. FY13-02

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE
AMENDMENT OF CITY ORDINANCE 02.30.060 EXECUTIVE SESSION**

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

Section 1. This ordinance is of general and permanent nature and shall become a part of the City of Gustavus Municipal Code.

Section 2. Severability If any provisions of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and its application to other persons, or circumstances shall not be affected thereby.

Section 3. Enactment Now therefore, be it enacted by the Gustavus City Council that Title 02.30.060 be amended, as follows.
Bolded and underlined items are additions, and ~~strikethroughs~~ are deletions.

Section 2.30.060 Executive Session

- (a) ~~Only the following subjects may be discussed in an executive session:~~
 (1) ~~matters the immediate knowledge of which would clearly have an~~
 ~~adverse effect upon the finances of the City; or~~
 (2) ~~subjects that tend to prejudice the reputation and character of~~
 ~~any person, provided the person may request a public~~
 ~~discussion;~~
- ~~(b) The following shall be discussed in executive session when the best~~
~~interests of the City so require:~~
 (1) ~~negotiations with labor organizations representing City employees;~~
 (2) ~~discussions of pending or threatened lawsuits in which the City~~
 ~~has an interest; or~~
 (3) ~~matters required by federal or state law or by City ordinance to be~~
 ~~confidential.~~
- ~~(c) If any of the above subjects are to be discussed in executive session, the~~
~~session must first be convened as a public meeting. During the public meeting, the~~
~~Council shall vote on a motion whether to hold an executive session. No subjects~~
~~may be considered at the executive session except those mentioned in the adopted~~
~~motion calling for the executive session and which concern subsections (a) and (b)~~
~~above unless relating to the main question. No action may be taken at the executive~~
~~session. Only after the executive session is over and the meeting is once again~~
~~before the public may the Council take action on what was discussed in the~~
~~executive session.~~

All meetings of a governmental body of a public entity of the State are open to the public except as otherwise provided by this section or another provision of law. Materials that are to be considered at the meeting shall be made available for City Council members and legal counsel at teleconference locations if practicable. The vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. The vote at a meeting held by teleconference shall be taken by roll call.

(a) If permitted subjects are to be discussed at a meeting in executive session, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are listed in (b) of this section shall be determined by a majority vote of the governmental body. The motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private. Subjects may not be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. Action may not be taken at an executive session, except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations. Only after the executive session is over and the meeting is once again before the public may the Council take action on what was discussed in the executive session.

(b) Subjects That Qualify for Executive Session

(1) Matters, the immediate knowledge of which would clearly have an adverse effect on the finances of the City;

(2) Matters that would tend to prejudice the reputation or character of any person, but that person may demand and get a public discussion;

(3) Matters that are required to be confidential by law or ordinance including the constitutional right of privacy;

(4) Matters involving consideration of government records, that by law are not subject to public disclosure;

(5) Attorney-client privilege limited to matters where public interest may be injured, i.e.

(A) avoiding legal liability

(B) litigation strategies

(C) candid discussion of facts, settlement conference, conference on decision to appeal.

(c) Exemptions to the Open Meetings Act limited to:

(1) Adjudicatory proceedings when a body performs quasi-judicial functions;

(2) Meetings solely to deliberate and make a decision in an adjudicatory proceeding.

Section 4. Effective Date. This ordinance becomes effective upon its adoption by the Gustavus City Council.

DATE INTRODUCED: July 12, 2012

DATE OF PUBLIC HEARING: August 9, 2012

PASSED and APPROVED by the Gustavus City Council this ____ day of _____, 2012.

Karen Colligan-Taylor
Mayor

Attest: Kapryce Manchester MMC
City Clerk

**City of Gustavus, Alaska
Ordinance No. FY13-02**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE AMENDMENT OF
ROAD BUDGET FOR FISCAL YEAR 2013**

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

Section 1. Classification. This is a **Non-Code Ordinance**

Section 2. For the Fiscal Year of 2013 estimated expenditures have changed from the estimates in the approved budget.

Section 3. For the current fiscal year the budget is amended to reflect the changed estimates as follows:

Budget Category	Amounts		
	Original Budget	Amended Budget	Change
INCOME			
Encumbered Comm. Funds	\$ 110,100.00	\$ 132,200.00	+\$22,100.00
EXPENSE			
Contractual Services	\$ 55,490.00	\$ 77,590.00	+\$22,100.00

Section 4. The budget is hereby amended as indicated and any portion of the approved budget inconsistent with this amendment is repealed.

Section 5. Effective Date. This ordinance becomes effective upon its adoption by the Gustavus City Council.

DATE INTRODUCED: July 12, 2012

DATE OF PUBLIC HEARING: August 9, 2012

PASSED and APPROVED by the Gustavus City Council this _____ day of _____, 2012.

Karen Colligan-Taylor
Mayor

Attest: Kapryce Manchester MMC
City Clerk

STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 13 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 20 for employment. If for employment, please state in detail, how the person will be employed, duties, etc.

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

5166

- 1 ☒ Under 13 AAC 104.305 Bona fide restaurant/eating place.
2 ☒ Persons age 16 to 20 may dine unaccompanied.
3 ☒ Persons under 16 may dine accompanied by a person 21 years or older.
4 ☒ Persons between 16 and 20 years of age may be employed. *(See note below).

License Number _____

LICENSEE: Seafort Airlines

D/B/A: Wings of Alaska

ADDRESS: # 5 Airport Rd, Gustavus, AK 99826

1. Hours of Operation: 6:00 am to 9:00 pm Telephone # (907) 697-2201

2. Have police ever been called to your premises by you or anyone else for any reason: adjust seasonally due to flight schedule
[] Yes ☒ No
If yes, date(s) and explanation(s).

3. * Duties of employment: Food service, prepare coffee, Airline ticket sales, load/unload planes

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 PREMISE DIAGRAM MUST ACCOMPANY THIS APPLICATION ***

I have read and am familiar with Title 4 of the Alaska statutes and its regulations.

[Signature]
Applicant signature

Local Governing Body Approval

Subscribed and sworn to before me this
10th day of May 2012
[Signature]
Notary Public in and for Alaska

Date: _____

My Commission expires 1-29-14

Director, ABC Board

Date: _____

*Employees 16 and 17 years of age must have a valid work permit and a letter maintained in your files from a parent or guardian authorizing employment at your establishment.

** If more space is required, to explain food service, entertainment, etc., please add on back or attach additional page(s).

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: Wings of Alaska

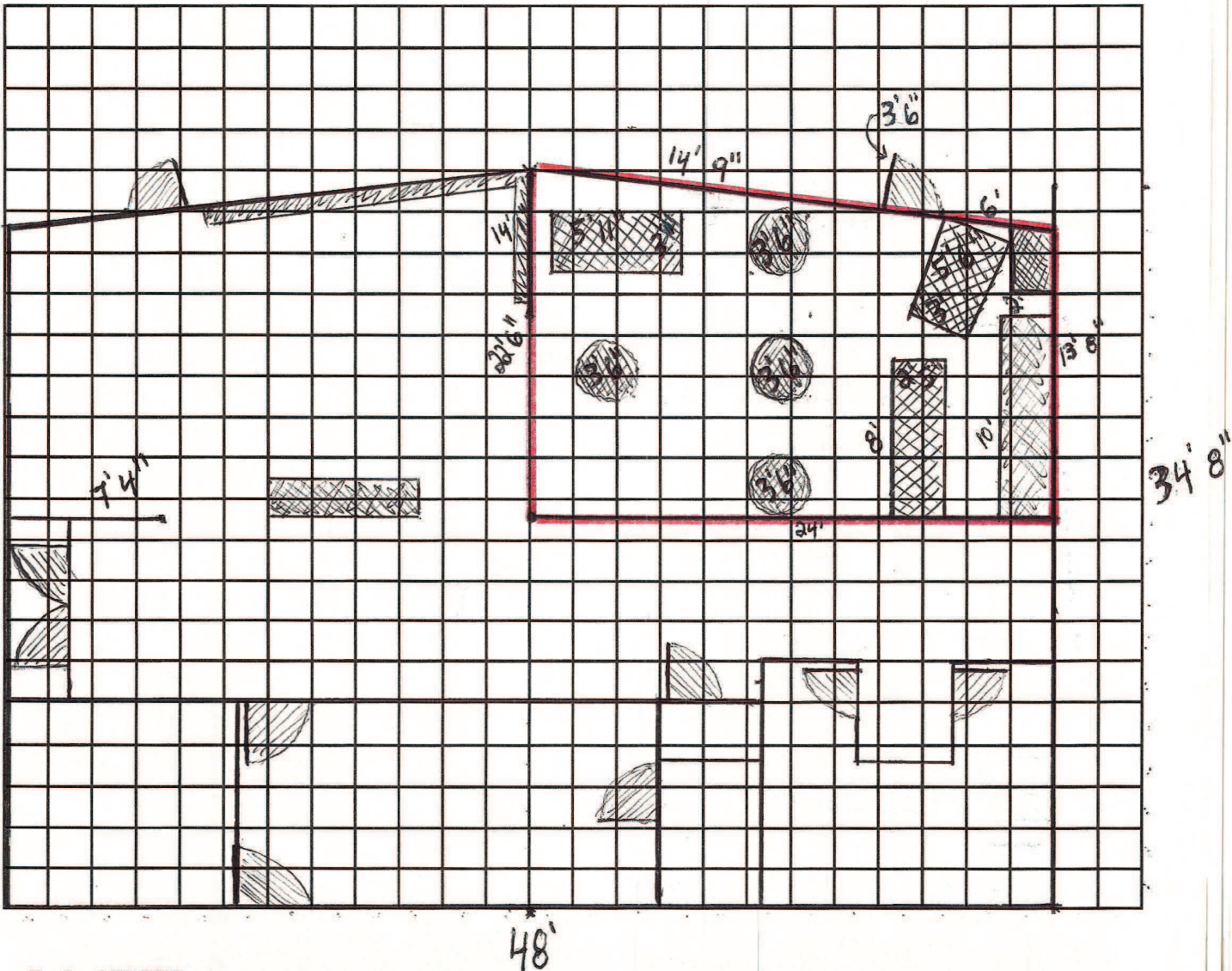
PREMISES LOCATION: #5 Airport Rd, Gustavus Alaska 99826

Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: _____ 1 SQ. = 4 FT. SCALE B: _____ 1 SQ. = 1 FT.

Length and width of premises in feet: 48' X 35'

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



Price list for the coffee shop in Gustavus.....(wings)

Regular bagels.....	\$1.75
Sandwich bagels.....	\$5.00
Burritos, Chimichangas.....	\$1.75
Corn dogs.....	\$1.50
Chips ,candy bars.....	\$.75
Can sodas.....	\$1.25
Bottle sodas , Lipton tea, double shot and Redbull.....	\$2.00
SoBE drinks.....	\$3.00
Energy double shot , Rock star.....	\$2.50
Vitamin water.....	\$2.00
Gum.....	\$1.25
Peanuts,crackers, gummies.....	\$.50
Epresso drinks.....	\$3.25,\$4.00
Hot chocolat.....	\$2.00 \$2.50 \$3.25
Donuts,.....	\$1.25 \$ 1.50 \$2.00 \$2.50
Lunch special.....bagel sandwich, soda & chips....	\$6.75

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

New Liquor License

(907) 269-0350
Fax: (907) 272-9412
www.dps.state.ak.us/abc

License is: ☒ Full Year OR ☐ Seasonal List Dates of Operation: _____

SECTION A - LICENSE INFORMATION			FEES
Office Use: License Year: <u>2012/2013</u>	License Type: <u>Beverage Dispensary Tourism License</u>	Statute Reference Sec. 04.11. <u>400(d)</u>	License Fee: \$ <u>2500-</u>
Office Use: License #: <u>51666</u>			Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorganized) <u>City of Gustavus</u>	Community Council Name(s) & Mailing Address: <u>Gustavus City Council</u> <u>1802 Gustavus Rd.</u> <u>PO Box 1</u> <u>Gustavus AK 99826</u>		Rest. Desig. Permit Fee: \$ <u>50-</u>
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): <u>SeaPort Airlines Inc.</u>	Doing Business As (Business Name): <u>Wings of Alaska</u>	Business Telephone Number: <u>(907) 789-0790</u>	Fingerprint: <u>x3</u> \$ <u>154.50</u> <u>(\$54.25 per person)</u> <u>51.50</u> TOTAL <u>2804.50</u>
Mailing Address: <u>2421 Livingston Way</u>	Street Address or Location of Premise: <u>#5 Airport Rd.</u> <u>Gustavus, AK</u> <u>99826</u>	Fax Number: <u>(907) 789-2021</u>	Email Address: <u>info@wingsofalaska.com</u> or <u>richard@wingsofalaska.com</u>
City, State, Zip: <u>Juneau, AK</u> <u>99801</u>			
SECTION B - PREMISES TO BE LICENSED			
Distance to closest school grounds: <u>0.4 miles</u>	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 type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable	
Distance to closest church: <u>more than a mile</u>	Distance measured under: <input checked="" 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	

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

New Liquor License

(907) 269-0350
Fax: (907) 272-9412
www.dps.state.ak.us/abc

SECTION C – LICENSEE INFORMATION

1. 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
/	/	/	/	/
/	/	/	/	/
/	/	/	/	/
/	/	/	/	/
/	/	/	/	/

2. 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.

SECTION D – OWNERSHIP INFORMATION - CORPORATION

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): SeaPort Airlines Inc.		Telephone Number: (971) 340 1700	Fax Number:
Corporate Mailing Address: 7505 NE Airport Way	City: Portland	State: Oregon	Zip Code: 97218
Name, Mailing Address and Telephone Number of Registered Agent:		Date of Incorporation OR Certification with DCED: 11/10/1982	State of Incorporation: Alaska
Is the Entity in "Good Standing" with the Alaska Division of Corporations? <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
John Beardsley	Majority Shareholder	70+	64 NANSEN SUMMIT Lake Oswego OR 97035	(503) 227-3278	9/23/1990
21-11 M.V.	President		9502 NE 144th Court Vancouver, WA 98682	(971) 340-1711	6/23/1969

NOTE: If you need additional space, please attach a separate sheet.

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

New Liquor License

(907) 269-0350
Fax: (907) 272-9412
www.dps.state.ak.us/abc

SECTION E – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

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

Name: <u>Richard Cole</u> Address: <u>8721 North Loop Way</u> Home Phone: <u>907 957 6068</u> Work Phone: <u>Same</u>	Applicant <input type="checkbox"/> Affiliate <input checked="" type="checkbox"/> Date of Birth: <u>7/13/72</u>	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> 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 <u>[Signature]</u> Signature _____ Name & Title (Please Print) <u>Regional Manager Wings of Alaska/Seaport Airlines</u> Subscribed and sworn to before me this <u>4</u> day of <u>May</u> , 2012. Notary Public in and for the State of Alaska My commission expires: <u>1/29/14</u>	Signature of Licensee(s) Signature _____ Signature _____ Name & Title (Please Print) _____ Subscribed and sworn to before me this _____ day of _____, _____ Notary Public in and for the State of Alaska My commission expires: _____
--	--



State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A. Masters, Commissioner

May 22, 2012

City of Gustavus
Attn: Kapryce Manchester, City Clerk
VIA Email: clerk@gustavus-ak.gov

SeaPort Airlines, Inc.: Beverage Dispensary – Tourism License #5166 DBA Wings of Alaska

- ☒ **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




Sarah D. Oates

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

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: May 22, 2012

Application Type: **NEW** 

☐ **TRANSFER**
☐ Ownership
☐ Location
☐ Name Change

Governing Body: **City of Gustavus**
Community Councils: None

License #: 5166
License Type: Beverage Dispensary – Tourism
D.B.A.: Wings of Alaska
Licensee/Applicant: SeaPort Airlines, Inc.
Physical Location: #5 Airport Road, Gustavus, AK 99826
Mail Address: 8421 Livingston Way, Juneau, AK 99801
Telephone #: 907-789-0790
EIN: 92-0099059

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
SeaPort Airlines, Inc.	7505 NE Airport Way Portland, OR 97218	971-340-1700	11/10/1982 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 (%)
John Beardsley Shareholder	09/23/1940	64 Nansen Summit Lake Oswego, OR 97035	503-227-3278	70%
Robert McKinney President	06/23/1969	9502 NE 144 th Court Vancouver, WA 98682	971-340-1711	0%

If **transfer** application, current license information:

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

Additional comments: Restaurant Designation Permit Application attached.

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.

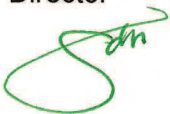
AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

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.

Sincerely,

SHIRLEY A. GIFFORD
Director



Sarah D. Oates

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