



	Approved	Denied
Action taken		
Other:		
Verified by:	<i>J. Smith</i>	5/19/05

WASILLA CITY COUNCIL ACTION MEMORANDUM

AM No. 05-18(SUB)

TITLE: LIQUOR LICENSE RENEWAL APPLICATION – NOBODY’S INN

Agenda of: May 9, 2005

Date: April 28, 2005

Originator: Jamie Newman, Deputy Clerk *JN*

Route to:	Department	Signature/Date
	Police	
	Recreational and Cultural Services Library, Museum	
	Public Works Planning	
X	Finance *signature required	<i>[Signature]</i>
X	Clerk	<i>J. Smith</i>

REVIEWED BY MAYOR DIANNE M. KELLER: *Dianne M. Keller*

FISCAL IMPACT: yes\$ or no Funds Available yes no

Account name/number:
Attachments:

SUMMARY STATEMENT: On March 23, 2005, the City received notice of an application for liquor license renewal by Nobody’s Inn. The application was referred to City departments for review under WMC 6.16.020. The Finance Department found that Nobody’s Inn was delinquent in paying City sales tax.

Under WMC 6.16.040.A, the Clerk is required to schedule a liquor license application for consideration by the Council if, within 20 days after the referral of the notice of the application to City departments, “the mayor finds that there are unresolved findings adverse to the liquor license application.” Because Nobody’s Inn had not resolved its sales tax delinquency within this 20-day period, its liquor license application was referred to the Council at its April 25, 2005 meeting by AM No 05-18.

Shortly before the April 25, 2005 Council meeting, Nobody’s Inn submitted a payment of its delinquent sales tax obligation to the City. The April 25, 2005 Council meeting was

adjourned without any action having been taken on AM No. 05-18, because a quorum of the Council was not present.

AS 04.11.480(a) provides in relevant part that, "A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application." The 60-day protest period for the Nobody's Inn liquor license application does not expire until May 22, 2005, so the question of whether to protest the application remains before the Council.

Of course, circumstances have changed since AM No. 05-18 first was presented to the Council, because Nobody's Inn belatedly paid its delinquent sales tax obligation. Nobody's Inn's payment of the delinquent sales tax obligation is a factor for the Council to consider in determining whether to take any action in response to its liquor license application. All of the options for responses to the application that were presented to the Council in AM No. 05-18 remain available as follows.

STAFF RECOMMENDED ACTION: None. Pursuant to WMC 16.16.040.C, the council may decide to:

1. *protest the application under AS 04.11.480(a) and state the reason for its protest;
2. *recommend conditions on which the application should be granted under AS 04.11.480(c); or
3. take no action on the application.

* If the council protests the application or recommends conditions on which the application should be granted, the city clerk shall notify the ABC Board and the applicant in writing of the decision of the council and the reasons for the action.