


Kenai Peninsula Borough

Office of Borough Clerk

MEMORANDUM

TO: Ryan Tunseth, Assembly President
Members, KPB Assembly

FROM: Michele Turner, Borough Clerk 

DATE: April 7, 2026

RE: Creekbend Company LLC's Liquor License Renewal Non-Objection Process

The 2026-2027 liquor license renewal application for Creekbend Company LLC was received from the state's Alcohol & Marijuana Control Office (AMCO) on March 9, 2026. The renewal application was administratively reviewed by the Finance Department for tax compliance. All tax accounts for the licensee were deemed to be in compliance. On March 17, 2026, a letter of non-objection was issued to AMCO.

Friends of Hope, Inc. (FOH) delivered a binder of material and letter objecting to the license renewal to the Clerk's Office with the Assembly carbon copied on the letter on January 20, 2026 (letter attached). Pursuant to AS 4.11.470, it was suggested FOH file their objection directly with AMCO. It is my understanding that Creekbend Company, LLC's renewal application is scheduled for a hearing before AMCO on April 7, 2026.

My letter to AMCO, dated April 6, 2026 (attached) clarified that the non-objection was based on an administrative compliance review and was not intended to be interpreted as a position on the substance of the application.

Attached: (1) Borough Clerk clarification letter to AMCO, dated April 6, 2026
(2) Friends of Hope Inc. Objection Letter, received January 20, 2026



April 6, 2026

Kevin Richard, Director Sent via email only: amco.localgovernmentonly@alaska.gov
Alcohol & Marijuana Control Office

Re: Clarification Regarding KPB's Non-Objection Letter dated March 17, 2026

Licensee/Applicant : Creekbend Company, LLC
License No. : 1381

Dear Mr. Richard:

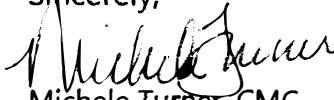
This letter is to advise that the above-referenced renewal application was administratively reviewed by the Kenai Peninsula Borough (KPB) for tax compliance.

The renewal application was not reviewed by the Assembly. The Assembly, as a body, did not take a position on the merits of the application.

To clarify any potential misapplication: the Assembly's non-objection should not be construed as a determination on the merits of the application following a hearing on community objections. No such hearing was held, and no substantive review of the merits was conducted by the Assembly. The non-objection reflects only that the renewal application satisfied administrative requirements and that, consistent with past practice related to tax-compliant renewal applications, the matter was not brought before the Assembly for further action.

Deference is given to any negotiated agreements between the interested parties and AMCO's decision-making authority in this matter.

Sincerely,


Michele Turner, CMC
Borough Clerk

cc: Assembly (via email)
 Creekbend Company, LLC (steve@creekbendco.com; jana@jdwounsel.com)
 Friends of Hope, Inc. (via Jessica@dillonfindley.com)

Friends of Hope, Inc.

PO Box 72, Hope, Alaska 99605
Anchorage, Alaska 99501

RECEIVED
JAN 20 2026

OFFICE OF THE BOROUGH CLERK
KENAI PENINSULA BOROUGH

January 16, 2026

Kenai Peninsula Borough
Michele Turner, Borough Clerk
144 North Binkley Street
Soldotna, AK 99669-7520

Re: Protest of Creekbend Company, LLC Restaurant Eating Place License No. 1381

Dear Borough Clerk and Assembly Members:

Friends of Hope, Inc. is an Alaska Corporation with the purpose of improving the habitability, peacefulness, quietness, property values, and general attractiveness of Hope, Alaska as a good place to live, work, play, and raise families. The purpose of this letter is to request the Kenai Peninsula Borough (“KPB”) to protest Creekbend Company, LLC’s (“Creekbend”) application to renew its Restaurant Eating Place License (“REPL”) No. 1381 because Creekbend is in violation of Alaska Statutes and KPB Code of Ordinances, has substantially changed its business purpose from a restaurant to a bar and concert venue, is functionally a different place since the KPB originally approved the license, and is creating a public nuisance in Hope.¹ Creekbend’s violations of the law and associated impacts are addressed below.

I. FACTUAL BACKGROUND

Creekbend regularly schedules outdoor live music concerts featuring alcoholic beverage service up to three days a week from April to October. Creekbend commercial events are open to the public and attract a diverse mix of day visitors, overnight travelers, and residents. These events may draw crowds of over 600 individuals to a town with a population of less than 200 residents. Creekbend’s concerts feature percussion and horns along with amplified guitars. Audience rowdiness is also a feature of Creekbend music events. For example, during the Blackwater Railroad concert on October 4, 2025, the Creekbend owner took to the stage and shouted, “Let’s make some noise and have them hear us from the space station!” Creekbend’s concerts produce noise levels above

¹ KPB Code 7.10.020(A)(2) applies to new licenses and requests for relocation, but we request that the assembly consider the approval criteria under that provision as if Creekbend was applying for a new license since Creekbend’s business purpose, operations and structure is so significantly different than originally approved by the assembly.

80 decibels which can be heard across the community and unreasonably interfere with the Hope residents' use and enjoyment of their homes and property.²

II. CREEKBEND'S VIOLATIONS OF ALASKA LAW

A. Creekbend is in Violation of AS 04.21.080(b)(3) Because it is No Longer Operating as a Bona Fide Restaurant.

The KPB should protest Creekbend's license because its premises are no longer a bona fide restaurant under AS 04.09.310(c) as its customers' primary purpose is not consuming food but rather attending concerts and purchasing alcohol. Over four years ago, on June 3, 2020, the interim director of the Alcohol & Marijuana Control Board, Glen Klinkhart, notified the Alcohol Beverage Control ("ABC") Board that he reached this same conclusion after reviewing Creekbend's current and prior applications, permits, statements and other documentation. Mr. Klinkhart stated "it appears that the primary business model for the requested expansion of the restaurant eating establishment is not for the principal activity of the consumption of food. Rather, it is primarily designed to support a pay-to-attend concert venue along with the consumption of alcoholic beverages."

Since that time, Creekbend has increased its concerts from approximately 12 in 2021 to 44 in 2025, and Creekbend intends to further increase its concerts from two to three concerts per week in 2026 and offer "Season Passes." In addition, Creekbend's significant modifications to its premises, including the construction of a stage and outside bar with a balcony, further supports that Creekbend has transformed its primary purpose from a bona fide restaurant to a bar and entertainment business. The outside bar facilitates the sale of larger quantities of alcohol than would otherwise be possible in the inside relatively small café building. The new buildings have changed Creekbend's primary purpose as follows:

- (1) Creekbend added a substantial new stage accommodating larger bands and more amplified sound equipment, which results in louder concerts that appeal to bigger audiences. Creekbend's concerts often bring in 400-600 guests from all around Southcentral Alaska. This results in hundreds of cars (many of which are likely operated by drinking drivers) on the Hope and Seward Highways late at night.
- (2) Creekbend built a new beverage dispensary kiosk (which Creekbend calls a "bar"). Without this outdoor bar, patrons would have to go inside the

² Attached are photos and affidavits demonstrating Creekbend's unreasonable interference of Hope's residents use and enjoyment of their homes and property, along with Creekbend's violations of Alaska law.

relatively small café building and stand in a longer line to buy drinks. That would result in fewer alcoholic drink sales. It also makes it easier for patrons to drink without being served food, which is a violation of the “bona fide restaurant” license Creekbend holds. See: AS 04.21.080(b)(3).

(3) Creekbend built a large balcony (which they call a “viewing platform”) capable of accommodating more than 20 patrons. The platform gives patrons a good view of the band, the dancers in front of the stage, and puts them in an unobstructed straight line to the music. This improves the concert-going experience but does not promote the function of Creekbend as a restaurant – there are not any tables or shelves on the balcony where patrons could even eat food if they wanted to. In addition, Creekbend has posted a warning sign that the viewing platform is an “inherent danger,” and patrons use it at their own risk. Finally, this structure (with the balcony on the upper floor) has sales windows on the ground floor where Creekbend-branded and band merchandise is sold.

The images below demonstrate the distinction between Creekbend’s concert and bar venue and a bona fide restaurant that provides music:



Because Creekbend is no longer operating as a bona fide restaurant under AS 04.21.080(b)(3), the KPB should protest the renewal of its license.

B. Creekbend is in Violation of AS 04.11.370 Because its Continued Sale or Service of Alcohol is Contrary to the Best Interests of the Public and Because of Its Failure to Comply with Public Health, Fire and Safety Laws.

The KPB should also protest the renewal of Creekbend's license because a license should be revoked under AS 04.11.370 when the continuation of the sale or service of alcohol by the licensee is contrary to the best interests of the public and when the licensee has failed to comply with public health, fire, and safety laws. Both factors are applicable here. First, Creekbend is violating the International Fire Code as adopted by Alaska under 13 AAC 50.025 because it lacks adequate parking for large concert events. Patrons are forced to park on Hope's narrow gravel streets, which obstructs traffic, including emergency vehicle access. The KPB has found this situation unacceptable for liquor licenses under KPB Code 7.10.020(A)(2)(b).

The International Fire Code 503.2.1 provides that "[f]ire apparatus access roads must have an unobstructed width of not less than 20 feet." The public streets and highways around Creekbend are "fire apparatus access roads." Creekbend causes violations of this fire code by selling more tickets for its events than local parking facilities can accommodate. Given Creekbend's failure to provide adequate parking, Creekbend has given concert patrons no alternative but to park in the streets. Given the nature of Hope's rural narrow gravel streets, concert events (that are now scheduled up to three days per week) result in a fire code violation by failing to maintain a 20-foot clearance for emergency vehicles and the parking exceeds the design capacity of the roads adjacent to Creekbend. The attached "On-Street Parking Study Hope Alaska" prepared by Cross Street Consulting, LLC found that "[c]lear travel way obstruction less than 20 feet, a violation of Alaska safety regulations, was documented and is a direct result of Creekbend overflow parking surging onto narrow gravel roads."³

Creekbend also fails to maintain alcoholic beverages on its premises in violation of AS 04.15.120. That statute provides that "[a] person may not remove from licensed premises alcoholic beverages that have been sold or furnished for consumption only on the premises." Creekbend's failure to provide adequate toilet facilities creates these nuisance conditions. Creekbend's patrons frequently trespass on neighboring residential property to urinate or defecate (and allow their dogs to do so). Other safety concerns include littering on the public and private property neighboring Creekbend, children climbing on trees to dangerous heights and playing in the creek next to live electric wires, and drunk and reckless driving by concert patrons.

³ Attached "On-Street Parking Study Hope Alaska," conducted by Cross Street Consulting, LLC, Dec. 28, 2025, at 7.

Creekbend's two to three concerts per week are a public nuisance, which is contrary to the public interest. Hope residents have repeatedly told Creekbend that its concert noise levels are disturbing their peace and privacy. Yet Creekbend persists and disregards all requests to turn down the volume and manage their traffic. A comprehensive noise study on the impacts of Creekbend concert events conducted by Cross Street Consulting, LLC found that Creekbend's concerts produce noise levels above 80 decibels at their property line and into the community.⁴ While the KPB does not have a stand-alone noise ordinance, other small neighboring cities and rural boroughs in Southcentral Alaska, close in community character to Hope, have worked through the stages of community engagement with noise and implemented specific noise ordinances.

For example, the City of Seward limits sound to 60 decibels from 7:00 a.m. to 10:00 p.m. and 50 decibels from 10:00 p.m. to 7:00 a.m. in residential areas under Seward Code § 9.25.020. Under that section, "[i]t is unlawful for any person to willfully make or continue, or cause to be made or continued, any noise disturbance, loud sound, loud noise, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area." A violation of the code may include "[i]n a public place, repeatedly or continuously shouts, blows a horn, plays a musical or recording or amplifying instrument, or otherwise generates loud sounds or noise with the intent to disturb or in reckless disregard of the peace and privacy of others." In addition, a "loud sound or noise" includes "[a]ny sound or noise which would awaken, or cause difficulty in sleeping for, the average, not unduly sensitive individual attempting to sleep in a house, apartment, hotel, or motel."

The Matanuska-Susitna Borough similarly limits sound levels to 50 decibels on weeknights from 10:00 p.m. to 7:00 a.m. and all other times to 60 decibels under Mat-Su Borough Code § 8.52.015. The Borough specifically declares under Mat-Su Borough Code § 8.52.010:

that noise, volume-enhanced sounds and their concomitant vibration are significant sources of environmental pollution which represent a present and increasing threat to public peace and to the health, safety, and welfare of the residents of the borough. Loud noise and amplified sounds have an adverse effect on the psychological and physiological well-being of persons. It is the intent of this chapter to provide for the prohibition of certain levels of noise and amplified sounds and their resulting vibration within the borough.

⁴ Attached Noise Study Hope Alaska, Impact of Creekbend Events, conducted by Cross Street Consulting, LLC at Hope, Alaska, Jan. 15, 2026.

The Matanuska-Susitna Borough's code further provides that "[n]o person shall operate or permit the operation or playing of any radio, stereo, ... loudspeaker, speaker system, amplified drum, amplified musical instrument, sound amplifier, or similar sound-amplifying device on a source property which produces, reproduces, or amplifies sound in such a manner that it raises the total sound levels above the permissible sound limits" The City of Kenai also declares "[t]he continued making of loud or unusual noises which annoy persons of ordinary sensibilities" as a public nuisance under KMC § 12.10.010.

Chronic environmental noise is widely recognized as a public-health stressor, capable of producing adverse effects beyond hearing damage. Medical evidence shows that as noise levels increase and exposure becomes chronic, impacts progress from annoyance and sleep disturbance to measurable physiological and cardiovascular health effects. The U.S. Environmental Protection Agency ("EPA") identified average noise levels of 45 decibels indoors and 55 decibels outdoors as thresholds above which speech interference, activity disruption, and general annoyance become prevalent.⁵

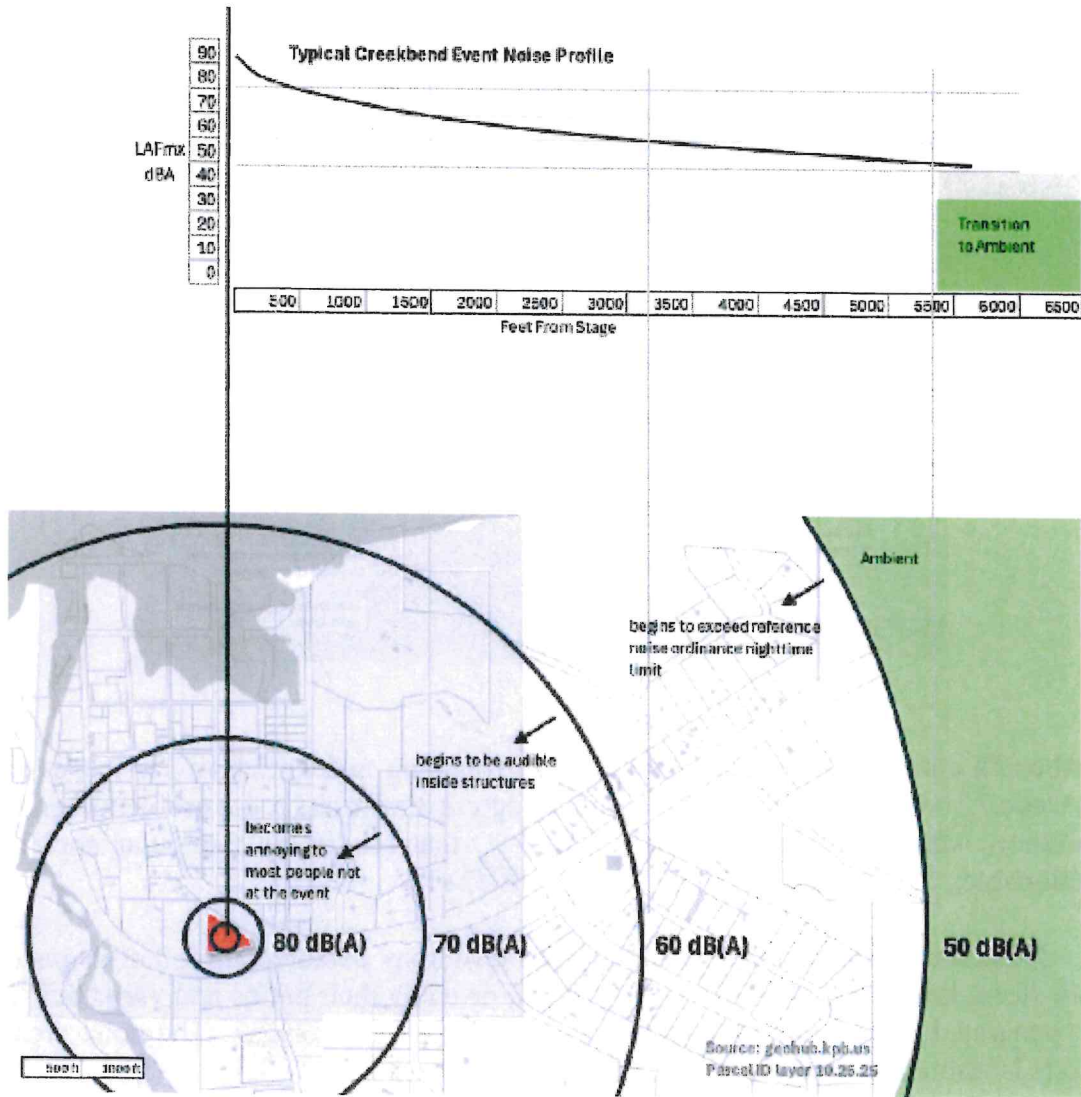
Creekbend's noise levels above 80 decibels unreasonably interfere with the Hope residents' use and enjoyment of their homes and property and has an adverse effect on their health, safety, welfare and physiological well-being. The Noise Study specifically found that

Creekbend music events are audible up to a mile from the stage and the music type scores high on standard noise annoyance indices for the general public. In 2025 Creekbend held events on 82% of all summer weekends. Events last three to four hours until 10 or 11pm on two to three consecutive evenings per week. Music can be heard indoors up to 3000 feet away depending on building type and can rattle single-pane windows on adjacent structures. Sound levels at the Creekbend property line exceed reference noise Ordinance limits. Sound levels within the community exceed recommended limits for public health. Approximately 80% of all properties in Hope can hear Creekbend events when they occur.⁶

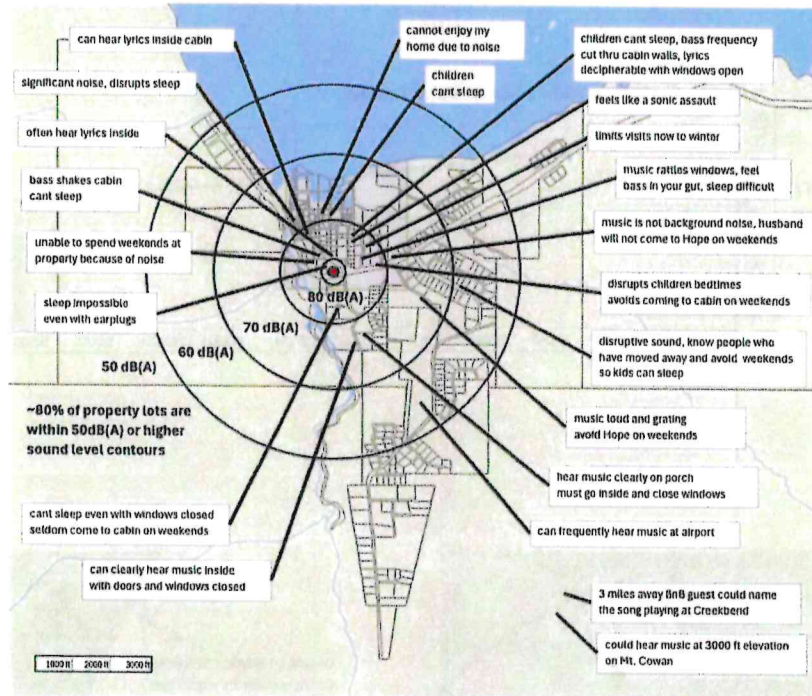
⁵ Noise Study at 31.

⁶ Noise Study at 6.

The noise study provides the graphics below illustrating the areas in Hope affected by Creekbend's events:



Sonic Footprint of Creekbend Events Annotated with Community Witness Nuisance Testimony by Property Lot Location



Creekbend’s concerts are inconsistent with surrounding residential property uses under KPBC Code 7.10.020(A)(2)(E) and the resulting egress, traffic and noise problems constitute a nuisance, which qualifies as “other facts . . . that render the particular application objectionable . . .” under KPBC Code 7.10.020(A)(2)(f).

Numerous residents also provide sworn testimony demonstrating that its residents cannot sleep, keep their windows open at night, or enjoy their patios and yards due to the noise generated by the outdoor concerts and large drunken crowds.⁷ The noise from the concerts is also causing adverse health effects.

C. Creekbend is in Violation of KPBC Code 7.10.020(E) Because it is Not in Compliance with Forms Required by Alaska Law.

The KPBC should also protest Creekbend’s license renewal because it failed to submit the proper ABC Board forms prior to constructing several new building structures. KPBC Code 7.10.020(E) provides in relevant part:

⁷ Attached Hope Resident Affidavits.

The assembly may cause a protest to be filed with the State Alcoholic Beverage Control Board . . . where the entity is not in compliance with forms required by Alaska Statutes.

The ABC Board inspection staff served Creekbend with a Notice of Violation (“NOV”)⁸ because it constructed several new buildings without properly filing the ABC Board form AB-14 and obtaining prior approval for the new buildings from the ABC director as required by 3 AAC 305.630(d). These new buildings substantially change the functionality of the licensed premises and increase its value and result in more property taxes (which have not been paid) owed to the KPB. Creekbend has therefore violated Alaska state law and the KPB’s code.

D. Creekbend Failed to Report these New Structures to the KPB Assessor.

KPB Code 7.10.020(A)(1) provides that the KPB will protest a liquor license application:

Where Borough records indicate that the applicant and/or transferor is in violation of the Borough sales, and/or personal and real property tax Ordinances and regulations, has failed to comply with any of the filing, reporting or payment provisions of the Borough Ordinances or regulations, or has any unpaid balance due on tax accounts for which the applicant and/or transferor is liable.

The Assessor’s Office’s records show that Creekbend Company, LLC did not report its newly constructed buildings. Creekbend therefore has underpaid its KPB property tax. KPB Code 5.12.040 requires a property owner who receives an incomplete property description (such as the failure of the assessor’s report to include all improvements on the property) to report the error to the Assessor:

⁸ Attached Notice of Violation, dated Nov. 26, 2025.

- A. A person receiving an assessment notice must advise the assessor of errors or omissions in the assessment of the person's property . . . within 30 days after the date of mailing a notice of assessment.

The Assessor's Office also makes taxpayer's obligation to report changes to the property clear in its Frequently Asked Questions ("FAQ") list:

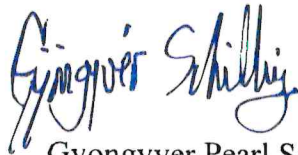
It is the property owners' responsibility to notify the assessor of any errors or omissions. Unfinished improvements under construction are taxable as is. Unreported improvements are added to the assessment roll, with penalties and interest, at the time of discovery.

Even so, Creekbend failed to report these three new structures as they are not included in Creekbend's 2025 Assessment Notice. By failing to report the new buildings to the Assessor, Creekbend is also in violation of KPB Code 5.12.040, which forms an additional basis for the KPB's protest of Creekbend's license renewal application.

III. CONCLUSION

Friends of Hope, Inc. respectfully requests that the KPB consider the information provided in this letter and attached exhibits and issue a protest of Creekbend's license renewal application under the KPB Code. Please feel free to contact us if you have any questions or need further information.

Sincerely,
FRIENDS OF HOPE, INC.



Gyongyver Pearl Schilling
Director



Heidi Conway
Director

Kenai Peninsula Borough
January 16, 2026
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Attachments

cc: Kenai Peninsula Borough Assembly Members:
Scott Griebel, District 1 - Kalifornsky
Ryan Tunseth, President, District 2- Kenai
Lenora (Len) Niesen, District 3 - Nikiski
Sargeant (Sarge) Truesdell, District 4 - Soldotna
Dale Eicher, District 5 - Sterling/Funny River
Cindy Ecklund, District 6 - East Peninsula
Michael W. Hicks, District 7 - Central
Kelly Cooper, Vice President, District 8 - Homer
Willy Dunne, District 9 - South Peninsula