

**Memorandum of Understanding
Between
Vitus Energy, LLC and the Turnagain Community Council**

Effective Date: July 15, 2021

This Memorandum of Understanding (hereafter "Agreement") is hereby entered into by and between Turnagain Community Council (hereafter "Turnagain CC") and Vitus Energy, LLC (hereafter "Vitus Energy"), an applicant for a **Municipal Special Land Use Permit for an Alcohol Package Store (CASE NO. 2021-0054) to be located at: 1501 West Northern Lights Blvd., Anchorage, AK 99517**

WHEREAS, Turnagain CC has a vested interest in ensuring it represents the best interests of the community council area; and

WHEREAS, Vitus Energy intends to operate a legitimate gas station/convenience store business within the Turnagain CC boundaries; and

WHEREAS, Turnagain CC and Vitus Energy have each expressed a long-term interest in fostering a mutually beneficial relationship to address communications and problem solving; and

WHEREAS, this Agreement is intended to satisfy the Anchorage Municipal Assembly's request for a Memorandum of Understanding between Turnagain CC and Vitus Energy, to ensure concerns regarding the location and operation of an alcohol package store within the Turnagain — and adjacent to the Spenard — neighborhoods are responsibility addressed;

NOW, THEREFORE, the above referenced parties agree as follows:

Agreement Basics

1. The point of contact for Vitus Energy is:

Name: Cliff Brown
Email: cliff.brown@vitusmarine.com
Phone Numbers:
907-793-9719 (direct); 907-782-7486 (business cell); 907-947-3605 (personal cell)

Contact may be outside of store hours, if necessary, to address issues as they arise. Changes to the Vitus Energy point of contact or contact information shall be promptly shared with TCC.

2. The point of contact for Turnagain CC is:

Name: Cathy L. Gleason
Email: cathy.gleasantcc@yahoo.com
Phone Number: 907-248-0442 (direct); 785-772-1976 (cell)

Changes to the Turnagain CC point of contact or contact information shall be promptly shared with Vitus Energy.

3. The point of contact for Spenard Community Council (hereafter "Spenard CC") is:

Name: Lindsey Hajduk
 Email: spenardcc@gmail.com
 Phone Number: 907-360-3320 (cell)

Changes to the Spenard CC point of contact or contact information shall be promptly shared with Vitus Energy.

4. Vitus Energy shall engage with Turnagain CC and the residents and property owners within 500 feet of the proposed business location quarterly, from the date of opening/renewal for the first year, then bi-annually beginning in year two. *As a courtesy, Turnagain CC also requests engagement, when desired, with the adjacent Spenard CC as well.*

5. Should Turnagain CC, Spenard CC, nearby residents or businesses, or Vitus Energy raise issues of concern, Turnagain CC and Vitus Energy will take the following progressive steps, including:

- i Agree to call an executive board meeting of Turnagain CC to discuss the issue, and/or
- ii Agree to discuss the issue at the next regularly scheduled Turnagain CC meeting.
- iii Agree to engage Spenard CC with i or ii above, if deemed appropriate.

Community Council meetings are scheduled as follows:

- o Turnagain Community Council meets at 7:00 p.m. on the first Thursday of every month with the exceptions of July and August.
- o Spenard Community Council meets at 7:00 p.m. on the first Wednesday of every month with the exceptions of July and August.

Turnagain CC has identified the following particular considerations and expectations relating to Vitus Energy's Special Land Use Permit alcohol package store application and proposed business at their 1501 West Northern Lights Blvd., Anchorage, AK 99517 location:

- Adherence to all municipal and state laws and regulations pertaining to the operation of a licensed liquor dispensary.
- Responsible business designs and practices
- Neighborhood communication
- Active community citizenship
- Effective dispute resolution
- Cooperation with law enforcement
- 2-year review of the Special Land Use permit before the Assembly
- Vitus Energy agrees to not sell products in the following categories:
 1. Liquor products less than 375ml that sell for less than \$1.50. This includes shooter bottles and airplane minis.
 2. All single serving (24 oz & 42 oz only) cans and bottles of Malt Liquor with an ABV (alcohol by volume) content of 9.9% or more under \$4.00.
 3. Cheap wines or fortified wines less than \$6.00.
 4. No 6 packs of beer less than \$6.00.

Assembly Authority

Each party recognizes and agrees that the authority to approve a Special Land Use Permit for an establishment selling alcohol package products rests exclusively with the Anchorage Municipal Assembly.

The agreement is mutually beneficial to Turnagain CC and Vitus Energy. The parties understand and acknowledge that they do not intend to create a formal partnership. Nothing in this agreement shall be construed or interpreted to create any fiduciary responsibility between them. Neither party shall have any authority, express or implied, to act for or to assume any obligation or responsibility on behalf of the other party. Neither party shall be responsible for the liabilities of the other. The parties understand that non-compliance with this Agreement carries no penalties, but instead shall be provided as information to the Anchorage Municipal Assembly for consideration during original and subsequent license and land use actions.

Terms of Agreement

The parties have executed this Agreement as of the effective date. The Agreement may be updated periodically with the concurrence of both parties and shall remain in effect as long as Vitus Energy is licensed to operate at the above-identified location.



Cathy L. Gleason

Vice President/Acting President
Turnagain Community Council



Cliff Brown

Senior Retail Operations Manager
Vitus Energy, LLC