



## Lone Tree City Council Agenda Tuesday, January 20, 2015

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**Meeting Location:** City Council Meeting Room, Lone Tree Civic Center, 8527 Lone Tree Parkway.

**Meeting Procedure:** The Lone Tree City Council and staff will meet in a public Study Session at 4:30pm. At 6:00pm and following the meeting, if necessary, the Council Meeting will adjourn and convene in Executive Session. If an Executive Session is not necessary, Council will recess for dinner. The Regular Session will be convened at 7:00pm. Study Sessions and Regular Sessions are open to the public, Executive Sessions are not. Comments from the public are welcome at these occasions: 1. Public Comment (brief comments on items not scheduled for a public hearing) 2. Public Hearings. Contact the City Clerk if special arrangements are needed to attend (at least 24 hours in advance).

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### 4:30pm Study Session Agenda

1. RTD Southeast Rail Extension Station Plans
  2. Lone Tree Walk & Wheel Report, Project #M15-03 (Fehr & Peers)
  3. **Resolution 15-XX, 2015 Budget Amendment**
  4. **Ordinance 15-XX, ADDING A NEW ARTICLE XII TO CHAPTER 18 OF THE MUNICIPAL CODE REGARDING REPAIR OF CONSTRUCTION DEFECTS**
  5. **Resolution 15-XX, In Support of Legislation to Protect Public Regional Stormwater Management Activities**
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### 6:00pm Executive Session Agenda

1. Roll Call
  2. Executive Session
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### 7:00pm Regular Session Agenda

3. Opening of Regular Meeting/Pledge of Allegiance
  4. Amendments to the Agenda and Adoption of the Agenda
  5. Conflict of Interest Inquiry
  6. Public Comment
  7. Announcements
  8. Presentations
    - a. Youth Commission Presentation on Volunteer Events
    - b. Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting
  9. Consent Agenda
    - a. Minutes of the January 6, 2014 Regular Meeting
    - b. Claims for the Period of December 29-January 12, 2015
    - c. Treasurer's Report for November 2014
  10. Administrative Matters
    - a. **Resolution 15-02, APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT AND APPEALS**
  11. Council Comments
  12. Adjournment
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**City of Lone Tree Upcoming Events  
January 20 - 30, 2015**

**More info available at [www.cityoflonetree.com](http://www.cityoflonetree.com) and [www.lonetreeartscenter.org](http://www.lonetreeartscenter.org)**

- Colorado Jazz Repertory Orchestra (CJRO) Favorites, Friday, January 23<sup>rd</sup> at 8:00pm, LTAC Main Stage
- Commissioner's Choice Opening Reception: Jean Herman, Fiber Artist, Friday, January 30<sup>th</sup> from 5:30 – 7:00pm, LTAC Lobby
- All Together Now, Private Donor Reception, Friday, January 30<sup>th</sup> from 6:30 – 7:00pm, LTAC Event Hall
- Yesterday & Today, the Interactive Beatles Experience, Friday, January 30<sup>th</sup> at 8:00pm, LTAC Main Stage
- Seedlings: Once Upon a Time, CSO Musicians, Tuesday, February 3<sup>rd</sup> at 9:00 and 11:00am, LTAC Event Hall

**MINUTES OF A REGULAR MEETING  
OF THE COUNCIL OF THE  
CITY OF LONE TREE  
HELD  
January 6, 2015**

A regular meeting of the Council of the City of Lone Tree was held on Tuesday, January 6, 2015, at 7:00 p.m., at the Lone Tree City Council Chambers located at 8527 Lone Tree Parkway, Lone Tree, Colorado 80124.

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Attendance

In attendance were:

James D. Gunning, Mayor  
Jacqueline Millet, Mayor Pro Tem  
Harold Anderson, Council Member  
Susan Squyer, Council Member

Kim Monson, Council Member, was absent

Also in attendance were:

Seth Hoffman, City Manager  
Jennifer Pettinger, City Clerk  
Steve Hebert, Deputy City Manager  
Jeff Holwell, Economic Development Director  
Chief Jeffery Streeter, Lone Tree Police Department  
Kristin Baumgartner, Finance Director  
Kelly First, Community Development Director  
Neil Rutledge, City Attorney, White, Bear and Ankele, P.C.  
John Cotten, Public Works Director, TTG Corp.

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Call to Order

Mayor Gunning called the meeting to order at 7:02 p.m., and observed that a quorum was present.

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Pledge of Allegiance

Mayor Gunning led those assembled in reciting the Pledge of Allegiance.

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Amendments to the Agenda

There were no amendments to the agenda.

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Conflict of Interest

There was no conflict of interest.

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Public Comment

There was no public comment.

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Announcements

Mayor Gunning announced upcoming events.

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Presentations

*CBC Recognition of Service*

Mayor Gunning presented former CBC (Commissions, Boards & Committees) members Lucius Brooker, Steve Supple and Gary Godden with service recognition plaques.

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Consent Agenda

Mayor Gunning noted the following items on the Consent Agenda, which consisted of:

- *Minutes of the December 16, 2014 Regular Meeting*
- *Claims for the period of December 8-29, 2014*

Mayor Pro Tem Millet moved, Council Member Anderson seconded, to approve the Consent Agenda. The motion passed with a vote of 4-0 by those members present.

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Community Development

*Approval of Sky Ridge Station TOD Subarea Plan*

Jennifer Drybread, Senior Planner, introduced the item. Darryl Jones, Coventry Development, spoke about the application.

Council Member Squyer moved, Council Member Anderson seconded, to approve the application of the Sky Ridge Station TOD Subarea Plan #SA14-72R. The motion passed with a vote of 4-0 by those members present.

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Administrative Matters

*Approval of Cherry Creek Basin Water Quality Authority IGA*

John Cotton, Public Works Director, introduced the item.

Council Member Anderson moved, Mayor Pro Tem Millet seconded, to approve the Cherry Creek Basin Water Quality Authority IGA regarding collection of development related fees within the boundaries of the Authority. The motion passed with a vote of 4-0 by those members present.

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*Public Hearing: 3.2% Beer Off Premise Liquor License Application for Twin Star Energy & 7-Eleven, Inc. d/b/a 7-Eleven Store 39733A*

Mayor Gunning opened the public hearing at 7:27 p.m.

Jennifer Pettinger, City Clerk, introduced the item and introduced Kevin Coates, applicant's attorney. Mr. Coates spoke about application and introduced Carol Johnson, petitioner, Lesley Iding, 7-Eleven Field Consultant, and Sarita Mahargan, Twin Star Energy District Manager.

Mayor Gunning opened the public hearing for comment at 7:39 p.m.

There was no public comment.

The public hearing was closed at 7:39 p.m.

Mayor Pro Tem Millet moved, Council Member Squyer seconded, to approve a new 3.2% Beer Off Premise Liquor License for Twin Star Energy & 7-Eleven, Inc. d/b/a 7-Eleven Store 39733A, conditional upon the applicant obtaining necessary building permits and approvals. The motion passed with a vote of 4-0 by those members present.

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***RESOLUTION 15-01, ADOPTING THE AMENDED CITY OF LONE TREE ADMINISTRATIVE FEE SCHEDULE***

Jennifer Pettinger, City Clerk, introduced the item.

Council Member Squyer moved, Council Member Anderson seconded, to approve **Resolution 15-01, ADOPTING THE AMENDED CITY OF LONE TREE ADMINISTRATIVE FEE SCHEDULE**. The motion passed with a vote of 4-0 by those members present.

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**Adjournment**

There being no further business, Mayor Gunning adjourned the meeting at 7:53 p.m.

Respectfully submitted,

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Jennifer Pettinger, CMC, City Clerk

**FINDINGS AND REPORT TO STATE LICENSING AUTHORITY BY THE  
CITY COUNCIL OF LONE TREE ACTING AS THE  
LOCAL LICENSING AUTHORITY ON THE APPLICATION FOR A  
COLORADO FERMENTED MALT BEVERAGE 3.2% BEER OFF PREMISE LIQUOR  
LICENSE**

**Twin Star Energy, LLC and 7-Eleven, Inc. d/b/a 7-Eleven Store #39733A**

A public hearing was held by the City Council of Lone Tree, State of Colorado, acting as Local Licensing Authority at approximately 7:00 p.m. on Tuesday, January 6, 2015 at 8527 Lone Tree Parkway, Lone Tree, Colorado, on the application of Twin Star Energy, LLC and 7-Eleven, Inc. d/b/a 7-Eleven Store #39733A, 9010 Park Meadows Drive, Lone Tree, Colorado 80124.

At said hearing, the following Members of the Council were present:

Mayor James D. Gunning  
Mayor Pro Tem Jackie Millet  
Council Member Harold Anderson  
Council Member Susan Squyer

Also present were:

Seth Hoffman, City Manager  
Jennifer Pettinger, City Clerk  
Kevin Coates, Applicant's Attorney  
Sarita Mahargan, District Manager, Twin Star Energy, LLC  
Lesley Iding, Field Consultant, 7-Eleven, Inc.  
Carol Johnson, Petitioner

The Honorable Mayor James D. Gunning presided. The hearing was duly convened to consider the Application and conduct a public hearing thereon.

City Clerk, Jennifer Pettinger gave a brief presentation concerning the application and provided evidence of posting to the Council. Ms. Pettinger noted that the City Council was in receipt of a packet of information which contained copies of: the license application, individual history records, red-lined drawing of the premises, special warranty deed, articles of organization and petition results. She also noted that staff has reviewed all the documents including their business license, Certificate of Good Standing, the affidavit of posting, and the affidavit of publication. She directed that information be made a part of the record. Ms. Pettinger stated the petitions supporting the application were reviewed and found to be in accordance with and in

conformity with the City of Lone Tree Liquor and Fermented Malt Beverage Regulations and were accepted into evidence by the Authority.

Ms. Pettinger introduced Kevin Coates, Applicant's Attorney. Mr. Coates introduced Carol Johnson, Petitioner, Sarita Majargan, District Manager for Twin Star Energy, and Lesley Iding, Field Consultant for 7-Eleven, Inc. Mr. Coates spoke about the application.

Mayor Gunning opened the hearing for public testimony. No one came forward.

Following a brief discussion by the City Council, the hearing was closed to public testimony.

The City Council, acting as the Local Licensing Authority, having fully considered the application and testimony submitted by the Applicant, and the other evidence adduced at the hearing, NOW FINDS as follows:

**Twin Star Energy, LLC and 7-Eleven, Inc. d/b/a 7-Eleven Store #39733A**  
Findings and Report to the State

1. The public hearing held with respect to said Application on Twin Star Energy, LLC and 7-Eleven, Inc. d/b/a 7-Eleven Store #39733A, was duly convened and the Council has jurisdiction to consider the Application as the Local Licensing Authority.
2. Applicant seeks approval of an application for a Colorado Fermented Malt Beverage 3.2% Beer Off Premise Liquor License at 9010 Park Meadows Drive, Lone Tree, Colorado 80124. The Application was submitted on a form prescribed by the State Licensing Authority pursuant to statute, and said application appears to be complete in all material respects. The required fees accompanied the application.
3. The Council has reviewed the Individual History Records of the owners and the managers. Council finds that the Applicant has satisfied the requirements of the Colorado Liquor Code and Regulations with respect to character, record, and reputation.
4. The Applicant (Twin Star Energy, LLC) has evidenced possession of the subject property through special warranty deed.
5. The premise was posted in accordance with the law, for a period of not less than ten consecutive days prior to the date of said public hearing on the application, and published notice was accomplished by publication in a newspaper of general circulation in Douglas County.
6. Petitions containing 139 valid signatures in favor of and 24 valid signatures in opposition to the issuance of the license were presented to and considered by the Council.
7. No one appeared in opposition.





## FINAL STAFF REPORT

**To:** Mayor Gunning and City Council

**From:** Kelly First, Director of Community Development  
Jennifer Drybread, Senior Planner

**Date:** January 7, 2015

**SUBJECT:** Sky Ridge TOD Subarea Plan  
Project File #SA14-72R

Applicant:  
RidgeGate Investments, Inc.  
10270 Commonwealth St., Suite B.  
Lone Tree, CO 80124

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**Planning Commission Hearing Date:** December 9, 2014  
**City Council Hearing Date:** January 6, 2015

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The City Council unanimously approved the Sky Ridge TOD Subarea Plan. There were no conditions.

END

**CITY OF LONE TREE  
RESOLUTION NO. 15-02**

**A RESOLUTION APPOINTING MEMBERS TO THE CITY OF LONE TREE  
BOARD OF ADJUSTMENT AND APPEALS**

WHEREAS, the City of Lone Tree Home Rule Charter, Article VII, Section 4, provides for a Board of Adjustment and Appeals; and

WHEREAS, to effectuate the intent of the Charter's provisions in 1997, the City Council divided the responsibilities of the Board of Adjustment and Appeals between two Boards: the Board of Adjustment to hear variance requests and appeals related to Zoning Code enforcement; and the Board of Appeals to hear appeals under the building codes; and

WHEREAS, the terms of office for each of the members of the separate Board of Adjustment and Board of Appeals have expired; and

WHEREAS, to enhance the two Boards' effectiveness, the City Council determined that the separate Boards should be combined into a single Board of Adjustment and Appeals; and

WHEREAS, pursuant to Ordinance No. 14-6, the City Council reconstituted the Board of Adjustment and Appeals, combining the duties of the separate Boards; and

WHEREAS, Section 2-5-10 of the Municipal Code established that the membership of the reconstituted Board of Adjustment and Appeals should consist of five members to be appointed by Resolution of the City Council; and

WHEREAS, the City Charter provides that the members of the Board of Adjustment and Appeals serve "overlapping" terms of three years; and

WHEREAS, in order to effectuate and establish the overlapping terms required by the City Charter, the City Council wishes to appoint five members to the reconstituted Board: one member to serve for one year, two members to serve for two years and two members to serve for three years; thereafter all members shall serve terms of three years as each preceding term expires.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
THE CITY OF LONE TREE, COLORADO:**

1. Bill Robinson is hereby appointed to the Board of Adjustment and Appeals for a term to expire on December 31, 2015.

2. Gary Godden is hereby appointed to the Board of Adjustment and Appeals for a term to expire on December 31, 2016.
3. Ivan Sarkissian is hereby appointed to the Board of Adjustment and Appeals for a term to expire on December 31, 2016.
4. Jason Margraf is hereby appointed to the Board of Adjustment and Appeals for a term to expire on December 31, 2017.
5. Kurt Miller is hereby appointed to the Board of Adjustment and Appeals for a term to expire on December 31, 2017.

**APPROVED AND ADOPTED THIS 20TH DAY OF JANUARY, 2015.**

**CITY OF LONE TREE**

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James D. Gunning, Mayor

ATTEST:

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Jennifer Pettinger, CMC, City Clerk

(SEAL)