

**MINUTES OF A REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF LONE TREE
HELD
January 21, 2014**

A regular meeting of the Council of the City of Lone Tree was held on Tuesday, January 21, 2014, at 7:00 p.m., at the Lone Tree City Council Chambers located at 8527 Lone Tree Parkway, Lone Tree, Colorado 80124.

Attendance

In attendance were:

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

Also in attendance were:

Seth Hoffman, City Manager
Jennifer Pettinger, City Clerk
Chief Jeffery Streeter, Lone Tree Police Department
Steve Hebert, Community Development Director
Neil Rutledge, Assistant City Attorney, White, Bear and Ankele, P.C.
John Cotten, Public Works Director, TST, Inc.
Kristin Baumgartner, Finance Director
Jack W.L. Hidahl, City Manager Emeritus

Call to Order

Mayor Gunning called the meeting to order at 6:19 p.m., and observed that a quorum was present.

Executive Session

Mayor Gunning announced City Council intends to convene in Executive Session. Neil Rutledge, Assistant City Attorney, stated the Executive Session is for To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a). Council Member Anderson moved, seconded by Council Member Squyer, for City Council to recess and convene in Executive Session for the reasons stated. The motion passed unanimously.

Council adjourned to an Executive Session at 6:20 p.m.

The Executive Session was adjourned at 6:55 p.m.

Mayor Gunning reconvened the meeting in Regular Session at 7:05 p.m., following a short recess.

Pledge of Allegiance

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

Amendments to the Agenda

Mayor Pro Tem Millet moved, Council Member Anderson seconded, to amend the agenda to add **Resolution 14-02, HONORING JACK W.L. HIDAHL**. The motion passed unanimously.

Conflict of Interest

There was no conflict of interest.

Public Comment

Bill Robertson, 9278 E. Aspen Hill Circle, shared a poem with the Mayor “76 Words from a Lone Tree Resident”.

Jim Olmstead and Dave Jackson, South Metro Fire Rescue Board of Directors, gave Council an update on South Metro Fire Rescue.

Announcements

Patrick Britti, Youth Commissioner, gave Council an update on the Youth Commission.

Mayor Gunning announced upcoming events.

Presentations

There were no presentations.

Administrative Matters

RESOLUTION 14-02, HONORING JACK W.L. HIDAHL

Mayor Gunning read the resolution. Mayor Gunning and Council thanked Mr. Hidahl for his service to the City.

Resolution 14-02, HONORING JACK W.L. HIDAHL was approved by acclamation.

Consent Agenda

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

- *Minutes of the January 7, 2014 Special Meeting*
- *Minutes of the January 7, 2014 Regular Meeting*
- *Claims for the period of December 30, 2013 – January 13, 2014*
- *Treasurer's Report for November 2013*

Council Member Squyer moved, Mayor Pro Tem Millet seconded, to approve the Consent Agenda. The motion passed unanimously.

Administrative Matters cont.

Public Hearing: Hotel and Restaurant Liquor License Application for GMRI, Inc. dba Seasons 52 #4544

Mayor Gunning opened the public hearing at 7:20 p.m.

Jennifer Pettinger, City Clerk, introduced the item and introduced Brian Proffitt, applicant's attorney, Michael Jong, Director of Operations, and Carol Johnson, Petitioner. Mr. Proffitt and Mr. Jong spoke about the application and restaurant.

Mayor Gunning opened the public hearing for comment at 7:34 p.m.

There was no public comment.

The public hearing was closed at 7:34 p.m.

Council Member Monson moved, Council Member Anderson seconded, to approve a new Hotel and Restaurant Liquor License for GMRI, Inc. dba Seasons 52 #4544 at 8325 Park Meadows Center Drive. The motion passed unanimously.

Approval of the 2014 Douglas County Youth Initiative IGA

Seth Hoffman, City Manager, introduced the item.

Mayor Pro Tem Millet moved, Council Member Squyer seconded, to approve the 2014 Douglas County Youth Initiative IGA. The motion passed unanimously.

RESOLUTION 14-01, APPOINTING A MEMBER TO THE YOUTH COMMISSION (Kate Schaffer)

Council Member Squyer introduced the item.

Council Member Squyer moved, Council Member Anderson seconded, to approve **Resolution 14-01, APPOINTING A MEMBER TO THE YOUTH COMMISSION (Kate Schaffer)**. The motion passed unanimously.

Adjournment

There being no further business, Mayor Gunning adjourned the meeting at 7:51 p.m.

Respectfully submitted,

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
HOTEL & RESTAURANT LIQUOR LICENSE**

GMRI, INC. dba SEASONS 52 #4544

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 21, 2014 at 8527 Lone Tree Parkway, Lone Tree, Colorado, on the application of GMRI, Inc. dba Seasons 52 #4544, 8325 Park Meadows Center 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 Kim Monson
Council Member Susan Squyer

Also present were:

Seth Hoffman, City Manager
Jennifer Pettinger, City Clerk
Brian Proffitt, Applicant's Attorney
Michael Jong, Applicant's Representative
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, ground lease agreement, 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 Brian Proffitt, Applicant's Attorney, Michael Jong, Director of Operations Midwest Region, and Carol Johnson, Petitioner. Mr. Proffitt and Mr. Jong 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:

GMRI, Inc. dba Seasons 52 #4544

Findings and Report to the State

1. The public hearing held with respect to said Application on GMRI, Inc. dba Seasons 52 #4544, 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 Hotel & Restaurant Liquor License at 8325 Park Meadows Center 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 manager. 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 has evidenced possession of the subject property through a ground lease agreement entered into on July 2, 2013, with an expiration date of October 31, 2026.
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 161 valid signatures in favor of and 5 valid signatures in opposition to the issuance of the license were presented to and considered by the Council.
7. No one appeared in opposition.

The City Council, acting as the Local Licensing Authority, having considered and weighed the foregoing, as well as the facts and evidence adduced by the Council's investigation, expressions of opinion as to the needs and desires of the inhabitants of the neighborhood contained in the aforementioned Petitions and all other facts, data and testimony, NOW FINDS that the Applicant has demonstrated, with respect to the application, that the needs and desires of the neighborhood are not adequately being served at this time.

Accordingly, the City Council hereby affirms its approval of the application of GMRI, Inc. dba Seasons 52 #4544, 8325 Park Meadows Center Drive, Lone Tree, Colorado 80124.

The City Council hereby authorizes and directs the Liquor Licensing Administrator to submit the necessary report and approved application to the State Licensing Authority in accordance with the law.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF LONE TREE, COLORADO, acting as Local Licensing Authority.

CITY OF LONE TREE:

By: _____/s/
Jennifer Pettinger
Liquor License Administrator