

**MINUTES OF A REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF LONE TREE
HELD
November 18, 2014**

A regular meeting of the Council of the City of Lone Tree was held on Tuesday, November 18, 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
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
Lisa Rigsby Peterson, Lone Tree Arts Center Director
Neil Rutledge, City Attorney, White, Bear and Ankele, P.C.
John Cotten, Public Works Director, TTG Corp.

Call to Order

Mayor Gunning called the meeting to order at 6:12 p.m., and observed that a quorum was present.

Executive Session

Mayor Gunning announced City Council intends to convene in Executive Session. Neil Rutledge, City Attorney, stated the Executive Session is for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding construction defect issues and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding a development

proposal. Council Member Anderson moved, seconded by Mayor Pro Tem Millet, for City Council to recess and convene in Executive Session for the reasons stated. The motion passed with a vote of 5-0.

Council adjourned to an Executive Session at 6:12 p.m.

The Executive Session was adjourned at 6:33 p.m.

Mayor Gunning reconvened the meeting in Regular Session at 7:03 p.m., following a short recess.

Pledge of Allegiance

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

Amendments to the Agenda

Council Member Anderson moved, seconded by Council Member Squyer, to add to the agenda the Council Adopted Policy (CAP) #14-01, Lone Tree Arts Center Fundraising Committee. The motion passed with a vote of 5-0.

Conflict of Interest

There was no conflict of interest.

Public Comment

There was no public comment.

Announcements

Mayor Gunning announced upcoming events.

Consent Agenda

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

- *Minutes of the October 21, 2014 Regular Meeting*
- *Claims for the period of October 13 – November 10, 2014*
- *Treasurer's Report September, 2014*

Mayor Pro Tem Millet moved, Council Member Anderson seconded, to approve the Consent Agenda. The motion passed with a vote of 5-0.

Community Development

Approval of RidgeGate Section 15, Filing 21, Lot 1 (MorningStar at RidgeGate) SIP #SP14-30R

Jennifer Drybread, Senior Planner, introduced the item. Keith Simon, RidgeGate Development Director, Darrell Jones, Coventry Development Manager, Matt Turner, Chief Financial and Development Officer for MorningStar, Jeff Shera, Architect with Lantz-Boggio Architects, P.C. and Ariel Gelman, landscape architect with Blu Design, spoke about the project.

Bill Robertson, 9278 E. Aspen Hill Place, encouraged Council to approve the project.

Doug MacGregor, 7434 Indian Wells Cove, also encouraged Council to approve the project.

Sharon VanRamshorst, 8177 Arrowhead Way, spoke in favor of the project and also asked Council to look for a project that included affordable one level patio homes.

Mayor Pro Tem Millet moved, Council Member Monson seconded, to approve RidgeGate Section 15, Filing 21, Lot 1 (MorningStar at RidgeGate) SIP #SP14-30R with the two conditions as noted in the staff report. The motion passed with a vote of 5-0.

Administrative Matters

Public Hearing: City of Lone Tree 2015 Budget

Mayor Gunning opened the public hearing at 8:04 p.m.

Kristin Baumgartner, Finance Director, introduced the item and noted the budget will be considered for adoption at the December 16, 2014 City Council Meeting at 7:00 p.m.

Mayor Gunning opened the public hearing for comment at 8:19 p.m.

There was no public comment.

The public hearing was closed at 8:19 p.m.

Public Hearing: Ordinance 14-05, ADOPTING BY REFERENCE AND AMENDING THE 2012 INTERNATIONAL BUILDING CODE, THE 2012 INTERNATIONAL RESIDENTIAL CODE, THE 2012 INTERNATIONAL MECHANICAL CODE, THE 2012 INTERNATIONAL PLUMBING CODE, THE 2012 INTERNATIONAL FUEL GAS CODE, THE 2012 INTERNATIONAL FIRE CODE, THE NATIONAL ELECTRICAL CODE (2014 EDITION) AND THE 2009 INTERNATIONAL ENERGY

CONSERVATION CODE; AND TO PROVIDE PENALTIES FOR CODE VIOLATIONS (First Reading)

Mayor Gunning opened the public hearing at 8:20 p.m.

Matt Archer, Chief Building Official, introduced the item.

Mayor Gunning opened the public hearing for comment at 8:22 p.m.

Eric Gleason, National Fire Sprinkler Association, thanked Matt Archer and Chief Dell'Orfano. Mr. Gleason encouraged Council to include townhomes in the sprinkler requirement.

The public hearing was closed at 8:24 p.m.

Council Member Anderson moved, Council Member Squyer seconded, to approve **Ordinance 14-05, ADOPTING BY REFERENCE AND AMENDING THE 2012 INTERNATIONAL BUILDING CODE, THE 2012 INTERNATIONAL RESIDENTIAL CODE, THE 2012 INTERNATIONAL MECHANICAL CODE, THE 2012 INTERNATIONAL PLUMBING CODE, THE 2012 INTERNATIONAL FUEL GAS CODE, THE 2012 INTERNATIONAL FIRE CODE, THE NATIONAL ELECTRICAL CODE (2014 EDITION) AND THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE; AND TO PROVIDE PENALTIES FOR CODE VIOLATIONS on second reading.** The motion passed with a vote of 5-0.

Public Hearing: Ordinance 14-06, RECONSTITUTING THE BOARD OF ADJUSTMENT AND APPEALS (Second Reading)

Mayor Gunning opened the public hearing at 8:25 p.m.

Kelly First, Community Development Director, introduced the item.

Mayor Gunning opened the public hearing for comment at 8:25 p.m.

There was no public comment.

The public hearing was closed at 8:25 p.m.

Council Member Squyer moved, Mayor Pro Tem Millet seconded, to approve **Ordinance 14-06, RECONSTITUTING THE BOARD OF ADJUSTMENT AND APPEALS on second reading.** The motion passed with a vote of 5-0.

Public Hearing: Beer & Wine Liquor License Application for 5 to 1 Enterprises, LLC d/b/a Painting with a Twist (7600 E. Park Meadows Dr. Ste #950)

Mayor Gunning opened the public hearing at 8:26 p.m.

Jennifer Pettinger, City Clerk, introduced the item and introduced Joe & Marianne Alviar, applicants. Mr. & Mrs. Alviar answered questions from Council and spoke about application.

Mayor Gunning opened the public hearing for comment at 8:33 p.m.

There was no public comment.

The public hearing was closed at 8:33 p.m.

Mayor Pro Tem Millet moved, Council Member Squyer seconded, to approve a new Beer & Wine Liquor License for 5 to 1 Enterprises, LLC d/b/a Painting with a Twist at 7600 E. Park Meadows Dr. Ste #950. The motion passed with a vote of 5-0.

Approval of Library Agreement w/Douglas County Libraries, Rampart Range Metropolitan District No. 1 and Lincoln Commons South, Inc.

Neil Rutledge, City Attorney, introduced the item.

Council Member Squyer moved, Council Member Anderson seconded, to approve the Library Agreement w/Douglas County Libraries, Rampart Range Metropolitan District No. 1 and Lincoln Commons South, Inc. The motion passed with a vote of 5-0.

RESOLUTION 14-19, REAPPOINTING & APPOINTING MEMBERS TO THE PLANNING COMMISSION

Council Member Squyer introduced the item.

Council Member Squyer moved, Mayor Pro Tem Millet seconded, to approve **Resolution 14-19, REAPPOINTING & APPOINTING MEMBERS TO THE PLANNING COMMISSION** (Kirchner & Dodgen). The motion passed with a vote of 5-0.

Resolution 14-20, REAPPOINTING & APPOINTING MEMBERS TO THE AUDIT COMMITTEE

Mayor Pro Tem Millet introduced the item.

Mayor Pro Tem Millet moved, Council Member Squyer seconded, to approve **Resolution 14-20, REAPPOINTING & APPOINTING MEMBERS TO THE AUDIT COMMITTEE** (Gibson & Reeb). The motion passed with a vote of 5-0.

Resolution 14-21, REAPPOINTING & APPOINTING MEMBERS TO THE CITIZENS' RECREATION ADVISORY COMMITTEE

Council Member Monson introduced the item.

Council Member Monson moved, Mayor Pro Tem Millet seconded, to approve **Resolution 14-21, REAPPOINTING & APPOINTING MEMBERS TO THE CITIZENS' RECREATION ADVISORY COMMITTEE** (Schroeder & Beeler). The motion passed with a vote of 5-0.

Resolution 14-22, REAPPOINTING & APPOINTING MEMBERS TO THE ARTS COMMISSION

Council Member Anderson introduced the item.

Council Member Anderson moved, Council Member Squyer seconded, to approve **Resolution 14-22, REAPPOINTING & APPOINTING MEMBERS TO THE ARTS COMMISSION** (Hubbell, Jamison, Pearson & Stiff). The motion passed with a vote of 5-0.

Council Adopted Policy (CAP) #14-01, Lone Tree Arts Center Fundraising Committee

Lisa Rigsby Peterson, Lone Tree Arts Center Director, introduced the item.

Council Member Anderson moved, Council Member Squyer seconded, to approve Council Adopted Policy (CAP) #14-01, Lone Tree Arts Center Fundraising Committee. The motion passed with a vote of 5-0.

Adjournment

There being no further business, Mayor Gunning adjourned the meeting at 9:01 p.m.

Respectfully submitted,

Jennifer Pettinger, CMC, City Clerk



FINAL STAFF REPORT

To: Mayor Gunning and City Council

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

Date: November 21, 2014

SUBJECT: RidgeGate Section 15, Filing 21, Lot 1
Site Improvement Plan (MorningStar)
Project File #SP14-30R

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

Representative:
Haselden/MorningStar Lone Tree LLC
6950 S. Potomac St.
Centennial, CO 80112

Planning Commission Hearing Date: October 14, 2014
City Council Hearing Date: November 18, 2014

The City Council unanimously approved the Site Improvement Plan subject to final City of Lone Tree Public Works approval and with the condition that the local park dedication for the property in the form of cash-in-lieu of land, in the amount of \$19,200 shall be paid to the City by the applicant at the time of building permit approval.

END

**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
BEER & WINE LIQUOR LICENSE**

5 to 1 Enterprises, LLC d/b/a Painting with a Twist

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, November 18, 2014 at 8527 Lone Tree Parkway, Lone Tree, Colorado, on the application of **5 to 1 Enterprises, LLC d/b/a Painting with a Twist**, 7600 E. Park Meadows Dr. #950, 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
Joe Alviar, Applicant
Marianne Alviar, Applicant

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 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, lease agreement, articles of organization and petition results. She 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.

City Clerk, Jennifer Pettinger gave a brief presentation concerning the application and provided evidence of posting to the Council. Ms. Pettinger introduced Joe & Marianne Alviar, Applicants. Mr. & Ms. Alviar spoke about the application.

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.

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:

5 to 1 Enterprises, LLC d/b/a Painting with a Twist
Findings and Report to the State

1. The public hearing held with respect to said Application on 5 to 1 Enterprises, LLC d/b/a Painting with a Twist, 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 Beer & Wine Liquor License at 7600 E. Park Meadows Dr. #950, 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. 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 a multi year lease agreement entered into on September 25, 2014 and expires on September 30, 2019, with a commencement date of October 1, 2014.
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 75 valid signatures in favor of and 0 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 Beer & Wine Liquor License application of 5 to 1 Enterprises, LLC d/b/a Painting with a Twist, 7600 E. Park Meadows Dr. #950, 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: _____
Jennifer Pettinger
Liquor License Administrator

Date: November 18, 2014