

**MINUTES OF A REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF LONE TREE
HELD
April 21, 2015**

A regular meeting of the Council of the City of Lone Tree was held on Tuesday, April 21, 2015, at 6:00 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
Hans Friedel, Planner II
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 6:00 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 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) concerning issues related to RTD and the Light Rail expansion. 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 with a vote of 5 to 0.

Council adjourned to an Executive Session at 6:01 p.m.

The Executive Session was adjourned at 6:13 p.m.

Mayor Gunning reconvened the meeting in Regular Session at 7:00 p.m., following a short recess.

Pledge of Allegiance

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

Amendments to the Agenda

There were no amendments to the agenda.

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 April 7, 2015 Regular Meeting*
- *Claims for the Period of March 30-April 13, 2015*
- *Treasurer's Report for February 2015*

Council Member Squyer moved, Council Member Anderson seconded, to approve the Consent Agenda. The motion passed with a vote of 5 to 0.

Community Development

Resolution 15-05, ADOPTING A PLAN FOR THE AREA WITHIN THREE MILES OF THE CITY BOUNDARY

Hans Friedel, Planner II, introduced the item.

Mayor Pro Tem Millet moved, Council Member Squyer seconded, to approve **Resolution 15-05, ADOPTING A PLAN FOR THE AREA WITHIN THREE MILES OF THE CITY BOUNDARY**. The motion passed with a vote of 5 to 0.

Announcements cont.

Caroline Hauer, Youth Commissioner, gave Council an update on the Youth Commission.

Public Works

Approval of License Agreement w/Rampart Range Metropolitan District No. 1 re: West Side Maintenance License Agreement

John Cotten, Public Works Director, introduced the item.

Council Member Squyer moved, Council Member Monson seconded, to approve the License Agreement with Rampart Range Metropolitan District No. 1 re: West Side Maintenance License Agreement. The motion passed with a vote of 5 to 0.

Administrative Matters

Approval of Matching Funds for Interior Art Piece

Lisa Rigsby Peterson introduced the item.

Council Member Anderson moved, Council Member Millet seconded, to approve to allocate \$21,000 from the Public Art Capital line item to match the \$10,500 donation from the Lone Tree Cultural Arts Foundation for the acquisition of a public art piece for the Lone Tree Arts Center lobby. This piece will be selected through the City of Lone Tree's established public art procedures with the assistance of a professional curator. The motion passed with a vote of 5-0.

PUBLIC HEARING: Hotel and Restaurant Liquor License Application for Peng Bo, Inc. d/b/a Thai Orchid (9231 E. Lincoln Ave. #1100)

Mayor Gunning opened the public hearing at 7:11 p.m.

Jennifer Pettinger, City Clerk, introduced the item and introduced Carl Ream, applicant's attorney, Christina Ludwick, applicant, and Carol Johnson, petitioner. Mr. Ream and Ms. Ludwick answered questions from Council.

Mayor Gunning opened the public hearing for comment at 7:16 p.m.

Barb Monarch, asked about the Hooters. Mayor Gunning advised Ms. Monarch this public hearing was for Thai Orchid and would address her comments after the end of the agenda.

There was no public comment in regard to Thai Orchid.

The public hearing was closed at 7:17 p.m.

Council Member Monson moved, Mayor Pro Tem Millet seconded, to approve a new Hotel and Restaurant Liquor License for Peng Bo, Inc. d/b/a Thai Orchid (9231 E. Lincoln Ave. #1100). The motion passed with a vote of 5-0.

PUBLIC HEARING: Hotel and Restaurant Liquor License Application for SnoozeTown LLC d/b/a Snooze (10002 Commons Street, Suite E1)

Mayor Gunning opened the public hearing at 7:18 p.m.

Jennifer Pettinger, City Clerk, introduced the item and introduced Kate Knowles, Applicant's Attorney, Brianna Borin, General Manager, Mitzi Vallon, Director of Development, Michelle Stein, Messner Reeves. Ms. Knowles and Ms. Borin answered questions from Council and spoke about the restaurant.

Mayor Gunning opened the public hearing at 7:25 p.m.

There was no public comment.

The public hearing was closed at 7:25 p.m.

Council Member Monson moved, Mayor Pro Tem Millet seconded, to approve a new Hotel and Restaurant Liquor License for SnoozeTown LLC d/b/a Snooze (10002 Commons Street, Suite E1). The motion passed with a vote of 5-0.

Public Comment cont.

Barb Monarch, 9720 Brookhill Ct., stated her concerns with Hooters opening up in Lone Tree.

Adjournment

There being no further business, Mayor Gunning adjourned the meeting at 7:37 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**

Peng Bo, Inc. d/b/a Thai Orchid

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, April 21, 2015 at 8527 Lone Tree Parkway, Lone Tree, Colorado, on the application of Peng Bo, Inc. d/b/a Thai Orchid, 9231 E. Lincoln Avenue, Suite #1100, 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
Carl Ream, Applicant's Attorney
Christina Ludwick, Applicant
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 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, and petition summary. She noted that staff has reviewed all the documents including the petitions, lease agreement, articles of incorporation, business opportunity contact asset purchase agreement, business license, certificate of good standing, 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 Carl Ream, Applicant's Attorney, Christina Ludwick, Applicant, and Carol Johnson, Petitioner. Mr. Ream and Ms. Ludwick 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. Barbara Monarch, 9720 Brookhill Ct. spoke about her opposition to another liquor license. No one else 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:

Peng Bo. Inc. d/b/a Thai Orchid
Findings and Report to the State

1. The public hearing held with respect to said Application on Peng Bo, Inc. d/b/a Thai Orchid, 9231 E. Lincoln Avenue, Suite #1100, 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 9231 E. Lincoln Avenue, Suite #1100, 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 has evidenced possession of the subject property through a 5 year lease agreement entered into on August 29, 2014, with a commencement date of September 29, 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 157 valid signatures in favor of and 4 valid signature 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 **Peng Bo, Inc. d/b/a Thai Orchid, 9231 E. Lincoln Avenue, Suite 1100, 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

Date: April 21, 2015

**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**

SnoozeTown, LLC d/b/a Snooze

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, April 21, 2015 at 8527 Lone Tree Parkway, Lone Tree, Colorado, on the application of SnoozeTown, LLC d/b/a Snooze, 10002 Commons Street, Suite E1, 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
Kate Knowles, Applicant's Attorney
Brianna Borin, General Manager
Mitzi Vallon, Director of Development
Michelle Stein, Messner Reeves
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 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, and summary petition. She noted that staff has reviewed all the documents including petitions, statement of foreign entity authority, limited liability company agreement, 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 Kate Knowles, Applicant's Attorney, Brianna Borin, General Manager, Mitzi Vallon, Director of Development, Michelle

Stein, Messner Reeves, and Carol Johnson, Petitioner. Ms. Knowles and Ms. Borin 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:

SnoozeTown, LLC d/b/a Snooze
Findings and Report to the State

2. The public hearing held with respect to said Application on SnoozeTown, LLC d/b/a Snooze, 10002 Commons Street, Suite E#1, was duly convened and the Council has jurisdiction to consider the Application as the Local Licensing Authority.
8. Applicant seeks approval of an application for a Hotel & Restaurant Liquor License at 10002 Commons Street, Suite E1, 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.
9. 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.
10. The Applicant has evidenced possession of the subject property through a 10 year lease agreement entered into on June 12, 2014.
11. 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.
12. Petitions containing 133 valid signatures in favor of and 2 valid signature in opposition to the issuance of the license were presented to and considered by the Council.
13. 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 **SnoozeTown, LLC d/b/a Snooze, 10002 Commons Street, Suite E1, 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

Date: April 21, 2015