

**MINUTES OF A REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF LONE TREE
HELD
February 16, 2016**

A regular meeting of the Council of the City of Lone Tree was held on Tuesday, February 16, 2016, 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
Torie Brazitis, Assistant to the 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
Gary White, City Attorney, White, Bear and Ankele, P.C.
Neil Rutledge, Assistant 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 7:00 p.m., and observed that a quorum was present.

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

Dave Jackson, South Metro Fire Board of Directors, spoke to Council about the redistricting. He shared the new seven member board was constituted on January 24; three members from Parker and four members from South Metro. Mr. Jackson shared that South Metro will retain their accreditation and there will not be any changes to the day to day operations.

Bill Roberts, 9278 E. Aspen Hill Place, thanked Mayor Gunning for the editorial in the last Timberlines and for his service.

Announcements

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

Mayor Gunning announced upcoming events.

Consent Agenda

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

- *Minutes of the February 2, 2016 Regular Meeting*
- *Claims for the period of January 25 – February 8, 2016*
- *Treasurer's Report for December 2015*

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

Administrative Matters

The City Council convened the Local Liquor Licensing Authority, New License Division

Public Hearing: Tavern Liquor License Application for United Artists Theatre Circuit, Inc. d/b/a Meadows Stadium 12 (9355 Park Meadows Drive)

Mayor Gunning opened the public hearing at 7:10 p.m.

Jennifer Pettinger, City Clerk, noted the Authority 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 staff had reviewed all the documents including: the Articles of Amendment and

Restatement of United Artists Theater Circuit, Inc., Unanimous Omnibus Written Consent of the Boards of Directors, Boards Managers, Managing Members or Certain Subsidiaries of Regal Entertainment Group, Certificate of Good Standing, Third Amended and Restated Certificate of Incorporation of United Artists Theatre Company, Certificate of Good Standing issued by the Colorado Secretary of State, Lone Tree Business License Application, Affidavit of Posting, Affidavit of Publication and Petitions. She requested that information be made a part of the record. She also noted the information and documents had been 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, Jake Bishop, Vice President of Alcohol & Culinary Concepts and the Applicant representative, and Carol Johnson, petition circulator. Mr. Proffitt and Mr. Bishop spoke on behalf of the application and answered questions from Council.

Mayor Gunning opened the public hearing for comment at 7:43 p.m.

Dave Smith, Owner Go Putt Miniature Golf, said he did have some questions but he did not want his questions to be interpreted as opposition to the license. Mr. Smith asked what would prevent patrons from taking alcohol out of the theater at the end of the movie. Mr. Smith also asked what the Police Department procedures would be for compliance checks. Mr. Bishop said there will be signage instructing patrons to not leave with alcohol. Mr. Proffitt stated employees will also be checking at the end of the movie to ensure compliance. Chief Streeter explained the patrols and compliance checks.

Doug MacGregor, 7434 Indian Wells Cove, asked if beverages would be served more than one at a time. Mr. Bishop stated only one beverage at a time would be served.

The public hearing was closed at 7:51 p.m.

Following a brief discussion by the Authority, Member Millet moved, Member Anderson seconded, that the Local Liquor Licensing Authority, New License Division, having considered the evidence presented, 1) adopt the preliminary findings presented at this hearing; 2) find that all the criteria for issuance of the Liquor License have been met; 3) approve the application for a Tavern Liquor License for United Artists Theatre Circuit, Inc. d/b/a Meadows Stadium 12 located at 9355 Park Meadows Drive, conditional upon the applicant obtaining all necessary building permits and approvals; and 4) direct the Liquor License Administrator to prepare the required written documentation and submit the approved application to the State Licensing Authority in accordance with the law. The motion passed with a 5 to 0 vote.

The City Council reconvened as City Council.

Adjournment

There being no further business, Mayor Gunning adjourned the meeting at 8:09 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
TAVERN LIQUOR LICENSE**

United Artists Theatre Circuit, Inc. d/b/a Meadows Stadium 12

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, February 16, 2016 at 8527 Lone Tree Parkway, Lone Tree, Colorado, on the application of United Artists Theatre Circuit, Inc. d/b/a Meadows Stadium 12, 9355 Park Meadows Drive, Lone Tree, Colorado 80124.

At said hearing, the following Members of the Authority 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
Jake Bishop, 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 noted that the public hearing had been duly noticed and posted. She also noted 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 of petitioning. She additionally noted that staff had reviewed those documents as well as the Articles of Amendment and Restatement of United Artists Theater Circuit, Inc., Unanimous Omnibus Written Consent of the Boards of Directors, Boards Managers, Managing Members or Certain Subsidiaries of Regal Entertainment Group, Certificate of Good Standing, Third Amended and Restated Certificate of Incorporation of United Artists Theatre Company, Certificate of Good Standing issued by the Colorado Secretary of State, Lone Tree Business License Application, Affidavit of Posting, Affidavit of Publication and Petitions. Ms. Pettinger noted the Applicant has demonstrated evidenced possession of the property through a lease agreement that expires on December 31, 2019. She directed the information be made a part of the record.

City Clerk, Jennifer Pettinger gave a brief presentation regarding the application and the criteria for approving or denying. Ms. Pettinger introduced Brian Proffitt, Applicant's Attorney, Jake Bishop, Applicant's Representative and Carol Johnson, Petitioner. Mr. Proffitt and Mr. Bishop 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.

Dave Smith, Owner Go Putt Miniature Golf, said he did have some questions but he did not want his questions to be interpreted as opposition to the license. Mr. Smith asked what would prevent patrons from taking alcohol out of the theater at the end of the movie. Mr. Smith also asked what the Police Department procedures would be for compliance checks. Mr. Bishop said there will be signage instructing patrons to not leave with alcohol. Mr. Proffitt stated employees will also be checking at the end of the movie to ensure compliance. Chief Streeter explained the patrols and compliance checks.

Doug MacGregor, 7434 Indian Wells Cove, asked if beverages would be served more than one at a time. Mr. Bishop stated only one beverage at a time would be served.

Mayor Gunning closed the hearing 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:

United Artists theatre Circuit, Inc. d/b/a Meadows Stadium 12

Findings and Report to the State

1. The public hearing was held with respect to said Application on Tuesday, February 16, 2016 at approximately 7:00 p.m., 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 Tavern Liquor License at 9355 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 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.
4. Petitions containing 136 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.

5. Dave Smith, Owner Go Putt Miniature Golf, and Doug MacGregor, 7434 Indian Wells Cover, both spoke at the Public Hearing but neither were in opposition to the granting of the license.

6. The Authority adopts the preliminary findings presented at the hearing and finds that all the criteria for issuance of the Liquor License has been met. The Authority approves the application for a Tavern Liquor License for United Artists Theatre Circuit, Inc. d/b/a Meadows Stadium 12 located at 9355 Park Meadows Drive, conditional upon the applicant obtaining all necessary building permits and approvals;

Accordingly, the City Council hereby affirms its approval of the application of United Artists Theatre Circuit, Inc. d/b/a Meadows Stadium 12, 9355 Park Meadows 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

Date: February 16, 2016