

1 CITY OF LITTLETON
2 BUILDING BOARD OF APPEALS

3 TRANSCRIPT OF PROCEEDINGS
4 Thursday, March 7, 2019

5 Proceedings had on Thursday, March 7, 2019,
6 at Littleton Center, 2255 West Berry Avenue, Littleton,
7 Colorado 80120, commencing at the hour of 6:32 p.m.,
8 before DAVID MITCHELL, Chairman; DUSTIN HUBBARD, Board
9 Member; RANDY HOUCHEN, Chair Pro Term; MATT TREINEN,
10 Alternate II; RON MANSKE; KEN FELLMAN, Attorney for
11 BBOA; and DENISE CIERNIA, Recording Secretary.

12 A P P E A R A N C E S

13 For The City of	JOSEPH RIVERA, ESQ.
14 Littleton	City Attorney
	2255 W. Berry Avenue
	Littleton, Colorado 80210
	(303) 795-3725

15
16
17
18
19
20
21
22
23
24
25

1 P R O C E E D I N G S

2 DAVID MITCHELL: We call the March 7th, 2019,
3 meeting of the Building Board of Appeals to order.
4 Please call the roll.

5 DENISE CIERNA: Member Hubbard.

6 DUSTIN HUBBARD: Here.

7 DENISE CIERNA: Member Houchen.

8 RANDY HOUCHEN: Present.

9 DENISE CIERNA: Chair Mitchell.

10 DAVID MITCHELL: Present.

11 DENISE CIERNA: Member Manske.

12 RON MANSKE: Present.

13 DENISE CIERNA: Member Treinin.

14 MATT TREINEN: Here.

15 DENISE CIERNA: And tonight we have absent
16 Member Flaherty and Member Eaby.

17 DAVID MITCHELL: Thank you. Are there any
18 suggestions on the agenda, or is it approved as
19 presented?

20 RANDY HOUCHEN: I make a motion we accept the
21 agenda.

22 DUSTIN HUBBARD: I second.

23 DENISE CIERNA: All right. We'll go down the
24 line. Member Hubbard?

25 DUSTIN HUBBARD: I approve.

1 DENISE CIERNA: Houchen?

2 RANDY HOUCHEN: Yea.

3 DENISE CIERNA: Mitchell?

4 DAVID MITCHELL: Yea.

5 DENISE CIERNA: Manske?

6 RON MANSKE: Yea.

7 DENISE CIERNA: Treinin?

8 MATT TREINEN: Yea.

9 DENISE CIERNA: Okay. Motion carries
10 unanimously.

11 DAVID MITCHELL: Okay. Next is the minutes
12 from the January 16th meeting, which is attached to our
13 package. Any comment, or do I have a motion?

14 DUSTIN HUBBARD: I make a motion to approve.

15 RANDY HOUCHEN: I second.

16 DENISE CIERNA: I'm sorry. Who was that
17 second?

18 RANDY HOUCHEN: Me.

19 DENISE CIERNA: Thank you. Hubbard?

20 DUSTIN HUBBARD: I approve.

21 DENISE CIERNA: Houchen?

22 RANDY HOUCHEN: Yea.

23 DENISE CIERNA: Mitchell?

24 DAVID MITCHELL: Yea.

25 DENISE CIERNA: Manske?

1 RON MANSKE: Yea.

2 DENISE CIERNA: Treinin?

3 MATT TREINEN: Yea.

4 DENISE CIERNA: All right. Motion carries
5 unanimously.

6 DAVID MITCHELL: Okay. And now is the time
7 for public comment. You may have three minutes if it's
8 not related to tonight's agenda. Does -- anybody like
9 to come forward? Go ahead, ma'am.

10 PAM CHADBOURNE: I just wanted to come to the
11 meeting tonight, actually, to speak for three minutes.
12 (Inaudible.) My name is Pam Chadbourne. But I'll try
13 to keep it short.

14 All I want to do is just thank you folks for
15 serving the community. I appreciate it as a citizen,
16 and I'm sure there's other people who feel that way and
17 just aren't here to say it. Thank you very much for
18 serving.

19 DAVID MITCHELL: Thank you, Pam. Appreciate
20 it.

21 DENISE CIERNA: Pam, would you mind just
22 giving your name for the record, please.

23 PAM CHADBOURNE: Pam Chadbourne. And I live
24 a block and a half from here.

25 DENISE CIERNA: Thank you.

1 DAVID MITCHELL: This meeting is a
2 continuation of an appeal for 7874 South Windermere
3 Circle, Item Number 18-469. An appeal was filed on
4 November 1st, asking that the property not be
5 demolished, or for an extension.

6 We've had several attempts to hold these
7 meetings. Either the appellant wasn't available, or
8 legal counsel wasn't available. And now, if Denise
9 would bring us current on the status of the appellant.

10 DENISE CIERNA: Yes. I received an email at
11 around 4:30 this afternoon, letting me know from our
12 appellant's friend that Mr. Lynch is -- was stuck on
13 I-70 and did not know if he was going to be able to
14 make it up.

15 And when I asked her if whatever -- replied
16 to the email and asked if he was not going to be back
17 in time for 6:30 -- back in time for the meeting at
18 all, I did not get a reply. So I was not sure if he
19 was going to be back in time for the meeting.

20 DAVID MITCHELL: Okay. Does counsel for
21 staff have any comment?

22 JOSEPH RIVERA: No, thank you.

23 DAVID MITCHELL: Mr. Fellman?

24 KEN FELLMAN: Yeah. You know, given this --
25 we don't know what his reason was. We don't know where

1 on I-70. We -- it's hard to say whether it's a good
2 reason or not a good reason.

3 And -- but I think we need to take him at his
4 word, at least as his friend has expressed it, which
5 would mean we probably should not go forward -- not
6 probably. My advice is that we not go forward, other
7 than to continue again to yet another date.

8 And I think the next date is a regular
9 meeting for March, which is March 20th. Before the
10 meeting was opened tonight, I had a brief conversation
11 with Mr. Rivera.

12 For those who have been following these
13 proceedings, I'll let you know that, at prior hearings,
14 the former city attorney, Steve Kemp, was here
15 representing.

16 He is now the former city attorney. City
17 Council had asked me to serve as interim city attorney
18 while they seek a new city attorney.

19 Given my role as having been counsel to this
20 board, it's not appropriate for me to shift chairs and
21 sit down here. So Mr. Rivera and his firm have been
22 retained to work as staff to complete this hearing.

23 And he made a good suggestion. I know that
24 staff will follow through, and we'll continue this to
25 the 20th, and we'll actually serve Mr. Lynch so that it

1 does put an additional onus on him to recognize the
2 seriousness of being around Littleton that afternoon.
3 So he should be able to show up that evening for the
4 hearing.

5 DAVID MITCHELL: Thank you.

6 KEN FELLMAN: And, Mr. Chairman, I know
7 you're hopeful, since you're turned out in this, that
8 we'll be able to conclude on the 20th, given your
9 participation in all of the meetings to date.

10 And hopefully, you know, I won't say a third
11 time, but we'll hope the last time will be the charm.

12 DAVID MITCHELL: Thank you. Who would be the
13 person that we should speak to regarding serving
14 Mr. Lynch for the March 20th meeting?

15 MR. RIVERA: Your Honor, I would -- Chairman,
16 I would assume that it would be a member of staff with
17 information on that. I'll take responsibility for that
18 and work with staff to do what we can to effectuate
19 personal service.

20 DAVID MITCHELL: Great. Thank you. Okay.

21 RANDY HOUCHEN: I make a motion that we
22 continue -- I make a motion that we continue the appeal
23 for 7874 South Windermere Circle until our next regular
24 meeting on March the 20th.

25 MATT TRIENEN: I second that motion.

1 DENISE CIERNA: All right. I'm going to go
2 down the line. Do you have any discussion -- sorry.
3 Any discussion on the motion?

4 DAVID MITCHELL: Is there any discussion?
5 (No response.)

6 RON MANSKE: I can make it, but can the rest
7 of us make it so we all have a quorum?

8 DUSTIN HUBBARD: I'll be out of town.

9 RANDY HOUCHEEN: I'll be present.

10 DAVID MITCHELL: I'll be here.

11 MATT TRIENEN: I'll check. I will be here.

12 DAVID MITCHELL: We need to talk to Jeff and
13 Donna.

14 DENISE CIERNA: Yes. Okay. Let's put it to
15 a vote. Hubbard?

16 DUSTIN HUBBARD: Yea.

17 DENISE CIERNA: Houchen?

18 RANDY HOUCHEEN: Yea.

19 DENISE CIERNA: Mitchell?

20 DAVID MITCHELL: Yea.

21 DENISE CIERNA: Manske?

22 RON MANSKE: Yea.

23 DENISE CIERNA: Treinin?

24 MATT TREINEN: Yea.

25 DENISE CIERNA: Motion carries unanimously.

1 DAVID MITCHELL: Okay. Meeting is adjourned.

2 (The proceedings were concluded at 6:41 p.m.

3 on Thursday, March 7, 2019.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

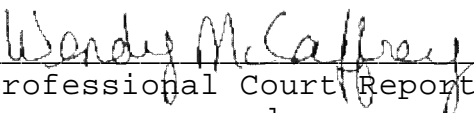
25

REPORTER'S CERTIFICATE

I, Wendy McCaffrey, Registered Professional Reporter and Notary Public in and for the State of Colorado, do hereby certify that said proceedings were taken in shorthand by me at the time and place hereinabove set forth and were thereafter reduced to typewritten form under my supervision, as per the foregoing transcript; that the same is a complete, true, and correct transcription of my shorthand notes then and there taken.

I further certify that I am not related to, employed by, nor of counsel for any of the parties or attorneys herein, nor otherwise interested in the event of the within action.

My commission expires January 31, 2020; and I have hereunto set my hand this March 19th, 2019.


Professional Court Reporter
and
Notary Public

