

**RECORD OF PROCEEDINGS
MINUTES OF THE REGULAR MEETING
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO
JUNE 14, 2022**

Mayor Mortensen called the meeting to order at 7:00 p.m. Town Clerk Deborah Wohlmuth called the roll.

Present:

Hunter Mortensen
Andrew Aerenson
Jessica Burley
Andy Held
Lisa Holenko
Rick Ihnken
Elizabeth Skrzypczak-Adrian

Absent:

Public Comments:

Frisco business owner Mary Waldman spoken regarding short term rentals and workforce housing.

Mayor and Council Comments:

Mayor Mortensen welcomed back the Frisco Barbeque Challenge.

Mayor Mortensen recognized outgoing Planning Commissioner Donna Skupien.

Staff Updates:

Consent Agenda:

May 24, 2022 Minutes
Proposed Purchase of Real Property Located at 810 Pitkin Alley

MOTION: COUNCIL MEMBER IHNKEN MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. SECOND, COUNCIL MEMBER HOLENKO.

AERENSON	YEA	HOLENKO	YEA
BURLEY	YEA	SKRZYPCZAK-ADRIAN	YEA
HELD	YEA	MORTENSEN	YEA
IHNKEN	YEA	MOTION CARRIED	

New Business:

Agenda Item #1: *Estimated Start Time 7:05 p.m.* Council Committee Updates. 1) MAYOR OPENS PUBLIC HEARING 2) STAFF REPORT 3) PUBLIC COMMENTS 4) MAYOR CLOSSES PUBLIC

HEARING 5) COUNCIL DISCUSSION 6) MOTION MADE 7) MOTION SECONDED 8) DISCUSSION ON MOTION 9) QUESTION CALLED

Interim Town Manager Diane McBride stated that the Town of Frisco relies on Council members to engage in numerous committees that deal with a variety of important issues that directly relate to Council's strategic priorities, in order to aid in the overall progress of the Town of Frisco. Councilmembers reviewed the committees list, provided nominations to open or changing committee positions, and confirmed representatives for each of the different committees.

Agenda Item #2: *Estimated Start Time 7:10 p.m.* First Reading Ordinance 22-07, an Ordinance Amending the Code of Ordinances of the Town of Frisco, Colorado, to Establish Fees for Water Bills Issued on Paper, and for the Filing of Paper Returns of Sales Tax, Lodging Tax and Disposable Bag Fees, by Amending Sections 124-8, Concerning Disposable Bag Fees, 160-2.3, Concerning Sales Tax Returns, 160-35, Concerning Lodging Taxes; and 171-11, Concerning Water Service Charges 1) MAYOR OPENS PUBLIC HEARING 2) STAFF REPORT 3) PUBLIC COMMENTS 4) MAYOR CLOSES PUBLIC HEARING 5) COUNCIL DISCUSSION 6) MOTION MADE 7) MOTION SECONDED 8) DISCUSSION ON MOTION 9) QUESTION CALLED

Finance Director Leslie Edwards stated that this ordinance establishes a fee for mailing paper water bills and processing paper tax/fee filings. During the May 24th work session, Council discussed and supported establishing a fee for mailing paper water bills and processing paper tax/fee filings in order to encourage customers to switch to electronic billing and tax/fee filing. Council supported the recommended initial fee of \$5.00 per paper filing for tax or fee remittance forms, as well as for mailing paper water bills. There will be no fee around the method by which a customer pays their water bill. Currently, only about 30% of customers have opted for the electronic delivery of water bills, as well as remittance of taxes and disposable bag fees. The paper fees will offset the cost of staff processing and storing the paper documents. In order to inform customers of the fees, communications will be sent to those that currently submit paper returns or receive paper water bills for six months before the ordinance goes into effect. Staff will also be available to assist any customers who need assistance switching to electronic billing. Mayor Mortensen opened public comment at 7:20 p.m. There being no public comment, the Mayor closed public comment at 7:21 p.m.

MOTION: COUNCIL MEMBER HELD MOVED TO APPROVE ON FIRST READING ORDINANCE 22-07, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, TO ESTABLISH FEES FOR WATER BILLS ISSUED ON PAPER, AND FOR THE FILING OF PAPER RETURNS OF SALES TAX, LODGING TAX AND DISPOSABLE BAG FEES, BY AMENDING SECTIONS 124-8, CONCERNING DISPOSABLE BAG FEES, 160-2.3, CONCERNING SALES TAX RETURNS, 160-35, CONCERNING LODGING TAXES; AND 171-11, CONCERNING WATER SERVICE CHARGES. SECOND, COUNCIL MEMBER AERENSON.

AERENSON	YEA	HOLENKO	YEA
BURLEY	YEA	SKRZYPCZAK-ADRIAN	YEA
HELD	YEA	MORTENSEN	YEA
IHNKEN	YEA	MOTION CARRIED	

Old Business:

Agenda Item #3: *Estimated Start Time 7:25 p.m.* Second Reading Ordinance 22-06, an Ordinance Amending Chapter 171 of the Code of Ordinances of the Town of Frisco, Colorado,

Concerning Water, by Amending Section 171-11, Concerning Water Rates and Charges, to Allow for Reduced Water Rates for Out Of Town Properties that are Deed Restricted for Affordable or Workforce Housing, and by Amending Section 171-14, Concerning the Inspection and Testing of Backflow Prevention Devices, to Establish Reporting Deadlines for Annual Testing and Mandatory Minimum Fines for Violations of Testing and Reporting Requirements 1) MAYOR OPENS PUBLIC HEARING 2) STAFF REPORT 3) PUBLIC COMMENTS 4) MAYOR CLOSSES PUBLIC HEARING 5) COUNCIL DISCUSSION 6) MOTION MADE 7) MOTION SECONDED 8) DISCUSSION ON MOTION 9) QUESTION CALLED

Public Works Director Jeff Goble stated that this ordinance provides two amendments to the Town Code regarding out-of-Town water rates and the testing and reporting of backflow devices. At the April 12, 2022 Council meeting, following a request from property owner who lives outside of Town limits, Council directed staff to prepare an ordinance that would allow a property owner with a property outside of town limits placing a local workforce occupancy deed restriction to request in-Town water rates. Frisco water customers outside of Town limits are charged double the in-town rate. The Town code still requires Council's approval for an out-of-Town customer to tap into Frisco's water system, but if the property is deed restricted, in-Town rates will automatically apply upon approval to join Frisco's water service, if the building was in existence as of July 1, 2022. Any deed-restricted buildings that comes into existence after July 1, 2022 will need to apply, both for Town water service and in-Town water rates. In order for the Town to comply with the Colorado Department of Health and Environment's requirements for backflow prevention, Council approved amendments to the Town Code that will implement deadlines for property owners to test their backflow devices and submit the results to the Town, and fines for those who fail to do so. Properly working backflow prevention devices keep outgoing water from contaminating source water. These requirements pertain to multi-family and commercial properties rather than individual homes. The code amendments establish the following: Report submission deadlines including backflow device testing reports for domestic and fire suppression devices must be submitted to the Town no later than September 1 of each year, and backflow device testing reports for irrigation devices must be submitted to the Town no later than July 31 of each year; and penalties including the penalty for the first offense will be a mandatory fine of \$250, any subsequent violation will carry a mandatory fine of \$500, and these fines can be assessed each day the property is out of compliance within a twelve-month period. Mayor Mortensen opened public comment at 7:27 p.m. There being no public comment, the Mayor closed public comment at 7:28 p.m.

MOTION: COUNCIL MEMBER AERENSON MOVED TO APPROVE ON SECOND READING ORDINANCE 22-06, AN ORDINANCE AMENDING CHAPTER 171 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, CONCERNING WATER, BY AMENDING SECTION 171-11, CONCERNING WATER RATES AND CHARGES, TO ALLOW FOR REDUCED WATER RATES FOR OUT OF TOWN PROPERTIES THAT ARE DEED RESTRICTED FOR AFFORDABLE OR WORKFORCE HOUSING, AND BY AMENDING SECTION 171-14, CONCERNING THE INSPECTION AND TESTING OF BACKFLOW PREVENTION DEVICES, TO ESTABLISH REPORTING DEADLINES FOR ANNUAL TESTING AND MANDATORY MINIMUM FINES FOR VIOLATIONS OF TESTING AND REPORTING REQUIREMENTS. SECOND, COUNCIL MEMBER SKRZYPCZAK-ADRIAN.

AERENSON	YEA	HOLENKO	YEA
BURLEY	YEA	SKRZYPCZAK-ADRIAN	YEA
HELD	YEA	MORTENSEN	YEA
IHNKEN	YEA	MOTION CARRIED	

Executive Session:

Agenda Item #4: *Estimated Start Time 7:30 p.m.* Executive Session Pursuant to: 1. C.R.S. 24-6-402(4)(e), for the Purpose of Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and Instructing Negotiations Concerning the Water Service Agreement for the Potential Lake Hill Development; and 2. C.R.S. 24-6-402(4)(a), for the Purposes of Discussing the Potential Acquisition of Affordable Housing, or Affordable Housing Covenants, in Connection with the Potential Redevelopment of the Real Property Located at 20 East Main Street and Known as the “Frisco Prime” Property.

MOTION: COUNCIL MEMBER IHNKEN MOVED TO ENTER INTO AN EXECUTIVE SESSION PURSUANT TO: 1. C.R.S. 24-6-402(4)(E), FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS AND INSTRUCTING NEGOTIATIONS CONCERNING THE WATER SERVICE AGREEMENT FOR THE POTENTIAL LAKE HILL DEVELOPMENT; AND 2. C.R.S. 24-6-402(4)(A), FOR THE PURPOSES OF DISCUSSING THE POTENTIAL ACQUISITION OF AFFORDABLE HOUSING, OR AFFORDABLE HOUSING COVENANTS, IN CONNECTION WITH THE POTENTIAL REDEVELOPMENT OF THE REAL PROPERTY LOCATED AT 20 EAST MAIN STREET AND KNOWN AS THE “FRISCO PRIME” PROPERTY. SECOND, COUNCIL MEMBER HELD.

AERENSON	YEA	HOLENKO	YEA
BURLEY	YEA	SKRZYPCZAK-ADRIAN	YEA
HELD	YEA	MORTENSEN	YEA
IHNKEN	YEA	MOTION CARRIED	

MOTION: COUNCIL MEMBER HELD MOVED TO EXIT AN EXECUTIVE SESSION PURSUANT TO: 1. C.R.S. 24-6-402(4)(E), FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS AND INSTRUCTING NEGOTIATIONS CONCERNING THE WATER SERVICE AGREEMENT FOR THE POTENTIAL LAKE HILL DEVELOPMENT; AND 2. C.R.S. 24-6-402(4)(A), FOR THE PURPOSES OF DISCUSSING THE POTENTIAL ACQUISITION OF AFFORDABLE HOUSING, OR AFFORDABLE HOUSING COVENANTS, IN CONNECTION WITH THE POTENTIAL REDEVELOPMENT OF THE REAL PROPERTY LOCATED AT 20 EAST MAIN STREET AND KNOWN AS THE “FRISCO PRIME” PROPERTY. SECOND, COUNCIL MEMBER IHNKEN.

AERENSON	YEA	HOLENKO	YEA
BURLEY	YEA	SKRZYPCZAK-ADRIAN	YEA
HELD	YEA	MORTENSEN	YEA
IHNKEN	YEA	MOTION CARRIED	

Adjourn:

There being no further business, the meeting adjourned at 8:32 p.m.

Respectfully Submitted,

Deborah Wohlmuth, CMC
Town Clerk