

**RECORD OF PROCEEDINGS
MINUTES OF THE REGULAR MEETING
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO
MAY 24, 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
Andy Held
Lisa Holenko
Rick Ihnken
Elizabeth Skrzypczak-Adrian

Absent:

Jessica Burley

Public Comments:

There was no public comment.

Mayor and Council Comments:

There was no Mayor and Council comment.

Staff Updates:

Consent Agenda:

May 10, 2022 Minutes
Warrant List
Purchasing Cards
Resolution 22-22, Contract Award to Columbine Hills Construction, LLC. for Phase Three of the Alley Paving Project
Resolution 22-23, Contract Award to Columbine Hills Construction, LLC, for the Milling and Asphalt Overlay of Avenues in the Core Area
Resolution 22-24, Award of Contract for Asphalt Slurry Seal Arts and Culture Strategic Plan
Contract Update

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

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

New Business:

Agenda Item #1: *Estimated Start Time 7:05 p.m.* Contract with Interstate Parking Company for Parking Management Services. 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

Interim Town Manager Diane McBride stated that this agenda item is a three-year contract with Interstate Parking Company to manage paid parking at the Frisco Bay Marina during the Marina's busiest part of the season, and to enforce three-hour time limits on parking year-round on Main Street. During discussions at the April 12 and April 26, 2022 meetings, where Council heard extensive public comment on the issue, Council reaffirmed their intention for paid parking as a means to promote turnover of spaces; encourage the use of public transportation, bikes, and walking; and to encourage those who are not primarily using Marina parking to access the Marina to park in other areas of town. The agreement with Interstate Parking includes the following: Three hour time limit parking enforcement on Main Street starting June 10, 2022; There will be no three hour time limit enforcement on Main Street for the months of April and October; The Marina lots will have paid parking in all lots starting on June 10; An unlimited amount of \$99 summer season parking passes will be available for sale from June 1 through June 30, 2022 on ParkFrisco.com (website to go live by May 31, 2022); and Overnight parking will be available to boaters via this permit system. Parking rates are: First 30 minutes free; Monday to Thursday from 10:00 am to 5:00 pm - \$.75/half hour with a \$10.00 maximum; and Friday through Sunday and holidays - \$.75/half hour for the first 3 hours, \$2.50 a half hour thereafter to a maximum of \$15.00. Mayor Mortensen opened public comment at 7:05 p.m. There being no public comment, the Mayor closed public comment at 7:06 p.m.

MOTION: COUNCIL MEMBER IHNKEN MOVED TO APPROVE THE CONTRACT WITH INTERSTATE PARKING COMPANY FOR PARKING MANAGEMENT SERVICES. SECOND, COUNCIL MEMBER HOLENKO.

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

Agenda Item #2: *Estimated Start Time 7:45 p.m.* First 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 CLOSES 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. The changes are outlined below. Town Council approved the proposed ordinance as written on first reading at their May 24, 2022 Council meeting. 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 said 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 7:26 p.m. There being no public comment, the Mayor closed public comment at 7:27 p.m.

MOTION: COUNCIL MEMBER HELD MOVED TO APPROVE ON FIRST 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 AERENSON

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

Old Business:

Agenda Item #3: *Estimated Start Time 9:15 p.m.* Second Reading Ordinance 22-05, an Ordinance Amending Chapter 167 of the Code of Ordinances of the Town of Frisco, Colorado, Concerning Vehicles and Traffic, by Amending Section 167-11, Concerning Traffic Control Devices, and by Amending Various Other Provisions of the Adopted Model Traffic Code, All to Facilitate the Enforcement of Parking Regulations by a Contracted Parking Enforcement Operator 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 these amendments to the Town Code will enable parking enforcement by a third party. The original code only allowed such enforcement by

Town law enforcement. Mayor Mortensen opened public comment at 7:30 p.m. There being no public comment, the Mayor closed public comment at 7:31 p.m.

MOTION: COUNCIL MEMBER HELD MOVED TO APPROVE ON SECOND READING ORDINANCE 22-05, AN ORDINANCE AMENDING CHAPTER 167 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, CONCERNING VEHICLES AND TRAFFIC, BY AMENDING SECTION 167-11, CONCERNING TRAFFIC CONTROL DEVICES, AND BY AMENDING VARIOUS OTHER PROVISIONS OF THE ADOPTED MODEL TRAFFIC CODE, ALL TO FACILITATE THE ENFORCEMENT OF PARKING REGULATIONS BY A CONTRACTED PARKING ENFORCEMENT OPERATOR. SECOND, COUNCIL MEMBER SKRZYPCZAK-ADRIAN.

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

Executive Session:

Agenda Item #4: *Estimated Start Time 10:00 p.m.* Executive Session Pursuant to C.R.S. 24-6-402(4)(a)(e), Conferences with an Attorney for the Town for the Concerning: 1. 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; 2. The potential leasing to others, for cellular communications tower purposes, of a portion of the real property owned by the Town, located at 102 School Road, Frisco Co 80443 and known as the "Public Work Facility"; and 3. The potential acquisition of real property located at 810 Pitkin Alley, and legally described as BLOCK 1, BILLS RANCH RESUB L 1 SUB.

MOTION: COUNCIL MEMBER HELD MOVED TO ENTER INTO EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4)(A), CONFERENCES WITH AN ATTORNEY FOR THE TOWN FOR THE CONCERNING: 1. 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; 2. THE POTENTIAL LEASING TO OTHERS, FOR CELLULAR COMMUNICATIONS TOWER PURPOSES, OF A PORTION OF THE REAL PROPERTY OWNED BY THE TOWN, LOCATED AT 102 SCHOOL ROAD, FRISCO CO 80443 AND KNOWN AS THE "PUBLIC WORK FACILITY"; AND 3. THE POTENTIAL ACQUISITION OF REAL PROPERTY LOCATED AT 810 PITKIN ALLEY, AND LEGALLY DESCRIBED AS BLOCK 1, BILLS RANCH RESUB L 1 SUB. SECOND, COUNCIL MEMBER HOLENKO.

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

MOTION: COUNCIL MEMBER HOLENKO MOVED TO EXIT INTO EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4)(A), CONFERENCES WITH AN ATTORNEY FOR THE TOWN FOR THE CONCERNING: 1. 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; 2. THE POTENTIAL LEASING TO OTHERS, FOR CELLULAR COMMUNICATIONS TOWER PURPOSES, OF A PORTION OF THE REAL PROPERTY OWNED BY THE TOWN, LOCATED AT 102 SCHOOL ROAD, FRISCO CO 80443 AND KNOWN AS THE "PUBLIC WORK FACILITY"; AND 3. THE POTENTIAL ACQUISITION OF REAL PROPERTY LOCATED AT 810 PITKIN ALLEY, AND LEGALLY DESCRIBED AS BLOCK 1, BILLS RANCH RESUB L 1 SUB. SECOND, COUNCIL MEMBER HELD.

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

Adjourn:

There being no further business, the meeting adjourned at 8:45 p.m.

Respectfully Submitted,

Deborah Wohlmuth, CMC
Town Clerk