

**RECORD OF PROCEEDINGS
MINUTES OF THE REGULAR MEETING
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO
JANUARY 11, 2022**

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

Present:

Andrew Aerenson
Jessica Burley
Dan Fallon
Andy Held
Hunter Mortensen
Melissa Sherburne

Absent:

Rick Ihnken

Public Comments:

There was no public comment.

Mayor and Council Comments:

Mayor Mortensen and Council member Fallon thanked Public Works for keeping the streets clear over the Christmas break.

Consent Agenda:

December 14, 2021 Minutes

Warrant List

Purchasing Cards

Resolution 22-01, a Resolution Naming the Public Place for Posting Notices of Council Meetings, Commissions, and Committees for the Town of Frisco, Colorado in Compliance with the Colorado Sunshine Act of 1972

Resolution 22-02, Affirming the Town Clerk's Designation of Official Publications

Second Amendment to Design Services Contract with Olson Lavoie Corporation

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

AERENSON	YEA	FALLON	YEA
BURLEY	YEA	SHERBURNE	YEA
HELD	YEA	MORTENSEN	YEA
IHNKEN	ABSENT	MOTION CARRIED	

New Business:

Agenda Item #1: *Estimated Start Time 7:10pm* 2022 Resolutions for Special Event Street Closures and No Pet Events 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

Communications Director Vanessa Agee indicated that staff is presenting two resolutions regarding Town events. The no-pet event resolution honors the health and safety of event attendees and pets by determining which events are not appropriate for pets. The annual street closure resolution brings thoughtful consideration regarding how to maintain harmony between the economic vitality of Main Street and surrounding businesses and the community's desire for events on Main Street. In the street closures resolution, Council supported continuing the extended Concert in the Park season in 2022, after receiving positive feedback regarding the addition of three concerts in 2021; this took the Concert in the Park series from nine concerts to 12 in 2021. Council decided not to approve the closure of Main Street in August for an art show produced by a 3rd party event producer out of Florida, but expressed a willingness to consider a local art show in the future. Mayor Mortensen opened public comment at 7:19 p.m. There being no public comment, the Mayor closed public comment at 7:20 p.m.

MOTION: COUNCIL MEMBER AERENSON MOVED TO APPROVE RESOLUTIONS 22-03 AND 22-04, 2022 RESOLUTIONS FOR SPECIAL EVENT STREET CLOSURES AND NO PET EVENTS AS AMENDED TO INCLUDE EASTER, FOURTH OF JULY, BARBEQUE CHALLENGE, AND TWELVE CONCERTS IN THE PARK. SECOND, COUNCIL MEMBER BURLEY.

AERENSON	YEA	FALLON	YEA
BURLEY	YEA	SHERBURNE	YEA
HELD	YEA	MORTENSEN	YEA
IHNKEN	ABSENT	MOTION CARRIED	

Agenda Item #2: *Estimated Start Time 7:20pm* Approving the Employment of Butler Snow, LLP as Bond Counsel 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

Finance Director Leslie Edwards stated that this is an agreement with the firm, Butler Snow, LLP to serve as special bond counsel to aid in the issuance of Certificates of Participation (COP) to fund proposed workforce housing projects, including properties at 619 Granite Street and 602 Galena Street. In addition to the \$5,000,000 in funds available and appropriated in the 2022 budget within the SCHA Fund (5A) to finance workforce housing projects in 2022, staff, with assistance from advocacy firm Squire, Patton, and Boggs, are also seeking available state and federal grant funding in order to effectively utilize available Town funds for the purpose of constructing workforce housing. 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 BURLEY MOVED TO APPROVE THE EMPLOYMENT OF BUTLER SNOW, LLP AS BOND COUNSEL. SECOND, COUNCIL MEMBER HELD.

AERENSON	YEA	FALLON	YEA
BURLEY	YEA	SHERBURNE	YEA

HELD	YEA	MORTENSEN	YEA
IHNKEN	ABSENT	MOTION CARRIED	

Agenda Item #3: *Estimated Start Time 7:30pm* State Advocacy Services Contract 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

Town Manager Tony O'Rourke indicated this is a contract with Squire, Patton, and Boggs for State advocacy services for a cost of \$75,000 annually. The firm already provides full-time advocacy for the Town at the federal level and will identify and pursue upcoming opportunities for state grants, particularly DOLA grants related to the 602 Galena and 619 Granite workforce housing projects, as well as seek funding for wildfire mitigation and water infrastructure. Mayor Mortensen opened public comment at 7:38 p.m. There being no public comment, the Mayor closed public comment at 7:39 p.m.

MOTION: COUNCIL MEMBER AERENSON MOVED TO APPROVE THE STATE ADVOCACY SERVICES CONTRACT. SECOND, COUNCIL MEMBER SHERBURNE.

AERENSON	YEA	FALLON	YEA
BURLEY	YEA	SHERBURNE	YEA
HELD	YEA	MORTENSEN	YEA
IHNKEN	ABSENT	MOTION CARRIED	

Agenda Item #4: *Estimated Start Time 7:40pm* First Reading Ordinance 22-01, an Ordinance Submitting to the Registered Electors of the Town of Frisco at the Regular Town Election to be Held on April 5, 2022, the Following Questions, Setting the Ballot Titles for Such Questions, and Providing for the Conduct of the Election:

1. Whether, Commencing June 1, 2022, the Town of Frisco Should Impose an Excise Tax of Five Percent (5%) on the Short-Term Rental of Accommodation Units as a New Tax Pursuant to Article X, Section 20 of the Colorado Constitution; and
2. Whether the Town Charter Should Be Amended, at Subsection 3-1(b), to Excuse any Council Member's Absence from a Council Meeting When the Absence is Based Upon a Pending or Recent Maternity or Paternity? 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

Community Development Director Don Reimer stated that this is the first reading an ordinance to place a question regarding a 5% short-term rental excise tax on the ballot for the April 5, 2022 municipal election; as well as a Charter question. Council directed staff to remove the Charter question regarding Council absence. At the November 30, 2021 Town Council meeting, Town Council discussed the impact of short-term rentals on the community, specifically the impacts of short-term rentals on housing affordability and availability for the local workforce. The cost of developing new housing and purchasing existing housing stock in order to place a deed restriction far exceeds the available funding the Town has dedicated towards housing. Adding a new 5% excise tax to the current taxes applied to STRs (10.725%) would bring the total tax for STRs to 15.725% and is estimated to generate between \$1.2 million - \$1.5 million of additional revenue each year. This funding would be used for programs that support workforce housing. Mayor

Mortensen opened public comment at 7:43 p.m. Frisco business owner Mary Waldman and Frisco resident Julie Koster, spoke in opposition to the ordinance. There being no public comment, the Mayor closed public comment at 8:30 p.m.

MOTION: COUNCIL MEMBER AERENSON MOVED TO APPROVE ON FIRST READING ORDINANCE 22-01, AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF FRISCO AT THE REGULAR TOWN ELECTION TO BE HELD ON APRIL 5, 2022, THE FOLLOWING QUESTION, SETTING THE BALLOT TITLES FOR SUCH QUESTION, AND PROVIDING FOR THE CONDUCT OF THE ELECTION WHETHER, COMMENCING JUNE 1, 2022, THE TOWN OF FRISCO SHOULD IMPOSE AN EXCISE TAX OF FIVE PERCENT (5%) ON THE SHORT TERM RENTAL OF ACCOMMODATION UNITS AS A NEW TAX PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION TO APPROVE THE ORDINANCE AS PRESENTED, BRINGING BACK AN AMENDED ORDINANCE AT THE SECOND READING REMOVING THE SECOND QUESTION. SECOND, COUNCIL MEMBER BURLEY.

AERENSON	YEA	FALLON	NO
BURLEY	YEA	SHERBURNE	YEA
HELD	YEA	MORTENSEN	YEA
IHNKEN	IHNKEN	MOTION CARRIED	

Executive Session:

Agenda Item #5: *Estimated Start Time 8:15pm* Executive Session Pursuant to C.R.S. 24-6-402(4)(f), Personnel Matters Concerning the Town Manager Performance Review

MOTION: COUNCIL MEMBER BURLEY MOVED TO ENTER INTO EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6- 402(4)(F), PERSONNEL MATTERS CONCERNING THE TOWN MANAGER PERFORMANCE REVIEW. SECOND, COUNCIL MEMBER SHERBURNE.

AERENSON	NO	FALLON	YEA
BURLEY	YEA	SHERBURNE	YEA
HELD	YEA	MORTENSEN	YEA
IHNKEN	IHNKEN	MOTION CARRIED	

MOTION: COUNCIL MEMBER SHERBURNE MOVED TO EXIT AN EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6- 402(4)(F), PERSONNEL MATTERS CONCERNING THE TOWN MANAGER PERFORMANCE REVIEW. SECOND, COUNCIL MEMBER BURLEY.

AERENSON	YEA	FALLON	YEA
BURLEY	YEA	SHERBURNE	YEA
HELD	YEA	MORTENSEN	YEA
IHNKEN	YEA	MOTION CARRIED	

Adjourn:

There being no further business, the meeting adjourned at 9:40 p.m.

Respectfully Submitted,

Deborah Wohlmuth, CMC
Town Clerk