

**RECORD OF PROCEEDINGS
MINUTES OF THE REGULAR MEETING
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO
SEPTEMBER 13, 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
Rick Ihnken
Elizabeth Skrzypczak-Adrian

Absent:

Lisa Holenko

Public Comments:

Summit County resident Boot Gordon proposed a land trade partnership with Silverthorne to develop affordable housing.

Mayor and Council Comments:

Mayor Mortensen welcomed new Town Manager Tom Fisher and thanked Interim Town Manager Diane McBride for her service.

Council member Burley acknowledged the upcoming MT2030 Climate Solutions Summit.

Staff Updates:

Consent Agenda:

August 23, 2022 Minutes
Contract with Colorado Department of Local Affairs for Grant Award From HB-21-1271,
Innovative Affordable Housing Strategies Program

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

AERENSON	YEA	HOLENKO	ABSENT
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.* Update on STR Regulations and Tabling the First Reading of Ordinance 22-10 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 Attorney Thad Renaud stated that while reviewing the ordinance, he discovered a recent case decision issued by the United States Court of Appeals for the Fifth Circuit that determined that an STR regulation exemption for primary residence homeowners violated an interstate commerce clause by discriminating against out-of-state property owners. Frisco’s attorney therefore recommended Town Council consider alternative options to the exempt license. Approximately, 119 existing STR license holders may have qualified for the exempt license type. By increasing the cap from 22% to 25%, the total number of STR licenses would therefore be approximately the same as the original intended amount. To meet a main objective of mitigating negative impacts to the local community, including the availability and affordability of housing, Council directed staff to return with an ordinance that would set the STR license cap to 25% instead of 22% of the residential housing stock, and include exemptions for properties that are under construction or under contract. There was also a discussion about allowing STR licenses to be transferrable if a property is transferred between family members. Council indicated that more discussion is needed to consider an exemption of this type and to ensure such a provision would not create an unintended loophole that would undermine the intent of this ordinance. Mayor Mortensen opened public comment at 7:32 p.m. David Rolling, Julie Koster, Amy Nakos and Steve Fisher spoke regarding higher caps, inclusion of new construction and properties under contract, enforcement, local contacts, continued review of case law. There being no further public comment, the Mayor closed public comment at 7:46 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO TABLE ORDINANCE 22-10 TO THE SEPTEMBER 27TH COUNCIL MEETING. SECOND, COUNCIL MEMBER AERENSON.

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

Old Business:

Agenda Item #2: *Estimated Start Time 9:00 p.m.* Second Reading Ordinance 22-09, an Ordinance Amending the 2022 Annual Budget by Revising Certain Revenues and Appropriations and Appropriating Additional Sums of Money in the Capital Improvement Fund and SCHA (5A) Fund, Each for the Purposes Set Forth Herein 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 SECONDED 8) DISCUSSION ON MOTION 9) QUESTION CALLED

Finance Director Leslie Edwards stated that this ordinance authorizes a list of changes to the 2022 budget as discussed by Council during the 2022 calendar year. Many of these expenses are carried over from 2021 projects. Changes to the Capital Improvement Fund (\$2,002,675 Expenditures) include: Complete Streets Plan (unexpended budget from 2021) - \$43,893, Summit Blvd Gap Project (unexpended budget from 2021) - \$98,092; Public Art projects and planning (unexpended budget from 2021) - \$12,735; Fiber Infrastructure (unexpended budget from 2021)

- \$51,955; PD Remodel - \$1,650,000; and Town Hall Facility Master Plan - \$146,000. Changes to the SCHA (5A) Fund – \$2,070,000 Revenue - \$5,100,000 Expenditures include: Short Term Rental Excise Tax – (+ \$570,000); 602 Galena partner contributions from the County - (+\$1,500,000); 602 Galena land purchase (- \$3,000,000); Housing Helps (- \$500,000); and 810 Pitkin land banking (- \$1,600,000). These changes will decrease SCHA 5A Fund by \$3,030,000. Mayor Mortensen opened public comment at 8:16 p.m. There being no public comment, the Mayor closed public comment at 8:17 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE ON SECOND READING ORDINANCE 22-09, AN ORDINANCE AMENDING THE 2022 ANNUAL BUDGET BY REVISING CERTAIN REVENUES AND APPROPRIATIONS AND APPROPRIATING ADDITIONAL SUMS OF MONEY IN THE CAPITAL IMPROVEMENT FUND AND SCHA (5A) FUND, EACH FOR THE PURPOSES SET FORTH HEREIN. SECOND, COUNCIL MEMBER AERENSON.

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

Executive Session:

Agenda Item #6: *Estimated Start Time 9:15 p.m.* Executive Session Pursuant to C.R.S. Sections 24-6-402(a), Concerning the Potential Lease of Town Property, and 24-6-402(e), Concerning Matters Subject to Negotiation, to Discuss a Proposal for the Lease to and Use by a Third Party of Town Owned Property Located at 102 School Road for Cellular Communications Tower Purposes.

MOTION: COUNCIL MEMBER IHNKEN MOVED TO ENTER INTO EXECUTIVE SESSION PURSUANT TO C.R.S. SECTIONS 24-6-402(A), CONCERNING THE POTENTIAL LEASE OF TOWN PROPERTY, AND 24-6-402(E), CONCERNING MATTERS SUBJECT TO NEGOTIATION, TO DISCUSS A PROPOSAL FOR THE LEASE TO AND USE BY A THIRD PARTY OF TOWN OWNED PROPERTY LOCATED AT 102 SCHOOL ROAD FOR CELLULAR COMMUNICATIONS TOWER PURPOSES. SECOND, COUNCIL MEMBER AERENSON.

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

MOTION: COUNCIL MEMBER AERENSON MOVED TO EXIT EXECUTIVE SESSION PURSUANT TO C.R.S. SECTIONS 24-6-402(A), CONCERNING THE POTENTIAL LEASE OF TOWN PROPERTY, AND 24-6-402(E), CONCERNING MATTERS SUBJECT TO NEGOTIATION, TO DISCUSS A PROPOSAL FOR THE LEASE TO AND USE BY A THIRD PARTY OF TOWN OWNED PROPERTY LOCATED AT 102 SCHOOL ROAD FOR CELLULAR COMMUNICATIONS TOWER PURPOSES. SECOND, COUNCIL MEMBER IHNKEN.

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

Adjourn:

There being no further business, the meeting adjourned at 9:30 p.m.

Respectfully Submitted,

Deborah Wohlmut, CMC
Town Clerk