

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

Mayor Mortensen called the meeting to order at 7:00 p.m. Deputy Town Clerk Calie Cuculis called the roll.

Present:

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

Absent:

Andrew Aerenson

Public Comments:

Tom Castrigno and David Rollins, spoke regarding Marina Paid Parking & Enforcement Review.

Mayor and Council Comments:

There was no Council comment.

Staff Updates:

Consent Agenda:

September 27, 2022 Minutes

Resolution 22-31, a Resolution of the Town of Frisco, Colorado, Accepting the Grant of an Easement for Public Sidewalk Purposes Over Certain Real Property Owned by Wal-Mart Realty Company

Award of Contract for the Town Hall Facility Master Plan to Stais Architects

Slopeside Hall CMGC Pre-Construction Contract Award

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

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

4New Business:

Agenda Item #1: *Estimated Start Time 7:05PM* New Beer and Wine Liquor License – Thrashin Axes, LLC dba Thrashin Axes, LLC 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 Council approved a liquor license for Thrashin Axes LLC to be located at 211 Main Street. As prescribed in State statute, all new liquor license applications must be first submitted to the local licensing authority for approval. The applicants filed the necessary paperwork in accordance with the Colorado Liquor Code and undergone the necessary background checks. Thrashin Axes anticipates a mid-December opening date. Mayor Mortensen opened public comment at 7:15 p.m. Owner Jessie Thrash spoke in support of the application, Mayor Mortensen closed public comment at 7:16 p.m.

MOTION: COUNCIL MEMBER IHKEN MOVED TO APPROVE THE ISSUANCE OF A NEW BEER AND WINE LIQUOR LICENSE FOR THRASHIN AXES LLC DBA THRASHIN AXES LLC, LOCATED AT 211 MAIN STREET, PENDING SATISFACTORY FBI AND CBI BACKGROUND CHECKS, ON THE BASIS OF THE FOLLOWING FINDINGS: THAT THE AUTHORITY (1) HAS REVIEWED THE NEIGHBORHOOD UNDER CONSIDERATION AND FINDS IT TO BE THE TOWN OF FRISCO AS A WHOLE; (2) HAS CONSIDERED THE DESIRES OF THE INHABITANTS OF THE NEIGHBORHOOD AND FINDS THAT THE INHABITANTS DESIRE AN ADDITIONAL ESTABLISHMENT THAT SERVES LIQUOR; (3) HAS REVIEWED THE NEEDS OF THE NEIGHBORHOOD FOR THE OUTLET AND FINDS THAT THE NEEDS OF THE NEIGHBORHOOD ARE NOT MET BY THE EXISTING OUTLETS; (4) HAS REVIEWED THE LOCATION OF THE PROPOSED ESTABLISHMENT AND FINDS THAT IT IS NOT LOCATED WITHIN 250 FEET OF ANY SCHOOL OR COLLEGE CAMPUS; (5) HAS REVIEWED THE QUALIFICATIONS OF THE APPLICANT AND, PURSUANT TO THE REQUIREMENTS OF THE FRISCO CODE AND COLORADO STATUTES, FIND THE APPLICANT TO BE QUALIFIED TO OBTAIN A BEER AND WINE LIQUOR LICENSE UNDER THE NAME OF THRASHIN AXES LLC DBA THRASHIN AXES LLC. SECOND, COUNCIL MEMBER HELD.

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

Agenda Item #2: *Estimated Start Time 7:30PM* Ordinance 22-12, An Emergency Ordinance Amending Chapter 180 of the Code of Ordinances of the Town of Frisco, Colorado, Concerning the Unified Development Code, to Allow Transitional Shelter Facilities, by Amending Table 5-1, Concerning the Table of Allowable Uses, Section 180-5.2.5, Concerning Mobile Homes and Campers, and Section 180-9.3, Concerning General Definitions; Declaring an Emergency, and Providing for the Immediate Effective Date of this Ordinance 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 Council approved an emergency ordinance as well as a revocable license agreement with Unsheltered in Summit to allow for the temporary use the Marina Trailhead parking lot for the Summit Safe Parking program through the winter and before the start of the Marina season.

The Summit Safe Parking program, which began in July 2019, offers space for members of the local workforce who are without permanent housing to sleep in their vehicles in designated locations, and has helped over 50 individuals continue to live and work in the community as they transition into permanent housing. As the need continues to grow and the group is required to vacate their current location, Unsheltered in Summit continues to seek other locations in addition to this Frisco location. The Code changes are necessary because current Town Code does not permit camping within Town limits. The suggested changes have been reviewed by the Planning Commission at their October 6, 2022 meeting. The emergency nature of this ordinance is due to the deadline by which Unsheltered needs to vacate their current location in Breckenridge. At the August 9 and September 13, 2022 work sessions, Town Council and Unsheltered in Summit discussed possible opportunities and locations. Council supported the use of the trailhead parking lot at the Marina as a temporary program location as it sees very little traffic during the winter season and provides a private, safe, low-light area for up to 25 vehicles. Unsheltered Summit made an updated request at the October 12 meeting that these working residents be allowed to utilize the lot 24 hours a day (due to late night work schedules) with up to 25 cars parked in the area. This is a change from the original discussion with Council and was precipitated by increased demand and needs. Participants would sign agreements with Unsheltered Summit and meet work and protocol requirements. Staff has continued to research and pursue other locations for longer term solutions including 602 Galena, the Workforce Center property the Town purchasing from the State of Colorado for future workforce housing, and as well County, US Forest Service, and privately owned properties which have expressed interest in participating. The Unsheltered group continues to seek opportunities to create areas for the Safe Parking Program in other Towns and unincorporated Summit County. Mayor Mortensen opened public comment at 7:29 p.m. Doug Barr, Tom Castrigno and Diane Luellen, spoke in support of the program. Mayor Mortensen closed public comment at 7:30 p.m.

MOTION: COUNCIL MEMBER HELD MOVED TO APPROVE ORDINANCE 22-12, AN EMERGENCY ORDINANCE AMENDING CHAPTER 180 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, CONCERNING THE UNIFIED DEVELOPMENT CODE, TO ALLOW TRANSITIONAL SHELTER FACILITIES, BY AMENDING TABLE 5-1, CONCERNING THE TABLE OF ALLOWABLE USES, SECTION 180-5.2.5, CONCERNING MOBILE HOMES AND CAMPERS, AND SECTION 180-9.3, CONCERNING GENERAL DEFINITIONS; DECLARING AN EMERGENCY AND PROVIDING FOR THE IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE. SECOND, COUNCIL MEMBER SKRZYPCZAK-ADRIAN.

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

Agenda Item #3: *Estimated Start Time 8:00PM* Revocable License Agreement with Unsheltered in Summit for Use of the Marina Trailhead Lot 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 Council approved an emergency ordinance as well as a revocable license agreement with Unsheltered in Summit to allow for the temporary use the Marina Trailhead parking lot for the Summit Safe Parking program through the winter and before the start of the Marina season. Mayor

Mortensen opened public comment at 7:54 p.m. Doug Barr, Tom Castrigno and Diane Luellen, spoke in support of the program. Mortensen closed public comment at 7:56 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE A REVOCABLE LICENSE AGREEMENT WITH UNSHELTERED IN SUMMIT FOR USE OF THE MARINA TRAILHEAD. SECOND, COUNCIL MEMBER HOLENKO.

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

Agenda Item #4: *Estimated Start Time 8:05PM* First Reading Ordinance 22-13, an Ordinance Levying General Property Taxes for the Year 2022 to Help Defray the Cost of Government 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

Town Council approved the first reading of Ordinance 22-13 setting the mill levy within the Town of Frisco for property tax assessed in 2022, to be collected in 2023. The 0.798 proposed mill levy is the amount the Town is authorized to impose and cannot be increased without an election. Property tax collections are utilized for the purpose of defraying the expenses of the General Fund. Mayor Mortensen opened public comment at 8:05 p.m. There being no public comment, Mayor Mortensen closed public comment at 8:05 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE ON FIRST READING FIRST READING ORDINANCE 22-13, AN ORDINANCE LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2022 TO HELP DEFRAY THE COST OF GOVERNMENT. SECOND, COUNCIL MEMBER SKRZYPCZAK-ADRIAN.

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

Agenda Item #5: *Estimated Start Time 8:15PM* First Reading Ordinance 22-14, an Ordinance Adopting the 2023 Budget and Appropriating Sums of Money to Various Funds and Spending Agencies, and Approving the 2023-2027 Capital Program, in the Amount and for the Purposes set Forth Below for the Town of Frisco, Colorado for the 2023 Budget Year 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

Council discussed the budget during their September 27, 2022 meeting, with the desired changes Council offered at that time reflected in the presented budget ordinance. Staff estimates expenditures totaling \$65,039,510; revenues and reserves of \$90,521,082 are adequate to meet those expenditures, leaving a total ending fund balance of \$25,481,571 at the end of 2023. Mayor Mortensen opened public comment at 8:22 p.m. Candance Day and Brandon Howes, spoke in support of Town of Frisco funding for Summit PreSchool. Mayor Mortensen closed public comment at 8:28 p.m.

MOTION: COUNCIL MEMBER IHNKEN MOVED TO APPROVE ON FIRST READING ORDINANCE 22-14, AN ORDINANCE ADOPTING THE 2023 BUDGET AND APPROPRIATING SUMS OF MONEY TO VARIOUS FUNDS AND SPENDING AGENCIES, AND APPROVING THE 2023-2027 CAPITAL PROGRAM, IN THE AMOUNT AND FOR THE PURPOSES SET FORTH BELOW FOR THE TOWN OF FRISCO, COLORADO FOR THE 2023 BUDGET YEAR. SECOND, COUNCIL MEMBER HELD.

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

Agenda Item #6: *Estimated Start Time 8:30PM* Resolution 22-30, a Resolution of the Town of Frisco, Colorado to Adopt the Partners in Energy Town of Frisco Energy Action Plan 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

Town Council adopted an Energy Action Plan developed collaboratively by Town staff, Xcel Energy, and Brendle Group through the Partners in Energy program. Staff presented a draft plan to Council on September 13, 2022, which Council supported as presented. Partners in Energy is a two-year program with Xcel Energy designed to support Frisco in developing and implementing a strategic energy plan, motivating action, tracking progress, and celebrating and promoting successes. A Memorandum of Understanding (MOU) detailing expectations of Xcel and Town roles and responsibilities during the two-year implementation period will be presented for Town Council consideration at a future meeting. Mayor Mortensen opened public comment at 8:36 p.m. There being no public comment, Mayor Mortensen closed public comment at 8:36 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE RESOLUTION 22-30, A RESOLUTION OF THE TOWN OF FRISCO, COLORADO TO ADOPT THE PARTNERS IN ENERGY TOWN OF FRISCO ENERGY ACTION PLAN. SECOND, COUNCIL MEMBER SKRZYPCZAK-ADRIAN.

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

Old Business:

Agenda Item #7: *Estimated Start Time 8:45pm* Second Reading Ordinance 22-10, an Ordinance Amending the Code of Ordinances of the Town of Frisco, Colorado, by Amending Chapter 110, Concerning the Licensing of Business, at Sections 110-38, Concerning the Requirement for a Short Term Rental License; and 110-39, Concerning Short-Term Rental License Application, Term, Renewal and Non-Transferability; all in Order to Establish a Limit on the Total Number of Short-Term Rental Licenses Issued by the Town. 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

Council passed the second reading of an ordinance that will establish the short-term rental (STR) license cap at 25% of the residential housing stock, allowing a maximum of 900 licenses currently. The license limit will be reassessed annually as the total residential housing stock increases or decreases. The ordinance will go into effect on October 17, 2022 and includes an exemption for residential properties that are under construction or under contract as of October 11, 2022. The ordinance also includes exemptions to allow an active STR license to transfer under certain circumstances. Council heard extensive feedback from the community while researching potential impacts of a STR license cap, and ultimately passed this ordinance as means to meet a main objective of mitigating negative impacts to the local community and to preserve and honor community character. Mayor Mortensen opened public comment at 8:48 p.m. There being no public comment, Mayor Mortensen closed public comment at 8:48 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE ON SECOND READING ORDINANCE 22-10, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, BY AMENDING CHAPTER 110, CONCERNING THE LICENSING OF BUSINESS, AT SECTIONS 110-38, CONCERNING THE REQUIREMENT FOR A SHORT-TERM RENTAL LICENSE; AND 110-39, CONCERNING SHORT-TERM RENTAL LICENSE APPLICATION, TERM, RENEWAL AND NON-TRANSFERABILITY; ALL IN ORDER TO ESTABLISH A LIMIT ON THE TOTAL NUMBER OF SHORT-TERM RENTAL LICENSES ISSUED BY THE TOWN. SECOND, COUNCIL MEMBER HOLENKO.

AERENSON	ABSENT	HOLENKO	YEA
BURLEY	YEA	SKRZYPCZAK-ADRIAN	YEA
HELD	NO	MORTENSEN	YEA
IHNKEN	YEA	MOTION CARRIED	

Agenda Item #8: *Estimated Start Time 9:00pm* Second Reading Ordinance 22-11, an Ordinance Amending the Code of Ordinances of the Town of Frisco, Colorado, by Amending Chapter 13, Concerning Cemetery Management, at Sections 13-6, Concerning Records and the Issuance of Permits, 13-9, Concerning Rules and Regulations; 13-10, Concerning Ownership and Management, and 13- 21, Concerning Winter Burials 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 changes Town code language to designate the Cemetery Superintendent as the Frisco Cemetery Manager rather than the Town Clerk in order to streamline the cemetery management process. This ordinance also changes code language to only permit winter burials (November 1 through May 15) by exception and direction of the Cemetery Superintendent, due to the difficult soil conditions that make winter digging challenging. Mayor Mortensen opened public comment at 8:53 p.m. There being no public comment, Mayor Mortensen closed public comment at 8:53 p.m.

MOTION: COUNCIL MEMBER HELD MOVED TO APPROVE ON SECOND READING ORDINANCE 22-11, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, BY AMENDING CHAPTER 13, CONCERNING CEMETERY MANAGEMENT, AT SECTIONS 13-6, CONCERNING RECORDS AND THE ISSUANCE OF PERMITS, 13-9, CONCERNING RULES AND REGULATIONS; 13-10, CONCERNING OWNERSHIP AND MANAGEMENT, AND 13- 21, CONCERNING WINTER BURIALS. SECOND, COUNCIL MEMBER SKRZYPCZAK-ADRIAN.

AERENSON	ABSENT	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 8:54 p.m.

Respectfully Submitted,

Calie Cuculis,
Deputy Town Clerk