

**RECORD OF PROCEEDINGS  
MINUTES OF THE REGULAR MEETING  
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO  
JANUARY 12, 2021**

Mayor Mortensen called the meeting to order at 4:00 p.m. Town Clerk Deborah Wohlmuth called the roll.

**PRESENT:** Andrew Aerenson  
Jessica Burley  
Dan Fallon  
Andy Held  
Rick Ihnken  
Hunter Mortensen

**ABSENT:** Melissa Sherburne

**PUBLIC COMMENTS:**

There was no public comment.

**MAYOR AND COUNCIL COMMENTS:**

There was no Council comment.

**PRESENTATION:**

Town Council presented \$70,600 in cash grants and more than \$17,000 in in-kind donations to the 2021 nonprofit grant recipients.

**CONSENT AGENDA:**

Warrant List.

Purchasing Cards.

Resolution 21-01, Naming 2021 Public Posting Locations.

Resolution 21-02, Notice of Official Publications.

Memorandum of Understanding Regarding the Distribution of Funds Associated with the State of Colorado Small Business Relief Program.

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

<b>AERENSON</b>	<b>YEA</b>	<b>FALLON</b>	<b>YEA</b>
<b>BURLEY</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>ABSENT</b>
<b>HELD</b>	<b>YEA</b>	<b>MORTENSEN</b>	<b>YEA</b>
<b>IHNKEN</b>	<b>YEA</b>	<b>MOTION CARRIED</b>	

**NEW BUSINESS:**

Agenda Item #1: First Reading Ordinance 21-01, an Ordinance Amending Chapter 124 of the Code of Ordinances of the Town of Frisco, Concerning Public Health and Safety, by Amending

Article II Thereof, concerning a Disposable Bag Fee, to Establish a Prohibition of the Use of Plastic Bags and Certain Paper Bags, and to Amend Provisions Concerning Fees for the Use of Permitted Disposable Bags. STAFF: GILLY PLOG 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

Environmental Coordinator Gilly Plog stated that Ordinance 21-01, bans disposable plastic bags and paper bags with less than 40 percent post-consumer recycled material and continues a single-use bag fee of \$.25 for paper bags only, which contain more than 40 percent post-consumer recycled material. Restaurants will now be included in this program. At the December 8, 2020 meeting, Council directed staff to return to Council with a plastic bag ban ordinance without exemptions for thicker plastic bags. To stay consistent with the Towns of Breckenridge and Dillon and to allow businesses to plan for this change and to use current bag inventories, the proposed ordinance would not go into effect until September 2021. Mayor Mortensen opened public comment at 5:45 p.m. There being no public comment, the Mayor closed public comment at 5:56 p.m.

**MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE ON FIRST READING ORDINANCE 21-01, AN ORDINANCE AMENDING CHAPTER 124 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING PUBLIC HEALTH AND SAFETY, BY AMENDING ARTICLE II THEREOF, CONCERNING A DISPOSABLE BAG FEE, TO ESTABLISH A PROHIBITION OF THE USE OF PLASTIC BAGS AND CERTAIN PAPER BAGS, AND TO AMEND PROVISIONS CONCERNING FEES FOR THE USE OF PERMITTED DISPOSABLE BAGS, AND AMENDING THE ORDINANCE TO ADDRESS COUNCIL'S CONCERNS REGARDING THE PENALTY SECTION. SECOND, COUNCIL MEMBER HELD.**

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

#### **OLD BUSINESS:**

Agenda Item #2: Second Reading Ordinance 20-23, An Ordinance Amending Chapter 180 Of The Code Of Ordinances Of The Town Of Frisco, Concerning The Unified Development Code, By Amending Subsection 180-2.5.2.B.1, Concerning Thresholds For Site Plan Review Type; And Subsection 180-5.1.5, Concerning The Table Of Allowed Uses; And Section 180-5.2, Concerning Use Specific Standards; And Subsection 180-5.2.3, Concerning Outdoor Storage Areas; And Subsection 180-5.3.3, Concerning Solar Energy Facilities; And Section 180-6.4.1, Concerning Improvements Agreement; And Section 180-6.5, Concerning Land-Disturbing Activities; And Section 180-6.6.2, Concerning Drainage Plans, Design Standards; And Section 180-6.6.4, Concerning Erosion And Sediment Control; And Section 180-6.7, Concerning Water Quality; And Subsection 180-6.11.2, Concerning Non-Vehicular Access Requirements; And Subsection 180-6.13.1, Concerning Parking And Loading Requirements, Applicability; And Subsection 180-6.13.3, Concerning On-Premise Parking Requirements; And Subsection 180-6.13.4, Concerning Bicycle Parking; And Subsection 180-6.13.7, Concerning Snow Storage Areas; And Subsection 180-6.14.2, Concerning Landscaping And Revegetation Requirements, Applicability; And Subsection 180-6.14.5.E, Concerning Revegetation Of Disturbed Land; And Section 180-6.17, Concerning Refuse Management; And Section 180-9.3, Concerning General Definitions. STAFF: SUSAN LEE 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

Planner Susan Lee and Environmental Coordinator Gilly Plog provided an update regarding changes to the Unified Development Code that support the Town Council's Strategic Plan goals related to implementing the Climate Action Plan and Water Efficiency Plan. Staff has been pursuing building and land use code revisions in collaboration with a multi-jurisdictional task force headed by High Country Conservation Center (HC3). On June 9, 2020, a preliminary list of sustainable land use code amendment topics was presented to Council for consideration. At that meeting, the Council provided feedback and requested that staff solicit additional feedback on the code revisions from developers, builders, architects, and landscapers, that may potentially be impacted by the updates. Staff presented the developers' feedback to Council at the September 8, 2020, Town Council meeting. At the work session Town Council directed staff to develop draft code language in support of the sustainable land use code recommendations. Mayor Mortensen opened public comment at 6:19 p.m. There being no public comment, the Mayor closed public comment at 6:20 p.m.

**MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE ON SECOND READING ORDINANCE 20-23, AN ORDINANCE AMENDING CHAPTER 180 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE UNIFIED DEVELOPMENT CODE, BY AMENDING SUBSECTION 180-2.5.2.B.1, CONCERNING THRESHOLDS FOR SITE PLAN REVIEW TYPE; AND SUBSECTION 180-5.1.5, CONCERNING THE TABLE OF ALLOWED USES; AND SECTION 180-5.2, CONCERNING USE SPECIFIC STANDARDS; AND SUBSECTION 180-5.2.3, CONCERNING OUTDOOR STORAGE AREAS; AND SUBSECTION 180-5.3.3, CONCERNING SOLAR ENERGY FACILITIES; AND SECTION 180-6.4.1, CONCERNING IMPROVEMENTS AGREEMENT; AND SECTION 180-6.5, CONCERNING LAND-DISTURBING ACTIVITIES; AND SECTION 180-6.6.2, CONCERNING DRAINAGE PLANS, DESIGN STANDARDS; AND SECTION 180-6.6.4, CONCERNING EROSION AND SEDIMENT CONTROL; AND SECTION 180-6.7, CONCERNING WATER QUALITY; AND SUBSECTION 180-6.11.2, CONCERNING NON-VEHICULAR ACCESS REQUIREMENTS; AND SUBSECTION 180-6.13.1, CONCERNING PARKING AND LOADING REQUIREMENTS, APPLICABILITY; AND SUBSECTION 180-6.13.3, CONCERNING ON-PREMISE PARKING REQUIREMENTS; AND SUBSECTION 180-6.13.4, CONCERNING BICYCLE PARKING; AND SUBSECTION 180-6.13.7, CONCERNING SNOW STORAGE AREAS; AND SUBSECTION 180-6.14.2, CONCERNING LANDSCAPING AND REVEGETATION REQUIREMENTS, APPLICABILITY; AND SUBSECTION 180-6.14.5.E, CONCERNING REVEGETATION OF DISTURBED LAND; AND SECTION 180-6.17, CONCERNING REFUSE MANAGEMENT; AND SECTION 180-9.3, CONCERNING GENERAL DEFINITIONS.. SECOND, COUNCIL MEMBER AERENSON.**

<b>AERENSON</b>	<b>YEA</b>	<b>FALLON</b>	<b>YEA</b>
<b>BURLEY</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>ABSENT</b>
<b>HELD</b>	<b>YEA</b>	<b>MORTENSEN</b>	<b>YEA</b>
<b>IHNKEN</b>	<b>YEA</b>	<b>MOTION CARRIED</b>	

Agenda Item #3: Second Reading Ordinance 20-24, an Ordinance Approving a Lease Agreement with New Cingular Wireless PCS, LLC, for the Use of a Portion of that Certain Real Property known as 102 School Road, also known as the Publics Work Shop, for the Installation and Maintenance of Cellular Telecommunications Facilities. STAFF: VANESSA AGEE 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

Communications Director Vanessa Agee indicated this ordinance approves a lease agreement for AT&T cellular antennae at the Public Works building. Council indicated that the agreement should support a quick installation timeline and that rent should be waived for the near future to enable this improvement, but that the agreement with AT&T should include rent at some point in the future for this commercial use of a Town building. Hence, the agreement includes \$0 rent for the first six months of the first year of the term of this agreement and \$900 a month for each month thereafter. AT&T (the lessee) would be responsible for the antennas' electrical power consumption, connectivity/internet service, and maintenance. The agreement would terminate on December 31, 2025 at which time the agreement would automatically be extended for two (2) additional five (5) year terms unless either party terminates. The annual rent for each five (5) year extension term would be increased by 10% over the annual rent due during the immediately preceding five (5) year term. Mayor Mortensen opened public comment at 6:22 p.m. There being no public comment, the Mayor closed public comment at 6:23 p.m.

**MOTION: COUNCIL MEMBER AERENSON MOVED TO APPROVE ON SECOND READING ORDINANCE 20-24, AN ORDINANCE APPROVING A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, FOR THE USE OF A PORTION OF THAT CERTAIN REAL PROPERTY KNOWN AS 102 SCHOOL ROAD, ALSO KNOWN AS THE PUBLICS WORK SHOP, FOR THE INSTALLATION AND MAINTENANCE OF CELLULAR TELECOMMUNICATIONS FACILITIES. SECOND, COUNCIL MEMBER BURLEY.**

<b>AERENSON</b>	<b>YEA</b>	<b>FALLON</b>	<b>YEA</b>
<b>BURLEY</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>ABSENT</b>
<b>HELD</b>	<b>YEA</b>	<b>MORTENSEN</b>	<b>YEA</b>
<b>IHNKEN</b>	<b>YEA</b>	<b>MOTION CARRIED</b>	

Agenda Item #4: General Discussion / Action on COVID-19 Response. STAFF: NANCY KERRY  
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 Nancy Kerry stated that during a special Town Council meeting on December 21, Town Council approved an emergency resolution, which dedicated a total of \$500,000 to two grant programs, the Frisco General Business Assistance Grant Program and the Frisco Business Innovation Grant Program. The grant program recognizes that some businesses have been more severely impacted than other businesses throughout this pandemic, and therefore, the General Business Assistance Grant is a tiered program designed to help businesses who need the most support. After discussion, Council asked staff to return to the January 26, 2021 Town Council meeting with an amendment to the grant program resolution, which would extend the Innovation Grant application deadline, which is currently January 31, 2021, to encourage businesses to continue to innovate due to changing COVID-19 conditions and seek reimbursement through the Frisco Innovation Grant program. Staff also provided an update on the Love Frisco, Winter Frisco program.

#### **EXECUTIVE SESSION:**

Agenda Item #5: Executive Session Pursuant to C.R.S. 24-6-402(4)(f), Personnel Matters for Purposes of Evaluating the Town Manager's Annual Performance.

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

<b>AERENSON</b>	<b>YEA</b>	<b>FALLON</b>	<b>YEA</b>
<b>BURLEY</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>ABSENT</b>
<b>HELD</b>	<b>YEA</b>	<b>MORTENSEN</b>	<b>YEA</b>
<b>IHNKEN</b>	<b>YEA</b>	<b>MOTION CARRIED</b>	

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

<b>AERENSON</b>	<b>YEA</b>	<b>FALLON</b>	<b>YEA</b>
<b>BURLEY</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>ABSENT</b>
<b>HELD</b>	<b>YEA</b>	<b>MORTENSEN</b>	<b>YEA</b>
<b>IHNKEN</b>	<b>YEA</b>	<b>MOTION CARRIED</b>	

**ADJOURN:**

There being no further business, the meeting adjourned at 7:30 p.m.

Respectfully Submitted,

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Deborah Wohlmuth, CMC  
Town Clerk