

**RECORD OF PROCEEDINGS  
MINUTES OF THE REGULAR MEETING  
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO  
JANUARY 26, 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  
Melissa Sherburne

**Absent:**

**Public Comments:**

There was no public comment.

**Mayor and Council Comments:**

Council member Held complimented Make Frisco's efforts.

Mayor Mortensen complimented Summit County Environmental Health's vaccination rollout.

Council member Ihnken read a letter into the record on behalf of the Council thanking Town Manager Nancy Kerry for her exemplary service through the COVID-19 pandemic.

**CONSENT AGENDA:**

Minutes January 12, 2021.

Warrant List.

Purchasing Cards.

HBL Consulting IT Support Services Contract.

Town Manager Contract Amendment.

Request to Terminate License Agreement for Use of Pitkin Alley by 414 8th Ave.

**MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED, WITH DIRECTION TO REVISIT IT SERVICES NEXT YEAR. SECOND, COUNCIL MEMBER FALLON.**

<b>AERENSON</b>	<b>YEA</b>	<b>FALLON</b>	<b>YEA</b>
<b>BURLEY</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>YEA</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: Resolution 21-03, a Resolution of the Town of Frisco, Colorado, Approving the Provision of Water Service to an Out-of-Town Residential Dwelling Unit Located at Lot 153, Bill's Ranch Subdivision, Addressed as 0072 Goldfinch Lane. STAFF: JEFF GOBLE 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 provided an update regarding a request to provide water service to an out-of-town property, a cabin on Goldfinch Lane in Bill's Ranch in unincorporated Summit County. Council discussed and subsequently denied the request. According to the Town Code, it is the Councils' sole discretion to approve or deny the request for water service outside of the Town's boundaries. In the past, the Town has granted water service to areas outside of town limits such as the County Commons area, the Evergreen Subdivision, and Summit Middle School. A transfer of water rights to the Town were included in many of the agreements to offset the depletion of the Town's historical rights. Such service has never been granted to an individual residential property. Council cited concerns regarding planning for future demand for water within Town limits as development and housing expands, as well as not wanting to set a precedent for one-off requests and the associated ramifications of responding to each request separately. Mayor Mortensen opened public comment at 7:08 pm. There being no public comment, the Mayor closed public comment at 7:09 p.m.

Agenda Item #2: Resolution 21-04, a Resolution Authorizing the Mayor and Town Clerk to Execute that Certain Agreement for Architecture, Engineering, and Site Planning Services for the 619 Granite Street Workforce Housing Project in an Amount not to Exceed \$259,725. STAFF: DON REIMER 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 provided an update on the 619 Granite Street Workforce Housing, recommending that Council approve a contract between the Town and Studio Architecture in the amount of \$259,725 for architecture, engineering, and site planning services for the lot owned by Colorado Department of Transportation (CDOT) located at 619 Granite Street. Council also approved an amendment to the Workforce Housing Planning Agreement between CDOT and the Town to increase the design expenditures to \$300,000 from the originally agreed upon \$200,000. Mayor Mortensen opened public comment at 7:24 p.m. There being no public comment, the Mayor closed public comment at 7:29 p.m.

**MOTION: COUNCIL MEMBER SHERBURNE MOVED TO APPROVE RESOLUTION 21-04, A RESOLUTION AUTHORIZING THE MAYOR AND TOWN CLERK TO EXECUTE THAT CERTAIN AGREEMENT FOR ARCHITECTURE, ENGINEERING, AND SITE PLANNING SERVICES FOR THE 619 GRANITE STREET WORKFORCE HOUSING PROJECT IN AN AMOUNT NOT TO EXCEED \$259,725. 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>YEA</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: Amendment to Workforce Housing Planning Agreement Between Colorado Department of Transportation (CDOT) and the Town of Frisco. STAFF: DON REIMER 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

**MOTION: COUNCIL MEMBER AERENSON MOVED TO APPROVE THE AMENDMENT TO WORKFORCE HOUSING PLANNING AGREEMENT BETWEEN COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) AND THE TOWN OF FRISCO. SECOND, COUNCIL MEMBER HELD.**

<b>AERENSON</b>	<b>YEA</b>	<b>FALLON</b>	<b>YEA</b>
<b>BURLEY</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>YEA</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: First Reading Ordinance 21-02, an Ordinance Amending Chapter 41 of the Code of Ordinances of the Town of Frisco, Concerning the Planning Commission, by Amending Section 41-1, Concerning Officers, Meetings, Rules and Records, to Clarify Provisions Concerning Terms for Officers and Scheduling of Meetings. Staff: DON REIMER 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 Ordinance 20-21, amends Section 41-1 of the Town Code to clarify certain provisions related to term of office for members and officers, and scheduling of meetings. As part of the Home Rule Charter Review, staff identified minor amendments which clarify these items, without causing any substantive changes to the Code, clarifying that officers (Chair and Vice-Chair) will be elected at the first meeting of the term, which typically will be the first meeting in May following a Council election; and that the length of office for the Chair and Vice-Chair will be for the entire two-year term. Mr. Reimer stated that the other change is related to scheduling meetings, clarifying that at least one meeting will be scheduled each month, but that meetings may be canceled if there are no items for consideration. This change is consistent with how the Planning Commission has operated in recent years. Mayor Mortensen opened public comment at 7:35 p.m. There being no public comment, the Mayor closed public comment at 7:36 p.m.

**MOTION: COUNCIL MEMBER IHNKEN MOVED TO APPROVE ON FIRST READING ORDINANCE 21-02, AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE PLANNING COMMISSION, BY AMENDING SECTION 41-1, CONCERNING OFFICERS, MEETINGS, RULES AND RECORDS, TO CLARIFY PROVISIONS CONCERNING TERMS FOR OFFICERS AND SCHEDULING OF MEETINGS. 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>YEA</b>
<b>HELD</b>	<b>YEA</b>	<b>MORTENSEN</b>	<b>YEA</b>
<b>IHNKEN</b>	<b>YEA</b>	<b>MOTION CARRIED</b>	

#### **OLD BUSINESS:**

Agenda Item #5: Second 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 CLOSSES 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, and edits be made to broaden violation and penalties to include managers and the businesses themselves, rather than the individual employees. 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 7:39 p.m. There being no public comment, the Mayor closed public comment at 7:40 p.m. Mayor Mortensen stated that he received comment from an aging citizen expressing concern that bags need sturdy handles in order for seniors to carry them.

**MOTION: COUNCIL MEMBER HELD MOVED TO APPROVE ON SECOND 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 BURLEY.**

<b>AERENSON</b>	<b>YEA</b>	<b>FALLON</b>	<b>YEA</b>
<b>BURLEY</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>YEA</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 #6: 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

Council discussed reinstating the Frisco Pedestrian Promenade for the Summer of 2021, but determined that a decision could not be made without first understanding the impact of the final phase of the Colorado Department of Transportation Highway 9 project this summer. Council also discussed enhancements to the Promenade, if it were relaunched, including adding public art, lighting, and more aesthetically pleasing fencing for individual businesses, and tweaking the site layout. Marketing Director Vanessa Agee stated that funding is still available through the Frisco General Business Assistance Grant Program and the Frisco Business Innovation Grant Program. As of January 26, 2021, 89 grant applications were in various stages of progress and completion, and the Town of Frisco had awarded \$243,510 in grants. Council asked staff to return with amendments to the grant program resolution on February 9, which would extend the application deadline for both grants, which is currently January 31, 2021, and to expand eligibility to new businesses that have opened or worked to open between January 2020 and March. The Town is also administering the Colorado Small Business Relief Grant, which is open to applications through February 7, 2021.

ADJOURN:

There being no further business, the meeting adjourned at 8:30 p.m.

Respectfully Submitted,

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Deborah Wohlmuth, CMC

Town Clerk