

**RECORD OF PROCEEDINGS  
MINUTES OF THE REGULAR MEETING  
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO  
FEBRUARY 23, 2021**

Mayor Pro-Tem Burley 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  
Melissa Sherburne

**Absent:** Rick Ihnken  
Hunter Mortensen

**Public Comments:**

Bill's Ranch resident Craig Mansfield offered to donate a 1932 cabin and \$2500 for relocation of the cabin to the Town.

**Mayor and Council Comments:**

There was no Council comment.

**Consent Agenda:**

Resolution 21-06 for the Purchase of Six (6) New Pontoon Boats and Motors from Crowley Marine for the Frisco Bay Marina.  
First Amendment to the Intergovernmental Agreement Between the Town of Frisco and the City and County of Denver Board of Water Commissioners.  
February 9, 2021 Minutes.  
Warrant List.  
Purchasing Cards – December 2020.  
Purchasing Cards – January 2021.

**MOTION: COUNCIL MEMBER SHERBURNE 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>YEA</b>
<b>HELD</b>	<b>YEA</b>	<b>MORTENSEN</b>	<b>ABSENT</b>
<b>IHNKEN</b>	<b>ABSENT</b>	<b>MOTION CARRIED</b>	

**New Business:**

Agenda Item #1: Ordinance 21-04, an Ordinance Amending Chapters 110 and 160 of the Code of Ordinances of the Town of Frisco, Colorado, Concerning Business Licensing and Taxation, Respectively, by Amending Sections 110-3, Concerning the Requirement for a Business License; 160-1.1, Concerning Definitions Related to the Town's Sales Tax; 160-8.2, Concerning Sales Tax Licenses; 160-8.7, Concerning the Collection of Sales Tax; 160-28, Concerning Definitions Related to the Town's Lodging Tax; 160-29, Concerning Business Licenses in Connection with the Lodging Tax;

and 160-35, Concerning Payment of the Lodging Tax; All in Order to Facilitate the Town's Use of the Statewide Electronic Sales and Use Tax Filing and Payment System Established Pursuant to Colorado Statutes to Simplify, Standardize, and Make More Efficient the Reporting and Payment of Sales and Lodging Taxes Collected by Persons and Entities Defined Herein as Marketplace Facilitators. STAFF: BONNIE MOINET 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

Finance Director Bonnie Moinet stated that Ordinance 21-04 authorizes the Town of Frisco to participate in the Sales & Use Tax System (SUTS) to provide online retailers and marketplace facilitators a portal to report and remit sales taxes to the Town of Frisco. While some online retailers remit sales taxes to the Town currently, there are a great many of these retailers who do not file and remit for sales to Town of Frisco residents. This system would allow remote sellers to become compliant by filing and remitting through the web portal. Participation in this system would increase sales tax revenues to the Town. In order for the Town to participate in this system, a code change is required to eliminate the need for a separate business license for sellers without a physical presence within the Town, and Ordinance 21-04 approved by Council on first reading made these changes to the code as required. Retailers with a physical presence within the Town would continue to file and remit sales tax directly to the Town and continue to be required to obtain a business license. Mayor Pro-Tem Burley opened public comment at 6:53 p.m. There being no public comment, the Mayor closed public comment at 6:54 p.m.

**MOTION: COUNCIL MEMBER AERONSON MOVED TO APPROVE ON FIRST READING ORDINANCE 21-04, AN ORDINANCE AMENDING CHAPTERS 110 AND 160 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, CONCERNING BUSINESS LICENSING AND TAXATION, RESPECTIVELY, BY AMENDING SECTIONS 110-3, CONCERNING THE REQUIREMENT FOR A BUSINESS LICENSE; 160-1.1, CONCERNING DEFINITIONS RELATED TO THE TOWN'S SALES TAX; 160-8.2, CONCERNING SALES TAX LICENSES; 160-8.7, CONCERNING THE COLLECTION OF SALES TAX; 160-28, CONCERNING DEFINITIONS RELATED TO THE TOWN'S LODGING TAX; 160-29, CONCERNING BUSINESS LICENSES IN CONNECTION WITH THE LODGING TAX; AND 160-35, CONCERNING PAYMENT OF THE LODGING TAX; ALL IN ORDER TO FACILITATE THE TOWN'S USE OF THE STATEWIDE ELECTRONIC SALES AND USE TAX FILING AND PAYMENT SYSTEM ESTABLISHED PURSUANT TO COLORADO STATUTES TO SIMPLIFY, STANDARDIZE, AND MAKE MORE EFFICIENT THE REPORTING AND PAYMENT OF SALES AND LODGING TAXES COLLECTED BY PERSONS AND ENTITIES DEFINED HEREIN AS MARKETPLACE FACILITATORS. 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>RECUSED</b>
<b>HELD</b>	<b>YEA</b>	<b>MORTENSEN</b>	<b>ABSENT</b>
<b>IHNKEN</b>	<b>ABSENT</b>	<b>MOTION CARRIED</b>	

#### **Old Business:**

Agenda Item #2: Second Reading Ordinance 21-03, an Ordinance Rezoning from the Light Industrial (LI) Zoning District to the Mixed-Use (MU) Zoning District, Certain Real Property Located at 18 and 68 School Road / Lot 1, Saint Anthony Summit Medical Campus. STAFF: BILL GIBSON 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 MEMBER SHERBURNE RECUSED HERSELF FROM THE MEETING AT THIS TIME.**

Assistant Community Development Director Bill Gibson stated that Traditional Neighborhood Developers, LLC, representing Centura Health, is proposing to change the zoning classification of the property located at 18 & 68 School Road from Light Industrial (LI) District to Mixed-Use (MU) District. The subject property is owned by Centura Health and is the site of the Summit Vista Professional Building new Frisco Medical Office Building. Centura desires to demolish the now closed Summit Vista Professional Building and construct a future residential development on that portion of the site. The Applicant has stated that this future residential development will include workforce housing. However, the subject property is currently zoned Light Industrial (LI) District which does not allow for such residential development. The Applicant is therefore proposing to rezone this property to the Mixed-Use (MU) District which would allow for future residential development on a portion of this site. Pursuant to Section 180-2.3.4.F, Simultaneous Processing of Development Applications, of the Frisco Unified Development Code (UDC), a Major Site Plan Application may not be accepted or processed while a rezoning application is pending for the same property. The Applicant's future residential project cannot be reviewed by the Planning Commission until rezoning has occurred. Mayor Pro-Tem Burley opened public comment at 6:57 p.m. There being no public comment, the Mayor closed public comment at 6:58 p.m.

**MOTION: COUNCIL MEMBER FALLON MOVED TO APPROVE ON SECOND READING ORDINANCE 21-03, AN ORDINANCE REZONING FROM THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT TO THE MIXED-USE (MU) ZONING DISTRICT, CERTAIN REAL PROPERTY LOCATED AT 18 AND 68 SCHOOL ROAD / LOT 1, SAINT ANTHONY SUMMIT MEDICAL CAMPUS. 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>RECUSED</b>
<b>HELD</b>	<b>YEA</b>	<b>MORTENSEN</b>	<b>ABSENT</b>
<b>IHNKEN</b>	<b>ABSENT</b>	<b>MOTION CARRIED</b>	

**COUNCIL MEMBER SHERBURNE REJOINED THE MEETING AT THIS TIME.**

Agenda Item #3: 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 provided an update on COVID-19 metrics in Summit County. As of Tuesday, February 23, Summit County case numbers had been sitting at Level Yellow on the Colorado COVID Dial for six days in a row. If the numbers stay in Yellow for at least seven days, then Summit County could begin operating in Level Yellow as soon as Thursday, February 25 with all restaurants, personal service, and personal fitness providers operating indoors at 50% capacity or 50 people per room, whichever is less, provided that patrons can maintain six feet of distance from each other. 5 Star businesses will not be able to operate at Level Blue capacities until 70% of people over 70 years of age have been vaccinated in the State of Colorado. Mayor Pro-Tem Burley opened public comment at 7:05 p.m. There being no public comment, the Mayor closed public comment at 7:06 p.m.

**Executive Session:**

Agenda Item #4: An Executive Session Pursuant to:

- 1: C.R.S. Section 24-6-402(4)(a), to Discuss the Potential Acquisition of Certain Real Property; and
- 2: C.R.S. Section 24-6-402(4), (e) Determining Positions Relative to Matters That May Be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Concerning the Ice Castles.

**MOTION: COUNCIL MEMBER FALLON MOVED TO ENTER INTO AN EXECUTIVE SESSION PURSUANT TO: 1: C.R.S. SECTION 24-6-402(4)(A), TO DISCUSS THE POTENTIAL ACQUISITION OF CERTAIN REAL PROPERTY; AND 2: C.R.S. SECTION 24-6-402(4), (E) DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS CONCERNING THE ICE CASTLES. SECOND, COUNCIL MEMBER AERENSON.**

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

**MOTION: COUNCIL MEMBER FALLON MOVED TO EXIT AN EXECUTIVE SESSION PURSUANT TO: 1: C.R.S. SECTION 24-6-402(4)(A), TO DISCUSS THE POTENTIAL ACQUISITION OF CERTAIN REAL PROPERTY; AND 2: C.R.S. SECTION 24-6-402(4), (E) DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS CONCERNING THE ICE CASTLES. SECOND, COUNCIL MEMBER AERENSON.**

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

**ADJOURN:**

There being no further business, the meeting adjourned at \_\_\_\_ p.m.

Respectfully Submitted,

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Deborah Wohlmuth, CMC  
Town Clerk