

**RECORD OF PROCEEDINGS  
MINUTES OF THE REGULAR MEETING  
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO  
SEPTEMBER 25, 2018**

Council Member Shaner called the meeting to order at 7:00 p.m. Town Clerk Deborah Wohlmuth called the roll.

**Present:** Jessica Burley  
Dan Fallon  
Rick Ihnken  
Deborah Shaner  
Melissa Sherburne

**Absent:** Hunter Mortensen  
Gary Wilkinson

**Public Comment:**

Three citizens spoke in support of renewable energy. Sierra Club Headwaters Chair Kent Abernathy thanked Mayor Wilkinson for pledging Frisco's commitment to renewable energy.

Frisco resident Ray Brueggemaer spoke in support of an ice rink in Frisco.

Tom Taylor thanked the Town for its participation in the Masontown project. He also asked Council to look into speed limit enforcement on Granite.

**Council Comment:**

Council members Burley and Fallon thanked the audience for their participation.

**Proclamation:**

Council member Shaner proclaimed September 29<sup>th</sup> Dave's Day.

**Consent Agenda:**

Minutes August 28, 2018 Meeting  
Purchasing Cards  
Warrant List  
Home Rule Charter Review - Chapter 141, Unclaimed Property  
Home Rule Charter Review – Chapter 177, Wreckers and Towing  
Home Rule Charter Review – Chapter 167, Vehicles and Traffic  
Resolution 18-14, Supporting Summit County's Ballot Question 1A  
Resolution 18-15, Supporting Statewide Transportation Bill  
Resolution 18-16, Opposing Amendment 74

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

<b>BURLEY</b>	<b>YEA</b>	<b>SHANER</b>	<b>YEA</b>
<b>FALLON</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>YEA</b>

<b>IHNKEN</b>	<b>YEA</b>	<b>WILKINSON</b>	<b>ABSENT</b>
<b>MORTENSEN</b>	<b>ABSENT</b>	<b>MOTION CARRIED.</b>	

**New Business:**

Agenda Item #1: New Hotel and Restaurant Liquor License for Pure Kitchen LLC dba Pure Kitchen  
STAFF: DEBORAH WOHLMUTH 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 Clerk Deborah Wohlmuth stated that this application is for a new hotel and restaurant liquor license for Pure Kitchen LLC dba Pure Kitchen located at 116 Basecamp Way. Applicants Christopher Renner, Terrence Barbu, and Jason Payne have filed the necessary paperwork and posted the premise in accordance with the Colorado Liquor Code. Further, notice of this application was published in a newspaper of general circulation on September 14, 2018 pursuant to statutory requirements. The Police Department has performed the necessary fingerprinting and background checks for the applicants. The authority should be advised the applicants reported that a non-majority stakeholder had a license suspended for seven days by the Town of Breckenridge for failure to report an incident in 2016. The applicants further indicated that this was the first incident the member had experienced in 26 years of owning 35 separate licenses in three states. This member will not be managing the establishment. Criminal history reports of the Colorado Bureau of Investigation and Federal Bureau of Investigation are pending. Council member Shaner opened public comment at 7:23 p.m. There being no public comment, Council member Shaner closed the public comment at 7:25 p.m.

**MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE THE ISSUANCE OF A NEW HOTEL AND RESTAURANT LIQUOR LICENSE FOR PURE KITCHEN LLC DBA PURE KITCHEN LOCATED AT 116 BASECAMP WAY, 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 NEW HOTEL AND RESTAURANT LIQUOR LICENSE FOR PURE KITCHEN LLC DBA PURE KITCHEN. SECOND, COUNCIL MEMBER FALLON. VOTE:**

<b>BURLEY</b>	<b>YEA</b>	<b>SHANER</b>	<b>YEA</b>
<b>FALLON</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>YEA</b>
<b>IHNKEN</b>	<b>YEA</b>	<b>WILKINSON</b>	<b>ABSENT</b>
<b>MORTENSEN</b>	<b>ABSENT</b>	<b>MOTION CARRIED.</b>	

Agenda Item #2: First Reading Ordinance 18-09, An Ordinance Amending Chapters 127 and 180 of the Code of Ordinances of the Town of Frisco, Concerning General Offenses and the development of Land, Respectively, By Adding a New Section 127-53, Concerning Standards and Limitations on the Creation of Noise Within the Town, and By Deleting Section 180-6.20.3, Concerning Construction Noise STAFF: JOYCE ALLGAIER 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 Joyce Allgaier stated that this ordinance amends Chapters 127 and 180 of the Town Code, implementing a noise ordinance that sets specific decibel levels for certain times of day, contains residential and commercial noise zones, defines terms, and contains provisions for exceptions, among other provisions. Frisco has grown and changed in terms of the mix of uses, new uses, enhanced outdoor vitality, and overall intensification of activity in the community. This intensification is from both a mixture of residential and commercial development arrayed in dense settings and the infill of new developments. Additionally, several new developments have included alfresco dining areas, roof top decks, and music venues. This ordinance also clarifies construction noise provisions to include clarification of times when construction is allowed, and not placing specific limitations on holidays; clarifies hours when a reduced decibel level comes into effect in both the residential and commercial noise zones; clarifies exemption criteria and the requirement of an informational notice to owners in the vicinity before action is taken on an exemption request, and inclusion of snow removal and domestic power equipment noise provisions. Provisions regarding vehicular noise from engine braking devices (commonly referred to as a "Jake brake") will be added to the town's model traffic code provisions. Council member Shaner opened public comment at 7:45 p.m. Frisco resident Phil Sanderman suggested that noise levels be lower. Frisco resident Craig Peterson suggested that this noise ordinance is not ready to be approved because of vagueness about noise levels, times, dogs, construction, variety based on season and days of the week. Frisco resident Kelly Foote spoke in support of the ordinance, and felt that the vagueness could be beneficial either way. As a business owner, he would prefer that the time limit be 11pm instead of 10pm. Council discussed changing the time to 11pm in commercial districts, eliminating language about national holidays, and the language concerning continuous and frequent noise be removed. There being no further public comment, Council member Shaner closed the public comment at 7:57 p.m.

**MOTION: COUNCIL MEMBER SHERBURNE MOVED TO APPROVE ON FIRST READING ORDINANCE 18-09, AN ORDINANCE AMENDING CHAPTERS 127 AND 180 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING GENERAL OFFENSES AND THE DEVELOPMENT OF LAND, RESPECTIVELY, BY ADDING A NEW SECTION 127-53, CONCERNING STANDARDS AND LIMITATIONS ON THE CREATION OF NOISE WITHIN THE TOWN, AND BY DELETING SECTION 180-6.20.3, CONCERNING CONSTRUCTION NOISE WITH THE PROPOSED THREE AMENDMENTS. SECOND, COUNCIL MEMBER BURLEY. VOTE:**

<b>BURLEY</b>	<b>YEA</b>	<b>SHANER</b>	<b>YEA</b>
<b>FALLON</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>YEA</b>
<b>IHNKEN</b>	<b>YEA</b>	<b>WILKINSON</b>	<b>ABSENT</b>
<b>MORTENSEN</b>	<b>ABSENT</b>	<b>MOTION CARRIED.</b>	

**Old Business:**

Agenda Item #3: Second Reading Ordinance 18-08, an Ordinance Amending Chapter 97 of the Code of Ordinances of the Town of Frisco, Concerning the Basis for Establishing the Areas of Special Flood Hazard; and 97-12, Concerning the Placement of Recreational Vehicles in Special Flood Hazard Areas 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.

Community Development Director Joyce Allgaier stated that the Town is required to adopt the new Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) prior to the effective date of November

16, 2018, and to amend its regulations to meet the minimum standards of the National Flood Insurance Program (NFIP) and the statewide Rules and Regulations for Floodplains in Colorado should the Town choose to continue its participation in the National Flood Insurance Program (NFIP) and to maintain its eligibility for federal financial assistance. Mayor Wilkinson opened public comment at 8:15 p.m. There being no public comment, Mayor Wilkinson closed the public comment at 8:16 p.m.

**MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE ON SECOND READING ORDINANCE 18-08, AN ORDINANCE AMENDING CHAPTER 97 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD; AND 97-12, CONCERNING THE PLACEMENT OF RECREATIONAL VEHICLES IN SPECIAL FLOOD HAZARD AREAS. SECOND, COUNCIL MEMBER FALLON. VOTE:**

<b>BURLEY</b>	<b>YEA</b>	<b>SHANER</b>	<b>YEA</b>
<b>FALLON</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>YEA</b>
<b>IHNKEN</b>	<b>YEA</b>	<b>WILKINSON</b>	<b>ABSENT</b>
<b>MORTENSEN</b>	<b>ABSENT</b>	<b>MOTION CARRIED.</b>	

There being no further business, the meeting adjourned at 8:17 p.m.

Respectfully Submitted,

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Deborah Wohlmuth, CMC  
Town Clerk