

**RECORD OF PROCEEDINGS
MINUTES OF THE REGULAR MEETING
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO
DECEMBER 11, 2018**

Mayor Wilkinson called the meeting to order at 7:00 p.m. Town Clerk Deborah Wohlmuth called the roll.

Present: Jessica Burley
Dan Fallon
Rick Ihnken
Hunter Mortensen
Deborah Shaner
Melissa Sherburne
Gary Wilkinson

Absent:

Public Comment:

Rodney Robinson, Team Summit, introduced the International Children's Games team members.

Frisco resident and business owner, Susanne Johnson spoke in opposition of residential development on the first floor of Main Street and encouraged Council to revisit the code.

Council Comment:

Council member Fallon spoke regarding the ice at Meadow Creek.

Mayor Wilkinson complimented staff on the fireworks and Wassail Days.

Council member Mortensen congratulated the Children's Games athletes.

Consent Agenda:

Minutes November 27, 2018 Meeting
Warrant List
Purchasing Cards

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

BURLEY	YEA	SHANER	ABSENT
FALLON	YEA	SHERBURNE	YEA
IHNKEN	YEA	WILKINSON	YEA
MORTENSEN	YEA	MOTION CARRIED.	

New Business:

Agenda Item #1: New Retail 3.2% Off Premise Beer License – Kum And Go STAFF: DEBORAH WOHLMUTH 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 Clerk Deborah Wohlmuth stated that this application is for a new retail 3.2% Beer Off Premise license for Kum & Go LC dba Kum & Go #948 located at 55 Lusher Court. Applicants Krause Holdings, Kyle Krause, Charley Campbell, and Craig Bergstrom 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 November 30, 2018 pursuant to statutory requirements. Pursuant to Colorado Revised Statutes, no fingerprints or additional background investigation forms are required as the applicant as a Masterfile on record with the State. Mayor Wilkinson opened the public hearing at 7:15 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 7:19 p.m.

MOTION: COUNCIL MEMBER IHNKEN MOVED TO APPROVE THE ISSUANCE OF A NEW RETAIL 3.2% BEER OFF PREMISE LICENSE FOR KUM & GO LC DBA KUM & GO #948 LOCATED AT 55 LUSHER COURT, 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 RETAIL 3.2% BEER OFF PREMISE LICENSE FOR KUM & GO LC DBA KUM & GO #948. SECOND, COUNCIL MEMBER MORTENSEN. VOTE:

BURLEY	YEA	SHANER	ABSENT
FALLON	YEA	SHERBURNE	YEA
IHNKEN	YEA	WILKINSON	YEA
MORTENSEN	YEA	MOTION CARRIED.	

Agenda Item #2: First Reading Ordinance 18-15, an Ordinance Amending Chapter 53 of the Code of Ordinances of the Town of Frisco, Colorado, Concerning Alcoholic Beverages, by Amending All References Within Chapter 53 to the Colorado Beer Code, the Colorado Liquor Code, and the Colorado Special Event Liquor Permits Statutes to Reflect the State of Colorado's Recent Recodification of Said Codes and Statutes; and by Amending Section 53-18, Concerning Alcoholic Beverage Tastings, to Reflect Recent Substantive Amendments to the Colorado Statutory Provisions that Concern Alcoholic Beverage Tastings 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 Ordinance 18-15 updates Chapter 53 Alcoholic Beverages to reflect recent legislation recodifying the State of Colorado's beer, liquor, and special event liquor permit codes; and amends language concerning alcoholic beverage tastings. The Colorado legislature recently adopted and the Governor signed into law HB18-1025, which recodified the Colorado statutes that contain the Colorado Beer Code, the Colorado Liquor Code, and the Colorado Special Event Liquor Permits. HB18-1025 became effective October 1, 2018. It is necessary to change the references to the Colorado Beer Code, the Colorado Liquor Code, and the Colorado Special Event Liquor Permit statutes contained in the Frisco Town Code to reflect the recodification of such statutes

brought about by the adoption of HB18-1025. State legislature also recently adopted SB 18-243 which expands and amends certain tastings laws and limitations. SB 18-243 became effective June 4, 2018. This law states that any violation of a tastings limitation is the responsibility of the retail liquor store or liquor licensed drug store licensee even if the violation was committed by a representative, employee, or agent of another licensee named above. It also states that a representative, employee, or agent of a manufacturer, limited winery, wholesaler, or importer may pour or serve alcohol beverages as part of a tasting at an RLS or LLDS licensed premises. Mayor Wilkinson opened the public hearing at 7:25p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 7:26 p.m.

MOTION: COUNCIL MEMBER MORTENSEN MOVED TO APPROVE ON FIRST READING ORDINANCE 18-15, AN ORDINANCE AMENDING CHAPTER 53 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, CONCERNING ALCOHOLIC BEVERAGES, BY AMENDING ALL REFERENCES WITHIN CHAPTER 53 TO THE COLORADO BEER CODE, THE COLORADO LIQUOR CODE, AND THE COLORADO SPECIAL EVENT LIQUOR PERMITS STATUTES TO REFLECT THE STATE OF COLORADO'S RECENT RECODIFICATION OF SAID CODES AND STATUTES; AND BY AMENDING SECTION 53-18, CONCERNING ALCOHOLIC BEVERAGE TASTINGS, TO REFLECT RECENT SUBSTANTIVE AMENDMENTS TO THE COLORADO STATUTORY PROVISIONS THAT CONCERN ALCOHOLIC BEVERAGE TASTINGS. SECOND, COUNCIL MEMBER SHERBURNE. VOTE:

BURLEY	YEA	SHANER	ABSENT
FALLON	YEA	SHERBURNE	YEA
IHNKEN	YEA	WILKINSON	YEA
MORTENSEN	YEA	MOTION CARRIED.	

Agenda Item #3: First Reading Ordinance 18-16, an Ordinance Amending Chapter 127 of the Code of Ordinances of the Town of Frisco, Colorado, Concerning Offenses, by Amending Section 127-7, Concerning Public Consumption of an Alcoholic Beverage and Possession of an Open Container, to Properly Set Forth All References therein to the Colorado Liquor Code Which Liquor Code was Recently Recodified by the State of Colorado 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 Ordinance 18-16 updates Chapter 127 Offenses to reflect recent legislation recodifying the State of Colorado's beer, liquor, and special event liquor permit codes and amends language concerning public consumption of alcoholic beverages and possession of open containers. The Colorado legislature recently adopted HB18-1025, which recodified the Colorado statutes that contain the Colorado Beer Code, the Colorado Liquor Code, and the Colorado Special Event Liquor Permits. HB18-1025 became effective October 1, 2018. It is necessary to change the references to the Colorado Beer Code, the Colorado Liquor Code, and the Colorado Special Event Liquor Permit statutes contained in the Frisco Town Code to reflect the recodification of such statutes brought about by the adoption of HB18-1025. The Colorado legislature also recently adopted and the Governor signed into law SB 18-243 which prohibits the consumption of Fermented Malt Beverages (FMB), or malt, vinous or spirituous liquor in any public place, except: a person who is at least 21 years of age may consume alcohol beverages in any public place, other than a public right of way, where the consumption of FMB or malt, vinous or spirituous liquor has been specifically authorized by ordinance, resolution, or rules adopted by any municipality, city and county, or county or; for purpose of state parks, state wildlife areas or other properties open to recreation that are under the supervision of the Parks and Wildlife Commission. SB 18-243 became effective June 4, 2018.

Mayor Wilkinson opened the public hearing at 7:27 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 7:28 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE ON FIRST READING ORDINANCE 18-16, AN ORDINANCE AMENDING CHAPTER 127 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, CONCERNING OFFENSES, BY AMENDING SECTION 127-7, CONCERNING PUBLIC CONSUMPTION OF AN ALCOHOLIC BEVERAGE AND POSSESSION OF AN OPEN CONTAINER, TO PROPERLY SET FORTH ALL REFERENCES THEREIN TO THE COLORADO LIQUOR CODE WHICH LIQUOR CODE WAS RECENTLY RECODIFIED BY THE STATE OF COLORADO. SECOND, COUNCIL MEMBER IHNKEN. VOTE:

BURLEY	YEA	SHANER	ABSENT
FALLON	YEA	SHERBURNE	YEA
IHNKEN	YEA	WILKINSON	YEA
MORTENSEN	YEA	MOTION CARRIED.	

Agenda Item #4: First Reading Ordinance 18-10, an Ordinance Amending Chapter 110 of the Code of Ordinances of the Town of Frisco, Concerning the Licensing of Businesses, by Adding a New Article III, Concerning the Licensing and Regulation of Short-Term Rentals Within the Town STAFF: CHAD MOST 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

Revenue Specialist Chad Most stated the Town of Frisco Housing Task Force Policy Group studied the impact of Short-term Rentals (STRs) on the Frisco community and issued a set of recommended actions in order to preserve and build Frisco's sense of community as a place where people live year round and to minimize the negative impacts that can arise from short-term rentals, all while acknowledging the importance of short-term rentals in maintaining a sustainable tourism-based economy. Recommended actions included updating the licensing requirements for short-term rentals, requiring STR units to meet basic life safety standards, requiring a local contact for each STR property, requiring that neighbors and HOAs receive notice upon the issuance of an STR license, requiring STR owners to provide life safety and good neighbor policy information to guests, establishing occupancy limits for STR units, implementing a monitoring and tracking program to ensure compliance and to evaluate future regulatory needs, and requiring the mitigation of various nuisances such as amplified outdoor music, improperly disposed trash, etc. The STR ordinance balances the need to regulate the STR industry, ensuring compliance and reducing negative impacts, with the need to sustain a vibrant, tourism-based local economy. The Town has taken a modest, measured approach to new regulations and fully anticipates ongoing evaluation to ensure the new framework achieves the goals set forth throughout the process: ensure compliance and a level playing field for all STR owners; reduce negative neighborhood impacts and better track complaints; ensure STR owners are providing for the safety of their guests and providing information necessary for guests to be good neighbors; and analyze data and communicate directly with STR owners to better understand STR impacts, the need for further regulation, and opportunities to incentivize long-term employee housing. Mayor Wilkinson opened the public hearing at 7:28 p.m. The audience asked questions concerning process and timing, and number of occupants. Frisco resident Jason Lederer spoke in support of the ordinance. There being no further public comment, Mayor Wilkinson closed the public hearing at 7:46 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE ON FIRST READING ORDINANCE 18-10, ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF

ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE LICENSING OF BUSINESSES, BY ADDING A NEW ARTICLE III, CONCERNING THE LICENSING AND REGULATION OF SHORT-TERM RENTALS WITHIN THE TOWN. SECOND, COUNCIL MEMBER MORTENSEN. VOTE:

BURLEY	YEA	SHANER	ABSENT
FALLON	YEA	SHERBURNE	YEA
IHNKEN	YEA	WILKINSON	YEA
MORTENSEN	YEA	MOTION CARRIED.	

Executive Session:

Agenda Item #5: Executive Session Pursuant to C.R.S. 24-6-402(4)(f), Concerning Personnel Matters Regarding Next Steps in the Town Manager Recruitment Process

MOTION: COUNCIL MEMBER MORTENSEN MOVED TO ENTER AN EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4) (F), PERSONNEL MATTERS REGARDING NEXT STEPS IN THE TOWN MANAGER RECRUITMENT PROCESS. SECOND, COUNCIL MEMBER SHERBURNE. VOTE:

BURLEY	YEA	SHANER	ABSENT
FALLON	YEA	SHERBURNE	YEA
IHNKEN	YEA	WILKINSON	YEA
MORTENSEN	YEA	MOTION CARRIED.	

MOTION: COUNCIL MEMBER MORTENSEN MOVED TO EXIT AN EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4) (F), PERSONNEL MATTERS REGARDING NEXT STEPS IN THE TOWN MANAGER RECRUITMENT PROCESS. SECOND, COUNCIL MEMBER SHERBURNE. VOTE:

BURLEY	YEA	SHANER	ABSENT
FALLON	YEA	SHERBURNE	YEA
IHNKEN	YEA	WILKINSON	YEA
MORTENSEN	YEA	MOTION CARRIED.	

There being no further business, the meeting adjourned at 9:12p.m.

Respectfully Submitted,

Deborah Wohlmuth, CMC
Town Clerk