

**RECORD OF PROCEEDINGS  
MINUTES OF THE REGULAR MEETING  
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO  
APRIL 9, 2019**

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  
Gary Wilkinson

**Absent:** Melissa Sherburne

**Public Comment:**

Frisco residents Judy Phillips, Jennifer Anquil, and Bobby, Malachai, and Tirzah Ryan spoke in support of Frisco fireworks, and suggested that Council continue the conversation.

Frisco resident Eric Roth spoke regarding consistent implementation of occupancy limits in all Frisco neighborhoods, and in both short and long term rentals.

Frisco resident Judy Phillips thanked Council for their support of Bethany Immigration Services.

**Council Comment:**

Mayor Wilkinson and Council Member Burley thanked staff and contractors for the Touch a Truck event at the Frisco Marina.

Mayor Wilkinson announced that Frisco won “The Best Place to Work” category from the Summit Chamber awards.

Council member Burley requested an update regarding the Wetlands Mitigation program at the Marina.

Council directed staff to enforce parking regulations.

Council members Shaner and Fallon thanked the audience for their feedback regarding the fireworks cancellation and discussed public safety concerns surrounding Frisco fireworks.

**Consent Agenda:**

- Minutes March 26, 2019 Meeting
- Home Rule Charter Review – Chapter 25, Investments
- Investment Policy

- Resolution 19-17, a Resolution Approving the Award of Contract for the Construction of Phase Two of the Alley Paving Project to Columbine Hills Concrete, Inc. of Silverthorne, Colorado

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

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

**Old Business:**

Agenda Item #1: Second Reading Ordinance 19-04, an Ordinance Amending Chapter 180 of the Code of Ordinances of the Town of Frisco, Concerning the Unified Development Code, By Amending Subsection 180-1.5.3, Concerning Building Permits and Certificates of Occupancy; Subsection 180-2.5.1.D, Concerning the Approval Criteria for Conditional Uses; Subsection 180-2.5.2.B.1, Table 2-2, Concerning Site Plan Review Thresholds; Subsection 180-2.5.2.D.3.A, Concerning Sketch Plan of the Major Site Plan Review Procedures; Subsection 180-2.5.2.D.4, Concerning Staff Review and Action of the Major Site Plan Review Procedures; Subsection 180-2.7.2, Table 2-3, Concerning Allowable Administrative Adjustments; Subsection 180-3.11, Table 3.11-1, Concerning CC District Dimensional Standards; Subsection 180-3.17.11, Concerning Table of Allowed Uses; Subsection 180-5.2.1.C.2, Concerning Crawlspace and Basements Associated with Cabin Housing; Subsection 180-5.2.3.C.2, Concerning Dumpster Enclosures; Subsection 180-5.2.6.J, Concerning Location Criteria for Medical Marijuana Dispensaries; Subsection 180-5.2.8, Concerning Residential Uses in the Central Core and Mixed Use Districts; Subsection 180-5.2.9.I., Concerning Locational Criteria for Retail Marijuana Facilities; Subsection 180-5.2.7, Concerning Light Industrial Zoning District; Subsection 180-5.2.8, Concerning the Light Industrial Zoning District; Subsection 180-5.5.B.1., Concerning Density Bonus in the Central Core, Gateway, and Mixed-Use Districts; Subsection 180-6.3.2, Concerning Buildings Occupying More Than One Lot; Subsection 180-6.8.A., Concerning Allowance of Non-Solid Fuel-Burning Devices; Subsection 180-6.13.3., Concerning On-Premise Parking Requirements; Subsection 180-6.13.3., Table 6-1, Concerning Required Number of Parking Spaces By Land Use; Subsection 180-6.13.3.D. Concerning Minimum Parking Requirements for the Central Core District (CC) and Properties Within the Mixed-Use District (MU) that Front on West Main Street; Subsection 180-6.16.3.E, Concerning General Requirements for Outdoor Lighting; Section 180-8, Concerning Fences and Walls; Subsection 180-6.19.7.D, Concerning Snow and Wind Load Standards for Signs; Subsection 180-6.19.12.C, Concerning Flags; Subsection 180-6.19.14, Concerning Nonconforming Signs; Subsection 180—6.22.3.F, Concerning Residential Development Standards for Garages; Subsection 180-7.6.3, Concerning Subdivision Lots; Subsection 180-7.6.9, Concerning Sanitary Sewers; Subsection 180-8.5.1, Concerning Changes, Extensions or Alterations of Nonconforming Buildings and Structures; Subsection 180-9.2.3, Concerning Definitions of General Use Categories for Personal Services; Section 180-9.3, Concerning General Definitions for Affordable Housing, Bedroom, Certificate of Occupancy, Condominium Hotel, Electric Vehicle Charging Station, Structure Height, Kennel, Commercial/Industrial Laundromat, Self-Service Laundromat, Multi-Housing Laundry, On-Premises Laundry, Public or Private Park, Personal Services, Substantial Destruction, Conditional Use, and Veterinary Clinic

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

Assistant Community Development Director Bill Gibson stated that this is the second reading of Ordinance 19-04 amending specific elements of Chapter 180, Frisco Unified Development Code (UDC), including the allowance for Commercial/Industrial Laundromats in the Light Industrial Zoning District. The current UDC was adopted in total through Ordinance 17-04 in June of 2017. The purpose of the 2017 UDC project was to upgrade, consolidate, and reformat the former subdivision and zoning regulations. It was acknowledged at that time that additional corrections and policy amendments to these regulations would be forthcoming over time. Therefore, Staff is also proposing various “housekeeping” and substantive code text amendments to the UDC including an amendment prohibiting a residential use on the ground floor on properties within the Central Core is included in this group of amendments. Mayor Wilkinson opened the public hearing at 7:26 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 7:27 p.m.

**MOTION: COUNCIL MEMBER MORTENSEN MOVED TO APPROVE ON SECOND READING ORDINANCE 19-04, AN ORDINANCE AMENDING CHAPTER 180 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE UNIFIED DEVELOPMENT CODE, BY AMENDING SUBSECTION 180-1.5.3, CONCERNING BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY; SUBSECTION 180-2.5.1.D, CONCERNING THE APPROVAL CRITERIA FOR CONDITIONAL USES; SUBSECTION 180-2.5.2.B.1, TABLE 2-2, CONCERNING SITE PLAN REVIEW THRESHOLDS; SUBSECTION 180-2.5.2.D.3.A, CONCERNING SKETCH PLAN OF THE MAJOR SITE PLAN REVIEW PROCEDURES; SUBSECTION 180-2.5.2.D.4, CONCERNING STAFF REVIEW AND ACTION OF THE MAJOR SITE PLAN REVIEW PROCEDURES; SUBSECTION 180-2.7.2, TABLE 2-3, CONCERNING ALLOWABLE ADMINISTRATIVE ADJUSTMENTS; SUBSECTION 180-3.11, TABLE 3.11-1, CONCERNING CC DISTRICT DIMENSIONAL STANDARDS; SUBSECTION 180-3.17.11, CONCERNING TABLE OF ALLOWED USES; SUBSECTION 180-5.2.1.C.2, CONCERNING CRAWLSPACES AND BASEMENTS ASSOCIATED WITH CABIN HOUSING; SUBSECTION 180-5.2.3.C.2, CONCERNING DUMPSTER ENCLOSURES; SUBSECTION 180-5.2.6.J, CONCERNING LOCATION CRITERIA FOR MEDICAL MARIJUANA DISPENSARIES; SUBSECTION 180-5.2.8, CONCERNING RESIDENTIAL USES IN THE CENTRAL CORE AND MIXED USE DISTRICTS; SUBSECTION 180-5.2.9.I., CONCERNING LOCATIONAL CRITERIA FOR RETAIL MARIJUANA; SUBSECTION 180-5.2.7, CONCERNING LIGHT INDUSTRIAL ZONING DISTRICT; SUBSECTION 180-5.2.12, CONCERNING THE LIGHT INDUSTRIAL ZONING DISTRICT; SUBSECTION 180-5.2.13, CONCERNING THE MIXED USE ZONING DISTRICT; SUBSECTION 180-5.5.B.1., CONCERNING DENSITY BONUS IN THE CENTRAL CORE, GATEWAY, AND MIXED-USE DISTRICTS; SUBSECTION 180-6.3.2, CONCERNING BUILDINGS OCCUPYING MORE THAN ONE LOT; SUBSECTION 180-6.8.A., CONCERNING ALLOWANCE OF NON-SOLID FUEL-BURNING DEVICES; SUBSECTION 180-6.13.3., CONCERNING ON-PREMISE PARKING REQUIREMENTS; SUBSECTION 180-6.13.3., TABLE 6-1, CONCERNING REQUIRED NUMBER OF PARKING SPACES BY LAND USE; SUBSECTION 180-6.13.3.D. CONCERNING MINIMUM PARKING REQUIREMENTS FOR THE CENTRAL CORE DISTRICT (CC) AND PROPERTIES WITHIN THE MIXED-USE DISTRICT (MU) THAT FRONT ON WEST MAIN; SUBSECTION 180-6.16.3.E, CONCERNING GENERAL REQUIREMENTS FOR OUTDOOR LIGHTING; SECTION 180-8, CONCERNING FENCES AND WALLS; SUBSECTION 180-6.19.7.D, CONCERNING SNOW AND WIND LOAD STANDARDS FOR**

**SIGNS; SUBSECTION 180-6.19.12.C, CONCERNING FLAGS; SUBSECTION 180-6.19.14, CONCERNING NONCONFORMING SIGNS; SUBSECTION 180—6.22.3.F, CONCERNING RESIDENTIAL DEVELOPMENT STANDARDS FOR GARAGES; SUBSECTION 180-7.6.3, CONCERNING SUBDIVISION LOTS; SUBSECTION 180-7.6.9, CONCERNING SANITARY SEWERS; SUBSECTION 180-8.5.1, CONCERNING CHANGE, EXTENSION OR ALTERATION OF NONCONFORMING BUILDINGS AND STRUCTURES; SUBSECTION 180-9.2.3, CONCERNING DEFINITIONS OF GENERAL USE CATEGORIES FOR PERSON SERVICES; SECTION 180-9.3, CONCERNING GENERAL DEFINITIONS FOR AFFORDABLE HOUSING, BEDROOM, CERTIFICATE OF OCCUPANCY, CONDOMINIUM HOTEL, ELECTRIC VEHICLE CHARGING STATION, STRUCTURE HEIGHT, KENNEL, COMMERCIAL/INDUSTRIAL LAUNDROMAT, SELF-SERVICE LAUNDROMAT, MULTI-HOUSING LAUNDRY, ON-PREMISE LAUNDRY, PUBLIC OR PRIVATE PARK, PERSONAL SERVICES, SUBSTANTIAL DESTRUCTION, CONDITIONAL USE, AND VETERINARY CLINIC SECOND, COUNCIL MEMBER SHANER. VOTE:**

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

**Executive Session:**

Agenda Item #2: Executive Session Pursuant to C.R.S. Section 24-6-402(4)(a), Concerning the Purchase of Certain Real Property, and Pursuant to C.R.S. Section 24-6-402(4)(e), to Determine Negotiating Positions and Instruct Negotiators Concerning the Purchase of the Real Property

**MOTION: COUNCIL MEMBER MORTENSEN MOVED TO ENTER AN EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4)(A), CONCERNING THE PURCHASE OF CERTAIN REAL PROPERTY, AND PURSUANT TO C.R.S. SECTION 24-6-402(4)(E), TO DETERMINE NEGOTIATING POSITIONS AND INSTRUCT NEGOTIATORS CONCERNING THE PURCHASE OF THE REAL PROPERTY. SECOND, COUNCIL MEMBER FALLON. VOTE:**

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

Agenda Item #3: Pursuant to C.R.S. Section 24-6-402(4)(a), to Determine Positions Relative to Matters That May be Subject to Negotiations, and to Instruct Negotiators Concerning the Purchase Sale and Development Agreement dated March 14, 2017, Between the Town and Nathaniel Kelley Foote

**MOTION: COUNCIL MEMBER BURLEY MOVED TO ENTER AN EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4)(A), TO DETERMINE POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, AND TO INSTRUCT NEGOTIATORS CONCERNING THE PURCHASE SALE AND DEVELOPMENT AGREEMENT DATED MARCH 14, 2017, BETWEEN THE TOWN AND NATHANIEL KELLEY FOOTE. SECOND, COUNCIL MEMBER MORTENSEN. VOTE:**

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

**MOTION: COUNCIL MEMBER FALLON MOVED TO EXIT AN EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4)(A), CONCERNING THE PURCHASE OF CERTAIN REAL PROPERTY, AND PURSUANT TO C.R.S. SECTION 24-6-402(4)(E), TO DETERMINE NEGOTIATING POSITIONS AND INSTRUCT NEGOTIATORS CONCERNING THE PURCHASE OF THE REAL PROPERTY; AND C.R.S. 24-6-402(4)(A), TO DETERMINE POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, AND TO INSTRUCT NEGOTIATORS CONCERNING THE PURCHASE SALE AND DEVELOPMENT AGREEMENT DATED MARCH 14, 2017, BETWEEN THE TOWN AND NATHANIEL KELLEY FOOTE. SECOND, COUNCIL MEMBER MORTENSEN. VOTE:**

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

**Adjourn:**

There being no further business, the meeting adjourned at 10:20 p.m.

Respectfully Submitted,

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Deborah Wohlmuth, CMC  
Town Clerk