

**RECORD OF PROCEEDINGS
MINUTES OF THE REGULAR MEETING
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO
JUNE 11, 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
Deborah Shaner
Melissa Sherburne
Gary Wilkinson

Absent: Hunter Mortensen

Public Comment:

The Ebbinghaus family thanked Council for the new skate park.

Council Comment:

Mayor Wilkinson complimented the new Frisco skate park.

Council member Burley suggested that Council should consider animating Main Street with parklettes this summer.

Consent Agenda:

- Minutes May 28, 2019 Meeting
- Alpine Fishing Adventures Concessionaire Contract and Lease Agreement – First Amendment - For Guided Fishing Tours at the Frisco Bay Marina
- Adventure Paddle Tours Concessionaire Agreement and License for Guided Kayak and Stand Up Paddleboard Tours and Lessons
- Resolution 19-22, a Resolution Allowing the Mayor and Town Clerk to Execute Any and All Documents Necessary to Effectuate the Council Chambers Audio-Visual Upgrades for a Total Cost not to exceed \$110,278.00 Including Electrical Work, Carpet Replacement, Dais Remodel, Information Systems Infrastructure, Audio Visual Equipment, and Labor

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

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

New Business:

Agenda Item #1: First Reading Ordinance 19-08, an Ordinance Authorizing a Second Amendment to the Agreement Concerning the Sale of Certain Real Property Owned by the Town and Legally Described as Lots 3 and 4, Block 11, Frisco Townsite, also Known as 518 Main Street and as the “Staley House” Property STAFF: THAD RENAUD 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 Attorney Thad Renaud stated that the item is before the Town Council at the request of Nathaniel Kelly Foote, “Applicant,” requesting the Town Council consider a second amendment to the Purchase, Sale and Development Agreement. The Applicant requests an amendment for the following: a request to relocate the approved employee housing to an off-site location (already identified and owned by Mr. Foote); a request to reconfigure the internal site plan of the hotel resulting in a change from 65 units to 75 units (utilizing the six (6) employee housing units as hotel rooms and reconfiguring the proposed four (4) suites into separate rooms); and a request to reduce the minimum number of bowling lanes to six (6) lanes. Mayor Wilkinson opened the public hearing at 7:10 p.m. Elena Scott provided information concerning the employee housing property. There being no further public comment, Mayor Wilkinson closed the public hearing at 7:18 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE ON FIRST READING ORDINANCE 19-08, AN ORDINANCE AUTHORIZING A SECOND AMENDMENT TO THE AGREEMENT CONCERNING THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE TOWN AND LEGALLY DESCRIBED AS LOTS 3 AND 4, BLOCK 11, FRISCO TOWNSITE, ALSO KNOWN AS 518 MAIN STREET AND AS THE “STALEY HOUSE” PROPERTY WITH THE AMENDMENT RECOMMENDED BY THE TOWN’S ATTORNEY. SECOND, COUNCIL MEMBER FALLON. VOTE:

BURLEY	YEA	SHANER	NO
FALLON	YEA	SHERBURNE	YEA
IHNKEN	YEA	WILKINSON	YEA
MORTENSEN	ABSENT	MOTION CARRIED.	

Agenda Item #2: Consideration of Financial Contribution to Summit County for Cost of Clearing 6-Miles of the Ten Mile Canyon Recreation Path STAFF: NANCY KERRY 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 Manager Nancy Kerry stated that the Colorado Avalanche Information Center estimated the March avalanche cycle in Ten Mile Canyon to have been at least a 100-year event. More than 20 avalanches deposited debris onto the Ten Mile Canyon Recpath; the debris piles range from 50 to 500 feet wide, and many are more than 20 feet deep. In order to clear the 6-mile stretch of the Recpath through Ten Mile Canyon, Summit County issued a Request for Proposals. Summit County and selected a contractor at a “not-to-exceed” amount of \$87,500. As the scope and scale of the debris on the Recpath became known, consideration for financial assistance was discussed between the Town and Summit County Manager in recognition of the RecPath’s importance to the entire community along with the unforeseen costs associated with

clearing the path. Mayor Wilkinson opened the public hearing at 7:26 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 7:31 p.m.

MOTION: COUNCIL MEMBER FALLON MOVED TO AUTHORIZE THE TOWN MANAGER TO PROVIDE 30% THE NET COST NOT TO EXCEED \$25,000 TO SUMMIT COUNTY FOR THE COST OF CLEARING THE 6-MILE STRETCH OF THE RECPATH THROUGH TEN MILE CANYON. SECOND, COUNCIL MEMBER SHANER. VOTE:

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

Agenda Item #3: Resolution 19-23, a Resolution of the Town of Frisco, Colorado Adopting the Adopt-A-RecPath Program STAFF: DIANE MCBRIDE 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

Nordic Manager Pete Swenson stated that this resolution creates an Adopt-A-RecPath program within the Town of Frisco. The Summit County Open Space and Trails Department manages an Adopt-A-Trail program on Summit County's recpath for individuals, organized groups, organizations, and businesses to improve the county recpath and supplement the level of maintenance on the recpath. Additionally, all eligible sections of the County recpath are adopted at this time. Mayor Wilkinson opened the public hearing at 7:36 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 7:37 p.m.

MOTION: COUNCIL MEMBER FALLON MOVED TO APPROVE RESOLUTION 19-23, A RESOLUTION OF THE TOWN OF FRISCO, COLORADO ADOPTING THE ADOPT-A-RECPATH PROGRAM. SECOND, COUNCIL MEMBER SHERBURNE VOTE:

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

Agenda Item #4: Solarize Summit Rebate Program - \$1,500 per HH STAFF: NANCY KERRY 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 Manager Nancy Kerry stated that as part of the Climate Action Collaborative, High Country Conservation Center (HC3) has spearheaded an effort aimed at increasing the number of households in the county that have solar panels. The program, known as Solarize Summit, is a community campaign designed to make going solar easy and more affordable for Summit County locals and small businesses. The program leverages bulk-purchasing power to take advantage of exclusive Solarize Summit program rebates. The more people participating by August 31st, the greater the rebates will be for all participants. This discussion is before the Town Council to consider offering rebates to residential property owners in the Town of Frisco who participate in the Solarize Summit program. Mayor Wilkinson opened the public hearing at

7:42 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 7:43 p.m.

COUNCIL MEMBER BURLEY RECUSED HERSELF AT THIS TIME.

MOTION: COUNCIL MEMBER IHNKEN DIRECTED STAFF TO OFFER THE REBATE PROGRAM AND INCLUDE THE NECESSARY FUNDS IN TOF'S 2020 BUDGET RELEVANT TO THE NUMBER OF RESIDENTIAL HOMEOWNERS WHO SIGN CONTRACTS BY AUGUST 31, 2019, AT \$1,500 NOT TO EXCEED 25 PARTICIPANTS FOR A TOTAL COST NOT TO EXCEED \$37,500. SECOND, COUNCIL MEMBER FALLON. VOTE:

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

Agenda Item #5: First Reading Ordinance 19-09, an Ordinance Amending Chapter 110 of the Code of Ordinances of the Town of Frisco, Concerning the Licensing of Businesses, to Adopt a New Article IV Concerning the Licensing and Regulation of Businesses that Provide Dockless Shared Mobility Devices
STAFF: THAD RENAUD 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 Attorney Thad Renaud stated that during the Town Council's April 23, 2019 work session, Council discussed electric and pedal assist bicycles for use on the Recreation Path and the regulation of businesses that provide dockless shared mobility devices. At that work session, the Town Council gave direction to the Town Attorney to bring back an ordinance concerning the regulation of dockless shared mobility devices with the following goals in mind: The prohibition of dockless mobility devices commonly referred to as "scooters", "stand-up skateboards", and other similar electric devices; The consideration to allow one or more business licenses to operate a dockless electric bicycle business in the Town of Frisco, not to exceed approximately 50 devices (total among all businesses) within the Town; Regulations for business licensing, business obligations, and bicycle use as allowed by law, for the operation of dockless bicycles within the Town limits. Mayor Wilkinson opened the public hearing at 8:18 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 8:19 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE ON FIRST READING ORDINANCE 19-09, AN ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE LICENSING OF BUSINESSES, TO ADOPT A NEW ARTICLE IV CONCERNING THE LICENSING AND REGULATION OF BUSINESSES THAT PROVIDE DOCKLESS SHARED MOBILITY DEVICES WITH AN AMENDMENT IN THE DEFINITION OF MOBILITY DEVICE REFERENCING CHAPTER 167. SECOND, COUNCIL MEMBER SHERBURNE. VOTE:

BURLEY	YEA	SHANER	NO
FALLON	NO	SHERBURNE	YEA
IHNKEN	YEA	WILKINSON	YEA
MORTENSEN	ABSENT	MOTION CARRIED.	

Agenda Item #6: Fieldhouse Feasibility Study Update and Results STAFF: DIANE MCBRIDE 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

Assistant Town Manager Diane McBride stated that the towns of Frisco, Breckenridge, Silverthorne and Summit County partnered on a fieldhouse feasibility study to gauge the willingness of the community to fund an indoor sports complex, also known as a fieldhouse, and to identify priority amenities that could be included in such a facility. The study included a needs assessment, preliminary design, cost estimates, funding options, location review and operational considerations. The results of the study provided evidence that the capital and operational costs of even the most limited fieldhouse concept far outpaced the community's willingness to fund it. After investigating revenue projections from possible rentals, programming revenue, and/or private sponsorships, no feasible financial path to building a community fieldhouse was identified. At this time and based on the study findings, the fieldhouse study partners have decided to no longer pursue construction of a fieldhouse in Summit County. Should the Frisco Town Council express interest in pursuing a future fieldhouse, recreation center, training facility or other community amenity at the Peninsula Recreation Area, staff will include this analysis in the future interdisciplinary, holistic review of the entire PRA.

Old Business:

Agenda Item #7: Second Reading Ordinance 19-07, Establishing, Pursuant to Section 171-11 of the Code of Ordinances of the Town of Frisco, the Plant Investment Fees, Capital EQR Schedules, Delivery Charges, Flat Rates, and Usage Fees to be Charged in Connection with the Town's Water System STAFF: BONNIE MOINET 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

Finance Director Bonnie Moinet stated that the Town last completed a water rate study in May of 2006, effective in January 2007. This study covered a ten year period beginning in 2007 and remained in effect through 2016. Rates have remained unchanged for over two years. In 2018, Council directed staff to conduct a new five-year study and present various rate alternatives to Council. The Council has held three work sessions on this subject matter. One on November 27, 2018, at which time the Council asked staff to return with more in-depth analysis and recommendations, which was provided during the February 12, 2019 work session. Due to the complexity of the analysis, and the various options to consider, Council requested additional information, which was provided during the April 23, 2019 work session. During the April work session, Council provided direction to implement "Alternative 3", which was identified as the option to meet the goals of the Water Efficiency Plan, encourage conservation, sustain the infrastructure of the water system, and provide a sustainable revenue for the water system based on number of EQRs. Staff presented several worksheets, demonstrating financial impacts of the proposed optional rate structures. All of the options maintain the Water Fund balance at approximately \$2,000,000 year-over-year. The adoption of the Water Efficiency Plan and the addition of conservation programs have led to increases in capital project needs and ongoing revenue. These projects and programs were not known at the time of 2019 budget preparation but are reflected in the projections. Council directed staff to implement alternative 3. Council directed staff to implement a 5% flat rate rather than a graduated rate effective October 1. Council directed staff to increase tap fees to \$5000 effective January 1, 2020 with a 10%

annual increase beginning October 1, 2020. Council requested that staff provide information regarding the Colorado Water Conservation Board to local businesses for funding opportunities. Mayor Wilkinson opened the public hearing at 8:27 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 8:28 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE ON SECOND READING ORDINANCE 19-07, AN ORDINANCE ESTABLISHING, PURSUANT TO SECTION 171-11 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, THE PLANT INVESTMENT FEES, CAPITAL EQR SCHEDULES, DELIVERY CHARGES, FLAT RATES, AND USAGE FEES TO BE CHARGED IN CONNECTION WITH THE TOWN'S WATER SYSTEM. SECOND, COUNCIL MEMBER SHANER. VOTE:

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

Adjourn:

There being no further business, the meeting adjourned at 8:31 p.m.

Respectfully Submitted,

Deborah Wohlmuth, CMC
Town Clerk