

**RECORD OF PROCEEDINGS
MINUTES OF THE REGULAR MEETING
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO
JUNE 25, 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:

There was no public comment.

Council Comment:

Council member Burley asked that Council consider a subcommittee to evaluate the grant process. She also asked for information concerning the Town's long term investments.

Council member Ihnken thanked Revenue Specialist Chad Most for his fifteen years of service.

Mayor Wilkinson congratulated the Town on another excellent Barbeque. He also reminded the audience that tomorrow is Bike to Work Day.

Proclamation:

Mayor Wilkinson proclaimed June 26th Bike to Work Day.

Consent Agenda:

- Minutes June 11, 2019 Meeting
- Warrant List
- Purchasing Cards
- Resolution 19-24, a Resolution of the Town of Frisco, Colorado Approving Intergovernmental Agreement (IGA) Between Summit County and Town of Frisco Regarding the Implementation of Fire Restrictions throughout Summit County, Colorado
- Resolution 19-25, a Resolution for the Award of Contract with Power Source Services for the Fabrication and Install of New Surface Lift Decking at the Peninsula Recreation Area Tubing Hill, Dated June 25, 2019

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

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

New Business:

Agenda Item #1: Council Direction Re Army Corp /Conservation Easement/ Wetlands Mitigation
STAFF: DIANE MCBRIDE 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 Town Manager Diane McBride and NV5 representative Chris Guarino provided Council with an update regarding the offsite wetlands project associated with the “Big Dig” project at the Frisco Bay Marina. They identified three mitigation strategies: fill removal, enlarge existing wetland, or create a new wetland. The team has proposed that the Town create a conservation easement instead of restoring the 1.7 acre Willow Preserve Site, increasing the mitigation ratio from 2:1 to 12:1. Mayor Wilkinson opened the public hearing at 7:18 p.m. Hawn Drive homeowners Pattie Klein, Nancy Partyka, Aleda Kresge, and Pam Murano spoke in support of preserving the channel behind their properties, supported the conservation easement, and asked questions concerning water flow, timelines, and agreements. There being no further public comment, Mayor Wilkinson closed the public hearing at 7:35 p.m. Council directed staff to proceed with all needed steps for securing a conservation easement on the 10.9 acre parcel between basecamp and Hawn Drive, as well as restoring the .4 acre Hawn Drive site as described in the original plan.

Agenda Item #2: Emergency Ordinance 19-10, an Emergency Ordinance Amending Chapter 127 of the Code of Ordinances of the Town of Frisco, Concerning Offenses, by Amending Section 127-11, Concerning Open Fires and Fireworks, to Align with the Provisions of the Town’s Staged Open Fire and Fireworks Bans, with the Provisions of the Staged Open Fire and Fireworks Bans that may be Established with Summit County from Time to Time; Declaring an Emergency; and Providing for the Immediate Effective Date of this Ordinance
STAFF: THAD RENAUD 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 stated that the purpose of the attached ordinance is to bring the Town’s Code into alignment with the Intergovernmental Agreement (IGA) proposed for adoption earlier in this meeting. Mayor Wilkinson opened the public hearing at 7:52 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 7:53 p.m.

MOTION: COUNCIL MEMBER IHNKEN MOVED TO APPROVE EMERGENCY ORDINANCE 19-10, AN EMERGENCY ORDINANCE AMENDING CHAPTER 127 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING OFFENSES, BY AMENDING SECTION 127-11, CONCERNING OPEN FIRES AND FIREWORKS, TO ALIGN WITH THE PROVISIONS OF THE TOWN’S STAGED OPEN FIRE AND FIREWORKS BANS, WITH THE PROVISIONS OF THE STAGED OPEN FIRE AND FIREWORKS BANS THAT MAY BE

ESTABLISHED WITH SUMMIT COUNTY FROM TIME TO TIME; DECLARING AN EMERGENCY; AND PROVIDING FOR THE IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE. SECOND, COUNCIL MEMBER SHANER. VOTE:

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

Agenda Item #3: First Reading Ordinance 19-11, an Ordinance Amending Chapter 9 of the Code of Ordinances of the Town of Frisco, Concerning Bidding Procedure and Contract Formation, by Amending Section 9-1, Concerning Requirements and Exceptions for Bidding, and 9-3, Concerning Bid specifications, to Provide for the Approval of Certain Types of Agreements for Services without a Bidding Process 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 Manager Nancy Kerry stated that this ordinance amends the process for contracts used for consulting, professional and technical assistance, planning projects, design projects, and pre-construction projects. Under the proposed ordinance professional service contracts may be solicited through a Request for Proposal, a Request for Qualifications, and/or by non-competitive bidding. The bidding and contract formation process for a traditional capital improvement project does not change. Mayor Wilkinson opened the public hearing at 8:08 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 8:09 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO TABLE ORDINANCE 19-11, IN ORDER TO CLARIFY AMBIGUITY OF LANGUAGE AS CURRENTLY WRITTEN. SECOND, COUNCIL MEMBER SHANER. VOTE:

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

Agenda Item #4: First Reading Ordinance 19-12, an Ordinance Amending Ordinance 18-06, an Ordinance Vacating a Portion of Public Right-Of-Way Consisting of a 4,131 Sq. Ft. (0.095 Acres) Tract of the South First Avenue Right-Of-Way Within Block 38, Frisco Townsite STAFF: BILL GIBSON 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

Senior Planner Bill Gibson stated that the Area Median Income in Summit County decreased from 2018 to 2019, and the maximum sales price limits for deed restricted affordable housing have decreased correspondingly. The Applicants, Brian and Debra Reiss, are requesting a waiver of the demolition and building permit fees and water tap fee associated with the construction of a new deed restricted affordable housing unit located at 421 Juniper Drive. Mayor Wilkinson opened the public hearing at 8:21 p.m. Debra Reiss spoke in support of her

request, and also asked Council to consider an increase in AMI increase to 160%. There being no further public comment, Mayor Wilkinson closed the public hearing at 8:27 p.m.

MOTION: COUNCIL MEMBER SHANER MOVED TO AMEND AND APPROVETHE FIRST READING OF ORDINANCE 19-12, REMOVING THE FEE WAIVERS AND INCREASING THE AMI FROM 145% TO 160%. SECOND, COUNCIL MEMBER MORTENSEN VOTE:

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

Old Business:

Agenda Item #5: Second 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 8:54 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 8:55 p.m.

MOTION: COUNCIL MEMBER FALLON MOVED TO APPROVE ON SECOND 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 BURLEY. VOTE:

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

Agenda Item #6: Second 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 CLOSES 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 8:59 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 9:03 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE ON SECOND 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 MORTENSEN. VOTE:

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

Adjourn:

There being no further business, the meeting adjourned at 9:04 p.m.

Respectfully Submitted,

Deborah Wohlmuth, CMC
Town Clerk