

**RECORD OF PROCEEDINGS  
MINUTES OF THE REGULAR MEETING  
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO  
JULY 23, 2019**

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

**Present:**

Dan Fallon  
Rick Ihnken  
Hunter Mortensen  
Deborah Shaner  
Gary Wilkinson

**Absent:**

Jessica Burley  
Melissa Sherburne

**Public Comment:**

There was no public comment.

**Council Comment:**

Mayor Wilkinson thanked staff for the work that went into the Marina improvements.

**Presentation:**

Mayor Wilkinson presented \$51,000 dollars to six local non-profit partners from 26<sup>th</sup> Annual BBQ Challenge.

**Consent Agenda:**

- Minutes July 23, 2019 Meeting
- Warrant List
- Purchasing Cards

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

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

**New Business:**

Agenda Item #1: Nicotine Tax Intergovernmental Agreement Review 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 House Bill No.19-1033, allows counties and municipalities in Colorado to implement licensing and taxes on nicotine products. The bill also authorizes counties and municipalities to enact a resolution or ordinance that prohibits a minor from possessing or purchasing nicotine products, and also allows counties and municipalities to impose regulations on nicotine products that are more stringent than state regulations. The proposed tax increase on nicotine products is a County-wide tax question that would be on the November 5, 2019 ballot. The County has the authority to collect this special tax in the local jurisdictions, if the local jurisdictions do not have their own tax in place. Frisco currently does not have a nicotine tax in place. Under HB No. 19-1033, all revenue collected from a special nicotine tax would go to the County, unless Towns within the County enter into an Intergovernmental Agreement (IGA) with the County (other municipalities may also join the IGA). The IGA may, but is not required to, include the Towns of Blue River, Breckenridge, Dillon, Frisco, Montezuma, and Silverthorne (each Town Council will make the determination to enter into the IGA). Staff recommends the Town Council enter into the proposed IGA with Summit County to ensure the Town of Frisco receives any special nicotine taxes generated within Town's municipal boundaries, if such a tax is placed on an upcoming ballot by Summit County. Mayor Wilkinson opened the public hearing at 7:13p.m. Public Health Nurse Lauren Gilbert, Public Health Director Amy Wineland, Summit County resident Don Parsons, and three students spoke in support of regulation, discussing the tobacco industry, health statistics, and use by minors. There being no public comment, Mayor Wilkinson closed the public hearing at 7:35 p.m.

**MOTION: COUNCIL MEMBER MORTENSEN MOVED TO ENTER INTO THE COUNTYWIDE NICOTINE TAX INTERGOVERNMENTAL AGREEMENT. SECOND, COUNCIL MEMBER FALLON. VOTE:**

<b>BURLEY</b>	<b>ABSENT</b>	<b>SHANER</b>	<b>ABSENT</b>
<b>FALLON</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>YEA</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 #2: Strategic Housing Plan Discussion 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 Council identified "Implement Housing Solutions" as a high priority goal under the guiding principle of "Inclusive Community" in the 2019-2020 Strategic Plan. A key step in undertaking this goal is to develop and adopt a 5-Year Frisco Strategic Housing Plan. The Frisco Strategic Housing Plan, "the Plan" will identify housing strategies aligned with funding sources so that the plan can be realistically carried out over the next 5 year from 2019 - 2023. Staff recommends that the Town Council evaluate and provide direction on the housing strategies introduced in the council packet. Following such direction on the overall concepts, staff will refine and formalize project approach and program details. Council gave direction to utilize voter-approved 5A special sales tax funds to implement a Buy Down/Down Payment program (e.g. similar to Housing Helps Program) and Business Housing Support Fund. The Town Council's direction will result in new programs assisting locals and local

businesses in purchasing or renting residences. These programs aim to implement the Council's vision of an Inclusive Community, one of their top Strategic Priorities. Mayor Wilkinson opened the public hearing at 8:38 p.m. Frisco resident Andy Richmond request that Council consider a live/work locals cabin housing opportunity at 521 Pitkin requiring a ROW vacation. He also suggested an additional REIF that goes back into the housing fund. Frisco resident Larry Feldman requested work session time to discuss a proposed partnership with the Town on two properties. There being no further public comment, Mayor Wilkinson closed the public hearing at 9:03 p.m.

Agenda Item #3: First Reading Ordinance 19-13, an Ordinance Repealing Town of Frisco Ordinance No. 14-07, Which Ordinance Conditionally Vacated Use, as a Right-Of-Way, of a 0.441 Acre Portion of South Eighth Avenue 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

Assistant Community Development Director Bill Gibson stated that the Town finds itself in an uncommon situation where a portion of the South 8<sup>th</sup> Avenue right-of-way was conditionally vacated by a prior ordinance for a development project that did not move forward. The conditions of that vacation ordinance were not met, and there is no indication that a new developer of the adjacent property intends to fulfill those conditions in the future. Mr. Gibson indicated this street right-of-way is now needed to facilitate the construction of a new state highway project for which the design details were not known or anticipated at the time the vacation ordinance was adopted. Mayor Wilkinson opened the public hearing at 9:15 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 9:16 p.m.

**MOTION: COUNCIL MEMBER SHERBURNE MOVED TO APPROVE ON FIRST READING ORDINANCE 19-13, AN ORDINANCE REPEALING TOWN OF FRISCO ORDINANCE NO. 14-07, WHICH ORDINANCE CONDITIONALLY VACATED USE, AS A RIGHT-OF-WAY, OF A 0.441 ACRE PORTION OF SOUTH EIGHTH AVENUE. SECOND, COUNCIL MEMBER MORTENSEN. VOTE:**

<b>BURLEY</b>	<b>ABSENT</b>	<b>SHANER</b>	<b>ABSENT</b>
<b>FALLON</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>YEA</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 #4: First Reading Ordinance 19-14, an Ordinance Establishing a “Disposable Bag Fee”; Providing for the Payment and Collection of Such Fee; and Providing Other Details Related to the Disposable Bag Fee and, in Connection Therewith, Establishing a New Title for Chapter 124 of the Code of Ordinances of the Town of Frisco, Concerning Nuisances, and Re-Ordering the Provisions of Said Chapter 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

Council directed staff to continue this item to the next Council meeting due to time limitations and additional agenda items. Mayor Wilkinson opened the public hearing at 9:16 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 9:17 p.m.

**MOTION: COUNCIL MEMBER MORTENSEN MOVED TO CONTINUE AGENDA ITEM #4, THE FIRST READING OF ORDINANCE 19-14, TO THE NEXT MEETING. SECOND, COUNCIL MEMBER IHNKEN. VOTE:**

<b>BURLEY</b>	<b>ABSENT</b>	<b>SHANER</b>	<b>ABSENT</b>
<b>FALLON</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>YEA</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 #5: Second 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. Per Council direction, staff brought back a revised ordinance that proposed an AMI increase instead of fee waivers. Mayor Wilkinson opened the public hearing at 9:24 p.m. Applicant Debra Reiss spoke in support of the proposal. There being no further public comment, Mayor Wilkinson closed the public hearing at 9:19 p.m.

**MOTION: COUNCIL MEMBER MORTENSEN MOVED TO APPROVE ON SECOND 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. SECOND, COUNCIL MEMBER IHNKEN. VOTE:**

<b>BURLEY</b>	<b>ABSENT</b>	<b>SHANER</b>	<b>ABSENT</b>
<b>FALLON</b>	<b>NO</b>	<b>SHERBURNE</b>	<b>NO</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 #6: Executive Session Pursuant to C.R.S. 24-6-402(4) (f), Personnel Matters Concerning Town Manager Performance Review

**MOTION: COUNCIL MEMBER MORTENSEN MOVED TO ENTER INTO AN EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4) (F), PERSONNEL MATTERS CONCERNING TOWN MANAGER PERFORMANCE REVIEW. SECOND, COUNCIL MEMBER FALLON. VOTE:**

<b>BURLEY</b>	<b>YEA</b>	<b>SHANER</b>	<b>ABSENT</b>
<b>FALLON</b>	<b>YEA</b>	<b>SHERBURNE</b>	<b>YEA</b>
<b>IHNKEN</b>	<b>YEA</b>	<b>WILKINSON</b>	<b>YEA</b>

**MORTENSEN            ABSENT            MOTION CARRIED.**

**MOTION: COUNCIL MEMBER MORTENSEN MOVED TO EXIT AN EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4) (F), PERSONNEL MATTERS CONCERNING TOWN MANAGER PERFORMANCE REVIEW. SECOND, COUNCIL MEMBER FALLON. VOTE:**

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

**Adjourn:**

There being no further business, the meeting adjourned at 10:00 p.m.

Respectfully Submitted,

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Deborah Wohlmut, CMC  
Town Clerk