

**RECORD OF PROCEEDINGS  
MINUTES OF THE REGULAR MEETING  
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO  
AUGUST 27, 2019**

Mayor Wilkinson called the meeting to order at 7:00 p.m. Deputy Town Clerk Brodie Boilard called the roll.

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

**Absent:** Hunter Mortensen

**Public Comment:**

Frisco resident Joe Lamb thanked council for the short term rental ordinance and for the Marina improvements.

Frisco resident Donna Skupien expressed concern regarding bikes on sidewalks.

**Council Comment:**

Mayor Wilkinson spoke on behalf of Council member Mortensen, complementing the High School Mountain Bike Race.

**Consent Agenda:**

- Minutes August 13, 2019 Meeting
- Warrant List
- Purchasing Cards
- Resolution 19-28 Matthew Stais Architects for the Frisco Bay Marina Phase 2 Site Improvements
- Resolution 19-30 Trails CPW/GOCO Grant

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

<b>BURLEY</b>	<b>YEA</b>	<b>SHANER</b>	<b>YEA</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>	

**New Business:**

Agenda Item #1: First Reading Ordinance 19-15, an Ordinance Amending Chapter 110 of the Code of Ordinances of the Town of Frisco, Concerning Business Licenses and Regulations, by

the Addition of a New Article III, Concerning the Establishment of a Requirement for the Licensing of Tobacco Product Retailers, and Requirements and Limitations Concerning the Sale of Tobacco Products by Such Retailers, Including Limiting the Sale of Tobacco Products to Persons who are Twenty-One (21) Years of Age or Older; which Requirements are Necessary to Safeguard the Health of Individuals who are not of Legal Age to Purchase Tobacco Products 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

Agenda Item #2: First Reading Ordinance 19-16, an Ordinance Amending Chapter 110 of the Code of Ordinances of the Town of Frisco, Concerning Business Licenses and Regulations, by the Addition of a New Article III, Concerning the Establishment of a Requirement for the Licensing of Tobacco Product Retailers, and Requirements Concerning the Sale of Tobacco Products by such Retailers, which Requirements are Necessary to Safeguard the Health of Individuals who are not of Legal Age to Purchase Tobacco Products 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

Agenda Item #3: First Reading Ordinance 19-17, an Ordinance Amending Chapter 127 of the Code of Ordinances of the Town of Frisco, Concerning General Offenses, to Prohibit the Sale of Tobacco Products to Persons who are Under Twenty-One (21) Years of Age, and to Prohibit the Purchase of Tobacco Products by Persons who are Under Twenty-One (21) Years of Age, which Requirements are Necessary to Safeguard the Health of such People, and to Prevent the Distribution of Tobacco Products to Minors 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

Town Manager Nancy Kerry stated that the three ordinances being presented on this agenda address tobacco age and licensing requirements. Ms. Kerry indicated that at Council's last meeting, direction was given to bring these items as individual ordinances, and as a combined ordinance. Mayor Wilkinson opened Agenda Items 1, 2, and 3 for consideration at this time. Mayor Wilkinson opened the public hearing at 7:15 p.m. Summit County Health Nurse Lauren Gilbert – nurse at Summit County Health Nurse and six Summit High students spoke in support of the ordinance. Mayor Wilkinson closed the public hearing at 7:44 p.m.

**MOTION: COUNCIL MEMBER IHNKEN MOVED TO APPROVE ON FIRST READING ORDINANCE 19-15, AN ORDINANCE ESTABLISHING AGE AND LICENSING REQUIREMENTS FOR TOBACCO PURCHASES; AND TO DISAPPROVE ORDINANCES 19-16 AND 19-17. SECOND, COUNCIL MEMBER SHERBURNE. VOTE:**

<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>BURLEY</b>	<b>YEA</b>
<b>SHANER</b>	<b>YEA</b>	<b>MOTION CARRIED.</b>	

Agenda Item #4: Resolution 19-29, Lose Design for the Comprehensive Vision and Implementation Plan for the Peninsula Recreation Area STAFF: LINSEY JOYCE 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

Recreation Manager, Linsey Joyce stated that the Town budgeted for a new operations building at the Peninsula Recreation Area (PRA) in 2019, and approved a design/build contract with MW Golden Constructors March 26, 2019. On May 14, 2019, the scope, design, budget and challenges associated with this building were presented to Council. The costs of construction for the building exceeded budgeted amounts. In addition, concerns regarding the site location, current and future programming needs and the lack of a comprehensive vision for the PRA were brought forward and discussed. Council directed staff to pursue a more comprehensive planning effort before building any new amenities at the PRA. The contract with MW Golden Constructors was terminated June 3, 2019, and the Request for Proposals (RFP) for a Comprehensive Vision and Project Implementation Plan for the PRA was issued on June 19, 2019. Staff received five (5) bids for the project and interviewed all five (5) firms. A staff recommendation, resolution, and contract are before Council at this time. Lose Design was chosen for this project based on their parks, recreation, trail and community center experience.

**MOTION: COUNCIL MEMBER FALLON MOVED TO APPROVE RESOLUTION 19-29, A RESOLUTION APPROVING LOSE DESIGN FOR THE COMPREHENSIVE VISION AND IMPLEMENTATION PLAN FOR THE PENINSULA RECREATION AREA. SECOND, COUNCIL MEMBER SHANER. VOTE:**

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

Agenda Item #5: Resolution 19-31, Resolution Adopting Frisco's "Housing Helps" Program Guidelines 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 the program intent is to help locals obtain and maintain housing, help businesses house their employees, help incentivize investment in local housing, and help preserve the character of the Frisco community. The Program is one strategy that strives to address the Town Council's priority goal to implement housing solutions. It is acknowledged that solutions to housing the workforce come in a variety of approaches and the Program is but one of an integrated approach to achieve the Council's housing goals. Mayor Wilkinson opened the public hearing at 8:41 p.m. Frisco residents and property owners Donna Skupien, Kate Berg, and Larry Feldman supported the ordinance, expressing concerns about assistance to seasonal workers, limitations on short term rentals, caps on resale prices, and tiered resale requirements. Council directed staff to amend Section 2 Item D, replacing Blue River Basin with Ten Mile Basin; and revise the occupancy provision to state "within one mile of Ten Mile Basin". Mayor Wilkinson closed the public hearing at 8:56 p.m.

**MOTION: COUNCIL MEMBER FALLON MOVED TO APPROVE RESOLUTION 19-31, A RESOLUTION ADOPTING FRISCO'S "HOUSING HELPS" PROGRAM GUIDELINES. SECOND, COUNCIL MEMBER BURLEY. VOTE:**

<b>MORTENSEN</b>	<b>ABSENT</b>	<b>BURLEY</b>	<b>YEA</b>
<b>SHANER</b>	<b>NO</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>MOTION CARRIED.</b>	

**Old Business:**

Agenda Item #6: Second 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

Town Manager Nancy Kerry stated that this ordinance reflects the changes to .25 cents from .10 cents, adopting a fee for use of disposable bags. During the Town Council Strategic Planning Workshop in April, Council created the Strategic Priority, Sustainable Environment. To meet this priority Council created the goal to reduce the amount of waste that the Town of Frisco produces with plans to adopt a disposable bag (both paper and plastic) fee ordinance. The disposable bag fee will address the environmental problems associated with disposable bags and to meet the Town Council’s goal of reducing waste. The Town Council intends that the requirements of this ordinance will assist in offsetting the costs associated with using disposable bags to pay for the mitigation, educational, replacement, and administrative efforts of the Town. The ordinance proposes a bag fee at \$0.10 (ten cents), which is a common fee. The ordinance also requires creation of “*Disposable bag fee public outreach plan*” to raise awareness and educate residents and visitors regarding the Disposable Bag Fee and requires informational sessions and communications with Retail Stores to explain the Disposable Bag Fee. The proposed January 1, 2020 implementation date provides retailers sufficient time for education, awareness and implementing processes. Mayor Wilkinson opened the public hearing at 9:20p.m. Five Frisco residents spoke in support of the ordinance. One spoke in opposition. Mayor Wilkinson closed the public hearing at 9:29 p.m.

**MOTION: COUNCIL MEMBER SHERBURNE MOVED TO APPROVE ON SECOND 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. SECOND, COUNCIL MEMBER BURLEY. VOTE:**

<b>SHANER</b>	<b>YEA</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>BURLEY</b>	<b>YEA</b>	<b>MOTION CARRIED.</b>	

**Adjourn:**

There being no further business, the meeting adjourned at 9:33 p.m.

Respectfully Submitted,

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Brodie Boilard  
Deputy Town Clerk