

**RECORD OF PROCEEDINGS  
MINUTES OF THE REGULAR MEETING  
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO  
SEPTEMBER 10, 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  
Hunter Mortensen  
Deborah Shaner  
Melissa Sherburne  
Gary Wilkinson

**Absent:**

**Public Comment:**

Frisco Rowing Center Representative Chris Curtis provided Council with an update regarding the program.

Frisco resident Robyn Paulekas requested that Resolution 19-27 to the regular meeting for public comment. Mayor Wilkinson directed staff to move the item to regular agenda item #4.

Frisco resident Larry Feldman requested time to present an alternative proposal concerning the Excelsior House.

**Council Comment:**

Mayor Pro-Tem Mortensen stated that he will be travelling to Washington DC to speak with government officials concerning protection of public lands.

Council member Fallon complimented the Mayor's Cup Golf Tournament which raised \$40,000 for Building Hope.

**Consent Agenda:**

- Minutes August 27, 2019 Meeting
- Home Rule Charter Review, Chapter 61 – Brush, Grass, and Weeds
- Resolution 19-27, a Resolution of the Town of Frisco, Colorado, Residential Housing Restrictive Covenant and Notice of Lien

**MOTION: COUNCIL MEMBER MORTENSEN MOVED TO APPROVE THE CONSENT AGENDA WITH THE RELOCATION OF RESOLUTION 19-27 TO AGENDA ITEM #4. SECOND, COUNCIL MEMBER FALLON. 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>



**MORTENSEN                      YEA                      MOTION CARRIED.**

**New Business:**

Agenda Item #1: New Hotel and Restaurant Liquor License – Himalayan Cuisine Frisco LLC dba Himalayan Cuisine STAFF: DEBORAH WOHLMUTH 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 Clerk Deborah Wohlmuth stated that this application is for a new Hotel and Restaurant liquor license for Himalayan Cuisine Frisco LLC dba Himalayan Cuisine located at 842 Summit Boulevard #17. Applicants Ashim Khattri Chettri and Bidhya Khattri Chettri have filed the necessary paperwork and posted the premise in accordance with the Colorado Liquor Code. Further, notice of this application was published in a newspaper of general circulation on August 30, 2019 pursuant to statutory requirements. IdentoGO and the Frisco Police Department have performed the necessary fingerprinting and background checks for the applicants and have found them to be satisfactory. Mayor Wilkinson opened the public hearing at 7:11p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 7:14 p.m.

**MOTION: COUNCIL MEMBER MORTENSEN MOVED TO APPROVE THE ISSUANCE OF A NEW HOTEL AND RESTAURANT LIQUOR LICENSE FOR HIMALAYAN CUISINE FRISCO LLC DBA HIMALAYAN CUISINE LOCATED AT 842 SUMMIT BOULEVARD #17, ON THE BASIS OF THE FOLLOWING FINDINGS: THAT THE AUTHORITY (1) HAS REVIEWED THE NEIGHBORHOOD UNDER CONSIDERATION AND FINDS IT TO BE THE TOWN OF FRISCO AS A WHOLE; (2) HAS CONSIDERED THE DESIRES OF THE INHABITANTS OF THE NEIGHBORHOOD AND FINDS THAT THE INHABITANTS DESIRE AN ADDITIONAL ESTABLISHMENT THAT SERVES LIQUOR; (3) HAS REVIEWED THE NEEDS OF THE NEIGHBORHOOD FOR THE OUTLET AND FINDS THAT THE NEEDS OF THE NEIGHBORHOOD ARE NOT MET BY THE EXISTING OUTLETS; (4) HAS REVIEWED THE LOCATION OF THE PROPOSED ESTABLISHMENT AND FINDS THAT IT IS NOT LOCATED WITHIN 250 FEET OF ANY SCHOOL OR COLLEGE CAMPUS; (5) HAS REVIEWED THE QUALIFICATIONS OF THE APPLICANT AND, PURSUANT TO THE REQUIREMENTS OF THE FRISCO CODE AND COLORADO STATUTES, FIND THE APPLICANT TO BE QUALIFIED TO OBTAIN A HOTEL AND RESTAURANT LIQUOR LICENSE FOR HIMALAYAN CUISINE FRISCO LLC DBA HIMALAYAN CUISINE. 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>YEA</b>	<b>MOTION CARRIED.</b>	

Agenda Item #2: Excelsior House Options and Consideration STAFF: JOYCE ALLGAIER 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

Historic Park Manager Rose Gorell provided background information concerning the Excelsior House. Assistant Community Development Director Bill Gibson stated that the purpose of this



work session is to provide information that can assist the Council in evaluating and deciding upon a site for the relocation of the Excelsior House. Per the Council's direction in the 2019-2020 Strategic Plan, a comprehensive list of potential sites for the permanent location of the Excelsior House has been compiled for the Council's review and consideration. The goal was to find a permanent home for the Excelsior House that would: allow for a single move; find a location that supports a meaningful use of the building; and allow for quality restoration of the building. Staff recommends Council use this time to understand the location and use options compiled by staff so they are more informed and better equipped to select a permanent location and purpose for the Excelsior House. Evaluation criteria included: Suitability of Location; Zoning; Opportunity for Adaptive Reuse; Opportunity for Historic Context; Topographical or Physical Constraints; Availability of Utilities; Opportunity to Enhance "Sense of Place"; Opportunity Cost of the Site (land use options lost or diminished through siting the Excelsior House); Clear Benefit to Museum; and Cost (relocation, setting/installation, utility connections, site preparation, etc.). Council discussed possible concerns regarding the alternative site locations. When asked by Council, staff indicated that the preferred location is 113 Granite Street. Should Council select a preferred location(s), the project committee can provide more detailed site planning options, use options, and costs as might be needed. Council suggested narrowing down options to three. Public Works Director Jeff Goble stated that deterioration of the building is not a concern, but relocation of the building after the GAP Project roundabouts have been implemented could be challenging. Council asked staff to continue to explore 113 Granite, the PRA site, and 8<sup>th</sup> Avenue. Mayor Wilkinson opened the public hearing at 7:30 p.m. Frisco resident Larry Feldman presented an alternative proposal at the Fox Meadow project on 8<sup>th</sup> Avenue. Three Frisco residents spoke in support of Mr. Feldman's proposal. Frisco resident Mark Sabatini suggested that Council should study the alternatives extensively before making a decision. There being no further public comment, Mayor Wilkinson closed the public hearing at 7:48 p.m.

### **Old Business:**

Agenda Item #3: Second 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 CLOSING PUBLIC HEARING 5) COUNCIL DISCUSSION 6) MOTION MADE 7) MOTION SECONDED 8) DISCUSSION ON MOTION 9) QUESTION CALLED

Town Attorney Thad Renaud stated that this is the second reading of an ordinance addressing tobacco age and licensing requirements. Mayor Wilkinson opened the public hearing at 8:11 p.m. Summit County Public Health Director Amy Wineland and a spokesperson for the Summit Youth Empowerment Group spoke in support of the ordinance. Mayor Wilkinson closed the public hearing at 8:15 p.m.

**MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE ON SECOND 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>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>YEA</b>	<b>MOTION CARRIED.</b>	

Agenda Item #4: Resolution 19-27, a Resolution of the Town of Frisco, Colorado, Residential Housing Restrictive Covenant and Notice of Lien STAFF: KATIE KENT 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

Council members Burley and Sherburne recused themselves due to conflicts of interest.

Planner Katie Kent stated this resolution and accompanying Covenant include modifications directed by Council to staff at the August 13<sup>th</sup> meeting. Kent noted one additional change for the Council to be aware of is under the definition of “Resident”, the age requirement to retire at a minimum of 65 years of age has been removed. Kent stated that it was brought to Staff’s attention prior to the meeting that there may still be confusion over how the maximum resale price off the Summit County Area Median Income (AMI) chart is established. Kent explained the assumptions that the Summit Combined Housing Authority uses to determine the maximum sales prices, released annually, are currently being evaluated. If Council approves the proposed language SCHHA determines how those prices are calculated. Mayor Wilkinson opened the public hearing at 8:17 p.m. Housing Authority Director Amy Priegel clarified the Housing Authority’s position regarding potential ramifications of language in the deed restriction covenant. Frisco residents Robyn Paulekas, Kate Berg, Bevin Frost, and Lisa May expressed concerns regarding maximum sales price calculations and not using a fixed increase, SCHHA oversight of resale price calculation, overly confusing calculations, revisiting how AMI is utilized and the problems with it versus a percentage gain on an annual basis and using it for all in a calendar year, more neighborhood engagement needed, streamlining the various restrictions at the Peak One Neighborhood, as well as considering other options. Public comment acknowledged support for capital improvements incentivizing maintenance. Overall public comments encouraged Council to make the document easier to understand, and draft rules that create long term affordability, as well as a reasonable rate of return for homeowners and encouraging upkeep of units. There being no further public comment, Mayor Wilkinson closed the public hearing at 9:27 p.m.

Council directed staff to draft changes to the proposed covenant including:

- Section 8.3: Sentence should read “Provided, however, that the sum of items B.(1) through B.(4) in this paragraph shall be no greater than the maximum sale price for the Property’s unit type and household AMI level as published by the SCHHA at the time of sale.”.
- Section 8.2: Change twenty to thirty days for listing period.
- Section 8.2: Add “calendar” to thirty days so it was clear based on calendar days (not business days)
- Section 8.3 B. (2),(3), and (4): Add: “up to”



- Add “garages (detached or attached)” to the items included in base price on the depreciation schedule
- Change “solar” to “renewable energy systems” in the depreciation schedule

**MOTION: COUNCIL MEMBER FALLON MOVED TO APPROVE RESOLUTION 19-27, A RESOLUTION OF THE TOWN OF FRISCO, COLORADO, RESIDENTIAL HOUSING RESTRICTIVE COVENANT AND NOTICE OF LIEN WITH THE CHANGES AS READ BY THE TOWN ATTORNEY INCLUDING THE GARAGE AS STRUCTURAL ADDITIONS AND SOLAR PANELS. SECOND, COUNCIL MEMBER MORTENSEN. VOTE:**

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

**Adjourn:**

There being no further business, the meeting adjourned at 9:47 p.m.

Respectfully Submitted,

---

Deborah Wohlmuth, CMC  
Town Clerk