

**RECORD OF PROCEEDINGS
MINUTES OF THE REGULAR MEETING
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO
OCTOBER 22, 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
Hunter Mortensen
Deborah Shaner
Melissa Sherburne
Gary Wilkinson

Absent: Rick Ihnken

Public Comment:

There was no public comment.

Council Comment:

Mayor Pro-Tem noted the death of Frisco citizen Marie Zdechlik.

Consent Agenda:

- Minutes October 8, 2019 Meeting
- Manual Dry Standpipe Installation - Contract with Johnson Controls
- Resolution 19-35, Supporting School District Tax Issue

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

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

New Business:

Agenda Item #1: Permit Application and Report of Changes – Change of Location, Vincent's LLC dba Vinny's STAFF: DEBORAH WOHLMUTH 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 Clerk Deborah Wohlmuth stated that this application is for a change of location for Vincent's LLC dba Vinny's, currently located at 310 Main Street Unit 203 and requesting a change of location to 409 Main Street Unit 201. Applicant Vincent Monarca has 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 October 11, 2019 pursuant to statutory requirements. Fingerprinting, background checks, and criminal history reports are not required by state statute as this information was reviewed at the time the original license was issued. Mayor Wilkinson opened the public hearing at 7:02 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 7:03 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE THE REQUEST TO CHANGE LOCATION FOR VINCENT'S LLC DBA VINNY'S, TO BE RELOCATED TO 409 MAIN STREET UNIT 201, ON THE BASIS THAT THE AUTHORITY HAS REVIEWED THE LOCATION OF THE PROPOSED ESTABLISHMENT AND FINDS THAT IT IS NOT LOCATED WITHIN 250 FEET OF ANY SCHOOL OR COLLEGE CAMPUS; AND HAS REVIEWED THE QUALIFICATIONS OF THE APPLICANT AND, PURSUANT TO THE REQUIREMENTS OF THE FRISCO CODE AND COLORADO STATUTES, FINDS THE APPLICANT TO BE QUALIFIED TO CHANGE LOCATION OF THE HOTEL AND RESTAURANT LIQUOR STORE LICENSE ISSUED IN THE NAME OF VINCENT'S LLC DBA VINNY'S. SECOND, COUNCIL MEMBER SHERBURNE. VOTE:

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

Agenda Item #2: First Reading, Ordinance 19-21, an Ordinance Amending Chapter 180 of the Code of Ordinances of the Town of Frisco, Concerning the Development and Subdivision of Land, by Amending Section 180-5.4, Concerning Temporary Uses and Structures in Connection with the Frisco Peninsula Recreation Area, the Frisco Bay Marina, Town of Frisco Special Events, and the Relocation of Buildings Owned by the Town of Frisco 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

Interim Community Development Director Bill Gibson stated that this ordinance amends the Frisco Unified Development Code (UDC) to exempt certain temporary uses and structures from the requirements of the UDC. The temporary uses and structures proposed to be exempt include: expansion and replacement facilities at the PRA and the Marina; relocated historic buildings owned by the Town of Frisco; and temporary uses and structures associated with community special events. The requirements prescribed by the UDC (setbacks, lot coverage, design standards, etc.) are not well suited for these types of temporary uses and structures; however, as currently written the UDC does not differentiate between these temporary uses and structures and more permanent development. Mayor Wilkinson opened the public hearing at 7:07 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 7:08 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE ON FIRST READING, ORDINANCE 19-21, AN ORDINANCE AMENDING CHAPTER 180 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE DEVELOPMENT AND SUBDIVISION OF LAND, BY AMENDING SECTION 180-5.4, CONCERNING TEMPORARY USES AND STRUCTURES IN CONNECTION WITH THE FRISCO PENINSULA RECREATION AREA, THE FRISCO BAY MARINA, TOWN OF FRISCO SPECIAL EVENTS,

AND THE RELOCATION OF BUILDINGS OWNED BY THE TOWN OF FRISCO. SECOND, COUNCIL MEMBER FALLON. VOTE:

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

Agenda Item #3: First Reading, Ordinance 19-23, an Ordinance Amending Chapter 79 of the Code of Ordinances of the Town of Frisco, Concerning Dogs and Other Animals, by Amending Section 19-17, Concerning Pet Shops, to Prohibit the Sale or Other Disposition of a Dog or Cat from a Pet Shop, Except when the Shop Acquired the Dog or Cat from an Animal Care Facility, or Animal Rescue Organization 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 Council heard a request to consider restrictions to pet stores at a recent Council meeting. This ordinance amends the current code to prohibit the sale of dogs or cats unless it is an adoption, or through a breeder. Mayor Wilkinson opened the public hearing at 7:12 p.m. Frisco citizen Melinda Van Gundy spoke in support of the ordinance. There being no further public comment, Mayor Wilkinson closed the public hearing at 7:13 p.m.

MOTION: COUNCIL MEMBER SHERBURNBE MOVED TO APPROVE ON FIRST READING, ORDINANCE 19-23, AN ORDINANCE AMENDING CHAPTER 79 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING DOGS AND OTHER ANIMALS, BY AMENDING SECTION 19-17, CONCERNING PET SHOPS, TO PROHIBIT THE SALE OR OTHER DISPOSITION OF A DOG OR CAT FROM A PET SHOP, EXCEPT WHEN THE SHOP ACQUIRED THE DOG OR CAT FROM AN ANIMAL CARE FACILITY, OR ANIMAL RESCUE ORGANIZATION. SECOND, COUNCIL MEMBER BURLEY. VOTE:

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

Agenda Item #4: Resolution 19-34, Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Frisco, Colorado for the Calendar Year Beginning January 1, 2020 and Ending December 31, 2020 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 indicated that this resolution summarizes expenditures and revenues for each fund and adopts the 2020 budget. Mayor Wilkinson opened the public hearing at 7:15 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 7:16 p.m.

MOTION: COUNCIL MEMBER FALLON MOVED TO APPROVE RESOLUTION 19-34, SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE TOWN OF FRISCO, COLORADO FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020. SECOND, COUNCIL MEMBER MORTENSEN. VOTE:

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

Old Business:

Agenda Item #5: Second Reading, Ordinance 19-19, an Ordinance Levying General Property Taxes for the Year 2019 to Help Defray the Cost of Government for the Town of Frisco, Colorado for the 2020 Budget Year 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 indicated that this ordinance allows the Town to levy general property taxes for the year 2019 to help defray the cost of government for the Town of Frisco for the 2020 budget year. Pursuant to Section 39-1-111.5, C.R.S., if a local government needs property tax to balance its proposed budget, the Town Council, through an official action, must set and certify a mill levy by ordinance or resolution. It must then certify the mill levy to the Board of County Commissioners. The mill levy has to be certified to the BOCC by December 15. Mayor Pro-Tem Mortensen opened the public hearing at 7:19 p.m. There being no public comment, Mayor Pro-Tem Mortensen closed the public hearing at 7:20 p.m.

MOTION: COUNCIL MEMBER MORTENSEN MOVED TO APPROVE THE SECOND READING OF ORDINANCE 19-19, AN ORDINANCE LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2019 TO HELP DEFRAY THE COST OF GOVERNMENT FOR THE TOWN OF FRISCO, COLORADO FOR THE 2020 BUDGET YEAR. SECOND, COUNCIL MEMBER FALLON. VOTE:

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

Agenda Item #6: Second Reading, Ordinance 19-20, Appropriating Sums of Money to the Various Funds and Spending Agencies, in the Amount and for the Purposes as Set Forth Below for the Town of Frisco, Colorado for the 2020 Budget Year 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 indicated that this ordinance appropriates sums of money to various funds and spending agencies. An appropriation is the legal spending limit authorizing the expenditures set forth in the budget by the governing board. The Town Council through an

official action must enact the appropriation, by ordinance or resolution. The budget is merely a fiscal plan for the coming year, while the appropriation is the legal authority to spend the money. Mayor Pro-Tem proposed that an additional \$100,000 from the capital reserve to the environmental strategies line item. Mayor Pro-Tem Mortensen opened the public hearing at 7:21 p.m. There being no public comment, Mayor Pro-Tem Mortensen closed the public hearing at 7:22 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE THE SECOND READING OF ORDINANCE 19-20, APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNT AND FOR THE PURPOSES AS SET FORTH BELOW FOR THE TOWN OF FRISCO, COLORADO FOR THE 2020 BUDGET YEAR. SECOND, COUNCIL MEMBER SHERBURNE. VOTE:

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

Executive Session:

Agenda Item #7: Executive Session Pursuant to C.R.S. 24-6-402(4) (a), for the Purposes of 1): Discussing the Potential Acquisition of Certain Real Property and 2): Discussing the Potential Sale of Certain Other Real Property; and (b), Conferences with an Attorney for the Town for the Purposes of Receiving Legal Advice on Specific Legal Questions

MOTION: COUNCIL MEMBER MORTENSEN MOVED TO ENTER INTO AN EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4(A), FOR THE PURPOSES OF 1): DISCUSSING THE POTENTIAL ACQUISITION OF CERTAIN REAL PROPERTY AND 2): DISCUSSING THE POTENTIAL SALE OF CERTAIN OTHER REAL PROPERTY; AND (B), CONFERENCES WITH AN ATTORNEY FOR THE TOWN FOR THE PURPOSES OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS. SECOND, COUNCIL MEMBER BURLEY. VOTE:

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

MOTION: COUNCIL MEMBER MORTENSEN MOVED TO EXIT INTO AN EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4(A), FOR THE PURPOSES OF 1): DISCUSSING THE POTENTIAL ACQUISITION OF CERTAIN REAL PROPERTY AND 2): DISCUSSING THE POTENTIAL SALE OF CERTAIN OTHER REAL PROPERTY; AND (B), CONFERENCES WITH AN ATTORNEY FOR THE TOWN FOR THE PURPOSES OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS. SECOND, COUNCIL MEMBER BURLEY. VOTE:

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

Adjourn:

There being no further business, the meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Deborah Wohlmut, CMC
Town Clerk