

**RECORD OF PROCEEDINGS
MINUTES OF THE REGULAR MEETING
OF THE TOWN COUNCIL OF THE TOWN OF FRISCO
JANUARY 8, 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 Fallon thanked the Public Works Department for salvaging the ice at Meadow Creek for skating.

Council member Mortensen recognized Team Frisco's podium wins at the Lake Placid International Winter Games.

Mayor Wilkinson thanked staff for all of their extra hard work over the holidays particularly the Nordic Center staff.

Consent Agenda:

Minutes December 11, 2018 Meeting
Minutes December 17, 2018 Meeting
Resolution 19-01, Public Place for Posting Notices
Resolution 19-02, Designation of Official Publications
Resolution 19-03, 2019 No Pet Events
Resolution 19-04, 2019 Street Closures Resolution
19-06, Marina Park Master Plan Projects Reimbursements
Town Manager Employment Agreement
HBL Consulting Agreement

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

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

New Business:

Agenda Item #1: New Hotel and Restaurant Liquor License – Carlos Mexican Bar and Grill LLC dba Carlos Mexican Bar and Grill 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 Carlos Mexican Bar and Grill LLC dba Carlos Mexican Bar and Grill located at 857 North Summit Boulevard. Applicant Gina Sedano 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 December 28, 2018 pursuant to statutory requirements. Identigo has performed the necessary fingerprinting and background checks for the applicants. Mayor Wilkinson opened the public hearing at 7:03 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 7:09 p.m.

MOTION: COUNCIL MEMBER MORTENSEN MOVED TO APPROVE THE ISSUANCE OF A NEW HOTEL AND RESTAURANT LIQUOR LICENSE FOR CARLOS MEXICAN BAR AND GRILL LLC DBA CARLOS MEXICAN BAR AND GRILL LOCATED AT 857 NORTH SUMMIT BOULEVARD, 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 CARLOS MEXICAN BAR AND GRILL LLC DBA CARLOS MEXICAN BAR AND GRILL. SECOND, COUNCIL MEMBER SHANER. VOTE:

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

Agenda Item #2: Resolution 19-05, Sole Source Owners Representative Services Peninsula Recreation Area 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

Interim Town Manager Diane McBride stated that staff is requesting approval of the attached sole source resolution for NV5 to provide owner's representative services for the Town of Frisco to complete 2019 budgeted projects at the Peninsula Recreation Area including PRA parking at a cost of \$500,000 and PRA building at a cost of \$1,700,000. The project management costs for these projects exceed the \$50,000 threshold and per Town Code, would need to go through a formal competitive bid process. Council is authorized to approve contracts without a competitive bid process if, in their

opinion, such goods or services are best obtained from a single or sole source. Due to NV5's knowledge, project history, expertise, and relevant experience with the Town, it is staff's recommendation to continue owner's representative services for the PRA with NV5 without soliciting a competitive bid process. Mayor Wilkinson opened the public hearing at 7:13 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 7:14 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE RESOLUTION 19-05, A SOLE SOURCE RESOLUTION, AS ALLOWED UNDER SECTION 9.3.F OF THE TOWN OF FRISCO'S CODE OF ORDINANCES, FOR OWNER'S REPRESENTATIVE SERVICES PROVIDED BY NV5 A COST NOT TO EXCEED NINETY NINE THOUSAND SEVEN HUNDRED THIRTY DOLLARS (\$99,730). SECOND, COUNCIL MEMBER IHNKEN. VOTE:

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

Agenda Item #3: First Reading Ordinance 19-01, an Ordinance Authorizing the Issuance By the Town of Frisco, Acting By and Through Its Marina Enterprise, of Marina Enterprise Revenue Bonds, Series 2019, in an Aggregate Principal Amount Not To Exceed \$6,000,000 for the Purpose of Financing the Construction of Certain Capital Improvements to the Marina Facilities; Prescribing the Form of Such Series 2019 Bonds and Providing Other Details in Connection Therewith 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 stated that staff is requesting approval of Ordinance 19-01 authorizing issuance of Marina Enterprise Revenue Bonds in an amount not to exceed \$6,000,000 to provide funding for capital projects which will expand capacity at the Marina. The Town adopted the Frisco Marina Park Master Plan on June 26, 2018, which identified multi-phase projects to enhance the Marina. As presented in the Town's 2019 budget, Council authorized staff to pursue funding, in addition to projected revenues and reserve accounts, for 2019 projects totaling \$3,996,700 and projected 2010 projects totaling \$3,602,500. Staff has been working with Bond Counsel, Kutak Rock, LLC, and Underwriters, George K. Baum & Company, to develop this ordinance and the associated documents. Payments in the first two years will be interest only of approximately \$360,000. These lower payments during the construction period will allow the Town to build up reserves over this time. When principal and interest payments are payable, principal payments will be gradually increased, allowing the Town time to replenish its reserves. The total amount of bonds issued will be approximately \$5,600,000. Bond payments will begin June 1, 2019 (interest only) and final payment will be December 1, 2048. Mayor Wilkinson opened the public hearing at 7:30 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 7:32 p.m.

MOTION: COUNCIL MEMBER BURLEY MOVED TO APPROVE THE FIRST READING OF ORDINANCE 19-01, AN ORDINANCE TO ALLOW THE TOWN TO ISSUE MARINA ENTERPRISE REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$6,000,000 IN ORDER TO COMPLETE THE FIRST TWO PHASES OF THE MARINA PARK MASTER PLAN, WITH A TOTAL COST OF \$7,599,200. SECOND, COUNCIL MEMBER MORTENSEN. VOTE:

BURLEY	YEA	SHANER	NO
FALLON	YEA	SHERBURNE	ABSENT
IHNKEN	YEA	WILKINSON	YEA

MORTENSEN YEA MOTION CARRIED.

Old Business:

Agenda Item #4: Second Reading Ordinance 18-15, an Ordinance Amending Chapter 53 of the Code of Ordinances of the Town of Frisco, Colorado, Concerning Alcoholic Beverages, by Amending All References Within Chapter 53 to the Colorado Beer Code, the Colorado Liquor Code, and the Colorado Special Event Liquor Permits Statutes to Reflect the State of Colorado's Recent Recodification of Said Codes and Statutes; and by Amending Section 53-18, Concerning Alcoholic Beverage Tastings, to Reflect Recent Substantive Amendments to the Colorado Statutory Provisions that Concern Alcoholic Beverage Tastings 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 Ordinance 18-15 updates Chapter 53 Alcoholic Beverages to reflect recent legislation recodifying the State of Colorado's beer, liquor, and special event liquor permit codes; and amends language concerning alcoholic beverage tastings. The Colorado legislature recently adopted and the Governor signed into law HB18-1025, which recodified the Colorado statutes that contain the Colorado Beer Code, the Colorado Liquor Code, and the Colorado Special Event Liquor Permits. HB18-1025 became effective October 1, 2018. It is necessary to change the references to the Colorado Beer Code, the Colorado Liquor Code, and the Colorado Special Event Liquor Permit statutes contained in the Frisco Town Code to reflect the recodification of such statutes brought about by the adoption of HB18-1025. State legislature also recently adopted SB 18-243 which expands and amends certain tastings laws and limitations. SB 18-243 became effective June 4, 2018. This law states that any violation of a tastings limitation is the responsibility of the retail liquor store or liquor licensed drug store licensee even if the violation was committed by a representative, employee, or agent of another licensee named above. It also states that a representative, employee, or agent of a manufacturer, limited winery, wholesaler, or importer may pour or serve alcohol beverages as part of a tasting at an RLS or LLDS licensed premises. Mayor Wilkinson opened the public hearing at 7:36 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 7:37 p.m.

MOTION: COUNCIL MEMBER MORTENSEN MOVED TO APPROVE ON SECOND READING ORDINANCE 18-15, AN ORDINANCE AMENDING CHAPTER 53 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, CONCERNING ALCOHOLIC BEVERAGES, BY AMENDING ALL REFERENCES WITHIN CHAPTER 53 TO THE COLORADO BEER CODE, THE COLORADO LIQUOR CODE, AND THE COLORADO SPECIAL EVENT LIQUOR PERMITS STATUTES TO REFLECT THE STATE OF COLORADO'S RECENT RECODIFICATION OF SAID CODES AND STATUTES; AND BY AMENDING SECTION 53-18, CONCERNING ALCOHOLIC BEVERAGE TASTINGS, TO REFLECT RECENT SUBSTANTIVE AMENDMENTS TO THE COLORADO STATUTORY PROVISIONS THAT CONCERN ALCOHOLIC BEVERAGE TASTINGS. SECOND, COUNCIL MEMBER FALLON. VOTE:

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

Agenda Item #5: Second Reading Ordinance 18-16, an Ordinance Amending Chapter 127 of the Code of Ordinances of the Town of Frisco, Colorado, Concerning Offenses, by Amending Section 127-7, Concerning Public Consumption of an Alcoholic Beverage and Possession of an Open

Container, to Properly Set Forth All References therein to the Colorado Liquor Code Which Liquor Code was Recently Recodified by the State of Colorado 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 Ordinance 18-16 updates Chapter 127 Offenses to reflect recent legislation recodifying the State of Colorado's beer, liquor, and special event liquor permit codes and amends language concerning public consumption of alcoholic beverages and possession of open containers. The Colorado legislature recently adopted HB18-1025, which recodified the Colorado statutes that contain the Colorado Beer Code, the Colorado Liquor Code, and the Colorado Special Event Liquor Permits. HB18-1025 became effective October 1, 2018. It is necessary to change the references to the Colorado Beer Code, the Colorado Liquor Code, and the Colorado Special Event Liquor Permit statutes contained in the Frisco Town Code to reflect the recodification of such statutes brought about by the adoption of HB18-1025. The Colorado legislature also recently adopted and the Governor signed into law SB 18-243 which prohibits the consumption of Fermented Malt Beverages (FMB), or malt, vinous or spirituous liquor in any public place, except: a person who is at least 21 years of age may consume alcohol beverages in any public place, other than a public right of way, where the consumption of FMB or malt, vinous or spirituous liquor has been specifically authorized by ordinance, resolution, or rules adopted by any municipality, city and county, or county or; for purpose of state parks, state wildlife areas or other properties open to recreation that are under the supervision of the Parks and Wildlife Commission. SB 18-243 became effective June 4, 2018. Mayor Wilkinson opened the public hearing at 7:36 p.m. There being no public comment, Mayor Wilkinson closed the public hearing at 7:37 p.m.

MOTION: COUNCIL MEMBER IHNKEN MOVED TO APPROVE ON SECOND READING ORDINANCE 18-16, AN ORDINANCE AMENDING CHAPTER 127 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, CONCERNING OFFENSES, BY AMENDING SECTION 127-7, CONCERNING PUBLIC CONSUMPTION OF AN ALCOHOLIC BEVERAGE AND POSSESSION OF AN OPEN CONTAINER, TO PROPERLY SET FORTH ALL REFERENCES THEREIN TO THE COLORADO LIQUOR CODE WHICH LIQUOR CODE WAS RECENTLY RECODIFIED BY THE STATE OF COLORADO. SECOND, COUNCIL MEMBER MORTENSEN. VOTE:

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

Agenda Item #6: Second Reading Ordinance 18-10, an Ordinance Amending Chapter 110 of the Code of Ordinances of the Town of Frisco, Concerning the Licensing of Businesses, by Adding a New Article III, Concerning the Licensing and Regulation of Short-Term Rentals Within the Town STAFF: CHAD MOST 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 the Town of Frisco Housing Task Force Policy Group studied the impact of Short-term Rentals (STRs) on the Frisco community and issued a set of recommended actions in order to preserve and build Frisco's sense of community as a place where people live year round and to minimize the negative impacts that can arise from short-term rentals, all while acknowledging the importance of short-term rentals in maintaining a sustainable tourism-based

economy. Recommended actions included updating the licensing requirements for short-term rentals, requiring STR units to meet basic life safety standards, requiring a local contact for each STR property, requiring that neighbors and HOAs receive notice upon the issuance of an STR license, requiring STR owners to provide life safety and good neighbor policy information to guests, establishing occupancy limits for STR units, implementing a monitoring and tracking program to ensure compliance and to evaluate future regulatory needs, and requiring the mitigation of various nuisances such as amplified outdoor music, improperly disposed trash, etc. The STR ordinance balances the need to regulate the STR industry, ensuring compliance and reducing negative impacts, with the need to sustain a vibrant, tourism-based local economy. The Town has taken a modest, measured approach to new regulations and fully anticipates ongoing evaluation to ensure the new framework achieves the goals set forth throughout the process: ensure compliance and a level playing field for all STR owners; reduce negative neighborhood impacts and better track complaints; ensure STR owners are providing for the safety of their guests and providing information necessary for guests to be good neighbors; and analyze data and communicate directly with STR owners to better understand STR impacts, the need for further regulation, and opportunities to incentivize long-term employee housing. Mayor Wilkinson opened the public hearing at 7:39 p.m. Frisco business owner of a Mountainside short term rental lodging unit, Joann Matiu shared her negative enforcement experience with Town Council. There being no public comment, Mayor Wilkinson closed the public hearing at 7:43 p.m.

MOTION: COUNCIL MEMBER MORTENSEN MOVED TO APPROVE ON SECOND READING ORDINANCE 18-10, ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE LICENSING OF BUSINESSES, BY ADDING A NEW ARTICLE III, CONCERNING THE LICENSING AND REGULATION OF SHORT-TERM RENTALS WITHIN THE TOWN. SECOND, COUNCIL MEMBER BURLEY. 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 8:09 p.m.

Respectfully Submitted,

Deborah Wohlmuth, CMC
Town Clerk