

**THE APRIL 7, 2020 COUNCIL PACKET MAY BE VIEWED
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3:00PM April 7, 2020 Special Town Council Meeting

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**RECORD OF PROCEEDINGS
SPECIAL MEETING AGENDA OF THE
TOWN COUNCIL OF THE TOWN OF FRISCO
APRIL 7, 2020
3:00PM**

**STARTING TIMES INDICATED FOR AGENDA ITEMS ARE ESTIMATES ONLY AND
MAY CHANGE**

Call to Order:

Gary Wilkinson, Mayor

Roll Call:

Gary Wilkinson, Jessica Burley, Daniel Fallon, Rick Ihnken, Hunter Mortensen, Deborah Shaner, and Melissa Sherburne

Public Comments:

Citizens making comments during Public Comments or Public Hearings should state their names and addresses for the record, be topic-specific, and limit comments to no longer than three minutes.

NO COUNCIL ACTION IS TAKEN ON PUBLIC COMMENTS. COUNCIL WILL TAKE ALL COMMENTS UNDER ADVISEMENT AND IF A COUNCIL RESPONSE IS APPROPRIATE THE INDIVIDUAL MAKING THE COMMENT WILL RECEIVE A FORMAL RESPONSE FROM THE TOWN AT A LATER DATE.

Mayor and Council Comments:

Staff Updates:

New Business:

Agenda Item #1: Resolution 20-11, a Resolution of the Town of Frisco, Colorado, Establishing Economic Relief Programs, Directing the Immediate Implementation of the Programs in Response to the COVID-19 Public Health Emergency, and Authorizing the Expenditure of Funds for the Programs 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

Agenda Item #2: Resolution 20-12, Resolution of the Town of Frisco, Colorado, Approving the Use of Electronic Consent for Signatures on Ordinances, Resolutions, Contracts and other Instruments Requiring the Town's Signature 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

Agenda Item #3: General Discussion/Action on COVID -19 Response 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

Adjourn:



MEMORANDUM

P.O. BOX 4100 ♦ FRISCO, COLORADO 80443

TO: MAYOR AND TOWN COUNCIL

FROM: NANCY KERRY, TOWN MANAGER

RE: RESOLUTION OF THE TOWN OF FRISCO, COLORADO, ESTABLISHING ECONOMIC RELIEF PROGRAMS, DIRECTING THE IMMEDIATE IMPLEMENTATION OF THE PROGRAMS IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY, AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PROGRAMS.

DATE: APRIL 7, 2020

Summary and Background:

On March 31, 2020, the Town Council held a (virtual) special meeting and considered options to provide economic relief to local businesses, employees of those businesses, and local residents.

The attached resolution has been drafted based on staff's understanding of direction from the Town Council from the March 31, 2020 meeting.

In addition, at the April 14, 2020 Council meeting, at the direction of the Town Council, staff will bring forward consideration of an ordinance to defer fees and penalties for businesses unable to remit the sales tax collected on behalf of the Town.

Analysis and Discussion:

Town of Frisco Economic Stimulus Programs:

(a) **Business Assistance**

Adoption of the attached resolution would establish a Business Assistance Program providing financial assistance in the following manner for local Frisco businesses. Recipients must be the owner of a business located within the Town of Frisco open and operating as of March 1, 2020. The business must:

1. have severely limited operations as a result of one or more of the public health orders related to COVID-19 by having been prohibited from onsite sales or service to the public, or prohibited from onsite consumption of food or beverages (grocery stores excluded);
2. have a current and valid Town of Frisco business license issued on or before March 1, 2020;

3. have had a physical (not solely virtual) location within the Town of Frisco's commercial zoned areas (not residential) on March 1, 2020, from which business operations were conducted;
4. have no more than fifty (50) employees or independent contractors engaged in work for the business on March 1, 2020;
5. not be a publicly traded corporation, nor be owned by, controlled by, or a subsidiary of a publicly traded corporation, nor be an entity that has more than Five Million Dollars (\$5,000,000) in annual gross revenues, nor be owned by, controlled by, or a subsidiary of any such entity; and
6. provide evidence the applicant has made application to the Small Business Administration relief authorized under the CARES Act Economic Injury Disaster Loan Program for assistance in the amount of \$10,000 (a federal grant).

Grant Amount

No grant to any single business shall exceed the amount of that business's monthly rent or mortgage payment, or Five Thousand Dollars (\$5,000), whichever is less. In the event a business has no landlord and no mortgage, the maximum amount of any grant under this program shall be an amount determined by the Town Manager to be a reasonable estimate of the amount of rent that the business would pay for its space under prevailing market rents as of March 1, 2020.

In connection with each grant made under the program, the Town shall send a letter to the landlord or mortgagee, if any, of the business's premises advising the landlord or mortgagee of the grant made under this program, and encouraging the landlord or mortgagee to provide a waiver of rent or mortgage payment from the business in an amount equal to the Town's grant.

(b) Residential Rental Assistance

Adoption of the attached resolution would establish a Residential Rental Assistance Program providing financial assistance in the following manner for employees of Frisco businesses or Town of Frisco residents. Recipients must live in the Town of Frisco or have been employed by a business operating within the Town of Frisco. To be eligible to receive a grant under the residential assistance program, an individual must:

1. live or have been working for a business located in and licensed to operate by the Town of Frisco, lost his or her employment as a result of the COVID-19 pandemic, and remain living in the same residence as that resided in on March 1, 2020, or at another location within the region;
2. provide evidence that he or she has applied for all available federal and state unemployment benefits;
3. not be a recipient of a similar grant funded by Summit County or any other town within Summit County for rental assistance related to COVID-19; and

4. make application for the grant through the process established by the Family Intercultural Resource Center under its agreement with the Town.

Grant Amount

Grants to any single individual shall not exceed the amount equal to the individual's monthly rent payment or pro-rata share of the monthly rent payment, or One Thousand Five Hundred Dollars (\$1,500), whichever is less.

Financial Impacts

Approval of the attached Resolution establishing both the Business Assistance and the Residential Rental Assistance programs is set at a cost not to exceed \$500,000 for the Business Assistance Program, \$250,000 for the Rental Assistance Program, and \$37,500 for administrative costs paid to the Family Intercultural Resource Center (FIRC) for a total of \$787,500.

These funds were not budgeted in the Town's 2020 Budget. Approval of the attached resolution authorizes the transfer from the General Fund reserve account to the General Fund and authorizes the Town Manager to expend the funds as directed by the Town Council. The resolution also directs the Town Manager to bring an Ordinance back to the Town Council to amend the Town's budget transferring these funds (and potentially future COVID-19 expenditures) from the Town's Capital Improvement Fund and thereby replacing the Town's reserve account.

Staff Recommendation:

The proposed programs are policy decisions of the Town Council.

Reviews and Approvals:

This report was written by Town Manager, Nancy Kerry

Attachments:

Attachment 1: Resolution for consideration

Attachment 1

Resolution Establishing Town of
Frisco Economic Relief as a Result of
the
COVID-19 Pandemic

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
RESOLUTION 20-11**

A RESOLUTION OF THE TOWN OF FRISCO, COLORADO, ESTABLISHING ECONOMIC RELIEF PROGRAMS, DIRECTING THE IMMEDIATE IMPLEMENTATION OF THE PROGRAMS IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY, AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PROGRAMS.

WHEREAS, on March 10, 2020, the Governor of the State of Colorado declared a statewide state of emergency in response to coronavirus (COVID-19); and

WHEREAS, on March 14, 2020, the President of the United States declared a national emergency in response to the coronavirus (COVID-19); and

WHEREAS, the World Health Organization has declared the coronavirus (COVID-19) to be a worldwide pandemic; and

WHEREAS, the coronavirus (COVID-19) has been confirmed to exist in Summit County; and

WHEREAS, the Town Council is empowered by Section 31-15-401(1)(b), C.R.S., to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, the Town Council finds that the public health regulations that have been necessary to fight the COVID-19 pandemic have caused the sudden cessation, or near cessation, of most business activities within the Town to the great hardship of many residents, business owners and individuals employed within Frisco; and

WHEREAS, the Town Council finds and determines that the adoption of this Resolution is necessary to aid businesses and individuals within the Town in dealing with the extreme economic impacts that have resulted from the public health regulations; and

WHEREAS, the Town Council further finds and determines that the adoption of this ordinance is proper under Section 31-15-401(1)(b), C.R.S., and other applicable law.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO, COLORADO THAT:

Section 1. Business Assistance Program. There is hereby established a business assistance program to provide grants in aid of Frisco businesses that have had their operations severely limited by public health orders related to the COVID-19 pandemic. Unless there is further action of the Town Council, the program shall distribute not more than Five Hundred Thousand Dollars (\$500,000) in total grants, and no grant to any single business shall exceed the amount of that business's monthly rent or mortgage payment, or Five Thousand Dollars (\$5,000), whichever is less. **In the event that a business has no landlord and no rent,** the maximum amount of any grant under this program shall be an amount determined by the Town Manager to be a reasonable estimate of the amount of rent that the business would pay for its space under prevailing market rents as of March 1, 2020. In connection with each grant made under the program, the Town shall send a letter to the landlord or mortgagee, if any, of the business's premises advising the

landlord or mortgagee of the grant made under this program, and encouraging the landlord or mortgagee to provide a waiver of rent or mortgage payment from the business in an amount equal to the Town's grant.

To be eligible to receive a grant under the business assistance program, the business must:

1. have had its operations severely limited by having been prohibited from onsite sales or service to the public, or prohibited from onsite consumption of foods or beverages, by one or more of the public health orders issued in connection with COVID-19; and
2. have a current and valid Town of Frisco business license issued on or before March 1, 2020; and
3. have had a physical (not solely virtual) location within the Town of Frisco on March 1, 2020, from which business operations were conducted; and
4. have had no more than fifty (50) employees or independent contractors engaged in work for the business on March 1, 2020; and
5. not be a publicly traded corporation, nor be owned by, controlled by, or a subsidiary of a publicly traded corporation, nor be an entity that has more than Ten Million Dollars (\$10,000,000) in annual gross revenues, nor be owned by, controlled by, or a subsidiary of any such entity.

As a condition of each grant made under the business assistance program, the applicant must provide evidence that it has made application for the federal Small Business Administration relief authorized under the CARES Act Economic Injury Disaster Loan for emergency assistance in the amount of \$10,000.

Section 2. Residential Assistance Program. There is hereby established a residential assistance program to provide grants in aid of individuals who live or work for a business located in the Town of Frisco that have recently lost their job as a result of the COVID-19 pandemic (cohabitating partners of current employees of the Town of Frisco excluded). Unless there is further action of the Town Council, the program shall distribute not more than Two Hundred Fifty Thousand Dollars (\$250,000.00) in total grants, and no grant to any single individual shall exceed the amount that is equal to the individual's monthly rent payment or pro-rata share of the monthly rent payment, or One Thousand Five Hundred Dollars (\$1,500), whichever is less.

To be eligible to receive a grant under the residential assistance program, an individual must:

1. live or have been working for a business located in the Town of Frisco and lost his or her employment as a result of the COVID-19 pandemic, and remain living in the same residence as that resided in on March 1, 2020, or at another location within the region;
2. provide evidence that that he or she has applied for all available federal and state unemployment benefits; and
3. make application for the grant through the process established by the Family Intercultural Resource Center under its agreement with the Town.

Section 3. Town Manager to Implement Programs. The Town Manager is hereby authorized and directed to take all actions reasonably necessary or desirable to immediately implement the residential and business assistance programs established herein, including but not limited to entering into an agreement with the Family Intercultural Resource Center to administer the residential assistance program in exchange for a sum to not exceed Thirty-Seven Thousand Five Hundred Dollars (\$37,500).

Section 4. Use of Funds from General Fund Contingency Authorized. Pursuant to Section 11-6 of the Code of Ordinances of the Town of Frisco, there is hereby authorized for transfer and expenditure, from the General Fund reserve account to the General Fund, the sum of Seven-Hundred and Eighty-Seven Thousand Five Hundred Dollars (\$787,500.00) to fund the assistance programs, and administration thereof, established by this Resolution. The Council hereby directs the Town Manager to bring to Council a proposed amendment to the Town's budget that will cause the reserve funds authorized for use herein to be replaced by a transfer from the Town's Capital Projects fund.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND APPROVED THIS 7TH DAY OF APRIL 2020.

TOWN OF FRISCO, COLORADO

Gary Wilkinson, Mayor

ATTEST:

Deborah Wohlmuth, CMC
Town Clerk

ALTERNATIVE FUNDING PROVISION FOR RESOLUTION ESTABLISHING COVID-19 RELIEF PROGRAM

Section 4. Use of Funds from General Fund Contingency Authorized. Pursuant to Section 11-6 of the Code of Ordinances of the Town of Frisco, there is hereby authorized for transfer and expenditure, from the General Fund reserve account to the General Fund, the sum of Seven-Hundred and Eighty-Seven Thousand Five Hundred Dollars (\$787,500.00) to fund the assistance programs, and administration thereof, established by this Resolution. The Council hereby directs the Town Manager to bring to Council a proposed amendment to the Town's budget that will cause the reserve funds authorized for use herein to be replaced by a transfer of Five Hundred Thousand Dollars (\$500,000) from the Town's Capital Projects fund and a transfer of Two Hundred Thirty-Seven Thousand Five Hundred Dollars (\$237,500) from the Projects account of the SCHA Fund (5A).

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
RESOLUTION 20-12**

A RESOLUTION OF THE TOWN OF FRISCO, COLORADO, APPROVING THE USE OF ELECTRONIC CONSENT FOR SIGNATURES ON ORDINANCES, RESOLUTIONS, CONTRACTS AND OTHER INSTRUMENTS REQUIRING THE TOWN'S SIGNATURE.

WHEREAS, on March 10, 2020, the Governor of the State of Colorado declared a statewide state of emergency in response to coronavirus (COVID-19); and

WHEREAS, on March 14, 2020, the President of the United States declared a national emergency in response to the coronavirus (COVID-19); and

WHEREAS, on March 16, 2020, the Town of Frisco adopted an emergency ordinance declaring a public health emergency; and

WHEREAS, on March 16, 2020, the Town of Frisco adopted an electronic participation policy for use in the event of a local emergency declaration; and

WHEREAS, the Town Council is empowered by Section 31-15-401(1)(b), C.R.S., to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, the Town Council has, and may in the future for an undetermined period of time, conduct meetings electronically by telephone and other electronic means, and

WHEREAS, Town buildings will, to an exclusive or partial extent, be closed to the public during this time; and

WHEREAS, consistent with the Governor's declaration and protocols established by other municipalities throughout the state, the Town and its employees have shifted to the conduct of official business by telephone, email, and other electronic means, rather than in person when possible; and

WHEREAS, as a consequence of the foregoing, physical signature of ordinances, resolutions, contracts, proclamations and other instruments may at times be impractical or imprudent; and

WHEREAS, the Town Council wishes to authorize electronic approval and signature of such instruments, in order to facilitate the ongoing business of the Town and its relationship with the public, other local governments, and the state of Colorado and to provide certainty to the persons, organizations, and governments with whom the Town contracts and otherwise interacts; and

WHEREAS, in order to achieve these goals, the Town Council intends this Resolution to provide authorization for execution of all such instruments by electronic consent.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO:

Section 1. Until modified by amendment or repeal of this Resolution, all ordinances, resolutions, contracts, proclamations and other instruments of any kind or nature, providing for or otherwise requiring physical signatures by Town officials and employees shall be permitted to

be electronically approved by email consent of the required signers thereof, with a physical signature affixed at a later time, but such later physical signature shall not be a prerequisite to the immediate effectiveness of the instrument upon the signers' email approval or consent. It is the intention of the Town Council that all parties dealing with the Town in connection with any such instrument be entitled to rely upon the same, once electronically approved as provided herein, in the same manner as if a physical signature had been affixed. Documents calling for a notarial certification of Town officials' signatures may instead be authenticated by the electronic signature of the City Clerk as provided herein.

Section 2. Effective date. This Resolution shall be effective upon approval by the Town Council and electronic signature by the Mayor physically or via the means described herein. This Resolution shall be effective, *nunc pro tunc*, for Town documents approved by Town officials on and after March 1, 2020. This Resolution shall be of no further force or effect on and after July 1, 2020.

PASSED AND APPROVED THIS 7TH DAY OF APRIL, 2020.

TOWN OF FRISCO, COLORADO

Gary Wilkinson, Mayor

ATTEST:

Deborah Wohlmuth, CMC
Town Clerk