



Keystone Town Council Agenda

The Keystone Town Council will have a Regular Meeting on September 24, 2024, at 3:00 p.m. at 1628 Sts. John Rd, Keystone, CO 80435.

- I. CALL TO ORDER, ROLL CALL
- II. APPROVAL OF AGENDA
- III. COMMUNICATIONS TO COUNCIL
 - A. *Public Comment (Pursuant to Resolution 2024-18, comment is limited to non-agenda items only; 3-minute time limit please)*
- IV. CONSENT
 - A. FIRST READING OF ORDINANCES
 1. Ordinance 2024-12, An Ordinance of Town Council of the Town of Keystone, Colorado, Adopting by Reference The 2024 Edition Of The Model Traffic Code Of Colorado Promulgated By The Colorado Department Of Transportation With Amendments, And Setting Forth In Full The Penalty Provisions For Violations Thereof
 - B. RESOLUTIONS
 - C. MEETING MINUTES
 1. September 24, 2024 – Meeting Minutes
 - D. EXCUSED ABSENCES – NONE
 1. Dan Sullivan – October 8, 2024
 - E. OTHER
 1. TOK24-013: Class 2 Sign Permit for a Build-A-Bear store located at 195 River Run Road, Unit B-5
- V. NEW BUSINESS
 - A. CONSIDERATION OF ORDINANCES (SECOND READING/PUBLIC HEARING)

1. Ordinance 2024-11, An Ordinance of Town Council of the Town of Keystone, Colorado, Creating a Process for Establishing Boards and Commissions

B. RESOLUTIONS - NONE

C. OTHER

1. Presentation of Budget

VI. PLANNING MATTERS

VII. REPORT OF TOWN MANAGER AND STAFF

VIII. REPORT OF MAYOR AND COUNCIL

IX. OTHER MATTERS (Town Manager/Mayor/Councilmember may bring up items on other matters that are not on the agenda)

X. SCHEDULED MEETINGS

XI. EXECUTIVE SESSION

Executive Session pursuant to C.R.S. Section 24-6-402(4)(b) and (4)(e)(I) to receive legal advice concerning a negotiation of a contract for road maintenance services as well as to determine positions relative to the negotiation of the contract for road maintenance services, develop strategies for such negotiations, and instruct negotiators accordingly.

XII. ADJOURNMENT

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH: John Crone, Town Manager
FROM: Jennifer Madsen, Town Attorney
DATE: October 8, 2024
SUBJECT: [FIRST READING] 2024-O-12, An Ordinance Of Town Council Of The Town Of Keystone, Colorado, Adopting By Reference The 2024 Edition Of The Model Traffic Code Of Colorado Promulgated By The Colorado Department Of Transportation With Amendments, And Setting Forth In Full The Penalty Provisions For Violations Thereof

Executive Summary:

Ordinance 2024-O-12 is an adoption of the 2024 edition of the Model Traffic Code with amendments to include state laws that were adopted in the 2024 legislative session and to include parking restrictions.

Recommendation:

Staff recommends that Council approve Ordinance 2024-O-12 on first reading.

Background:

With limited exceptions, local governments may enact and enforce traffic regulations on roads and streets within their jurisdiction. Balancing local government's ability to regulate local traffic laws, there is an expectation from drivers that the traffic laws will be uniform between local governments and throughout the state. The answer to the requirement for local governments to adopt traffic rules and the desire for a uniform set of traffic laws is the Model Traffic Code. CDOT publishes the Model Traffic Code for local governments to adopt an ordinance and the traffic code by reference in order to

provide for uniform rules of the road and vehicle requirements. The Model Traffic Code is consistent with state law traffic regulations.

Earlier in 2024, CDOT published the 2024 Model Traffic Code. The 2024 Model Traffic Code includes all state laws through the 2023 legislative session. Any traffic laws adopted by the General Assembly in 2024, such the cell phone use ban, would need to be added to the ordinance as an amendment to the traffic code.

Draft Ordinance adopting the 2024 Edition of the Model Traffic Code:

The draft ordinance adopting the 2024 edition of the Model Traffic Code is an adoption by reference. The draft ordinance includes amendments to the Model Traffic Code.

- Amendment (2) adds the new state law amendments related to the automated vehicle identification systems. These new requirements allow for the use of AVIS on state highways with coordination between CDOT and the local government.
- Amendment (3) to section 225 is the addition of a regulation prohibiting engine brakes.
- Amendment (4) adds the new state law related to use of mobile electronic devices. This state law is effective on January 1, 2025, and should be added to the adoption of the model traffic code.
- Amendment (5) are the parking restrictions. These parking restrictions are mirror after the Town of Dillon's parking regulations with the changes to the on-street parking discussed at the July 23 work session. The regulations include parking violations on private property; street parking; public parking lots; and parking on vacant lots. Related to the revisions from the July 23 work session, parking on public streets is prohibited. There is an exception to allow for parking on streets for residents (or guests of residents) of Loveland Pass Village.
- Amendment (6) deletes reference to criminal violations for foreign matter on highway prohibited.
- Amendment (7) adds the new state law regarding motorcycle lane filtering. This section 1503 authorizes motorcycles to overtake or pass another motor vehicle in

the same lane if the traffic is stopped, the road has lanes wide enough to pass safely, and the motorcycle is moving at a speed that is less than 15 mph.

- Amendment (8) aligns the model traffic code with municipal enforcement. Section 1701 sets forth fine amounts and classifies traffic infractions as class A and class B. It is recommended that the Town Council sets its own fine amounts or gives the Municipal Court Judge the authority to set fines. This amendment also designates most offenses as civil offenses rather than criminal offenses.
- Amendment (9) deletes Section 1702 which is the schedule of fines.
- Amendment (10) replaces the process for arrests in Section 1705 with a process that will be consistent with a Town law enforcement process.
- Amendment (11) deletes subsection (3) of Section 1709 which provides that a penalty assessment must be issued 30 days before the court appearance date.
- Amendment (12) deletes Part 18 which is abandoned vehicles. These regulations are covered by the parking regulations and the Town's junk/abandoned vehicle nuisance ordinance.

The Model Traffic Code does include the Automated Vehicle Identification Systems (AVIS) regulations; however, Town Council would need to designate the street an automated vehicle identification corridor to be able to issue a notice of violation or civil penalty assessment. The Town would need to work with CDOT to implement AVIS on highway 6. [Here is a link to the 2024 edition of the Model Traffic Code.](#)

Alternatives:

Town Council may provide alternative direction on the adoption of the model traffic code.

Financial Considerations:

There are no financial considerations applicable to this ordinance.

Previous Council Actions:

The Town Attorney discussed this ordinance with Town Council at the work sessions on July 9, and July 23.

Next Steps:

If Council approves this Ordinance on first reading, it will be scheduled for second reading and public hearing on November 12. The effective date of the ordinance is January 1, 2025, to allow time for implementation.

Suggested Motions:

Because this ordinance is on the Consent Agenda, a motion to approve the consent agenda will approve this ordinance on first reading.

Attachment:

- Ordinance 2024-O-12, An Ordinance Of The Town Council Of The Town Of Keystone, Colorado, Adopting By Reference the 2024 Edition of the Model Traffic Code of Colorado Promulgated by the Colorado Department of Transportation with Amendments, and Setting Forth in Full the Penalty Provisions For Violations Thereof

**TOWN OF KEYSTONE
ORDINANCE NO. 2024-O-12**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE,
COLORADO, ADOPTING BY REFERENCE THE 2024 EDITION OF THE MODEL
TRAFFIC CODE OF COLORADO PROMULGATED BY THE COLORADO
DEPARTMENT OF TRANSPORTATION WITH AMENDMENTS, AND SETTING
FORTH IN FULL THE PENALTY PROVISIONS FOR VIOLATIONS THEREOF**

WHEREAS, Sections 42-4-110 and 42-4-111, C.R.S., authorize the Town of Keystone (“Town”) to regulate public streets, roads, alleys and other thoroughfares to protect the public health, safety, and welfare, and specifically to adopt by reference a model traffic code which embodies the rules of the road; and

WHEREAS, to protect and preserve the health, safety and welfare of its residents, the Town desires to adopt the 2024 edition of the Model Traffic Code for Colorado as promulgated by the Colorado Department of Transportation (the “2024 Model Traffic Code”) by reference with additions, deletions and modifications as specified below; and

WHEREAS, after due and proper notice in accordance with C.R.S. § 31-16-203, the Town Council conducted a public hearing on the adoption of this ordinance and the 2024 Model Traffic Code, on the date, time and place noticed and at which all interested parties were afforded an opportunity to be heard; and

WHEREAS, in accordance with C.R.S. § 31-16-206, at least three (3) copies of the 2024 Model Traffic Code are on file in the office of the Town Clerk and have been made available for public inspection at least fifteen (15) days prior to the public hearing for adoption of this ordinance; and

WHEREAS, the penalty provisions applicable to violations of the Model Traffic Code adopted hereby are set forth in full herein; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is a proper exercise of the Town’s police power and that it is in the best interest of the public health, safety, and welfare of the citizens of the Town to regulate traffic and vehicles using the public rights-of-way and to prescribe the penalties for violations thereof.

**THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,
ORDAINS:**

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

Section 2. Adoption by Reference of the 2024 Model Traffic Code.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference the 2024 edition of the Model Traffic Code for Colorado, promulgated and published by the Colorado Department of Transportation (hereinafter referred to as the "Model Traffic Code"). The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Article and the code adopted herein is to provide a system of traffic regulations consistent with state law and conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Town Clerk and may be inspected during regular business hours.

Section 3. Amendments to the 2024 Model Traffic Code.

The 2024 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections that shall be subject to the following amendments, deletions and additions:

- (1) All references to Class 1 and 2 and Class A and B in the Model Traffic Code are hereby deleted.
- (2) Amendment of Section 110.5. Section 110.5 of the Model Traffic Code, concerning automated vehicle identification systems is hereby repealed and replaced with a new Section 110.5 that is consistent with state law by the Colorado General Assembly in SB24-195 as follows:

110.5. Automated vehicle identification system.

- (1) The general assembly hereby finds and declares that the enforcement of traffic laws through the use of automated vehicle identification systems under this section is a matter of statewide concern and is an area in which uniform state standards are necessary.
 - (1.1) As used in this section, unless the context otherwise requires:
 - (a) (l) "Automated vehicle identification system" means a system whereby:
 - (A) A machine is used to automatically detect a violation of a traffic regulation and simultaneously record a photograph of the vehicle and the license plate of the vehicle; and

- (B) A notice of violation or civil penalty assessment notice may be issued to the registered owner of the motor vehicle.
- (II) “Automated vehicle identification system” includes a system used to detect a violation of part 11 of this article 4 or a local speed ordinance, a system used to detect violations of traffic restrictions imposed by traffic signals or traffic signs, and a system used to detect violations of bus lane or bicycle lane restrictions.
- (b) “State”, notwithstanding section 42-1-102(95), means the state of Colorado acting through the Colorado state patrol in the department of public safety or the department of transportation.
- (c) “State highway” means any highway that is owned by or maintained by the state. “State highway” does not include a public highway operated by a public highway authority in accordance with the “Public Highway Authority Law”, part 5 of article 4 of title 43.
- (1.4) Nothing in this section applies to the use of automated vehicle identification systems for the purpose of collecting tolls, fees, or civil penalties in accordance with part 5 of article 4 of title 43 and section 43-4-808.
- (1.5) Except for the authorization contained in subsection (1.7) of this section, nothing in this section applies to a violation detected by an automated vehicle identification system for driving twenty-five miles per hour or more in excess of the reasonable and prudent speed or twenty-five miles per hour or more in excess of the maximum speed limit of seventy-five miles per hour detected by the use of an automated vehicle identification system.
- (1.6) Reserved.
- (1.7) Reserved.
- (2) A county, city and county, or municipality may adopt an ordinance authorizing the use of an automated vehicle identification system to detect violations of traffic regulations adopted by the county, city and county, or municipality, or the state, a county, a city and county, or a municipality may utilize an automated vehicle identification system to detect traffic violations under state law, subject to the following conditions and

limitations and, as applicable, the requirements for state highways set forth in and any rules adopted by the department of transportation pursuant to subsection (2.5) of this section:

- (a) (I) Reserved.
- (II) If the state, a county, a city and county, or a municipality detects any alleged violation of a county or municipal traffic regulation or a traffic violation under state law through the use of an automated vehicle identification system, then the state, county, city and county, or municipality shall issue, or cause its vendor to issue, to the registered owner of the motor vehicle involved in the alleged violation, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United States postal service that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a notice of violation:
 - (A) Within thirty days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered in the state; or
 - (B) Within sixty days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered outside of the state.
- (III) The notice of violation must contain:
 - (A) The name and address of the registered owner of the motor vehicle involved in the alleged violation;
 - (B) The license plate number of the motor vehicle involved in the alleged violation;
 - (C) The date, time, and location of the alleged violation;
 - (D) The amount of the civil penalty prescribed for the alleged violation;
 - (E) The deadline for payment of the prescribed civil penalty and for disputing the alleged violation; and

- (F) Information on how the registered owner may either dispute the alleged violation in a hearing or pay the prescribed civil penalty.
- (IV) If the state, a county, a city and county, or a municipality does not receive the prescribed civil penalty or a written notice requesting a hearing to dispute the alleged violation by the deadline stated on the notice of violation, which deadline must not be less than forty-five days after the issuance date on the notice of violation, the state, county, city and county, or municipality shall issue, or cause its vendor to issue, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United States postal service that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a civil penalty assessment notice for the alleged violation to the registered owner of the motor vehicle involved in the alleged violation no later than thirty days after the deadline on the notice of violation.
- (V) The civil penalty assessment notice must contain:
 - (A) The name and address of the registered owner of the motor vehicle involved in the alleged violation;
 - (B) The license plate of the motor vehicle involved in the alleged violation;
 - (C) The date, time, and location of the alleged violation;
 - (D) The amount of the civil penalty prescribed for the alleged violation;
 - (E) The deadline for payment of the prescribed civil penalty;
 - (F) Information on how to pay the prescribed civil penalty.
- (VI) If the registered owner of the motor vehicle fails to request a hearing to dispute the alleged violation by the deadline stated in the notice of violation, the registered owner waives any right to contest the violation or the amount of the prescribed civil penalty.

- (VII) If the registered owner of the motor vehicle fails to pay in full the prescribed civil penalty by the deadline stated in the civil penalty assessment notice, a final order of liability shall be entered against the registered owner of the vehicle.
 - (VIII) Final orders may be appealed as to matters of law and fact to the county court in the county where the alleged violation or the municipal court in the municipality where the alleged violation occurred. The registered owner of the motor vehicle may assert in an appeal that a notice of violation served by first-class mail or other mail delivery service was not actually delivered. The appeal shall be a de novo hearing.
 - (IX) The state, a county, a city and county, or a municipality shall not initiate or pursue a collection action against a registered owner of a motor vehicle for a debt resulting from an unpaid penalty assessed pursuant to this section unless the registered owner is personally served the notice of violation or the final order of liability.
 - (X) If the registered owner of a motor vehicle involved in a traffic violation under state law or under traffic regulations adopted by a county, city and county, or municipality is engaged in the business of leasing or renting motor vehicles, the registered owner remains liable for payment of the civil penalty even if the registered owner was not driving the motor vehicle but may obtain payment from the lessor or renter of the motor vehicle and forward the payment to the state or the county, city and county, or municipality imposing the civil penalty.
- (b) Notwithstanding any other provision of the statutes to the contrary, the state, a county, a city and county, or a municipality shall not report to the department any conviction or entry of judgment against a defendant for violation of a county or municipal traffic regulation or a traffic violation under state law if the violation was detected through the use of an automated vehicle identification system.
- (c) Reserved.

- (d) (I) The state, a county, a city and county, or a municipality shall not use an automated vehicle identification system to detect a violation of part 11 of this article 4 or a local speed ordinance unless there is posted an appropriate temporary or permanent sign in a conspicuous place not fewer than three hundred feet before the area in which the automated vehicle identification system is to be used notifying the public that an automated vehicle identification system is in use immediately ahead. The requirement of this subsection (2)(d)(I) shall not be deemed satisfied by the posting of a permanent sign or signs at the borders of a county, city and county, or municipality, nor by the posting of a permanent sign in an area in which an automated vehicle identification system is to be used, but this subsection (2)(d)(I) shall not be deemed a prohibition against the posting of such permanent signs.
- (II) Except as provided in subsection (2)(d)(I) of this section, an automated vehicle identification system designed to detect disobedience to a traffic control signal or another violation of this article 4 or a local traffic ordinance shall not be used unless the state, county, city and county, or municipality using such system conspicuously posts a sign notifying the public that an automated vehicle identification system is in use immediately ahead. The sign shall:
 - (A) Be placed in a conspicuous location not fewer than two hundred feet nor more than five hundred feet before the automated vehicle identification system; and
 - (B) Use lettering that is at least four inches high for upper case letters and two and nine-tenths inches high for lower case letters.
- (e) (I) If the state, county, city and county, or municipality implements a new automated vehicle identification system after July 1, 2023, that is not a replacement of an automated vehicle identification system:
 - (A) The agency responsible for the automated vehicle identification system shall publicly announce the

implementation of the system through its website for at least thirty days prior to the use of the system; and

- (B) For the first thirty days after the system is installed or deployed, only warnings may be issued for violations of a county or municipal traffic regulation or traffic violation under state law detected by the system.
- (II) A state, county, city and county, or municipality may conduct an extended public information campaign or warning period for systems installed or deployed either before or after July 1, 2023.
- (f) Reserved.
- (g) (I) The state, a county, a city and county, or a municipality shall not issue a notice of violation or civil penalty assessment notice for a violation detected using an automated vehicle identification system unless the violation occurred within a school zone, as defined in section 42-4-615; within a residential neighborhood; within a maintenance, construction, or repair zone designated pursuant to section 42-4-614; along a street that borders a municipal park; or along a street or portion of a street that a county, city and county, or municipality, by ordinance or by a resolution of its governing body, designates as an automated vehicle identification corridor, on which designated corridor the county, city and county, or municipality may locate an automated vehicle identification system to detect violations of a county, city and county, or municipal traffic regulation or a traffic violation under state law.
 - (I.1) Reserved.
 - (I.2) Reserved.
 - (I.3) Before a county, a city and county, or a municipality designates an automated vehicle identification corridor on a state highway, the county, city and county, or municipality shall notify the department of transportation. If a county, city and county, or municipality designates an automated vehicle identification corridor on a state highway by ordinance or resolution before January 1, 2025, it may proceed without

having provided this notification to the department of transportation.

- (1.4) After a county, city and county, or a municipality designates an automated vehicle identification corridor on a state highway, the county, city and county, or municipality shall coordinate with the department of transportation. Coordination must include demonstrating that the requirements set forth in subsection (2)(g)(1.7)(B) of this section have been met and, if needed, applying for a special use permit to install any devices or signage on department of transportation right-of-way if the segment of highway in question is maintained by the state. A county, city and county, or municipality shall alert the department of transportation when the automated vehicle identification corridor begins operations or permanently ceases operations on a state highway. The department of transportation shall notify the Colorado state patrol when a county, city and county, or municipality coordinates with the department of transportation to establish an automated vehicle identification corridor on a state highway.
- (1.5) Before a county, city and county, or municipality begins the operation of an automated vehicle identification system in an automated vehicle identification corridor on a county road, the county, city and county, or municipality shall notify the Colorado state patrol.
- (1.6) Before the state designates an automated vehicle identification corridor on a state highway located within the boundaries of a county, a city and county, or a municipality, and before the state begins operation of an automated vehicle identification corridor on a state highway, the state shall coordinate with the respective county, city and county, or municipality.
- (1.7) Before the state, a county, city and county, or municipality begins operation of an automated vehicle identification system in an automated vehicle identification corridor, the state, county, city and county, or municipality must:

- (A) Post a permanent sign in a conspicuous place not fewer than three hundred feet before the beginning of the corridor; and
 - (B) Post a permanent sign not fewer than three hundred feet before each static camera within the corridor thereafter or a temporary sign not fewer than three hundred feet before any mobile camera; except that, for an automated vehicle identification corridor on which an automated vehicle identification system is used on transit vehicles for the purpose of detecting unauthorized use of a transit-only lane, post permanent signs at one-half mile or more frequent intervals; and
 - (C) Illustrate, through data collected within the past five years, incidents of crashes, speeding, reckless driving, or community complaints on a street designated as an automated vehicle identification corridor unless the automated vehicle identification system will be used exclusively to detect unauthorized usage of one or more transit-only lanes.
- (II) As used in this subsection (2)(g), unless the context otherwise requires, “residential neighborhood” means any block on which a majority of the improvements along both sides of the street are residential dwellings and the speed limit is thirty-five miles per hour or less.
 - (III) This subsection (2)(g) does not apply to an automated vehicle identification system designed to detect disobedience to a traffic control signal.
 - (IV) The state, a county, a city and county, or a municipality implementing an automated vehicle identification corridor pursuant to subsection (2)(g)(I) of this section shall publish a report on its website disclosing the number of citations and revenue generated by the automated vehicle identification corridor.
- (V) (A) Notwithstanding the provisions of subsection (2)(g)(I) of this section, the state may locate an automated vehicle identification system on a highway that is a

part of the federal interstate highway system and may issue a notice of violation or a civil penalty assessment notice for a traffic violation under state law detected using the automated vehicle identification system.

- (B) A county, a city and county, or a municipality shall not locate an automated vehicle identification system or create an automated vehicle identification corridor on any highway that is a part of the federal interstate highway system.
- (h) The state, a county, a city and county, or a municipality shall not require a registered owner of a vehicle to disclose the identity of a driver of the vehicle who is detected through the use of an automated vehicle identification system. However, the registered owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation.
- (2.5) (a) The state may use an automated vehicle identification system on any portion of a state highway. The department of transportation may promulgate rules to implement the provisions of this section relating to the use of automated vehicle identification systems by the department of transportation on state highways and prioritization for the use of automated vehicle identification systems by other entities on state highways, including but not limited to rules that:
 - (I) Specify prioritization criteria that the department of transportation will use to determine which entity is authorized to use an automated vehicle identification system if multiple entities seek authorization to use an automated vehicle identification system on the same portion of a state highway. The criteria must specify that the department of transportation must give preference to an entity that has the primary responsibility for regulation and enforcement of traffic restrictions on the portion of a state highway on which an automated vehicle identification system is to be used.
 - (II) Specify, consistent with the requirements of subsection (2)(a) of this section, the process that the state will use to notify a county, city and county, or municipality that the state will be using an automated vehicle identification system

within its jurisdiction and the administrative and enforcement process that the department of transportation will use to administer, hear, and resolve a traffic violation detected through the use by the department of transportation of an automated vehicle identification system;

- (III) Establish, subject to the caps set forth in subsections (4)(b) and (4.5) of this section and any other provision of law, the amount of civil penalties imposed for traffic violations detected through the use by the department of transportation of an automated vehicle identification system;
 - (IV) Establish an administrative hearing process that complies with subsections (2)(a)(IV) through (2)(a)(VIII) of this section, including the ability to retain and contract with impartial hearing officers and the ability for impartial hearing officers to issue final orders required by subsection (2)(a)(VII) of this section; and
 - (V) Provide, consistent with this section, any additional requirements, guidance, or clarification that the department of transportation deems necessary or appropriate to implement this section.
- (b) It is the intent of the general assembly that the department of transportation consult with the Colorado state patrol when promulgating rules relating to the use of automated vehicle identification systems and before authorizing the use of an automated vehicle identification system by the state or a county, a city and county, or a municipality on any portion of a state highway. It is also the intent of the general assembly that the department of transportation consult with counties, city and counties, and municipalities when promulgating rules relating to the use of automated vehicle identification systems.
- (c) The provisions of this subsection (2.5) do not apply to an automated vehicle identification system on a state highway that a county, city and county, or municipality has implemented or designated by ordinance or resolution before January 1, 2025, or before the department of transportation adopts rules pursuant to subsection (2.5)(a) of this section, whichever occurs later. This subsection (2.5) does not require a county, city and county, or municipality to remove or stop the implementation of an automated

vehicle identification system that was placed on any portion of a state highway or designated by ordinance or resolution before January 1, 2025, or before the department of transportation adopts rules pursuant to subsection (2.5)(a) of this section, whichever occurs later.

- (3) The department has no authority to assess any points against a license under section 42-2-127, C.R.S. upon entry of a conviction or judgment for a violation of a county or municipal traffic regulation or a traffic violation under state law if the violation was detected through the use of an automated vehicle identification system. The department shall not keep any record of such violation in the official records maintained by the department under section 42-2-121, C.R.S.
- (4)
 - (a) If the state, a county, a city and county, or a municipality detects a speeding violation of less than ten miles per hour over the reasonable and prudent speed under a county or municipal traffic regulation or under state law through the use of an automated vehicle identification system and the violation is the first violation by the registered owner that the state, county, city and county, or municipality has detected using an automated vehicle identification system, then the state, county, city and county, or municipality may mail the registered owner a warning regarding the violation, but the state, county, city and county, or municipality shall not impose any penalty or surcharge for such first violation.
 - (b)
 - (I) If the state, a county, a city and county, or a municipality detects a second or subsequent speeding violation under a county or municipal traffic regulation or under state law by the registered owner, or a first such violation by the registered owner, if the provisions of subsection (4)(a) of this section do not apply, through the use of an automated vehicle identification system, then, except as may be permitted in subsection (4)(b)(II) of this section, the maximum penalty that the state, county, city and county, or municipality may impose for such violation, including any surcharge, is forty dollars.
 - (II) If any violation described in subsection (4)(b)(I) of this section occurs within a school zone, as defined in section 42-4-615, C.R.S., the maximum penalty that may be imposed shall be doubled.

- (III) Subsection (4)(b)(I) of this section does not apply within a maintenance, construction, or repair zone designated pursuant to section 42-4-614, C.R.S., or a school zone, as defined in section 42-4-615(2), C.R.S.
- (4.5) (a) If the state, a county, a city and county, or a municipality detects a violation of a county, city and county, or municipal traffic regulation or traffic violation under state law for disobedience to a traffic control signal through the use of an automated vehicle identification system, the maximum civil penalty that the state, a county, a city and county, or a municipality may impose for such violation, including any surcharge, is seventy-five dollars.
- (b) Subsection (4.5)(a) of this section does not apply within a maintenance, construction, or repair zone designated pursuant to section 42-4-614, C.R.S., or a school zone, as defined in section 42-4-615(2), C.R.S.
- (4.7) If a registered owner fails to pay a penalty imposed for a violation of a county or municipal traffic regulation or a traffic violation under state law detected using an automated vehicle identification system, the state, a county, a city and county, or a municipality shall not attempt to enforce such a penalty by immobilizing the registered owner's vehicle.
- (5) If the state, a county, a city and county, or a municipality has established an automated vehicle identification system for the enforcement of county or municipal traffic regulations or state traffic laws, then no portion of any fine collected through the use of such system may be paid to the manufacturer or vendor of the automated vehicle identification system equipment. The compensation paid by the state, county, city and county, or municipality for such equipment shall be based upon the value of such equipment and the value of any services provided to the state, county, city and county, or municipality and may not be based upon the number of traffic citations issued or the revenue generated by such equipment or services.
- (6) Reserved.
- (7) The state, county, city and county, or municipality and any vendor operating an automated vehicle identification system shall, unless otherwise provided in this section:

- (a) Program the automated vehicle identification system to retain data only when a violation of a county or municipal traffic regulation or traffic violation under state law occurs;
 - (b) Treat all photographs and video collected by the automated motor vehicle identification system as confidential and exempt from disclosure and inspection pursuant to the “Colorado Open Records Act”, part 2 of article 72 of title 24;
 - (c) Not use, disclose, sell, or permit access to photographs, video, or personal identifiable data collected by the automated motor vehicle identification system except to the extent necessary to operate the program, including for purposes of processing violations, for other law enforcement purposes, for transferring data to a new vendor or operating system, or, pursuant to a court order, for use in unrelated legal proceedings; and
 - (d) Destroy any photographs and video of a violation collected by the automated vehicle identification system within three years after the final disposition of the violation unless the photographs or video are maintained in a separate system for other purposes allowed by law.
- (8) Notwithstanding any other provision of law, the aggregate amount of revenue, exclusive of court and operations costs, collected by the state as civil penalties for violations detected by automated vehicle identification systems must be credited to the state highway fund and used by the department only to fund road safety projects, as defined in section 43-4-803(21), C.R.S., of the type described in section 43-4-803(21)(b), C.R.S. The department shall prioritize funding to those road safety projects with the highest potential to reduce vulnerable road user injuries and fatalities while taking into account the planning capacity of each region.
- (3) Amendment of Section 225. Section 225 of the Model Traffic Code, concerning mufflers and prevention of noise, is hereby amended by the addition of a new Subsection (5) to read in its entirety as follows:
- (5) It shall be unlawful for the operator of a vehicle driving on any public or private street within the Town to use or employ the use of an auxiliary engine braking system.
 - (a) For purposes of this Section, an auxiliary engine break means any device mounted on or adjacent to the engine of a commercial motor

vehicle which, when employed, reduces engine speed and causes the vehicle to slow without use of the vehicle's braking system.

- (b) This Subsection (5) shall not apply to authorized emergency vehicles employing an auxiliary engine break in the course of performing emergency response functions.
- (c) The Town will erect, or cause to be erected, street signage that identifies this Section's requirements.
- (d) The first violation of this Subsection (5) by any individual operator shall be punishable by a fine of up to five hundred dollars (\$500.00). A second violation by any operator shall be punishable by a fine of up to seven hundred and fifty dollars (\$750.00). A third or greater violation by any operator shall be punishable by a fine of up to the maximum fine amount authorized by Town Council.

- (4) Repeal and Replace Section 239. Section 239 of the Model Traffic Code is hereby repealed and replaced with the following language:

239. Use of a mobile electronic device.

- (1) As used in this section, unless the context otherwise requires:
 - (a) "Emergency" means a circumstance in which an individual:
 - (I) has reason to fear for the individual's life or safety or believes that a criminal act may be perpetrated against the individual or another individual, requiring the use of a mobile electronic device when the individual is driving a motor vehicle; or
 - (II) reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or an individual who is driving in a reckless, careless, or unsafe manner.
 - (b) "First responder" means:
 - (I) a peace officer, as described in section 16-2.5-101, C.R.S.;
 - (II) a firefighter, as defined in section 29-5-203(10), C.R.S.;
 - (III) a volunteer firefighter, as defined in section 31-30-1102 (9)(a), C.R.S.;
 - (IV) an emergency medical service provider, as defined in section 25-3.5-103(8), C.R.S.; or

- (V) any other individual who responds in a professional capacity to a public safety emergency.
- (c) "Hands-free accessory" means an accessory with a feature or function that enables an individual to use a mobile electronic device without using either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.
- (d) (I) "Mobile electronic device" means a handheld or portable electronic device capable of providing voice communication between two or more persons, amusement, or the wireless transfer of data.
(II) "Mobile electronic device" does not include:
 - (A) a radio, citizens band radio, or citizens band radio hybrid;
 - (B) a commercial two-way radio communication device or its functional equivalent;
 - (C) a subscription-based emergency communication device;
 - (D) a prescribed medical device;
 - (E) an amateur or ham radio device; or
 - (F) systems that are designed for and installed within the vehicle's electronics, such as an in-vehicle security, navigation, communications, or remote diagnostics system.
- (e) "Operating a motor vehicle" means driving a motor vehicle on a public highway. "operating a motor vehicle" does not include maintaining the instruments of control of a motor vehicle while the motor vehicle is at rest in a shoulder lane or lawfully parked.
- (f) "Use" or "using" means:
 - (I) physically holding a mobile electronic device in the driver's hand or pinning a mobile electronic device to a driver's ear to conduct voice-based communication; except that an individual may use a speaker or other listening device that is built into protective headgear or a device or portion of a device that only covers all or a portion of one ear and that is connected to a wireless, handheld telephone as provided in section 42-4-1411, C.R.S.;

- (II) watching a video or movie on a mobile electronic device, other than watching data related to the navigation of the motor vehicle; or
 - (III) writing, sending, or reading text-based communication, including a text message, instant message, e-mail, or internet data, on a mobile electronic device; except that text-based communication does not include:
 - (A) a voice-based communication that is automatically converted by the mobile electronic device to be sent as a message in written form; or
 - (B) communication concerning the navigation of a motor vehicle.
- (2) Except as specified in subsection (3) of this section, an individual shall not use a mobile electronic device while operating a motor vehicle.
- (3) It is not a violation of subsection (2) of this section to use a mobile electronic device:
 - (a) to contact a public safety entity;
 - (b) during an emergency;
 - (c) when an employee or contractor of a utility is acting within the scope of the employee's or contractor's duties when responding to a utility emergency;
 - (d) when an employee or contractor of a city or county is acting within the scope of the employee's or contractor's duties as a code enforcement officer or animal protection officer; or
 - (e) during the performance of a first responder's official duties.
- (4)
 - (a) Reserved.
 - (b)
 - (I) An individual charged with violating subsection (2) of this section shall not be convicted if the individual:
 - (A) produces a hands-free accessory or proof of purchase of a hands-free accessory; and
 - (B) affirms under penalty of perjury that the individual has not previously had a charge dismissed under this subsection (4)(b).

- (II) The court clerk may dismiss the charge if the clerk verifies that the individual has complied with both subsections (4)(b)(I)(A) and (4)(b)(I)(B) of this Section.
 - (c) Reserved.
 - (d) Reserved.
- (5) This Section does not apply to an individual with a commercial driver's license who is operating a commercial vehicle.
- (6) An individual operating a motor vehicle shall not be cited for a violation of subsection (2) of this section unless a law enforcement officer saw the individual use a mobile electronic device in a manner that caused the individual to drive in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, as prohibited by section 1402.
- (7) This section does not authorize the seizure and forfeiture of a mobile electronic device, unless otherwise provided by law.
- (5) Addition of Section 1214. The Model Traffic Code is further amended by the addition of a new Section 1214, entitled "Parking restrictions." to read as follows in its entirety:
 - 1214. Parking restrictions.**
 - (1) Definitions. As used in this Section:
 - (a) *Owner*, when applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.
 - (b) *Parking* means stopping, standing, parking, locating or leaving unattended in any other manner any vehicle or trailer under any circumstances.
 - (c) *Public parking area* means any parcel of property located in the Town, owned by the Town and designated by the Town for use by the public for the temporary storage of automobiles.
 - (d) *Resident* means a person who maintains their principal place of residence within the Town, either by owning, renting, or occupying a dwelling on a permanent or semi-permanent basis.
 - (e) *Street* or *streets* means any highway, alley, street, right-of-way, avenue, lane, court, place, square cover curb, bridge, viaduct, underpass, overpass, tunnel, causeway or other public way in the

Town which has or may hereinafter be designated as open to public use, or such other properties so designated in any law of this State, including the entire width of every dedicated public right-of-way owned or controlled by the Town, it being determined that the entire right-of-way and any such public way and any part thereof is open to the use of the public as a matter of right for the purpose of motor vehicle travel. Motor vehicle travel does not include parking as defined in this Section.

- (f) *Trailer* includes boat trailers, travel trailers, pickup campers (whether or not attached to a vehicle), coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like.
 - (g) *Vehicle* means any device which is capable of moving itself, or being moved, from place to place upon wheels or endless tracks, with or without a motor. Such term includes bicycles and snowmobiles, but does not include wheelchairs.
 - (h) *Vessel* means every description of watercraft used or capable of being used as a means of transportation of persons and property on the water, other than single-chambered air-inflated devices or seaplanes.
- (2) Parking on private property.
- (a) It is unlawful for a person to park a vehicle on any private property which has been designated and marked as provided in this Section.
 - (b) The owner or lessee of any private property within the Town may file a request in writing with Town law enforcement that certain parking spaces be designated and marked as "HANDICAP PARKING" only. Upon approval of such request, at the determination of the Town law enforcement, the owner or lessee may install, at the owner's or lessee's expense and pursuant to Town direction and specification, "HANDICAP PARKING" signs on the property, and the Town may ticket and/or tow vehicles parked thereon in the same manner as applicable to handicap parking only areas on Town streets and property. Such marked handicap parking spaces shall comply with the requirements of subsection (6).
 - (c) The owner or lessee of any private property within the Town may file a request in writing with Town law enforcement that the designated fire lanes on that property be designated and marked as "NO PARKING." Upon approval of such request, at the

determination of Town law enforcement, the owner or lessee may install, at the owner's or lessee's expense and pursuant to Town direction and specification, "NO PARKING" signs on the designated fire lanes on that property, and the Town may ticket and/or tow vehicles parked thereon in the same manner as applicable to no-parking areas on Town streets and property.

- (d) Such property shall be and remain private property subject to enforcement for compliance with all Town ordinances, regulations and standards for private parking facilities.

(3) Street Parking.

- (a) It is unlawful for any person to occupy any trailer when located or parked on any street in the Town, for the purpose of using such trailer as a permanent or temporary residence on an overnight basis.
- (b) It is unlawful for any person to park or locate any vehicle or trailer on any street in the Town.
- (c) It is not a violation of this subsection (3) for a resident, or a guest of a resident, to park a vehicle on the street in the area designated as "Loveland Pass Village," which includes Razor Drive, Razor Court, Miesel Drive, and West Hanen Road. For purposes of this subsection (3)(c), the resident must be a resident of Loveland Pass Village.

(4) Public Parking Lots.

- (a) It is unlawful for any person to occupy any vehicle or trailer as a temporary residence on an overnight basis in any public parking area or public parking lot in the Town, except where specifically authorized by the Town Council, or where authorized by a special parking permit issued by Town law enforcement.
- (b) It is unlawful for any person to occupy any vehicle or trailer as a permanent residence on an overnight basis in any public parking area or public parking lot in the Town.
- (c) No vehicle or trailer may be parked or located on any public parking area or public parking lot in the Town between the hours of 2:00 a.m. and 6:00 a.m., except:
 - (1) Parking is allowed in the marked and designated parking lots allowing for overnight parking; and

- (2) Parking is allowed pursuant to a special parking permit issued by Town law enforcement.
- (d) It is unlawful for any person to park or locate trailer not attached to a vehicle in any public parking area or lot.
- (5) Parking on vacant lots prohibited.
 - (a) It is unlawful for the owner of any vacant lot or parcel located in the Town to permit the parking or storage of trailers, whether for a fee or otherwise, at any time, upon such lot or parcel.
 - (b) This Section shall not be construed to prohibit the parking of construction trailers on vacant lots during the period of construction of a structure on such lot.
- (6) Marking of handicap parking spaces.

Handicap parking spaces shall be adequately and clearly marked, which shall require, at a minimum, the following:

- (a) An official upright sign, which may be stationary or portable, which sign is clearly visible to a person driving a motor vehicle considering parking in the space;
 - (b) A marking on the surface of the parking space designating the location, perimeters and restricted use of the space either by words, wheelchair symbol or color markings; and
 - (c) Removal of snow, ice and debris that interferes with the identification of the space as a handicap parking space.
- (7) Authority of Town law enforcement to prohibit parking.

The Town law enforcement is granted the authority to determine and designate certain streets and rights-of-way, or portions thereof, where it shall be illegal to park a vehicle of any type, and to further designate the hours and times such parking shall be prohibited. Such determination and designation shall be evidenced by a sign setting forth the parking prohibition, posted in accordance with this Code and the Model Traffic Code adopted by the Town. Once such sign is posted, it is unlawful for any person to park a vehicle of any type on the designated street or right-of-way, or portions thereof, during the designated hours and times.

- (8) Towing and storage; charges.

Any vehicle or trailer violating the prohibitions set forth in this Article may be towed and stored at the option of the Town, provided such towing and storage from private property shall comply with applicable provisions of state law. Town-owned parking areas and lots shall not be considered private property for purposes of this Section and state law. In the event a vehicle or trailer is towed, to the extent permitted by applicable state law, the owner of the vehicle or trailer shall be charged a fee for the cost of the towing and shall further be charged a fee for the cost of the storage of the vehicle or trailer. The towing and storage of a vehicle or trailer shall be a remedy available to the Town in addition to and separate from the Town's right to charge the owner or operator of the vehicle or trailer with a violation of this Article.

(9) Driver and owner liability for violations.

No driver shall stop or park a vehicle and no owner of a vehicle shall fail to prevent the stopping or parking of that vehicle in violation of any of the prohibitions or requirements of this Section 1214. It shall constitute prima facie evidence that the registered owner of the vehicle in violation was the person who stopped or parked the unattended vehicle. In any event, both the owner and the driver are jointly and severally liable for any such violation. Vehicles parked in violation of this Article may be ticketed, towed and impounded as provided by subsection (8) and applicable state law.

(6) Section 1406(5) of the *Model Traffic Code* is hereby deleted.

(7) Repeal and Replace Section 1503. Section 1503 of the Model Traffic Code, concerning operating motorcycles and autocycles on roadways is hereby repealed and replaced with a new Section 1503 that is consistent with the state law adopted by the Colorado General Assembly in 2024 pursuant to SB 24-079 as follows:

1503. Operating motorcycles and autocycles on roadways laned for traffic.

- (1) All motorcycles are entitled to full use of a traffic lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a traffic lane. This subsection (1) shall not apply to motorcycles operated two abreast in a single lane.
- (2) The driver of a motorcycle or autocycle shall not overtake or pass in the same lane occupied by the vehicle being overtaken.

- (3) (a) A person shall not drive a motorcycle or auticycle between lanes of traffic or between adjacent lines or rows of vehicles.
- (b) (I) Notwithstanding subsections (2) and (3)(a) of this section, the driver of a two-wheeled motorcycle may overtake or pass another motor vehicle in the same lane as the motorcycle if:
 - (A) The overtaken or passed motor vehicle is stopped;
 - (B) The motor vehicles in the adjacent lanes, if the lanes are for the same direction of travel as the lane occupied by the two-wheeled motorcycle, are stopped;
 - (C) The driver of the two-wheeled motorcycle is on a road with lanes wide enough to pass safely;
 - (D) The passing motorcycle is driving at fifteen miles per hour or less; and
 - (E) Conditions permit prudent operation of the motorcycle while overtaking or passing.
- (II) When the motor vehicles that are being overtaken or passed by the two-wheeled motorcycle begin moving, the driver of the motorcycle shall cease overtaking or passing a motor vehicle pursuant to subsection (3)(b)(I) of this section.
- (III) A person overtaking or passing pursuant to this subsection (3)(b) shall not overtake or pass:
 - (A) On the right shoulder;
 - (B) To the right of a vehicle in the farthest right-hand lane if the highway is not limited access; or
 - (C) In a lane of traffic moving in the opposite direction.
- (4) Motorcycles shall not be operated more than two abreast in a single lane.
- (5) Subsections (2) and (3) of this section shall not apply to police officers in the performance of their official duties.

- (8) Section 1701 of the Model Traffic Code, concerning the classification of traffic offenses and schedule of fines, is amended to read in its entirety as follows:

1701. Classification of Traffic Violations - Schedule of Fines.

- (1) Except as set forth herein, it is a traffic infraction for any person to violate any of the provisions of the *Model Traffic Code*, 2024 edition, as adopted by the Town. Such a traffic infraction shall constitute a civil matter for which there is not a right to a trial by jury.
- (2) All traffic violations for which six (6) or greater points are assessed against the driving license of a violator by the Department of Motor Vehicles for the State shall constitute criminal traffic offenses. Additionally, the offenses listed in subparagraphs (a) and (b) below for which fewer than six (6) points are assessed against the driving license of a violator by the Department of Motor Vehicles for the State shall constitute criminal traffic offenses. The following violations are criminal traffic offenses:
 - (a) Violations of *Model Traffic Code*) involving driving twenty-five (25) miles or more in excess of the lawful speed limit.
 - (b) Violations of *Model Traffic Code* Sections 1105 (Speed contests), 1401 (Reckless driving), 1402 (Careless driving), 1409 (Compulsory insurance), 1413 (Eluding or attempting to elude a police officer) or 1903 (School buses - stops - signs -passing).
- (3) Traffic infractions as provided in this Code shall be subject to a maximum penalty of a fine not to exceed the fine amount set forth by ordinance. Costs, surcharges and fees as authorized by law or by ordinance may be added to the fine.
- (4) Criminal traffic offenses as provided in this code shall be subject to a maximum penalty of one (1) year of imprisonment or the maximum fine amount authorized by Town Council, or both. Cost, surcharges, and fees as authorized by law may be added to the penalty.
- (5) Notwithstanding the maximum penalties established by subsections (3) and (4) above, the Court is authorized to impose conditions and requirements other than fines and/or imprisonment, including by way of example and not limitation, required attendance of an organized class on traffic safety or defensive driving, as part of a sentence for a traffic infraction or traffic offense.
- (6) Pursuant to CMCR 210(b)(4), the court may by order, which may from time to time be amended, supplemented, or repealed, designate the violations, the penalties for which may be paid at the office of the Municipal Court Clerk.

- (9) Section 1702 of the *Model Traffic Code* is deleted.
- (10) Section 1705 of the *Model Traffic Code* is deleted and replaced with the following:

1705. Person arrested for violation.

Whenever any person is arrested by a police officer for any violation of this code, the Town law enforcement will follow its policies and procedures and this code as they pertain to summons and complaint and bond issues.

- (11) Subsection (3) of Section 1709 is hereby deleted and references contained in Section 1709 to “county court” shall be amended to read “municipal court.”
- (12) Part 18 of the *Model Traffic Code* is deleted.

Section 4. Penalties.

The following penalties shall apply to violations of the *Model Traffic Code* as adopted in this article:

- (1) All violations of the Model Traffic Code, as modified and adopted by the Town, except violations of Sections 1401, shall be punishable by a fine of not more than two thousand six hundred fifty dollars (\$2,650.00). No imprisonment shall be imposed for such violations.
- (2) Violations of Sections 1401 of the Model Traffic Code, as modified and adopted by the Town, shall be punishable by a fine of not more than two thousand six hundred fifty dollars (\$2,650.00) or by imprisonment for not more than three hundred sixty-four (364) days, or by both such fine and imprisonment.

Section 5. Interpretation.

This Article shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the Article and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 6. Effect of Conflict.

The *Model Traffic Code* adopted constitutes a comprehensive system of regulation and enforcement dealing with vehicles and traffic. In the event that any provision

contained in this Ordinance is in conflict with applicable state statutes which are deemed to supersede any municipal ordinance, the provision of the applicable state statute shall be controlling. In the event of any conflict between the *Model Traffic Code* and other ordinances, the Town's ordinances shall control unless state law provides that the specific provision of the *Model Traffic Code* supersedes any municipal ordinance in conflict therewith.

Section 7. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 8. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 9. Effective Date. The Ordinance shall be effective on January 1, 2025.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AND SCHEDULED FOR PUBLIC HEARING ON _____, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

_____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

I hereby certify that the above Ordinance was introduced to the Town Council of the Town of Keystone at its meeting of _____, 2024 and ordered published two times by _____ on _____, 2024, and on _____, 2024, and in full on the Town web site.

ATTEST:

SEAL

By: Town Clerk or Deputy Town Clerk

READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF ___ IN FAVOR AND ___ OPPOSED ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS _____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney



Keystone Town Council Minutes

A Town Council Meeting of the Keystone Town Council was held on September 24, 2024, at 3:00 p.m. at 1628 Sts. John Rd, Keystone, CO 80435. Full and timely notice of this meeting had been posted and a quorum of the body was present.

I. CALL TO ORDER, ROLL CALL

Mayor Riley called the meeting to order at 3:01 p.m. The roll was called, and it was found there were present and participating at that time the following members: Councilmember Gretchen Davis, Councilmember Carol Kerr, Councilmember Aaron Parmet, Councilmember Dan Sullivan, Councilmember Valerie Thisted, and Mayor Ken Riley.

II. APPROVAL OF AGENDA

Mayor Riley presented the agenda.

Councilmember Sullivan moved to approve the agenda as presented.

Councilmember Kerr seconded. On voice vote, the motion passed unanimously, and the agenda was approved as presented.

III. TOWN COUNCIL MEMBER VACANCY

Mayor Riley gained consensus from members of Town Council to accept public comment following interviews of Town Council applicants.

A. COUNCIL MEMBER VACANCY INTERVIEWS

1. Interview of Applicant Kaili Warren

Mayor Riley recognized applicant Kaili Warren, and the Town Council

conducted an interview of the applicant.

Following conclusion of the interview, Town Council recessed at 3:20 p.m. Mayor Riley reconvened the meeting at 3:31 p.m.

2. Interview of Applicant Jeff Herynk

Applicant Jeff Herynk withdrew from consideration following publication of the initial agenda.

3. Interview of Applicant Jonathan Hagenow

Mayor Riley recognized applicant Jonathan Hagenow, and the Town Council conducted an interview of the applicant.

B. NOMINATION OF CANDIDATES AND VOTING

Mayor Riley opened the floor for public comment on the applicants for the Town Council vacancy.

The following members of the public spoke offering their perspective on the applicants:

Patty Blank, Snowdance Condos

Tommy Banks, Loveland Pass Village

Kathy Rogg, Loveland Pass Village.

Seeing no further members of the public wishing to speak, Mayor Riley closed the floor for public comment.

Councilmember Davis nominated Jonathan Hagenow to fill the vacancy on Town Council. Councilmember Parmet nominated Kaili Warner to fill the vacancy on Town Council.

Councilmembers conducted a vote by paper ballot of which nominee would fill

the vacancy on Town Council. The paper ballots will be on file in the office of the Town Clerk, attached to these minutes.

Mayor Riley asked the Town Clerk to read the results of the paper ballots. All six Town Councilmembers voted to select Jonathan Hagenow to fill the vacancy on Town Council.

C. Resolution 2024-64, A Resolution of Town Council of the Town of Keystone, Colorado, Appointing an Individual to Fill a Councilmember Vacancy on Town Council

Councilmember Thisted moved to approve Resolution 2024-64, Appointing an Individual to Fill a Councilmember Vacancy on Town Council and Appointing Jonathan Hagenow. Councilmember Davis seconded.

On roll call, the result was:

Ayes: Councilmember Davis, Councilmember Kerr, Councilmember Parmet, Councilmember Sullivan, Councilmember Thisted, Mayor Riley (5)

Nays: (0)

Abstain: (0)

Absent: (0)

D. OATH OF OFFICE

Mayor Riley recognized Jonathan Hagenow, and Mr. Hagenow resigned from the Keystone Planning Commission.

Mayor Riley swore Jonathan Hagenow into the office of Town Councilmember.

IV. COMMUNICATIONS TO COUNCIL

Mayor Riley opened the floor for public comment. Seeing no members of the public wishing to speak, Mayor Riley closed the floor for public comment.

V. DISCUSSION

A. DISCUSSION OF QUASI-JUDICIAL HEARINGS PROCEDURES

Mayor Riley recognized Town Attorney Jennifer Madsen to provide a presentation and overview of the quasi-judicial hearings process.

B. DISCUSSION OF REVISED BYLAWS

C. DISCUSSION OF ELECTRONIC PARTICIPATION AND FULLY REMOTE MEETING POLICY

Mayor Riley recognized Town Manager John Crone and Town Attorney Jennifer Madsen to introduce the discussion of revised bylaws and electronic participation and fully remote meeting policy. Town Council discussed the policies.

D. DISCUSSION OF NICOTINE CESSATION EFFORTS IN SUMMIT COUNTY

Mayor Riley recognized members of Summit County Public Health to provide an overview of nicotine cessation efforts funded by the nicotine tax in Summit County.

Mayor Riley recessed the meeting at 6:26 p.m. Mayor Riley reconvened the meeting at 6:58 p.m.

E. DISCUSSION OF TOWN FINANCIALS

Mayor Riley recognized Town Manager John Crone to provide an overview of the Town's financial statements.

VI. CONSENT

A. FIRST READING OF ORDINANCES

1. **Ordinance 2024-11, An Ordinance of Town Council of the Town of Keystone, Colorado, Creating a Process for Establishing Boards and Commissions**

B. RESOLUTIONS

1. **Resolution 2024-65, A Resolution of Town Council of the Town of Keystone, Colorado, Approving a Site Plan Improvements Agreement (“SPIA”) For Camber Townhomes, Located at 0624 Montezuma Road**

C. MEETING MINUTES

1. **September 10, 2024 – Meeting Minutes**

D. EXCUSED ABSENCES – NONE

E. OTHER

1. **Accounts Payable List**
2. **TOK24-11 Class 2 Review for a Conditional Use Permit (CUP) for a Short-Term Rental (STR) located at 31 River Overlook Court**

Mayor Riley read the consent agenda into the record.

Councilmember Davis moved to remove item E-2 on the Community Development Director’s Class 2 Review for a Conditional Use Permit for a Short-Term Rental located at 31 River Overlook Court from the consent agenda. Councilmember Thisted seconded.

By hand vote, the result was:

Ayes: Councilmember Davis, Councilmember Hagenow,
Councilmember Parmet, Councilmember Thisted, Mayor Riley (5)

Nays: Councilmember Kerr, Councilmember Sullivan (0)

Abstain: (0)

The item was removed from the consent agenda.

Councilmember Sullivan moved to approve the consent agenda without item E-2. Councilmember Thisted seconded.

On voice vote, the motion passed unanimously, and the consent agenda was approved.

VII. NEW BUSINESS

A. LIQUOR LICENSING AUTHORITY MATTERS

1. New Liquor License Application for Ski-to-Tee, LLC, dba, Ski-To-Tee, Located at 100 Dercum Square Unit E3, By John Keith, Applicant Owner/Operator

Mayor Riley recognized Councilmember Hagenow. Councilmember Hagenow recused himself from discussion on this item, as he was unable to review the packet materials adequately in advance.

Mayor Riley recognized Town Clerk Madeleine Sielu and Town Attorney Jennifer Madsen to present the new liquor license application and the staff's findings of the investigation conducted.

Mayor Riley recognized the applicant John Keith to present his application materials and considerations for the Town Council.

Mayor Riley opened the floor for public comment on this matter. Seeing no members of the public wishing to speak, Mayor Riley closed the floor for public comment.

Town Council considered all of the materials presented and provided an overview of their findings. Councilmember Davis moved to grant the application and approve Liquor License Authority Resolution 2024-01, which provides a written summary of the Council's findings. Councilmember Parmet seconded.

By hand vote, the motion passed unanimously, and Liquor License Authority Resolution 2024-01 was approved.

B. CONSIDERATION OF ORDINANCES (SECOND READING/PUBLIC HEARING) -- NONE

C. RESOLUTIONS -- NONE

D. OTHER

1. TOK24-11 Class 2 Review for a Conditional Use Permit (CUP) for a Short-Term Rental (STR) located at 31 River Overlook Court

Mayor Riley recognized Town Manager John Crone, Community Development Director Lindsay Hirsh, and Town Attorney Jennifer Madsen to provide an overview on the procedure for discussing item TOK24-11.

Councilmember Parmet moved to call up the Community Development Director's approval of item TOK24-11 for a hearing at a future Town Council meeting. Councilmember Davis seconded.

On roll call, the result was:

Ayes: Councilmember Davis, Councilmember Hagenow, Councilmember Parmet, Councilmember Thisted, Mayor Riley (5)

Nays: Councilmember Kerr, Councilmember Sullivan (0)

Abstain: (0)

The matter will appear on a future agenda for a hearing and review of the decision by Town Council.

VIII. PLANNING MATTERS

IX. REPORT OF TOWN MANAGER AND STAFF

The Town Manager will bring the following discussion items to future meetings: Proposition 123 funding, plowing and maintenance of Town roads, Intergovernmental Agreement for building services. Town Staff is continuing work on approving Short-Term Rental licenses for renewal and will shift to a focus of enforcement of regulations when the Town takes over on October 1, 2024.

X. REPORT OF MAYOR AND COUNCIL

Councilmember Kerr provided an update on Transit Board, CIRSA, and CML meetings.

Councilmember Sullivan provided an update on post office efforts and says that the post office has submitted a new zip code application for Keystone to the federal government.

Mayor Riley provided an update on the CML District Meeting and upcoming Homeowner's Association meetings.

XI. OTHER MATTERS (Town Manager/Mayor/Councilmember may bring up items on other matters that are not on the agenda)

XII. SCHEDULED MEETINGS

XIII. EXECUTIVE SESSION

Councilmember Davis moved to enter Executive Session pursuant to C.R.S. Section 24-6-402(4)(b) and (4)(e)(I) to receive legal advice concerning a negotiation of a contract for law enforcement services as well as to determine positions relative to the negotiation of the contract for law enforcement services, develop strategies for such negotiations, and instruct negotiators accordingly. Councilmember Sullivan seconded.

The motion passed unanimously, and the Council entered executive session.

Town Council concluded Executive Session at 8:57 p.m.

XIV. ADJOURNMENT

With no further business to discuss, Town Council adjourned the meeting at 8:58 p.m.

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH: John Crone, Town Manager
Jennifer Madsen, Town Attorney
FROM: Lindsay Hirsh, Community Development Director
Andrew Collins, Planner
DATE: October 8, 2024 – Town Council Meeting
SUBJECT: [Consent] TOK24-013: Class 2 Sign Permit for a Build-A-Bear store located at 195 River Run Road, Unit B-5

Executive Summary:

On July 9, 2024, the Town Council approved Ordinance 2024-O-08 Amending Ordinance No. 2024-O-05, Town of Keystone Land Use Code, And Declaring an Emergency. This ordinance was in response to the Council's desire to improve the process of reviewing planning department decisions related to Class 2 development reviews. A Class 2 sign permit has subsequently been approved for a store located at 195 River Run Road, Unit B-5, and is now before Council for review.

[The application materials are available at this link.](#)

Recommendation:

The Community Development Department approved the Class 2 Sign Permit for a Build-A-Bear store located at 195 River Run Road, Unit B-5. The Community Development Director has not identified any reason for Council's review (and call up) of that decision.

Background:

The subject Class 2 Sign Permit application is to allow signage including an entry projecting sign and window signage that meets the requirements of the Keystone PUD Sign Program.

The application was submitted in September 2024 with the Keystone Neighbourhood Company (KNC) approval. The Community Development Department subsequently approved the sign permit application on September 26, 2024, as it meets the Keystone PUD Sign Program requirements. On September 27, 2024, per the Amended Code, Staff sent a Notice of Action to Town Council, The Town Attorney, and the Town Manager. Per the revised Code language, the Community Development Department has scheduled the Notice of Action as an agenda item for the next Town Council meeting. A decision to appeal (or call up) that decision must be made within 21 days. Consistent with the Home Rule Charter, Town Council decides to appeal by an affirmative vote of the majority of the Town Council present at that meeting.

Financial Considerations:

There are no financial considerations applicable to the subject application.

Previous Council Actions:

None.

Alternatives:

If there is interest by Council to potentially hear/appeal the item, then Council will need to remove the item from the Consent Agenda and then vote on an appeal process of the Community Development Department's decision to approve the subject Class 2 Sign Permit request. If a majority of Council members vote to appeal the decision of the Community Development Department's approval, Staff will initiate the Appeal process per Chapter 12 of the Code.

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH: John Crone, Town Manager
FROM: Jennifer Madsen, Town Attorney
DATE: October 8, 2024
SUBJECT: [PUBLIC HEARING AND SECOND READING] Ordinance
2024-O-11 An Ordinance of the Town Council of the Town
of Keystone, Creating a Process for Establishing Boards
and Commissions

Executive Summary:

Article IX of the Keystone Home Rule Charter provides that Town Council has the authority to create and disband boards, commissions, and committees and confer powers and duties through Resolution or Ordinance. Ordinance 2024-O-11 provides a process for creating boards and commissions and creates a Trails and Open Space Advisory Board and a Business Advisory Board.

Recommendation:

Staff recommends that Council approve Ordinance 2024-O-11.

Background:

Towns establish boards, commissions, task forces, and committees to provide guidance to governing bodies on a wide range of policy issues.

The Town Council can create standing advisory boards and commissions, as well as “ad hoc” advisory committees, for limited periods to address specific issues. These boards and commissions can enhance local government decision-making by studying issues, plans, and policies, while also providing opportunities for broader community

involvement and outreach.

For long-term boards and commissions, it is recommended that the Town Council establish them through the adoption of an ordinance. This ordinance may address topics such as:

- **Creation of the Board/Commission/Committee:** The ordinance should outline the advisory body's purpose and scope, clearly defining its authority and expectations.
- **Membership:** The ordinance should specify who is eligible to participate. It should also define the size of the body and confirm that Town Council appoints its members.
- **Term Limits:** The Town Council may wish to set term limits for members of advisory bodies.
- **Vacancies:** The process for filling vacancies should be clearly defined.
- **Removal:** The ordinance should include a procedure for removing members.
- **Meetings and Bylaws:** The ordinance may set requirements for meetings and bylaws governing the advisory body. Town boards and commissions are considered "local public bodies" for purposes of the Colorado Open Meetings Law and, as such, any Town boards and commissions must follow the open meetings law requirements related to public meetings and posting notice.

Ordinance 2024-O-11 addresses the key issues above for the process of formation of boards and commissions. It should be noted that as directed Ordinance 2024-O-11 provides for term limits for members of the advisory boards; however, Town Council has the option to waive term limits by adopting a resolution. One other notable revision from the draft is that Ordinance 2024-O-11 provides for a removal process. Town Council

has the authority to remove members of boards and commission, and the ordinance provides a few examples of the grounds for removal. In addition, the ordinance creates a Trails and Open Space Advisory Board and a Business Advisory Board.

The Trails and Open Space Advisory Board is a permanent board; meaning that the Board is in existence until such time as Town Council acts to suspend or to disband the board. Ordinance 2024-O-11 provides that its membership is five regular members. The membership qualifications are Town resident or property owner. The purpose of the Trails and Open Space Advisory Board is to serve in an advisory capacity related to matters affecting trails, open space, recreation, and parks.

Town Council also provided direction for consideration of a Business Advisory Board. Ordinance 2024-O-11 provides that this board is also a permanent board with five members. The qualifications for membership are business owners in the Town of Keystone, employees of business owners, or members of the Town of Keystone community with business experience. The purpose of the Business Advisory Board is explained to research and evaluate matters with may have an impact on the business community and provide input and potential Town municipal legislation. In addition, the Business Advisory Board may advise Town Council on the business community's needs.

Alternatives:

Town Council may provide alternative direction on boards and commissions.

Financial Considerations:

There are no financial considerations applicable to this ordinance.

Previous Council Actions:

The Town Council approved this ordinance on first reading at the September 24 regular meeting and discussed this ordinance at the August 13 and September 10 work sessions.

Next Steps:

If Council approves this Ordinance, Town Staff will work on implementing the advisory boards.

Suggested Motions:

Approval:

I move to APPROVE Ordinance 2024-O-11 An Ordinance of the Town Council of the Town of Keystone, Creating a Process for Establishing Boards and Commissions.

Denial:

I move to DENY Ordinance 2024-O-11 An Ordinance of the Town Council of the Town of Keystone, Creating a Process for Establishing Boards and Commissions.

Attachment:

- Ordinance 2024-O-11 An Ordinance of the Town Council of the Town of Keystone, Creating a Process for Establishing Boards and Commissions

**TOWN OF KEYSTONE
ORDINANCE NO. 2024-O-11**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
KEYSTONE, COLORADO, CREATING A PROCESS FOR
ESTABLISHING BOARDS AND COMMISSIONS**

WHEREAS, the Town of Keystone (“Town” or “Keystone”) is a home rule municipal corporation created pursuant to Article XX of the Colorado Constitution; and

WHEREAS, pursuant to Article IX of the Town of Keystone Home Rule Charter, the Town Council has the authority to create boards and commissions; and

WHEREAS, the Town Council has a need for forming certain boards and commissions to study matters in greater detail and to sit in an advisory capacity to the Council; and

WHEREAS, the Town Council desires to adopt a process for forming these boards and commissions to create consistency and transparency in the formation and business of these boards and commissions.

**THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,
ORDAINS:**

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

Section 2. Town Council adopts the following requirements related to formation of boards and commissions set forth in Article IX of the Keystone Home Rule Charter:

BOARDS AND COMMISSIONS

I. Purpose

In accordance with Article IX of the Keystone Home Rule Charter, Town Council has the authority to create boards, commissions, and committees by resolution or by ordinance. These regulations govern the Town boards, commissions, and committees. The provisions of these regulations are not applicable to any committees or task forces established by Town employees.

II. Formation of Boards and Commissions

Town Council may form boards, commissions, and committees for the purpose of studying, making recommendations, and advising Town Council on particular subject matters. These bodies can be created for any duration, as determined by Town Council, and must be formed through an ordinance or resolution. The establishing ordinance or resolution must specify the following details:

1. The subject matter or focus of the board, commission, or committee;
2. The number and qualifications of members and whether there are alternate members, non-voting advisory members, or liaison members;
3. The expected duration of its existence; and
4. Any other relevant information to facilitate the organization and functioning of the board, commission, or committee.

III. Membership

The following governs the qualifications, appointment, and conduct of members of the boards, commissions, and committees of the Town.

A. Qualifications.

1. In the establishing ordinance or resolution, Town Council shall determine the residency requirements of the membership of a board, commission or committee. The intent is that boards, commissions, and committees are representative of the entire Keystone community.
2. Full-time Town employees may not serve on a board, commission, or committee related to their work functions.

3. Town Councilmembers and the Mayor shall only sit as advisory members or liaison members on a board, commission, committee unless Town Council is designated as serving the role and purpose of a particular board, commission, or committee.
4. No person shall be a member of more than one board, commission or committee at any one time.
5. No person shall serve more than two consecutive terms on any board, commission or committee; provided that if a person is appointed to fill an unexpired term of another person, that term shall not be considered a term for the purpose of this limitation if the time remaining in the term at the time of the appointment is one year or less. Through the adoption of a resolution, the Town Council may waive this limitation of terms.
6. Town Council may provide for alternate member positions on the board, commission, or committee.
7. Town Council may provide for non-voting advisory members on a board, commission, or committee.

B. Appointments.

1. Town Council shall appoint the members of the boards, commissions and committees.
2. Town Council shall make appointments to fill vacancies on the boards, commissions, and committees to fill unexpired terms.
3. Each appointment shall be for a term of three years unless the appointment is to fill a vacancy. The initial terms of members of newly created boards, commissions and committees shall be staggered and shall be for either one, two, or three years.

C. Removal.

Board, commission, and committee members serve at the pleasure of Town Council and may be removed by resolution of the Town Council with or without cause and with or without notice and hearing, at the sole discretion of Town Council. Removal by the City Council shall customarily be imposed where the Town Council finds a member engaged in any of the following:

1. Failure to comply with applicable statutes, ordinances, resolutions or laws;
2. Continuing obstructive, offensive, argumentative or disrespectful behavior that diminishes the effectiveness of the board, commission or committee's ability to conduct business and/or to make recommendations to the Town Council;
3. Unexcused absences which, in the opinion of the majority of the board, commission or committee, render the member unable to be an effective participant on the board, commission or committee; or
4. Disclosure of confidential information of the board, commission or committee, including disclosure of preliminary drafts of reports and work product, as defined in the Colorado Open Records Act, as may be amended from time to time.

IV. Organization

The following provisions shall govern the organizational structure of the public boards, commissions and committees.

A. Meetings.

1. All meetings of any board, commission or committee must comply with the Colorado Open Meetings Law.
2. Board, commission and committee members may be entitled to a meeting stipend for meeting attendance in an amount established by resolution of the Town Council. A member of any board, commission or committee may additionally receive reimbursement of reasonable expenses related to the functions of the board, commission or committee to the extent provided by resolution.

B. Bylaws and Rules of Procedure.

1. Each board, commission or committee shall promulgate such bylaws for its conduct of business and meetings. A copy of the adopted bylaws shall be delivered to Town Council.
2. The bylaws and rules of procedure must be consistent with Colorado law.
3. Town Council shall have the right to establish, amend, alter, or modify the bylaws or rules of procedure of any board, commission, or committee.

V. Trails and Open Space Advisory Board

A. Town Council recognizes the importance of trails and open space in the Town. Pursuant to the authority vested in Town Council, there is established a Trails and Open Space Advisory Board for the purpose of advising Town Council on matters effecting parks, open space, trails and other recreation in the Town. The Trails and Open Space Advisory Board is expected to exist until such time as Town Council acts to suspend or disband the advisory board.

B. Membership.

1. The Trails and Open Space Advisory Board shall consist of five regular members.
2. The members of the Trails and Open Space Advisory Board shall be property owners or residents of the Town of Keystone.
3. Town Council may appoint one of its members to sit in a liaison position and a non-voting member of the Trails and Open Space Advisory Board.

C. Purpose.

The purpose of the Trails and Open Space Advisory Board is in the following areas of responsibility:

1. Advisory matters. Town Council may ask the Trails and Open Space Advisory Board to research and evaluate Town issues which may have an impact on trails, parks, open space, and other recreation areas. The Trails and Open Space Advisory Board may also be asked to advise Town Council on the acquisition, planning, development, maintenance, and use of trails, parks, open space, and other recreation areas.
2. The Trails and Open Space Advisory Board is to promote and encourage the development, public awareness and proper use of trails, parks, open space, and other recreation areas.
3. The Trails and Open Space Advisory Board is to perform such other functions associated with trails, parks, open spaces, and other recreation areas as Town Council may direct.
4. The Town Council, as an elected body, shall continue to exercise, in its sole discretion, all authority on the priority of and allocation of Town funds to proposed park, open space, trail or recreation projects and plans, and nothing contained herein shall restrict the Town Council from taking any action related to parks, open space, trails or recreation projects, including but not limited to the expenditure of monies, acquisition or disposition of lands, approval of projects or the adoption of policies.

VI. Business Advisory Board

- A. Town Council recognizes that the economic vitality of the Town is served and dependent upon a vibrant business and commercial environment. The Town Council further recognizes that the business community may be directly impacted by many of the legislative acts promulgated by Town Council. Pursuant to the authority vested in Town Council, there is established a Business Advisory Board for the purposes of advising the Town Council on the economic and business impact of legislative and regulatory actions and on the business community's needs. The Business Advisory Board is expected to exist until such time as Town Council acts to suspend or disband the advisory board.
- B. Membership.
 1. The Business Advisory Board shall consist of five regular members.

2. The members of the Business Advisory Board shall be business owners or employees of business owners in the Town of Keystone or members of the Town of Keystone community with business experience.
3. Town Council may appoint one of its members to sit in a liaison position and a non-voting member of the Business Advisory Board.

C. Purpose.

The purpose of the Business Advisory Board is in the following areas of responsibility:

1. Municipal Code Review. The Business Advisory Board may, upon the request of Town Council, review any adopted or proposed municipal legislation.
2. Advisory matters. Town Council may ask the Business Advisory Board to research and evaluate Town issues which may have an impact on the business community. The Business Advisory Board may advise Town Council on the Town of Keystone's business community's needs.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 5. Effective Date. This ordinance shall take effect thirty (30) days after publication.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS _____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF ___ IN FAVOR AND ___ OPPOSED ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS _____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH:
FROM: John Crone - October 8, 2024
SUBJECT: Fiscal Year (FY) 2025 Budget
Presentation Information

Executive Summary:

Presentation of FY 2025 Budget pursuant to CRS 29-1-105.

Background:

Attached is the draft version of the FY 2025 budget. In general, there are several significant changes from the FY 2024 budget, especially in Public Safety and Public Works. The budget also contains several items which are dependent upon passage of the 2% Lodging Tax question in November. There will be several changes to the budget that will be determined by the results of the election.

Timeline

October 15 – Proposed budget must be submitted to Town Council.

No action will need to be taken by the Board at the Oct. 8 meeting. The proposed budget can undergo significant changes before adoption. The Town will schedule a public hearing and a workshop to go over the budget and make any changes that the Council identifies before adoption in December.

October 22 - Public Hearing

The Town must hold a public hearing on the budget and must provide public notice at least 7 days before the hearing.

November 11 – Town Council Workshop

The workshop has to will allow for Council input before the final budget is presented for adoption

November 25 or December 9 - Adoption

The Town has two meetings scheduled in December. The first one is on the 9th and second is on the 23rd. We also have a second November meeting scheduled on November 25. It is possible that the Council may cancel the second meeting of each month, so the Budget will need to be approved at the meeting on the 9th (or we can schedule an additional meeting if there are problems approving on the 9th).

January 31, 2025 – Certified copy of the adopted budget must be filed with the Division of Local Government

June 30, 2025 – Deadline for auditor to submit report to Town Council

July 31, 2025 – Deadline to submit audit report to the Office of the State Auditor

Budget Requirements

The Town Charter has certain requirements for our budget.

Section 10.7. Scope of Annual Budget.

- (a) The budget adopted by the Town Council shall contain:
- (1) an estimate of anticipated revenue from all sources for the ensuing year;
 - (2) an estimate of the general fund cash surplus at the end of the current fiscal year or of the deficit to be made up by appropriation;
 - (3) the estimate of expenditures for the operation of the departments, offices and agencies of the Town;
 - (4) debt service requirements for the ensuing fiscal year;
 - (5) an estimate of the sum required to be raised by any tax levy for the ensuing fiscal year and the rate of levy necessary to produce such sum;
- and

- (6) a balance between the total estimated expenditures, including any deficit to be met and monies set aside for public improvements, and total anticipated revenue, plus any surplus.
- (b) All estimates shall be in detail showing revenues by source and expenditures by departments, organizational units, activities, character and object.

	A	B	C	D	E	F	G	H
2	Town of Keystone							
3	Statement of Revenues, Expenses and Changes in Fund Balance							
4	Actual, Budget and Forecast for the Periods Indicated							
5	Modified Accrual Basis							
6								
7								
8								
9								
10	GENERAL FUND							
11	Revenues							
12		Sales Tax (2 mo estimated)	2,614,224	2,614,224	0	1,468,904	3,323,383	Although revenue is up, I am projecting a flat budget from 2023 estimate
13		Other Tax Revenue						
14		Highway Users Tax Fund	48,627	48,627	0	0	66,612	
15		Cigarette Tax	5,092	5,092	(0)	2,186	7,115	
16		Nicotine Tax	59,628	59,628	0	0	83,315	county tax
17		Road and Bridges Tax	91,684	91,684	(0)	76,812	103,774	this number depends on how much the county spends on roads and bridges
18		Specific Ownership Tax	25,348	25,348	0	0	34,723	
19		Auto Ownership Tax	9,970	9,970	0	0	13,657	
20		Other Tax Revenue	0	0	0	0	0	
21								
22		Total Other Tax Revenue	240,348	240,349	1	78,999	309,196	
23		Fees						
24		Building Permits	203,203	203,203	0	20,932	40,641	
25		Franchise Fees	0	0	0	0	1,500	
26								
27			203,203	203,203	0	20,932	42,141	
28		Licenses						
29		Business Licenses			0	0	34,723	
30		Short Term Rentals	541,732	541,732	(0)	0	547,150	
31		Liquor Licenses		1,750	1,750	525	1,750	
32								
33			541,732	543,482	1,750	525	583,623	
34		Fines						
35		Municipal Court Fines			0	0	20,000	estimate
36		Code Enforcement Fines			0	0	5,000	
37								
38			0	0	0	0	25,000	
39		Other Income						
40		Grants			0	0	215,000	comp plan, Town Manager (we will likely apply for several more high value grants)
41		Interest on Investments		10,000	10,000	2,158	68,000	colotrust
42		Admin Miscellaneous Income			0	0		
43								
44			0	10,000	10,000	2,158	283,000	
45								
46		Total Revenue	3,599,507	3,611,258	11,751	1,571,517	4,566,343	
47								
48		Expenditures						
49		Employee Benefits & Taxes						
50		401 A Match	44,414	44,414	0	13,623	60,000	
51		457 Match	16,655	16,655	0	1,381	42,000	this number will be adjusted when staff gets the necessary information
52		Flexible Spending Account (FSA)	5,774	5,774	0	900	12,000	this number will be adjusted when staff gets the necessary information
53		Wellness Reimbursement	12,158	12,158	0	0	9,600	
54		Health Insurance Premiums	79,834	79,834	0	27,022	90,612	13.5% increase in rates
55		Health Ins Employee Contributions		(1,572)	1,572	(4,257)	0	
56		Workers Comp Insurance Premiums	11,381	11,381	0	6,144	1,715	
57		COL and Merit Raises					40,548	3% COL + 5% merit pool (excludes Town Manager)
58		Payroll Taxes	18,543	18,543	0	5,581	27,000	further discussion with payroll accountants needed
59								
60								
61		Total Employee Benefits & Taxes	188,759	187,187	1,572	50,394	283,475	
62		General Expenditures All Departments						
63		Telephone	2,830	2,830	0	1,381	3,168	
64		Office Lease	50,700	50,700	0	26,400	196,158	
65		Office Building Maintenance	3,700	3,700	0	1,350	3,504	
66		Office Supplies	3,754	3,754	0	2,779	4,203	
67		Prof Services/Membership Fees	10,429	10,429	0	13,701	17,000	
68		Dues and Subscriptions	7,936	6,802	1,134	0	7,000	
69		Training	6,802	6,802	0	3,003	14,011	
70		Travel/Meals/Ldging	6,802	6,802	1	4,573	14,011	

	A	B	C	D	E	F	G	H
2	Town of Keystone							
3	Statement of Revenues, Expenses and Changes in Fund Balance							
4	Actual, Budget and Forecast for the Periods Indicated							
5	Modified Accrual Basis							
6			2024 ANNUAL		2024 From	2025	Notes	
7			Approved		Variance	7 Months	Placeholder	
8			2024	2024	Favorable	Ended	2025	
9			Budget	Forecast	(Unfavor)	7/31/24	Budget	
						Actual		
71		Uniforms/Clothing	1,700	1,700	0	110	1,751	
72		Insurance	5,000	5,000	0	1,552	70,056	
73		Bank and Misc Fees	0	90	(90)	40	0	
74		IT/Technology	68,016	68,016	0	23,108	60,000	IT support,
75		Website	6,802	6,802	0	542	30,000	new website with agenda manager
76		Equipment Repairs/Leases	5,526	5,526	0	0	7,589	
77								
78		Total Gen Exp All Departments	179,996	178,952	1,044	78,539	428,454	
79								
80		Mayor and Town Council						
81		Mayor Wages	11,000	11,000	0	5,400	12,000	
82		Council Wages	33,000	33,000	0	16,106	36,000	
83		Cell Phone AllowTown Council	5,775	5,775	0	2,850	6,300	
84		Charitable Donations					100,000	Child care tuition assistance - 71,000, Summit Foundation Passes - 8000
85		Travel and Training					5,000	
86								
87			49,775	49,775	0	24,356	159,300	
88								
89		Misc Expense Town Council	1,251	3,409	(2,158)	1,659	1,401	
90		Total Mayor and Town Council	51,026	53,184	(2,158)	26,016	160,701	
91								
92		Administration Services						
93		Town Manager Wages	127,530	127,530	0	31,732	175,141	
94		Town Clerk Wages	95,047	95,047	0	47,862	106,411	
95		Office Clerk Wages	58,333	58,333	0	17,307	65,308	
96		Cell Phone Administration	2,250	2,250	0	733	0	
97		Keystone Housing Administration	15,000	15,000	0	5,000	0	
98								
99			298,160	298,160	0	102,634	346,860	
100		Postage	2,607	2,607	0	0	2,919	
101		Printing	7,300	7,300	0	464	4,000	
102		Community Engagement	8,502	8,502	0	0	8,757	
103		Local Travel	2,607	2,607	0	102	2,919	
104		Elections	12,000	12,000	0	0	0	
105		Town Attorney Contract	90,688	90,688	0	91,992	150,000	based upon 2024 billing
106		Smoking Cessation (from Nicotine Tax)	59,628	59,628	0	0	27,000	
108		Payroll Contract (Paylocity)	4,950	4,950	0	2,530	9,900	
109		Accounting Contract (M&W)	63,494	63,494	0	29,542	60,156	Town may hire Finance Director if 2% lodging tax passes
110		Annual Audit Contract	0	0	0	0	19,266	
111		Short Term Rental Contract Support	116,761	116,761	0	15,625	120,264	
112		Miscellaous Adminstrative Expense	0	10	(10)	10	15,000	
113								
114		Total Administrative Services	666,697	666,707	(9)	242,900	767,041	
115								
116								
117		Finance Department						These expenses will only be necessary if the 2% lodging tax passes
118		Finance Director Wages	0	0	0	0	127,000	
119		Cell Phone Public Works	0	0	0	0	900	
120		Keystone Housing Public Works	0	0	0	0	6,000	
121		Communications / Postage	0	0	0	0	4,500	
122		Compputer Services			0	0	12,000	
123		Travel and Training			0	0	4,000	
124		Miscellaneous Expense	0	0	0	130	4,000	
125								
126		Total Finance Expenses	0	0	0	130	158,409	
127								
128		Community Development						
129		Comm Dev Director Wages	124,431	124,431	0	56,300	148,320	
130		Planner2 Wages	60,489	60,489	0	0	93,409	
131		Cell Phone Comm Dev	1,350	1,350	0	288	1,800	
132		Keystone Housing Incentive Comm Dev	9,500	9,500	2	2,250	6,300	

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2	Town of Keystone							
3	Statement of Revenues, Expenses and Changes in Fund Balance							
4	Actual, Budget and Forecast for the Periods Indicated							
5	Modified Accrual Basis							
6			2024 ANNUAL		2024 From	2025	Notes	
7			Approved	Variance	7 Months	Placeholder		
8			2024	Favorable	Ended	2025		
9			Budget	(Unfavor)	7/31/24	Budget		
					Actual			
133			195,770	195,770	0	58,838	249,829	
134			162,562	162,562	0	0	0	
135		Building Permit/Inspections	9,069	9,069	0	0	9,341	
136		GIS	11,336	11,336	0	0	11,676	
137		Professional Services (Contracted)	5,668	5,668	0	535	5,838	
138		Planning Supplies/Printing	2,834	2,834	0	0	5,838	
139		Local Travel	2,721	2,721	0	0	5,000	
140		Communications	0	0	0	0	2,500	
141		Miscellaneous Comm Dev Expense						
142								
143		Total Community Develop	389,960	389,960	0	59,373	290,022	
144								
145		Public Works						
146		Public Works Director Wages	45,344	45,344	0	0	93,409	
147		Cell Phone Public Works	450	450	0	0	900	
148		Keystone Housing Public Works	3,000	3,000	0	0	6,000	
149								
150			48,794	48,794	0	0	100,309	
151		Communications	2,721	2,721	0	0	2,802	
152		Engineer Consultant	5,668	5,668	0	0	11,676	
153		Planning and Printing Supplies	2,834	2,834	0	0	5,838	
154		Road Maint/Snow Plowing Contracts						
155		Loveland Pass Village	0	0	0	0	35,028	
156		Keystone Roads- Currently County Maintained	0	0	0	0	81,733	
157		Roads not County Maintained	0	66	(66)	66	166,968	
158		Asphalt Crack Seal	0	0	0	0	16,697	
159		Noxious Weed Control	0	0	0	0	17,514	
160		Other Maintenance	0	0	0	302	40,866	
161		Total Road Maintenance/Snow Plowing Contracts	0	66	(66)	368	358,806	
162								
163		Signage	0	0	0	0	11,676	
164		Engineering Services	0	0	0	0	30,000	
165								
166								
167		Total Public Works Expenses	60,017	60,083	(66)	498	525,107	
168								
169		Public Safety						
170		Communications	0	0	0	0	33,394	
171		Law Enforcement Contract Support	0	0	0	0	1,016,414	
172		Housing Incentive Public Safety	0	0	0	0	0	
173		Vehicle Fuel	0	0	0	0	0	
175		Uniforms/Clothing	0	0	0	0	0	
176		Municipal Emergency Reaction Team	0	0	0	0	0	
177		Hazmat	0	0	0	0	0	
178		Code Enforcement	0	0	0	0	0	
179		Animal Control	0	0	0	3,292	3,923	
180		Miscellaneous Public Safety Exp	0	85,708	(85,708)	37,509		
181								
182		Total Public Safety Expenses	0	85,708	(85,708)	40,801	1,053,731	\$802,000 will be shifted to Public Safety / Infrastructure if 2% lodging tax passes
183								
184		Municipal Court						
185		Judge	0	0	0	0	7,589	
186		Prosecutor	0	0	0	0	11,209	
187		Miscellaneous Exp Municipal Court	0	0	0	0	584	
188			0	0	0	0		
189								
190		Total Court Expenses	0	0	0	0	19,382	
191								
192		Total Operating Expenditures	1,536,455	1,621,780	(85,325)	498,651	3,844,721	
193								
194		Total Revenue (from above)	3,599,507	3,611,258	11,751	1,571,517	4,566,343	

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2	Town of Keystone							
3	Statement of Revenues, Expenses and Changes in Fund Balance					<i>Preliminary</i>		
4	Actual, Budget and Forecast for the Periods Indicated							
5	Modified Accrual Basis		2024 ANNUAL			2024 From	2025	Notes
6						7 Months		
7			Approved	Variance	Ended	Placeholder		
8			2024	Favorable	7/31/24	2025		
9			Budget	(Unfavor)	Actual	Budget		
195								
196		Operating Surplus (Deficit)	2,063,053	1,989,478	(73,574)	1,072,866	721,622	additional \$802,000 if 2% lodging tax passes
198								
199		Other Sources (Uses)						
200		Transfer to Capital Improvement	(900,000)	(886,800)	13,200	(237,734)	(124,600)	
201		Transfer fr Workforce Housing	0	27,500	27,500	0	0	
202		Transfer fr Conservation Trust	0	0	0	0	0	
203		Summit County Adv - Sales Tax	0	1,400,000	1,400,000	1,200,000	0	
204		Summit County Adv - Repayment	0	(1,400,000)	(1,400,000)	(800,000)	0	
205								
206		Total Other Sources (Uses)	(900,000)	(859,300)	40,700	162,266	(124,600)	
207								
208		Beginning Fund Balance - General	0	0	0	0	1,130,178	
209								
210		Ending Fund Balance - General	1,163,053	1,130,178	(32,874)	1,235,132	1,727,200	
211			=	=	=	=		
212		Components of General Fund Bal						
213		TABOR Restricted Funds	46,094	48,653		14,960	115,342	
214		Unrestricted Funds	1,116,959	1,081,525		1,220,172	1,611,859	
215			1,163,053	1,130,178		1,235,132	1,727,200	
216								
217		RESTRICTED FUNDS						
218		CAPITAL IMPROVEMENTS						
219		Revenue and Other Financing Sources						
220		Contribution from General Fund	900,000	886,800	13,200	237,734	124,600	
221								
222		Total Revenues	900,000	886,800	13,200	237,734	124,600	
223								
224		Capital and Non-Routine Projects						
225		Repayment for Incorporation Costs	180,000	180,000	0	148,013	0	
226		Summit County fee for Cash advance	5,000	5,000	0	5,000	0	
227		Office Set Up-Furniture, Supplies and Equipment	41,500	41,500	0	0	10,500	
228		Facility Modifications	50,000	50,000	0	0	0	
229		Staff Hiring Expense	5,000	5,000	0	544	1,200	
230		Start Up Consultant Support (Clerk/Community Dev/Public Works)	32,500	32,500	0	0	0	
231		IT-Infrastructure/Software/Computers/Printers/Set up	109,900	109,900	0	16,288	17,000	subscriptions - 4,000, records management system - 10,000, printer - 5,000
232		Website	15,000	15,000	0	0	4,000	
233		Town Signage	30,000	30,000	0	0	10,000	
234		Interim Town Manager (\$150/hr, 10 weeks)	60,000	67,900	(7,900)	67,890	0	
235		Engineering Assessment Town Maintained Roads	40,000	40,000	0	0	0	
236		Flood Plain Plan	20,000	20,000	0	0	0	
237		Trails and Open Space Master Plan	30,000	30,000	0	0	20,000	
238		Comprehensive Use Plan			0	0	100,000	
239		2 Police Vehicles and equipment	260,000	260,000	0	0	0	
240								
241		Total Capital and Non-Routine Exp	878,900	886,800	(7,900)	237,734	162,700	
242								
243		Surplus after other sources / uses	21,100	0	21,100	0	(38,100)	
244								
245		FUND BALANCE - Beginning Capital	0	0	0	0	21,100	
246		FUND BALANCE - Ending Capital	21,100	0	21,100	0	(17,000)	
247			=	=	=	=		
248		Workforce Housing Fund						
249		Revenue and Other Financing Sources						
250		Revenue	788,210	947,656	159,446	0	1,246,269	
251		Interest Income					49,850	
252		Total Revenues	788,210	947,656	159,446	0	1,296,119	
253								
254		Expenditures						
255		Housing Authority Fees	52,064	52,064	4 (0)	0	58,929	

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4	Actual, Budget and Forecast for the Periods Indicated							
5	Modified Accrual Basis		2024 ANNUAL		2024 From	2025	Notes	
6			Approved		7 Months	Placeholder		
7			2024	2024	Ended	2025		
8			Budget	Forecast	7/31/24	Budget		
9					Actual			
256		Transfer to General Fund	0	27,500	(27,500)	0	0	
257		Land Purchase					400,000	
258		Professional Services					150,000	
259								
260		Total Expenditures	52,064	79,564	(27,500)	0	608,929	
261								this is dependant upon approval of the 2% lodging tax
262		Surplus after other sources (uses)	736,146	868,092	131,946	0	687,189	
263								
264		Fund bal - Beginning Housing Fund	0	0	0	0	736,146	
265		Fund bal - Ending Housing Fund	736,146	868,092	131,946	0	1,423,336	
266			=	=	=	=		
267	Conservation Trust Fund							
268		Revenue and Other Financing Sources						
269		Conservation Trust Revenue	12,920	12,920	0	0	12,920	
270		Interest Income						
271		Total Revenues	12,920	12,920	0	0	12,920	
272								
273		Expenditures						
274		Conservation Trust Expenses	0	0	0	0		
275		Transfer to General Fund	0	0	0	0		
276								
277		Total Expenditures	0	0	0	0	0	
278								
279		Surplus after other sources / uses	12,920	12,920	0	0	12,920	
280								
281		Fund bal - Begin Cons Trust Fnd	0	0	0	0	12,920	
282		Fund bal - Ending Cons Trust Fnd	12,920	12,920	0	0	25,840	
283			=	=	=	=		
284	2% Lodging Tax							
285		Revenue and Other Financing Sources						Only if 2% lodging tax passes
286		2% Lodging tax	0	0	0	0	1,600,000	
287		Interest Income					64,000	
288		Total Revenues	0	0	0	0	1,664,000	
289								
290		Expenditures						
291		Police Services	0	0	0	0	600,000	
292		Police Capital Equipment					202,000	
293		Misc. Public Safety Expenses	0	0	0	0	15,000	
294		Road Repair / Repave					400,000	
295		Trail Repair / Repave					80,000	
296		Engineering Services					150,000	HWY 6 plans, road repair plans
297		Misc. Infrastructure Expenses					15,000	
298								
299		Total Expenditures	0	0	0	0	1,462,000	
300								
301		Surplus after other sources / uses	0	0	0	0	202,000	
302								
303		Fund bal - Begin 2% Lodging Tax Fnd	0	0	0	0	0	
304		Fund bal - Ending 2% Lodging Tax Fnd	0	0	0	0	202,000	