

Town of Keystone
Town Council Regular Meeting
February 27, 2024 at 4:00 p.m.
1628 Sts John Rd
Keystone, CO 80435

WORK SESSION AGENDA

- I. CALL TO ORDER, ROLL CALL
- II. DISCUSSION OF FRANCHISE FEES FOR CABLE, GAS, AND ELECTRICITY
- III. DISCUSSION OF PLANNING AND ZONING COMMISSION
- IV. DISCUSSION OF EMPLOYEE HANDBOOK
- V. DISCUSSION OF MEMBERSHIPS//REPRESENTATION IN COUNTYWIDE,
REGIONAL AND STATEWIDE ORGANIZATIONS
- VI. DISCUSSION OF COMMUNICATIONS/UPDATES TO THE COMMUNITY
- VII. DISCUSSION OF FINANCIAL PROCESSES
- VIII. ADJOURNMENT

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers

THROUGH: Gary Martinez, Interim Town Manager

FROM: Jennifer Madsen, Town Attorney

DATE: February 27, 2024

SUBJECT: Follow up Discussion Town Franchise Agreements

Executive Summary:

This is a follow-up discussion on the franchise agreements with Comcast and Xcel for the use of public rights-of-way for private purposes.

Recommendation:

Staff recommends that the Town Council direct Staff to negotiate standard cable and gas/electric franchise agreements to place on a future Town meeting. Approval of franchise agreements with both Comcast and Xcel is through enactment of ordinances.

Background:

Comcast cable franchise

At the meeting on February 13, 2024. Town Council directed the Town Attorney to bring forward an ordinance to implement a franchise agreement with Comcast for cable services. Comcast has indicated that it will provide a form agreement for approval by Keystone. Despite numerous inquiries, Comcast has not yet provided that agreement. As soon as Comcast delivers the agreement, the Town Attorney will work on drafting an ordinance to approve the franchise and place that ordinance on the next agenda.

Xcel Energy gas and electric franchise

Related to Xcel Energy, Town Council had asked for additional information on an Xcel Energy franchise.

Are the franchise fees identified on the customer's utility bills? Yes, the franchise fee is identified on the customer bill. Attached to this staff report is a billing statement that shows the franchise fees.

What is the point of service for collecting franchise fees? In other words, if the meter is located within the Town boundaries, will the Town receive the franchise fees for that meter? The franchise fees are based on the location of the meter.

Xcel pays to the Town a franchise fee of 3% on gross revenue. The Town grants to the

Xcel the non-exclusive right to make reasonable use of Town streets, public utility easements, and other Town property to provide utility services to the Town and to its residents and to acquire, construct, and locate Xcel facilities necessary to provide utility service. Xcel is required to have a franchise agreement with the Town in order to have access to Town streets. However, the Town could decide to reduce the franchise fee to anything less than 3%.

Xcel's franchise agreement has other terms that are beneficial to the Town. Here are some examples of those terms:

- All of Xcel's facilities must be maintained in good repair and condition;
- Xcel agrees to perform all work within the Town streets in a high-quality manner, in an expeditious manner, in a manner that minimizes inconvenience to the public;
- Xcel agrees to obtain any required permits;
- Access to Xcel's "as-built" drawings; and
- Upon the request of the Town, Xcel will agree to restore the street to a better condition than existed before Xcel performed the work.

There are publication requirements for approval of a utility franchise with Xcel. The franchise agreement will need to be approved by ordinance and with two readings of the ordinance. Before the first reading of the ordinance, notice of the first reading needs to be published in a newspaper for three consecutive weeks. Following the first reading of the ordinance (the first reading of the ordinance could be on the Consent Agenda), the ordinance will need to be published daily for two weeks before the second reading of the ordinance and the final adoption.

Alternatives:

Town Council may decide to reduce the percentage of the franchise fee.

Financial Considerations:

The Town's future implementation of both cable and the gas/electric franchises will create revenue for the Town.

Previous Council Actions:

These franchise agreements were discussed at the February 13 regular meeting.

Next Steps:

If the Town Council provides direction to negotiate franchise agreements, the Town Attorney will draft an ordinance for approval by the Town Council.

Suggested Motions:

There are no suggested motions. Staff will seek direction from the Town Council as to whether to work on negotiating the gas/electric franchise agreement with Xcel.

Attachments:

- Xcel utility bill



SERVICE ADDRESS	ACCOUNT NUMBER	DUE DATE
[REDACTED]	[REDACTED]	[REDACTED]
	STATEMENT NUMBER	STATEMENT DATE
	[REDACTED]	[REDACTED]
		AMOUNT DUE
		\$196.18

YOUR MONTHLY ELECTRICITY USAGE



DAILY AVERAGES	Last Year	This Year
Temperature	32° F	39° F
Electricity kWh	26.9	17.1
Electricity Cost	\$3.92	\$2.59

YOUR MONTHLY NATURAL GAS USAGE



DAILY AVERAGES	Last Year	This Year
Temperature	33° F	39° F
Gas Therms	4.7	4.1
Gas Cost	\$6.19	\$4.09

SUMMARY OF CURRENT CHARGES (detailed charges begin on page 2)

Electricity Service	11/26/23 - 12/26/23	513 kWh	\$77.66
Natural Gas Service	11/29/23 - 12/28/23	118 therms	\$118.52
Current Charges			\$196.18

ACCOUNT BALANCE (Balance de su cuenta)

Previous Balance	As of 11/26	\$377.80
Payment Received	Online Payment 12/22	-\$377.80 CR
Balance Forward		\$0.00
Current Charges		\$196.18
Amount Due (Cantidad a pagar)		\$196.18

INFORMATION ABOUT YOUR BILL

Now that you have a smart meter, your monthly electric bill will look different than it has in the past and will show your electric use during different segments of the day. Visit www.xcelenergy.com/SmartMeter to learn more. You can also sign up at xcelenergy.com/MyAccount to see your billing history and other helpful information.

Thank you for your payment.

QUESTIONS ABOUT YOUR BILL?

See our website: xcelenergy.com

Call Mon - Fri 7 a.m.-7 p.m. or Sat 9 a.m.-5 p.m.

Please Call: 1-800-895-4999

Español: 1-800-687-8778

Or write us at: XCEL ENERGY
PO BOX 8
EAU CLAIRE WI 54702-0008



RETURN BOTTOM PORTION WITH PAYMENT ONLY • PLEASE DO NOT INCLUDE OTHER REQUESTS • SEE BACK OF BILL FOR CONTACT METHODS



Please help our neighbors in need by donating to Energy Outreach Colorado. Please mark your donation amount on the back of this payment stub and CHECK THE RED BOX under your address below.

----- manifest line -----



ACCOUNT NUMBER	DUE DATE	AMOUNT DUE	AMOUNT ENCLOSED
[REDACTED]	[REDACTED]	[REDACTED]	

Please see the back of this bill for more information regarding the late payment charge.
Make your check payable to XCEL ENERGY

JANUARY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			



XCEL ENERGY
P.O. BOX 9477
MPLS MN 55484-9477



31 53012224 37173254 0000001961800000019618

089813 1/2

11



SERVICE ADDRESS	ACCOUNT NUMBER		DUE DATE
[REDACTED]	[REDACTED]		[REDACTED]
	STATEMENT NUMBER	STATEMENT DATE	AMOUNT DUE
	[REDACTED]	[REDACTED]	\$196.18

SERVICE ADDRESS: [REDACTED]
 NEXT READ DATE: 01/31/24

ELECTRICITY SERVICE DETAILS

PREMISES NUMBER: [REDACTED]
 INVOICE NUMBER: 1082223020

METER READING INFORMATION

METER 345601466			
Read Dates: 11/26/23 - 12/26/23 (30 Days)			
DESCRIPTION	CURRENT READING	PREVIOUS READING	USAGE
Mid Pk Energy	19 Actual	0 Actual	19 kWh
On-Peak Energy	87 Actual	0 Actual	87 kWh
Off-Peak Energy	408 Actual	0 Actual	408 kWh
Total Energy	513 Actual	0 Actual	513 kWh

ELECTRICITY CHARGES

RATE: RETOU Res Energy TOU

DESCRIPTION	USAGE UNITS	RATE	CHARGE
Service & Facility			\$6.29
RETOU On-Peak	87 kWh	\$0.108580	\$9.45
RETOU Mid Pk/Shoulder	19 kWh	\$0.086230	\$1.64
RETOU Off-Peak	408 kWh	\$0.063870	\$26.06
GRSA E	514 kWh	\$0.014630	\$7.52
EGCRR	514 kWh	\$0.002390	\$1.24
Trans Cost Adj	37.15	2.90%	\$1.08
ECA	37.15	41.06%	\$15.25
Demand Side Mgmt	37.15	8.00%	\$2.97
PurchCapCostAdj	37.15	4.49%	\$1.66
Trans Elec Plan	37.15	0.14%	\$0.05
Renew. Energy Std Adj			\$0.71
Colo Energy Plan Adj			\$0.71
Energy Assistance Chg			\$0.79
Subtotal			\$75.42
Franchise Fee		3.00%	\$2.24
Total			\$77.66



DON'T WAIT! ENERGY ASSISTANCE AVAILABLE NOW!

Do you know someone who may need help paying their energy bills? Thousands of qualified households have benefited from Home Energy Assistance programs in the past year. Energy Assistance is used to lower the burden of monthly energy costs. Funds can be used for heating and electric costs as well as energy crisis situations.

Xcel Energy wants to connect our customers with all the resources available. To learn more about energy assistance programs available in your area, please visit xcelenergy.com/EnergyAssistance.

TOGETHER WE POWER STABILITY.

Energy Outreach Colorado is a nonprofit partnering with Xcel Energy to provide energy bill payment assistance and energy-efficiency upgrades for affordable housing and nonprofit facilities. We need your help today! There are three ways to contribute:



1. Visit the Energy Outreach Colorado website at www.energyoutreach.org to make a one-time donation.
2. **CHECK THE RED BOX** on the front-left side of this payment stub AND select a tax-deductible contribution below.
MONTHLY DONATION:
\$20 _____ **\$10** _____ **\$5** _____ **Other** _____
3. Make a one-time, tax-deductible contribution of \$ _____
 Enclose this form with your Xcel Energy payment. Or, mail to:
ATTN PAR Dept., PO BOX 8, EAU CLAIRE, WI 54702-0008
 (Please make your check payable to Energy Outreach Colorado.)

Customers that choose to donate will have account information securely shared with Energy Outreach Colorado for tax purposes only.





SERVICE ADDRESS	ACCOUNT NUMBER		DUE DATE
[REDACTED]	[REDACTED]		[REDACTED]
	STATEMENT NUMBER	STATEMENT DATE	AMOUNT DUE
	[REDACTED]	[REDACTED]	\$196.18

SERVICE ADDRESS: [REDACTED]
 NEXT READ DATE: 01/31/24

NATURAL GAS SERVICE DETAILS

PREMISES NUMBER: [REDACTED]
 INVOICE NUMBER: 0521559596

METER READING INFORMATION			
METER R702143		Read Dates: 11/29/23 - 12/28/23 (29 Days)	
DESCRIPTION	CURRENT READING	PREVIOUS READING	USAGE
Total Energy	8356 Actual	8222 Actual	134 ccf

NATURAL GAS ADJUSTMENTS

DESCRIPTION	VALUE UNITS	CONVERSION	VALUE UNITS
Therm Multiplier	134 ccf	x 0.881447	118 therms

NATURAL GAS CHARGES

RATE: RG Residential

DESCRIPTION	USAGE UNITS	RATE	CHARGE
Service & Facility			\$11.00
Usage Charge	118 therms	\$0.317170	\$37.43
Interstate Pipeline	118 therms	\$0.056600	\$6.68
Natural Gas 4 Qtr	118 therms	\$0.414700	\$48.93
DSMCA			\$2.21
GRSA-P			-\$0.48 CR
EGCRR	118 therms	\$0.072210	\$8.52
GRSA			\$0.01
Energy Assistance Chg			\$0.79
Subtotal			\$115.09
Franchise Fee		3.00%	\$3.43
Total			\$118.52



DON'T GET SCAMMED.

Scammers can spoof phone numbers to look like the call is coming from us. If someone calls and threatens to turn off your power if you don't pay immediately, or asks for your account number to refund an overpayment, hang up and check your account status using My Account, our Xcel Energy mobile app, or call us at **800-895-4999**.



STOP WINTER AIR IN ITS TRACKS

Cold air leaks can inflate your heating and energy costs. Insulate doors, windows, and anywhere air can escape. Get more tips at xcelenergy.com/EnergySavingTips.

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers

THROUGH: Gary Martinez, Interim Town Manager

FROM: Jennifer Madsen, Town Attorney

DATE: February 27, 2024

SUBJECT: Discussion on Draft Ordinance Forming Planning and Zoning Commission

Executive Summary:

Section 9.3, Article IX of the Town of Keystone Home Rule Charter created a Planning and Zoning Commission to assist Town Council in planning the development of the Town. Section 9.3 of the Home Rule Charter further provides that Town Council shall further prescribe by ordinance the powers and duties of the Planning and Zoning Commission, the qualifications of the members, and the appointment procedure.

Staff are seeking Town Council direction on the drafting of an ordinance related to the formation of the Planning and Zoning Commission.

Recommendation:

Staff recommend that the Council provide consensus direction on the formation of the Planning and Zoning Commission.

Background:

The Home Rule Charter provides that a Planning and Zoning Commission is established to assist in planning the development of the Town. The Charter requires that Town Council is to adopt an ordinance to identify the powers and duties of the Planning and Zoning Commission, the qualifications of the members, and the appointment procedures:

Section 9.3. Planning and Zoning Commission.

There is hereby created a Planning and Zoning Commission to assist the Town Council, in such manner as provided by the Town Council, in planning the development of the Town. Councilmembers, the Mayor, or full-time employees shall not serve on the Planning Commission. At least a majority of the membership of the Planning and Zoning Commission shall consist of Primary Residents. The Town Council shall further prescribe by ordinance the powers and duties of the Planning and Zoning Commission, the qualifications of the members, and the appointment procedure.

Membership

The draft ordinance provides that the Planning and Zoning Commission is made up of seven members and two alternate members. Town Council may decide to adjust these numbers. Other options are five or nine members. Town council may also decide that alternate members are not needed.

The draft ordinance provides that the term of appointment is three years. The Town Council may lengthen or shorten the term.

Qualifications

The Home Rule Charter provides that “Councilmembers, the Mayor, or full-time employees shall not serve on the Planning Commission. At least a majority of the membership of the Planning and Zoning Commission shall consist of Primary Residents.” Town Council may decide to add further qualifications for members of the Planning and Zoning Commission.

Powers and Duties

The powers and duties of the Planning and Zoning Commission are typically spelled out in the Land Use/Land Development Code. Because the Town has not yet adopted a Land Development Code, the draft ordinance provides that the duties are as required by the Summit County Land Use and Development Code.

Appointment

The draft ordinance provides for the appointment of a Planning and Zoning Commission member by the Town Council. There may not need to be additional details in this ordinance on the appointment process.

Other areas that the ordinance may address: how vacancies are filled; compensation; officers of the commission; meeting procedure;

Alternatives:

Town Council may provide alternative direction on the implementation of a Planning and Zoning Commission.

Financial Considerations:

There is no financial consideration.

Previous Council Actions:

No previous actions on this topic have been taken.

Next Steps:

If Town Council provides direction to continue the development of the draft ordinance, Staff will continue that process and place it on an agenda for further discussion or first reading.

Suggested Motions:

As a discussion item, no specific motion is required.

Attachments:

- DRAFT Ordinance 2024-O-01, an Ordinance of the Town Council of the Town of Keystone, Colorado, Prescribing the Membership, Powers and Duties for the Town of Keystone Planning and Zoning Commission.

**TOWN OF KEYSTONE
ORDINANCE NO. 2024-O-01**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
KEYSTONE, COLORADO, PRESCRIBING THE MEMBERSHIP,
POWERS AND DUTIES, AND APPOINTMENT PROCEDURE FOR THE
TOWN OF KEYSTONE PLANNING AND ZONING COMMISSION**

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

WHEREAS, Section 9.3, Article IX of the Town of Keystone Home Rule Charter created a Planning and Zoning Commission to assist Town Council in planning the development of the Town; and

WHEREAS, Section 9.3 of the Home Rule Charter provides that Town Council shall further prescribe by ordinance the powers and duties of the Planning and Zoning commission, the qualifications of the members, and the appointment procedure; and

WHEREAS, Town Council desires to implement Section 9.3 of the Home Rule Charter and to prescribe the membership of the Planning and Zoning Commission, the qualifications of the members, the powers and duties of the Planning and Zoning Commission, and the appointment procedure.

**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 implements Section 9.3 of the Home Rule Charter and prescribes membership of the Planning and Zoning Commission, the qualifications of the members, the powers and duties of the Planning and Zoning Commission, and the appointment procedure:

- A. *Established.* The Planning and Zoning Commission is established pursuant to Section 9.3, Article IX, Boards and Commissions, Town of Keystone Home Rule Charter. The Planning and Zoning Commission consists of **seven** members and **two alternates**.
- B. *Qualifications.*
 - 1. Councilmembers, the Mayor, or full-time employees shall not serve on the Planning Commission.
 - 2. At least a majority of the membership of the Planning and Zoning Commission shall consist of Primary Residents.

3. **Other qualifications?**

C. *Powers.* The Planning and Zoning Commission is delegated the following powers:

1. *Review and Decision as required by the Land Use and Development Code of Summit County.*
2. *Other Powers and Duties.* The Planning and Zoning Commission is also empowered to:
 - a. Review, adopt and amend comprehensive plans, sub-area plans, and special purpose plans for the use of land and physical development of the Town; and
 - b. Make recommendations related to the drafting and development of the Town of Keystone Land Development Code.

D. *Appointment.* Members of the Planning and Zoning Commission are appointed by the Town Council in a process defined by Town Council.

E. *Term of Appointment; Removal from Office.*

1. Planning and Zoning Commission members shall **serve a term of three (3) years.**
2. Members may be removed by the Town Council without cause and in the sole discretion of the Council.

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. Effective Date. This ordinance shall take effect and be enforced thirty (30) days after final 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.

READ, PASSED AND ADOPTED AS AN ORDINANCE 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
FROM: Gary Martinez, Interim Town Manager
FROM: Jennifer Madsen
DATE: February 27, 2024
SUBJECT: Employee Handbook

Executive Summary:

Councilmember Sarah Keel has worked with Employers Council consultant, Elizabeth Cox, on the employee handbook. Town Attorney Jennifer Madsen has also reviewed the handbook.

Background:

During the work session, Councilmember Keel will discuss with Town Council the draft of the employee handbook.

Alternatives:

None currently.

Financial Considerations:

None.

Previous Council Actions:

None.

Next Steps:

Finalize and approve the handbook by resolution.

Suggested Motions:

Because this is a discussion item, there are no suggested motions.

Attachments:

- Employee Handbook