

Town of Keystone  
Town Council Regular Meeting  
February 27, 2024 at 7:00 p.m.  
1628 Sts John Rd  
Keystone, CO 80435

REGULAR MEETING AGENDA

I. CALL TO ORDER, ROLL CALL

II. APPROVAL OF AGENDA

III. COMMUNICATIONS TO COUNCIL

*Public Comment (Pursuant to Resolution 2024-18, comment is limited to non-agenda items only; 3-minute time limit please)*

IV. CONSENT AGENDA

A. FIRST READING OF ORDINANCES -- NONE

B. RESOLUTIONS --NONE

C. MEETING MINUTES – February 13, 2024, Regular meeting, and February 20, 2024, Special meeting

V. CONTINUED BUSINESS

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

B. RESOLUTIONS

1. Resolution 2024-25 Approving Employer Opt-out of FAMLI

2. Resolution 2024-26 Approving CRA Contract

3. Resolution 2025-27 Amendment to Accountant Contract

C. OTHER

1. Discussion of Process for Hiring Town Manager

VI. PLANNING MATTERS -- NONE

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

XII. ADJOURNMENT

Town of Keystone  
Town Council Regular Meeting Minutes  
February 13, 2024 at 7:00 p.m.  
1628 Sts John Rd Keystone, CO 80435

**I. CALL TO ORDER, ROLL CALL**

Mayor Riley called the meeting to order at 7:00 p.m. The roll being called, it was found there were present and participating at that time the following members: Council Member Gretchen Davis, Council Member Sarah Keel, Council Member Carol Kerr, Council Member Aaron Parmet, Council Member Dan Sullivan, Council Member Valerie Thisted, and Mayor Ken Riley. The clerk declared a quorum was present.

**II. APPROVAL OF AGENDA**

The agenda was approved as presented.

**III. COMMUNICATIONS TO COUNCIL**

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

**IV. CONSENT AGENDA**

**A. FIRST READING OF ORDINANCES -- NONE**

**B. RESOLUTIONS**

1. **Resolution 2024-21 Approving Official Town Map**
2. **Resolution 2024-22 Designating the Official Newspaper of Record for Publishing Local Legislation and Other Matters**
3. **Resolution 2024-23 Designating Official Town Address**

**C. MEETING MINUTES – February 8, 2024, Regular meeting**

Mayor Riley read the consent agenda into the record and recognized Town Attorney Madsen and interim Town Manager Martinez to discuss the process of passing items on a consent agenda.

Councilmember Parmet moved to approve the consent agenda as presented. Councilmember Kerr seconded. The motion passed unanimously, Resolution 2024-21, Resolution 2024-22, Resolution 2024-23, and the meeting minutes were approved.

**V. CONTINUED BUSINESS**

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

## **B. RESOLUTIONS**

### **1. Resolution 2024-24 Approving Colorado Open Records Act Policy**

Mayor Riley recognized Town Clerk Sielu to introduce Resolution 2024-24 approving the Colorado Open Records Act policy.

Councilmember Sullivan moved to approve Resolution 2024-24 approving the Colorado Open Records Act policy. Councilmember Keel seconded. The motion passed unanimously, and Resolution 2024-24 was adopted.

## **C. OTHER**

### **1. Discussion of FAMLI**

Mayor Riley recognized Town Attorney Madsen to discuss the Town's options regarding participation in FAMLI. Following discussion, Council directed staff to draft an ordinance opting out of FAMLI that allows for staff participation through the Town's payroll processes.

### **2. Discussion of Franchise Fees for Cable, Gas, and Electricity**

Mayor Riley recognized interim Town Manager Martinez and Town Attorney Madsen to discuss the possibility of implementing franchise fees for cable, gas, and electricity. Following discussion, Council directed staff to draft an emergency ordinance for an agreement with Comcast for cable franchise fees and to bring back more research on the details of franchise fee agreements with Xcel Energy.

### **3. Discussion of Process for Hiring Town Manager**

Mayor Riley recognized interim Town Manager Martinez to discuss the status of the hiring process for Town Manager. Following discussion, Council directed staff to narrow down the pool of candidates to six for the Town Council to review and provide feedback. Once the finalists are identified they should be brought to Keystone for interviews and a public mixer.

## **VI. PLANNING MATTERS – NONE**

## **VII. REPORT OF THE TOWN MANAGER AND STAFF**

Interim Town Manager Martinez shared that Town Attorney Madsen has been directed to begin work on an amendment to the Intergovernmental Agreement with Summit County for continued services from the County. He also noted that he has met with the Dillon Town Manager and Police Chief to determine the feasibility of creating a joint police force with the Town of Dillon.

## **VIII. REPORT OF MAYOR AND COUNCIL**

Councilmember Sullivan shared that there has been continued work on the employee handbook. Mayor Riley shared that Summit County requested a letter of support from the

Town of Keystone for a grant application to repave Swan Mountain Road. The Council provided consensus support for this, and Mayor Riley indicated he would sign and submit a letter to the County following this meeting.

**IX. OTHER MATTERS**

Councilmember Kerr asked that staff bring a proposal for the Planning and Zoning Commission to the next regular council meeting and asked that discussion of a Citizens Advisory Commission be discussed at the second meeting in March.

**X. EXECUTIVE SESSION**

Councilmember Sullivan moved to enter executive session pursuant to C.R.S § 24-6-402(4)(g) for consideration of non-finalist applicants for the Town Manager position for the Town Manager position for which applications are protected by the mandatory nondisclosure provision of the Colorado Open Records Act, C.R.S. § 24-72-204(3)(a)(XI)(A). Councilmember Davis seconded. The motion passed unanimously, and the Council entered executive session at 8:38 p.m.

Executive session concluded at 9:24 p.m.

**XI. SCHEDULED MEETINGS**

**XII. ADJOURNMENT**

Seeing no further business to be discussed, Mayor Riley declared the meeting adjourned at 9:25 p.m.

Town of Keystone  
Town Council Special Meeting Minutes  
February 20, 2024 at 3:00 p.m.  
Fully Remote Meeting

**I. CALL TO ORDER, ROLL CALL**

Mayor Riley called the meeting to order at 3:00 p.m. The roll being called, it was found there were present and participating at that time the following members: Councilmember Gretchen Davis, Councilmember Sarah Keel, Councilmember Carol Kerr, Councilmember Dan Sullivan, Councilmember Valerie Thisted, and Mayor Ken Riley. The following member was absent: Councilmember Aaron Parmet. The clerk declared a quorum was present.

**II. APPROVAL OF AGENDA**

The agenda was approved as presented.

**III. EXECUTIVE SESSION**

Councilmember Sullivan moved to enter an Executive Session pursuant to C.R.S. § 24-6-402(4)(g) for consideration of non-finalist applicants for the Town Manager position and which applications are protected by the mandatory nondisclosure provision of the Colorado Open Records Act, C.R.S. § 24-72- 204(3)(a)(XI)(A). Councilmember Davis seconded. The motion passed unanimously, and the Council entered Executive Session at 3:02 p.m.

Councilmember Parmet joined the meeting at 3:09 p.m.

The Executive Session concluded at 4:40 p.m.

**IX. ADJOURNMENT**

Seeing no further business, Mayor Riley adjourned the meeting at 4:41 p.m.

# 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: Resolution 2024-25 Declaring The Town's Decision To Decline Employer Participation In And Opt-Out Of The Colorado Paid Family And Medical Leave Insurance Program (FAMLI)

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### **Executive Summary:**

Resolution 2024-25 is the Town's decision to decline employer participation in and opt-out of the Paid Family and Medical Leave Insurance (FAMLI) program.

### **Recommendation:**

Staff recommends approval of Resolution 204-25.

### **Background:**

#### History of Paid Family and Medical Leave Insurance (FAMLI)

On November 3, 2020, Colorado voters approved Proposition 118 for the state run FAMLI program. Colorado is the ninth state in the country to pass paid family and medical leave into the law and the first state to secure paid and family leave through a ballot initiative.

Under FAMLI, employers are required to start submitting premium payments to the state in January 2023 and benefits to employees will be available beginning January 1, 2024.

#### Overview of FAMLI

FAMLI is a two-part program. The first part provides job-protected leaves of absences for employees for specified reasons. The second part provides employees with partial replacement pay during the job-protected leave of absence.

FAMLI requires employers to provide twelve weeks of job-protected leave in a rolling calendar year for the following reasons:

- To care for a new child, including adopted and fostered children;
- To care for themselves, if they have a serious health condition;
- To care for a family member with a serious health condition;

- To make arrangements for a family member's military deployment;
- To address the immediate safety needs and impact of domestic violence and/or sexual assault.

The second part requires that, during the leave of absence, employees receive partial replacement pay through the FAMLI program. Upon the filing of a claim, the State pays the employee for a portion of the weekly wage through a debit card or direct deposit.

As a general matter, employers and employees are responsible for funding the FAMLI insurance program through payroll premiums. For the first year and through 2025, the premiums are set to 0.9% of the employee's wages and the employer and the employee may split the cost of paying for the premium—each paying half. Thus, under the 0.9% premium, the employer pays 0.45% and the employee pays 0.45%.

The weekly benefit paid to the employee on FAMLI leave is a calculation based on the employee's average weekly wage. The portion of the average weekly wage that is equal to or less than 50% of the state average weekly wage is replaced at a rate of 90% and the portion of the employee's weekly wage that is above 50% of the state average weekly wage is replaced at a rate of 50% with the maximum benefit being \$1,100 per week. Employees may begin to receive benefits in January 2024.

Employees become eligible to take paid leave after they have earned at least \$2,500 in wages in the state (not with the employer). Employees are only entitled to job protection if they have been employed with the employer for at least 180 days prior to the commencement of the FAMLI leave.

FAMLI establishes the rules for coordination with employer provided disability policies and paid time off and catastrophic sick leave. Under FAMLI, employers may require that FAMLI leave benefits are coordinated with leave under a disability policy. However, employers cannot require employees to use or exhaust any accrued vacation leave, sick leave, or any other paid time off prior to or while receiving FAMLI benefits. An employer and employee may agree that the employee may supplement FAMLI leave benefits with accrued paid time off up to the cap of the employee's average weekly wage.

### Local Government Opt Out

Local governments may opt out of the FAMLI program. The decision to opt out must be made by the governing body for the local government. A decision to opt out is only effective for eight years and the governing body must reconsider an opt out decision eight years later. At any time, a local government may decide to opt in to the FAMLI program. If a local government decides to opt in to the FAMLI program, that decision is binding for three years, and the governing body must wait three years before reconsidering whether to opt out.

There are two forms of opt-out. A local government may decline all participation. This option means that if an employee chooses to participate, that employee would need to



register with the FAML I system with the Colorado Department of Labor and Employment and report the wage data and remit quarterly premiums.

Alternatively, a local government can choose to decline only employer participation. This option allows a local government agency to decline to pay the employer share of the premium, while still supporting employees who want to participate by voluntarily deducting and remitting the employee share of the premium (0.45% of wages) and corresponding wage data to the FAML I Division every quarter.

For a decision to decline participation, the Town must provide public notice of the vote to decline participation and employees must also be notified in writing prior to the vote.

Resolution 2024-25 declines the employer participation.

**Alternatives:**

Town Council may provide direction to further study FAML I or to opt-in to FAML I.

**Financial Considerations:**

If Town Council approves Resolution 2024-25, there may be insignificant administrative costs to implement any decision by employees to participate in FAML I.

**Previous Council Actions:**

FAML I and the available opt-out options were discussed at the meeting on February 13.

**Next Steps:**

None.

**Suggested Motions:**

I move to APPROVE Resolution 2024-25, Declaring The Town's Decision To Decline Employer Participation In And Opt-Out Of The Colorado Paid Family And Medical Leave Insurance Program (FAML I)

I move to DENY Resolution 2024-25, Declaring The Town's Decision To Decline Employer Participation In And Opt-Out Of The Colorado Paid Family And Medical Leave Insurance Program (FAML I)

**Attachments:**

- Resolution 2024-25, Declaring The Town's Decision To Decline Employer Participation In And Opt-Out Of The Colorado Paid Family And Medical Leave Insurance Program (FAML I)

**TOWN OF KEYSTONE  
Summit County, Colorado**

**RESOLUTION 2024-25**

**A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO  
DECLARING THE TOWN'S DECISION TO DECLINE EMPLOYER PARTICIPATION  
IN AND OPT-OUT OF THE COLORADO PAID FAMILY AND MEDICAL LEAVE  
INSURANCE PROGRAM (FAMLI)**

WHEREAS, in November 2020, Colorado voters approved Proposition 118, which paved the way for a state-run paid family medical leave insurance program ("FAMLI"); and

WHEREAS, FAMLI is codified at Colorado Revised Statutes sections 8-13.3-501 to -524 and is administered through the Colorado Department of Labor and Employment, Division of FAMLI; and

WHEREAS, a local government may decline participation in the FAMLI program by a vote of the governing body; and

WHEREAS, a discussion regarding FAMLI was held on February 27, 2024, during which discussion, employees were given the opportunity to comment on the Town of Keystone's decision to decline participation and opt out of FAMLI; and

WHEREAS, the Town Council of the Town of Keystone has determined to make a local decision as to how to provide benefits and protections to employees of the Town and declines participation and formally opts out of FAMLI.

**Now, Therefore, be it Resolved by the Town Council of the Town of Keystone, Colorado, that:**

Section 1. Declination of the FAMLI Program. The Town Council of the Town of Keystone as the governing body hereby formally resolves to decline employer participation by the Town of Keystone in the FAMLI program under § 8-13.3-522, C.R.S.

Section 2. Effective Date. This Resolution shall take effect upon its approval.

Section 3. Grant of Authority to Implement Resolution. The Town Manager is granted the authority to take all actions necessary to implement the provisions of paragraph 1 including providing formal notice to the Colorado Department of Labor and Employment, Division of Family and Medical Leave Insurance regarding the decision to decline participation in the FAMLI program.

Section 4. Direction to Renew Decision in Eight Years. The Town Council directs the Town Manager to place renewal of the decision to opt out of FAMLII before the Town Council at least eight years from the date of this resolution as required by the Division of FAMLII's regulation on local government participation, 7 CCR 1107-2-2.5(C).

**ADOPTED by a vote of \_\_ in favor and \_\_ against, this \_\_\_\_ day of \_\_\_\_\_, 2024.**

By: \_\_\_\_\_  
Kenneth D. Riley, Mayor

ATTEST:

Approved as to Form:

By: \_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
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: Resolution 2024-26 Approving Colorado Retirement Association Membership

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### **Executive Summary:**

This resolution is for approval of joining the Colorado Retirement Association Membership.

### **Recommendation:**

Staff is recommending that Town Council approve Resolution No. 2024-26, Approving Colorado Retirement Association Membership.

### **Background:**

As an employee benefit, Town Council has approved 401(a) (retirement plan and trust agreement) and 457(b) (deferred compensation account) accounts with the Colorado Retirement Association. To participate in these plans, the Town needs to become a member of the Colorado Retirement Association. Resolution 2024-26 requests participation in the Colorado Retirement Association.

### **Alternatives:**

None currently.

### **Financial Considerations:**

The financial consideration is 8% of the employee's compensation to the 401(a) account and an up to 3% employer match of the employee's contribution to the 457 account.

### **Previous Council Actions:**

None.

### **Next Steps:**

None.

### **Suggested Motions:**

I move to APPROVE Resolution 2024-26 Approving Colorado Retirement Association

Membership.

I move to DENY Resolution 2024-26 Approving Colorado Retirement Association Membership.

**Attachments:**

- Resolution 2024-26 Approving Colorado Retirement Association Membership

**TOWN OF KEYSTONE  
Summit County, Colorado**

**RESOLUTION 2024-26**

**A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO  
APPROVING COLORADO RETIREMENT ASSOCIATION MEMBERSHIP**

WHEREAS, Town Council determines that it is in the best interest of the employees of the Town of Keystone to provide for the retirement of employees under certain terms and conditions; and

WHEREAS, the advantage of participating in the Colorado Retirement Association, with multiple counties, municipalities and special districts in Colorado joining together to adopt a retirement system, it lowers individual costs and thereby saves tax payers' money and employees' money; and

WHEREAS, Town Council desires to become a member of the Colorado Retirement Association

**Now, Therefore, be it Resolved by the Town Council of the Town of Keystone, Colorado, that:**

Section 1. Town Council elects to become a part of the Colorado Retirement Association, providing access to their 401(a) Money Purchase Pension Plan and 457(b) Deferred Compensation plan.

Section 2. Town Council authorizes the interim Town Manager and/or the Mayor to execute any documentation necessary to implement the membership and the retirement plans.

Section 3. Effective Date. This Resolution shall take effect upon its approval by the Town Council.

**ADOPTED by a vote of \_\_ in favor and \_\_ against, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.**

By: \_\_\_\_\_  
Kenneth D. Riley, Mayor

ATTEST:

Approved as to Form:

By: \_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
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: Resolution 2024-27 Authorizing An Amendment to the Professional Services Agreement With Accounting Firm

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### **Executive Summary:**

This resolution is for approval of an amendment to the professional services agreement with Marchetti & Weaver, LLC.

### **Recommendation:**

Staff is recommending that Town Council approve Resolution No. 2024-27, authorizing execution of an amendment to the agreement for accountant services.

### **Background:**

To conduct business, Town needs to contract with an accounting firm to provide accounting and financial services for the Town. This resolution authorizes execution of an amendment to the service agreement with the accounting firm. The accountant firm requested the amendment. It should be noted that the accountant firm maintains liability insurance to cover for losses as a result of the contractor's negligence.

### **Alternatives:**

None currently.

### **Financial Considerations:**

None related to the amendment.

### **Previous Council Actions:**

The original agreement was approved on February 8, 2024.

### **Next Steps:**

None.

### **Suggested Motions:**

I move to APPROVE Resolution 2024-27 Authorizing An Amendment to the Professional Services Agreement With Accounting Firm.

I move to DENY Resolution 2024-27 Authorizing An Amendment to the Professional Services Agreement With Accounting Firm.

**Attachments:**

- Resolution 2024-27 Authorizing An Amendment to the Professional Services Agreement With Accounting Firm
- Exhibit A Amendment to Professional Services Agreement.



**TOWN OF KEYSTONE  
Summit County, Colorado**

**RESOLUTION 2024-27**

**A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO  
AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES  
AGREEMENT WITH ACCOUNTING FIRM**

WHEREAS, the Town of Keystone entered into a professional services agreement with Marchetti & Weaver, LLC for the purposes of performing accounting services for the Town; and

WHEREAS, Marchetti & Weaver have requested an amendment to the professional services agreement; and

WHEREAS, the Town Council agrees the requested amendment the contractor is required to maintain liability insurance.

**Now, Therefore, be it Resolved by the Town Council of the Town of Keystone, Colorado, that:**

Section 1. The Amendment to the Professional Services Agreement between the Town of Keystone and Marchetti & Weaver, LLC for accounting services is authorized and approved in a form substantially similar to the form attached hereto as Exhibit A and made a part of this resolution. The Mayor is authorized to execute the Amendment on behalf of the Town.

Section 2. Effective Date. This Resolution shall take effect upon its approval by the Town Council.

**ADOPTED by a vote of \_\_ in favor and \_\_ against, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.**

By: \_\_\_\_\_  
Kenneth D. Riley, Mayor

ATTEST:

Approved as to Form:

By: \_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
Town Attorney

EXHIBIT A  
AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

**AMENDMENT TO  
PROFESSIONAL SERVICES AGREEMENT**

**THIS AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT** amends the Agreement dated February 5, 2024, and entered into by the **TOWN OF KEYSTONE, COLORADO**, a Colorado municipal corporation, hereinafter referred to as "Town" and **Marchetti & Weaver, LLC**, hereinafter referred to as "Contractor." The effective date of this Amendment shall be **February 27, 2024**.

The Town and Contractor agree as follows:

1. **Deletion of Indemnification Paragraph VIII.** The Town and Contractor agree to delete the entirety of Paragraph VIII regarding Indemnification from the Agreement dated February 5, 2024. The effective date of the deletion of this Paragraph VIII is February 5, 2024.

**IN WITNESS WHEREOF**, the Town of Keystone has caused this Amendment to be signed and executed on its behalf by the Mayor of the Town of Keystone and Contractor has signed and executed this Agreement.

[Remainder of Page Left Intentionally Blank; Signature Page to Follow]

TOWN OF KEYSTONE, COLORADO

\_\_\_\_\_  
Kenneth D. Riley, Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

CONTRACTOR

By: \_\_\_\_\_