

**CITY OF BURLINGTON  
KIT CARSON COUNTY  
CITY COUNCIL  
WORK SESSION  
AGENDA  
15-2020  
COMMUNITY BUILDING ROOM A  
340 S 14<sup>TH</sup> STREET  
August 10, 2020  
6:30 PM**

**Live Public Streaming (Use Link Below to join)**  
<https://www.burlingtoncolo.com/virtualcouncilmeeting>

**Council members and members of the public must be masked during the meeting in accordance with Executive Order D 2020 138**

- 1 Call to Order**
- 2 Pledge of Allegiance**
- 3 Consent Agenda Items**  
*Any consent agenda item may be removed from the Consent Agenda and placed under Business if discussion is desired. Otherwise, one motion will pass all items.*  
Approval of minutes from July 27  
Approval for The Dish Room to temporarily modify their premises due to COVID-19 restrictions
- 4 Public Comment**
- 5 Public Hearing**  
Approval of special events liquor license for Old Town during Pioneer Days Saturday and Sunday, August 22 and 23.
- 6 Work Session**  
**Unfinished Business**
  - A. Burlington Housing Authority discussion
  - B. Budget discussion – 5-year capital improvement plan and 2021 capital improvement plan requested
- 7 New Business**
  - A. Approval of Bylaws of the Housing Authority of the City of Burlington, Colorado
  - B. Appointment of member of city council or city employee to Burlington Housing Authority Board of Commissioners.
  - C. Motion to remove all former BHA members as signators on account at Bank of Burlington and authorization for council member/city employee and new interim executive director to be placed as signators on the account.
- 8 Reports from City Departments**  
Administrator – Jim Keehne  
Clerk – Georgia Gilley
- 9 Council Comments**
  - A. Mayor Greg Swiatkowski
  - B. Kamron Weisshaar
  - C. Mark Burghart
  - D. Brent Carter
  - E. Melvin Gilley
  - F. Adrian Hernandez
  - G. Troy Schultz
- 10 Adjournment**

***Emergency matters that may come before Council may be discussed with decisions to be ratified at a subsequent Council meeting.***

**MINUTES OF THE REGULAR MEETING  
OF THE MEMBERS OF THE CITY COUNCIL**

**City of Burlington  
County of Kit Carson  
State of Colorado  
Burlington Community and Education Center  
Recreation Room  
340 S 14th Street  
July 27, 2020  
6:30 p.m.**

**1. Call to order**

Mayor Greg Swiatkowski called the meeting to order at 6:39 p.m.

The meeting was also streamed publicly at [www.burlingtoncolo.com/virtualcouncilmeeting](http://www.burlingtoncolo.com/virtualcouncilmeeting)

Council members present were:

Kamron Weisshaar      Mark Burghart      Brent Carter  
Adrian Hernandez, virtually

Absent: Melvin Gilley and Troy Schultz

Staff/Officials present:

Greg Swiatkowski, Mayor  
Jim Keehne, Administrator  
Georgia Gilley, Clerk  
Becky Castillo, Treasurer  
Daniel Melia, Airport  
Rol Hudler, Economic Development

Other's present:

Tim Mayberry  
Lorraine Trotter

**2. Pledge of Allegiance**

**3. Consent Agenda**

Approval of the June 29 and July 13, 2020 meeting minutes

Approval of liquor license renewal for Country Boy Productions LTD DBA The Dish Room

Approval of liquor license renewal for D&D Liquor LLC DBA Davis & Davis Liquor

Approval of liquor license renewal for Hines Family Investments LLC DBA Lincoln Liquors

Motion by Burghart and second from Carter to approve all consent agenda items. Motion passed unanimously.

**4. Public comment – none**

**5. Unfinished business – none**

**6. New business**

- A. Tim Mayberry of Mayberry and Company went over a draft of the city's 2019 audit and noted the steady financial improvement and will give a clean opinion for the audit. Lorraine Trotter, Professional Management Solutions, continued the presentation with the Management Discussion & Analysis.
- B. With a motion by Burghart and a second from Carter, council unanimously voted to authorize the mayor's signature on the 30-year Burlington-Kit Carson County Airport Lease Agreement with Air Care Inc.
- C. Keehne reported Burlington Housing Authority executive director Sandy Lambert and the entire board of commissioners submitted resignations. Carter moved to accept the resignation. With a second from Burghart, motion was unanimously passed.
- D. Keehne summarized the dates on the 2021 budget calendar. Motion by Burghart and second by Carter to approve the budget calendar. Motion passed unanimously.
- E. Keehne reviewed the city's second quarter financial reports.

**7. Reports from city departments**

All reports from city department heads were submitted prior to the meeting and included in the council packets, which are available online at [www.burlingtoncolo.com](http://www.burlingtoncolo.com).

Council had no questions regarding the reports.

**8. Council comments – none**

**9. Adjournment**

With a motion by Weisshaar and second from Carter, the meeting adjourned at 8:11 p.m. Motion passed.

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Greg Swiatkowski, Mayor

ATTEST:

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Georgia Gilley, City Clerk

# BYLAWS OF THE HOUSING AUTHORITY OF THE CITY OF BURLINGTON, COLORADO

## ARTICLE I. GENERAL PROVISIONS

### Section 1. Name of Authority.

The name of the Authority shall be the "Housing Authority of the City of Burlington, Colorado" (hereinafter the "Authority"). It may also use the Name "Burlington Housing Authority".

### Section 2. Purpose of Authority.

The Authority is a corporate body organized in accordance with the provisions of Part 2, Title 29, Article 4 Colorado Revised Statutes as amended for the purposes, with the powers, and subject to the restrictions set forth in part 2.

### Section 3. By Laws.

The Authority shall adopt by-laws to provide rules for governing the Authority and the Authority's activities that are not inconsistent with Part 2, Title 29, Article 4 Colorado Revised Statutes as amended. The by-laws shall not restrict the powers of the Authority granted by the Legislature as provided in Part 2. The Authority may amend the by-laws only by resolution, adopted by the affirmative vote of at least three (3) Commissioners of the Authority at a regular or special meeting. Approval of amended by-laws will supersede all previous by-laws.

### Section 4. Seal of the Authority.

The seal of the Authority shall be in the form of a circle and shall bear the name of the Authority and the year of its organization.

### Section 5. Office of the Authority.

The offices of the Authority shall be in the Burlington Housing Authority, located at 944 Lowell Ave, CO 80807, but the Authority may hold its meetings at such other place or places as it may designate by resolution.

## ARTICLE II. BOARD OF COMMISSIONERS

### Section 1. General Powers.

The powers of the Authority are vested in its Board of Commissioners. The Board shall exercise all policy, oversight, and governance powers of the Authority consistent with Part 2, Title 29, Article 4 Colorado Revised Statutes as amended. The Authority and its Commissioners are under a statutory duty to comply or to cause strict compliance with all provisions of Part 2, and the laws of the state of Colorado, and, in addition thereto,

with each term, provision, and covenant in any contract, on the part of the Authority to be kept or performed by the Authority.

**Section 2. Appointment of Commissioners**

The Authority shall consist of Commissioners selected and appointed by the Council of the City of Burlington, and shall consist of a five (5) member board, one (1) of which may be an elected official of the City of Burlington, or City employee. One (1) member may be an individual who is directly assisted by the authority. Each Commissioner shall be appointed for a two (2) year term. Terms are staggered with terms expiring on July 01<sup>st</sup> of each calendar year.

**Section 3. Compensation**

A Commissioner shall receive no compensation for services but shall be reimbursed for actual and necessary expenses incurred in the performance of official duties.

**Section 4. Resignation**

Any Commissioner may resign at any time by giving written notice to the Chairperson of the Board. Such resignation takes effect at the time specified in the resignation, or if the time is not specified, upon receipt thereof. Unless otherwise specified in the resignation, the acceptance of the resignation is not necessary to make it effective.

**Section 5. Removal**

A Commissioner may be removed by the Mayor of the City of Burlington for inefficiency or neglect of duty or misconduct in office, but the Commissioner may be removed only after he or she is given written notice of the charge at least ten (10) days prior to the hearing thereon and has had the opportunity to be heard in person or by counsel. When a Commissioner is removed, a record of the proceedings and the charges and findings will be filed in the office of the Clerk of the City of Burlington.

**Section 6. Officers.**

The officers of the Authority shall be a Chairperson, Vice Chairperson, and a Secretary. The Board shall select from among its Commissioners the officers of the Authority for one (1) year terms or until the Board elects and qualifies their respective successors. If the office or Chairperson or Vice Chairperson becomes vacant, The Board shall elect a successor to fill the office from the remaining Commissioners. The elected successor shall serve for the remainder of the unexpired term.

**(A). Chairperson.**

The Chairperson shall preside at all meetings of the Authority. At each meeting, the Chairman shall submit such recommendations and information as may be consider proper concerning the business affairs and policies of the Authority. The Chairperson is responsible for the preparation of all regular and special meetings agendas. Except as otherwise delegated, the Chairperson shall sign all contracts, deeds, financial instruments, and other instruments made by the Authority.

(B). Vice Chairperson.

The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In case of the resignation or death of the Chairperson, the Vice Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Authority shall select a new Chairperson.

(C). Secretary.

The Secretary of the Authority serves in that capacity, and: (a) keeps or causes to be kept, correct and permanent records of the Authority; (b) acts as Secretary of the meetings of the Authority and records all votes; (c) keeps a record of the proceedings of the Authority in a minute book to be kept for such purposes; and, (d) performs all other duties incident to the office of Secretary.

(D). Executive Director.

The Authority shall appoint and employ an Executive Director who shall have general supervision over the administration of its business and affairs, subject to the direction of the Authority. The Executive Director shall be charged with the management of the Authority. They shall be charged with management of the housing and redevelopment projects, and repositioning of the Authority.

As the Secretary, the Executive Director in their own name and title shall keep the records of the Authority, shall act as Secretary of the meetings of the Authority and record all votes, and shall keep a record of the proceedings of the Authority in a journal of proceedings to be kept for such purposes and shall perform all duties incident to their office. They shall keep in safe custody the seal of the Authority and shall have the power to affix such seal to all contracts and instruments to be executed by the Authority.

The Executive Director shall have the care and custody of all funds of the Authority and shall deposit the same in the name of the Authority in such bank or banks as the Authority may select. Except as otherwise authorized by resolution of the Authority, the Executive Director shall sign all orders and checks for payment of money and shall pay out and disburse such moneys under the direction of the Authority. Except as otherwise authorized by resolution of the Authority, all such orders and checks shall be counter-signed by the Chairperson or other designated official. The Executive Director shall keep regular books of accounts showing receipts and expenditures and shall render to the Authority, at each regular meeting or more often as requested, an account of all transactions and of the financial condition of the Authority. They shall give such bond for faithful performance of his/her duties as the Authority may determine. Except as otherwise authorized by resolution of the Authority, the Executive Director is authorized to sign all contracts, deeds and other instruments made by the Authority.

The Authority shall determine the compensation of the Executive Director.

- (E). Additional Duties. The officers of the Authority shall perform such other duties and functions as may from time to time be required by the Authority or the by-laws or rules and regulations of the Authority.
- (F). Additional Personnel. The Authority may from time to time employ such personnel as it deems necessary to exercise its powers, duties, and functions. The Authority, subject to Federal, State, and local laws and regulations, including, without limitation, HUD regulations, shall determine the selection and compensation of such personnel (including the Executive Director).

### ARTICLE III. MEETINGS

#### Section 1. Annual Meeting.

The Annual Meeting of the Authority shall be held on the first Monday of July (meeting time to be determined annually) at the regular meeting place of the Authority. In the event such date shall fall on a legal holiday, the annual meeting shall be held on the next secular day.

#### Section 2. Regular Meetings.

Monthly meetings shall be held with notice at the regular meeting place of the Authority on the first Monday of each month (meeting time to be determined annually) unless the same shall be a legal holiday or other day on which a public meeting cannot be held in Colorado, in which event the meeting shall be held on the next regular working day or as otherwise established by the Authority at a regular or special meeting.

#### Section 3. Special Meetings.

The Chairperson, or any two Commissioners, may call special meetings of the Authority for the purpose of transacting any business designated in the call. Each commissioner of the Authority must receive the call for a special meeting at least two (2) days prior to the date of such special meeting. At such special meeting no business shall be considered other than as designated in the call, but if all of the Commissioners of the Authority are present at a special meeting, any and all business may be transacted at such special meeting.

#### Section 4. Quorum.

The powers of the Authority shall be vested in the Commissioners thereof in office from time to time. Three Commissioners shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. When a quorum is in attendance, the Authority, upon a majority vote of the Commissioners present, may take action.

**Section 5. Order of Business.**

At the regular meeting of the Authority the following shall be the order of business:

1. Roll Call.
2. Reading and Approval of the minutes of the previous meeting.
3. Reading and Approval of the Agenda.
4. Bills and Communications.
5. Report of the Executive Director.
6. Reports of Committees.
7. Old Business.
8. New Business.
9. Executive Session
10. Adjournment.

All resolutions shall be in writing and shall be copied in the journal of the proceedings of the Authority.

**Section 6. Manner of Voting.**

The voting on all questions coming before the Authority shall be by roll call, and yeas and nays shall be entered upon the minutes of such meeting.

**ARTICLE IV. AMENDMENTS**

**Section 1. Amendments to Bylaws.**

The bylaws of the Authority shall be amended only with the approval of at least three of the members of the Authority at a regular or a special meeting.





August 10, 2020

## City Administrator's Summary Report

July 27 – August 10, 2020

### Administration

- On July 23<sup>rd</sup>, City Administrator and Mayor met remotely with Winifred Cole of HUD and a member of HUDs Financial Team. HUD was informed of the dissolution of the Board and discussion was held on next steps. It was agreed that HUD would reach out to neighboring PHA's to determine if on a part time basis, they would manage BHA until such a time as a new Board could be appointed and another ED could be hired and trained to perform the job functions. HUD offered their assistance when it comes to training and will assist in any way possible to get the BHA back on track. Once up and running, they suggested that we look at repositioning BHA, to assist in long term sustainability of the program.

The current ED will leave employ on September 2<sup>nd</sup>, during the interim will be performing job functions especially as they pertain to the financial aspect of BHA. The City will be advertising for Board and ED Vacancies and working with HUD to defray costs associated with the position we currently find ourselves in. More to come on this issue. At the last council meeting, resignations were accepted from all the Burlington Housing Authority's board members. The Executive Director also submitted her letter of resignation, effective September 2<sup>nd</sup> unless termination occurs before that date. Currently, the ED is continuing in her role, submitting the requisite paperwork, collecting rent, and paying bills.

City staff has drafted a job description for the Executive Director position which has been posted online. Additionally, advertisement for Board members and Executive Director has begun. HUD personnel have reached back out to us and put us in touch with a competent public housing authority located in Cheyenne Wells. The ED there is interested in working for the City part time to get BHA back on solid ground and then to select and train a new ED for the position here in Burlington. To date, the ED and I have collaborated on drafting new by-laws for the organization which are currently under HUD review. Written into the by-laws is the ability to have a member of Council or City employee to be a part of the Board. The ED will be onsite this week to meet with the current ED and staff, to go over files and to develop contract with City to operate the Burlington Housing Authority. So far, I am comfortable in the direction this is heading, and with the assistance of the new ED will get a competent Board in place.

- Currently, we are 24 weeks into the COVID-19 pandemic, complying with orders issued by both the Governor's Office and Colorado State Department of Public Health and Environment. Over the last several weeks, we have witnessed a lessening of the orders, allowing more freedom to move about our community and County, and return to work. These have all been good signs in that we are experiencing a slow-down nationwide in the number of reported cases and are more successful in testing more people, all of which has had an effect in "flattening the curve" indicating we are finally able to get things more under control. Because of this, our economy is starting to head in the right direction, though we have a lot of catch-up to do. With the lessening of restrictions, a sharp rise in the number of COVID-19 cases has been experienced here in the US, with all states reporting surges in positive cases. Colorado and Kit Carson County have experienced this surge with 30 positive cases reported since June 30 through August 04.

Worldwide there have been over 18 million persons infected by the virus, a 20% increase in the last two weeks with approximately 700,000 reported deaths attributed to the infection. 26.4% (approximately 4.8 million) of all reported cases have occurred in the U.S. Colorado has experienced over 48,000 confirmed cases and Kit Carson County has reported 62, up 48% in the last month.

We can expect numbers to continue to rise here in Kit Carson County as the Fair took place last week, ending on August 2<sup>nd</sup>. This brought numerous people to Burlington, and although social distancing and mask wearing were required, some people did not comply or pay attention to the rules. As there is a week to 2-week incubation period, we can expect to start seeing a rise in positive cases due to this event. To slow the spread, a statewide mask order has been implemented that makes mask wearing mandatory when entering or moving within any public indoor space. The City has posted this Order on all City Owned facilities and provided masks to those that don't have one. We must keep our employees safe and able to work.

Lastly, schools are planning on opening with students returning to the classroom on August 17<sup>th</sup>. Word from CHSAA is that some of the fall sports will be moved to after the first of the year and they will implement a shortened athletic season of which there will be 4 to accommodate the pandemic.

- The Intergovernmental Agreement regarding the disbursement of Coronavirus Aid, Relief and Economic Relief Act funds was signed and returned to the county. Kit Carson County's share of CARES funding is \$608,831 which is allocated based on population of each municipality. The City of Burlington's share of this is \$269,371.49. The City is in process of developing numbers for reimbursement purposes. The funds may only be used for necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19), funds that were not accounted for in the budget most recently approved as of March 27<sup>th</sup>, 2020, and were incurred during the period that begins March 1, 2020, and ends on December 30, 2020. Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Currently, we are looking at all expenditures that would be reimbursable as a part of the CARES Act under necessary expenses, i.e. election expenses that went over budget; hardware, software, licensures and fees associated with virtual meetings or conducting remote business operations; costs associated with identification and retrofitting a Tier 4 non-acute care facility (Community Center) to house asymptomatic persons in need of quarantine, and library infrastructure concerns allowing them to host remote sessions and continue to conduct business remotely. Those funds that are not utilized will be used to implement a small business grant program for Kit Carson County businesses. The businesses must be able to show a necessity of need and must have been affected by COVID-19 closures. The County and municipalities got together on Friday, August 7<sup>th</sup> to work out the details of the grant program for businesses and disbursement of funds.

## Operations/Public Works

- Water/Wastewater
  - Placing of third aerator in sewer ponds to assist with the breakdown of contaminants. Need to have wired and placed into operation. Looking at costs associated with this to determine if we can perform this year or whether it will be a capital item for next year's budget.
  - Installing Bi-Sulphate pump at effluent gate to assist with removing chlorine from discharge to become more compliant with state regs.
  - All sampling of wells and blending plant were performed last week, along with total water testing, and composite testing at the Wastewater Treatment Facility
  - Working on Capital Improvement Plan
- Parks
  - Bathroom cleaning occurring daily

- Weekly mowing is underway
  - Weed spraying
  - Will be assisting with the shutdown of the pool
  - Working on Capital Improvement Plan
- Streets
    - Street sweeping underway.
    - Pothole repair and maintenance in process.
    - Grading and cleaning of alleys underway.
    - Cutting of asphalt and applying hot mix asphalt to areas in town.
    - Mowing of ROW
    - Cleaning drains
    - Pool Shutdown
    - Working on Capital Improvement Plan
- Electric
    - Pole replacement plan is ongoing
    - Are utilizing Damien Berger, PE and Senior Project Engineer for Atwell to draft Inspection and Maintenance Plan for City of Burlington Electrical Distribution System. The goal of which is to address and reduce outages, properly maintain our system, and to provide quality and consistent service to our consumers. On June 11<sup>th</sup>, Electric Department, Public Works Director and City Administrator met with Damien Berger to work on and develop maintenance program for the City's Electric system, Goals were developed, trouble spots identified, and capital projects discussed. During budget season, these items will be further fleshed out.
    - Advertisement for Apprentice Lineman has been posted and will remain in place until staffing levels are achieved.
    - Tree trimming as needed.
    - Working on Capital Improvement Plan

## Public Safety

On August 1<sup>st</sup>, Shane Laverenz, a Sergeant with Washington County Sheriff's Office began his tenure with the Burlington Police Department becoming a part of the command staff. This will be of great assistance to Chief Hill who is performing the entire operational and administrative functions of the department. Laverenz comes with a great deal of experience and will be a welcome addition to the department providing for operational oversight and supervision, training of new officers and assisting with the administrative function.

An Academy class is being started in August and Burlington has two seats in the Academy. Again, this is a 16-week course, where upon graduation, officers then go through a 12 to 16-week Field Training course to improve their skill level and become familiar with Burlington.

Currently in the process of bringing on already certified officers as well with the goal of being at 7 sworn officers by year end.

Reports from Paul Schultz, our law enforcement consultant are that Nate Hill is progressing with his training and is in a phase where he is gaining experience by applying what he has learned. We have

several more months of training to get through, at the end of which a complete assessment of his skills and competencies will be performed to ensure his readiness to take over the leadership position for BPD.

### **Intergovernmental/Upcoming Events**

- Quarterly/Final report to DOLA on Airport Turnaround Project completed on July 15 with follow-up information submitted at their request on August 7<sup>th</sup>.
- Will be meeting on weekly basis with HUD and Mari Mitchek (Interim Executive Director for BHA)
- Monthly meetings with County/Communities to address CARES Act funding – August 7<sup>th</sup> and then monthly



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To: City council members  
From: Georgia Gilley, Clerk  
Date: Aug. 10, 2020  
Subject: Clerk's report

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We have one special event liquor license public hearing on the agenda – Old Town's Pioneer Days Saturday and Sunday, Aug 22 and 23. Nikki has contacted the public health department and completed the required protocol checklist.

Burlington Wrestling Association had turned in an application for a special event liquor license but decided to cancel their fundraiser due to COVID-19 restrictions.

The individual interested in starting a daycare turned in the zoning variance application, along with the required signatures from all neighboring property owners. She needs approval of the variance before she may receive her license from the state. Posting of the public hearing notice requires 15 days and will be on council's Aug. 31 agenda.

I registered with Colorado Municipal Clerk's Association and included Ashley as deputy clerk in the bundle for no additional fee. I started taking online classes, beginning with Liquor 101. The institute fee for the classes is \$400, but we received \$100 off with an available scholarship. Ashley also has the option to sign up for classes with a scholarship.

