



**BURLINGTON CITY COUNCIL  
REGULAR MEETING  
Community Center  
340 S. 14<sup>th</sup> St., Room A  
February 28, 2022 – 6:30 p.m.**

Live public streaming available at  
<https://www.burlingtoncolo.com/virtualcouncilmeeting>

## **AGENDA**

**1. Call to Order**

**2. Pledge of Allegiance**

**3. Roll call**

Greg Swiatkowski, Mayor  
Kamron Weisshaar, mayor pro tem  
Mark Burghart

Melvin Gilley  
Adrian Hernandez

Brent Carter  
Troy Schultz

**4. Review and Approve Agenda** *(address revisions)*

**5. 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.*

A. Approval of Feb. 14 meeting minutes.

**6. Public hearings** *(Public comment is limited to 3 minutes per person)*

A. Public hearing to allow public input concerning proposed changes to the Burlington Municipal Code regarding the regulation, licensure, zoning and other impacts surrounding the retail sale of marijuana within the boundaries of the City of Burlington.

**7. Unfinished business**

**8. New business**

**9. Reports from city departments**

Reports are in council packet.

**10. Council comments**

**11. Adjournment**

*Emergency matters coming before Council may be discussed, with decisions to be ratified at a subsequent council meeting.*

**BURLINGTON CITY COUNCIL  
WORK SESSION MEETING MINUTES  
County of Kit Carson  
State of Colorado  
Burlington Community and Education Center  
340 S. 14th St., Room A  
February 14, 2022  
6:30 p.m.**

**1. Call to order**

Mayor Greg Swiatkowski called the meeting to order at 6:30 p.m.

**2. Pledge of Allegiance**

**3. Roll Call**

**Council members present:**

Greg Swiatkowski, Mayor  
Kamron Weisshaar, mayor pro tem

Mark Burghart – virtual attendance  
Brent Carter

**Council members absent:**

Melvin Gilley  
Adrian Hernandez  
Troy Schultz

**Staff/Officials present:**

Jim Keehne, Administrator  
Georgia Gilley, Clerk  
Mike Grinnan, City Attorney

Suzy Velasco, Reach Solutions

**Public present:**

None

**4. Review and Approve Agenda**

Motion by Carter and second from Weisshaar to approve the Feb. 14 agenda as presented.  
Motion passed unanimously.

Burghart: Aye  
Weisshaar: Aye

Gilley: Absent  
Carter: Aye

Hernandez: Absent  
Schultz: Absent

**5. Consent Agenda**

**A. Approval of the Feb. 14, 2022, meeting minutes**

Motion by Burghart and second from Weisshaar to approve the Jan. 31 meeting minutes as presented. Motion passed unanimously.

Burghart: Aye  
Weisshaar: Aye

Gilley: Absent  
Carter: Aye

Hernandez: Absent  
Schultz: Aye

**6. Public comment – none**

**7. Public hearing**

**A. Application for Special Events Permit – Morgan Community College Foundation event April 22**

No one was present to contest the Morgan Community College Foundation's Application for Special Event Permit. No public hearing held.

**8. Unfinished Business – none**

**9. New Business**

**A. Approve Application for a Special Event Permit for Morgan Community College Foundation event April 22, 2022**

Motion by Carter and second from Burghart to approve the Application for a Special Event Permit for Morgan Community College Foundation’s event April 22, 2022. Motion passed unanimously.

Burghart: Aye                      Gilley: Absent                      Hernandez: Absent  
Weisshaar: Aye                      Carter: Aye                      Schultz: Absent

**B. Appoint Adriana Freel to the Burlington Housing Authority Board of Directors**

Keehne indicated Adriana Freel had been a tenant representative on the Burlington Housing Authority Board of Directors. She has since moved but would like to remain on the board as a regular member.

Motion by Weisshaar and second from Carter to approve Adriana Freel as a regular member on Burlington Housing Authority Board of Director. Motion passed unanimously.

Burghart: Aye                      Gilley: Absent                      Hernandez: Absent  
Weisshaar: Aye                      Carter: Aye                      Schultz: Absent

**C. Review materials for public hearing at the Feb. 28 council meeting**

Keehne handed out information regarding the public hearing coming up at the Feb. 28 council meeting, including rules for those wishing to speak, sign-in sheets, and notes where changes need to occur in Burlington Municipal Code if Initiative 1-B passes on Election Day.

No action was taken.

**10. Reports from city departments**

Keehne and the clerk reviewed a few points from their written reports, which were in council packets.

**11. Council comments – none**

**12. Adjournment**

With a motion by Burghart and second from Carter, the meeting adjourned at 7:29 p.m.

Motion passed unanimously.

Burghart: Aye                      Gilley: Absent                      Hernandez: Absent  
Weisshaar: Aye                      Carter: Aye                      Schultz: Absent

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Greg Swiatkowski, Mayor

ATTEST:

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Georgia Gilley, City Clerk



February 28, 2022

## City Administrator's Summary Report

February 14 - 28, 2022

### Administration

**COVID Update** – As of February 24, 2022, there have been over 426 million persons reportedly infected by the virus worldwide, up 6.5% over the last two weeks, with over 5.9 million reported deaths attributed to the infection. Although the number of incidents continue to rise, the positivity rate is decreasing rapidly worldwide and the U.S.. 18.4% (78.6 million) of all reported cases have occurred in the U.S. which has also reported over 940,000 attributable deaths. Colorado has experienced approximately 1.32 million confirmed cases. As of February 24, Kit Carson County has reported 1,569 positive cases, up 37 cases in the last two weeks, with a mortality rate of 29 persons. State-wide there has been a decrease in positive cases with the positivity rate dropping below 5%. This has caused most COVID protocols and mandates to be rescinded as Colorado tries to jump start its economy. In Kit Carson County there are no directed public health orders in place for the COVID response; however, it is advised to get tested if symptomatic and isolate if you suspect or test positive for the virus to reduce its spread.

### April 05, 2022 Municipal Election –

Ballot language has been developed for Ballot Issue asking the question should taxes be increased through the imposition and assessment of an additional 8% sales tax on retail marijuana. Ordinance has been reviewed and edited by City Attorney, changes made to draft ordinance and will begin process for public hearings to gain community input on ordinance changes as required. We have identified February 28, 2022 for public hearing which will be held at the Community Building as part of Council proceedings. Ordinance will only be effective if ballot initiative passes.

Additionally, ballot language has been developed for a Referred ballot issue asking the voters to approve for the assessment of an additional 1% sales tax with all revenues derived from such tax collected be spent for street maintenance and repair to include curb, gutter, sidewalk and alleyways. Language has been reviewed by City Attorney with minor changes and ready to be included on ballot. Currently, staff is drafting series of informative articles for publication which will be posted on City web site to assist in getting word out to public on the importance of this initiative and what the initiative will provide for City of Burlington.

**Policy Manual** – As part of ongoing organizational development, and through the use of American Rescue Plan Act funding, we have begun work with Lexipol to update and bring into Federal and State compliance our Policy Manual (Personnel Management Manual). Currently spending approximately 2 hours a week in review and editing of existing manual. This will continue until completed, expecting a completion date by end of March. We are ahead of schedule at this time and are making great progress.

**Energy Costs Expected to Rise** – With the Russian invasion of Ukraine, fuel costs rose overnight by over 7% with additional elevated costs expected. Currently crude oil is approaching \$100 a barrel, far in excess of the \$80/barrel costs anticipated this year. Expect prices at the pump to rise significantly over the next few weeks as this conflict plays out. With rising oil prices comes a rise in fuel costs such as natural gas. Although not expected to be as high, we do expect to see added costs to our energy bills through the fuel cost adjustments we experience on a monthly basis. Hopefully this will stabilize in time, though we will see higher energy bills.

**Health Care** – Meeting with our health care provider CEBT, Tuesday, February 22<sup>nd</sup> to discuss rates for 2022-2023. Informed that our rates will increase July 1<sup>st</sup> by 2% across the board and we will likely see a rebate coming in August for the 2021-2022 period. This is excellent news in that if one watches the trends in health care costs you will see them rising around 10% a year.

**Black Hills Franchise Agreement** – Meeting with Michael Howe of Black Hills Energy regarding Franchise Agreement renewal. We are beginning the process for renewal of our franchise agreement which must be renewed by May of 2022. I do not foresee major changes to the initial agreement which is being reviewed at this time.

## Operations/Public Works

- Water/Wastewater
  - Daily well checks and testing.
  - Daily checks and maintenance at WWTP
  - Lead and copper testing underway
  - Developing 2022 Action Plans
  - Scheduled pump maintenance at all wells
  - Replaced motor and pump at Well 1 (Golf Course)
  
- Parks
  - Maintenance of facilities and equipment
  - Bare-ground Treatment and Fertilizing bids being prepared for publication
  - Cleaning and maintenance of bathrooms
  - Long Horn Trail clean-up
  
- Streets
  - Alley maintenance.
  - Pothole repair and maintenance in process.
  - Equipment service and maintenance.
  
- Electric
  - Assisting Tri-State with developing the re-routing of lines servicing sub-station as they prepare to update transmission lines to sub-station.
    - Shoofly has been installed for rerouting lines during switch replacement project (Completed)
    - 2/7 – 2/28 Mobile Circuit Breaker is installed and switchover has taken place (Completed)
    - 2/14 – 2/28 Replace switches and configure bus (In process)
    - 3/3 – Projected in service date
    - 3-4 – 3/10 Uninstall Shoofly and clean up
  - Working with Safeway to ensure they have adequate power at new store and to set transformers and wire.
  - Short power outage February 19<sup>th</sup> where transformer caught fire on S. 13<sup>th</sup> Street due to high load. Transformer has been replaced and power restored.

- Met with Atwell (Damian Berger) to discuss the ongoing process of acquiring the necessary permits from the railroad to conduct work in their right-of-way to complete our West Loop upgrades of our existing system. In conjunction with the permitting process Atwell is completing the engineering and bid specs for upgrading the transformers and switches at the light plant sub-station to provide for consistent energy applied to our west loop, as the generators are no longer in use and unable to produce energy to transmit down the lines. This process is a certain upgrade to our system.

## **Intergovernmental/Upcoming Events**

- Management Team Meeting – In Person at Community Building – Wednesdays 2:00 P.M.
- Lexipol – Burlington Policy Manual Updates – Thursdays 1:00 – 3:00 P.M.
- Council Meeting – Monday, February 28, 2022
  - Public hearing to hear testimony concerning proposed changes to the Burlington Municipal Code regarding the regulation, licensure, zoning and other impacts surrounding the retail sale of marijuana within the boundaries of the City of Burlington.
- Burlington Housing Authority Regular Meeting – Tuesday, March 1<sup>st</sup>.
- Save the Date – CML 100<sup>th</sup> Annual Conference June 21-24 Breckenridge – please visit CML’s website for agenda and courses offered. Let me know if you are interested in attending so registration and payment can be made.



To: City Council  
From: Becky Castillo, City Treasurer  
Date: 2/24/2022  
Re: Treasurer's Report

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- Utility reading and billing are back on track since we were delayed with reading meters last month. If a customer pays their utility bill after the 15<sup>th</sup> the penalty accessed is 10% of the account unpaid balance. Shut off occurs on the 25<sup>th</sup> or next business day and has an additional penalty of \$70.
- COVID-19 precautions have been lifted at City Hall. We have hand sanitizer and masks available. Masks are optional to enter the office. To help prevent the spread all utility payments can still be made online through Xpress bill pay or by dropping off payments in the night drop at City Hall.
- Process payroll on a bi-weekly basis, payroll taxes, and monthly Utility and Airport Sales tax.
- Process accounts payable weekly.
- I am continuing help with the processing of bank reconciliations each month. I will continue to absorb any extra information and ways to improvement during the process. Lorraine will still show me how to make corrections in the GL the next time we get a chance to have more training.
- Now that W2's and 1099's are completed we are getting prepared for the Audit. I am working on getting all the Grant files together to make sure all documents are available when needed.
- Outback Bus is back to 2 drivers. We had a couple repairs that needed done to the lift and door that were completed. The bus was shut down for about a day with the repairs that were done. Currently, the drivers are enjoying and able to balance the extra hours. We will re-evaluate a 3<sup>rd</sup> driver when the need arises.



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To: City council members  
From: Georgia Gilley, Clerk  
Date: Feb. 28, 2022  
Subject: Clerk's report to Council

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The April 5, 2022 ballots have been received and will start going out to those who have filed an Application for Absentee Voter's Ballot. There have only been a few turned in so far, but it is just February. Besides being the paper, information how to obtain an application will be posted on the website and Facebook. I will also have a stack of applications available at tonight's council meeting.

I am looking forward to taking the third election webinar slated March 10. This class is titled Canvass, Recounts and Final Election Questions. These hour-long webinars are sponsored by CML and are very informative.

Speaking of CML, its 100<sup>th</sup> Annual Conference will be in Breckenridge June 21-24. Check out [www.cml.org/conference/program](http://www.cml.org/conference/program) for a conference agenda and a list of conference sessions each day. Please let Jim or I know if you are interested in attending.

We are moving swiftly through the weekly 2-hour Lexipol sessions to update the city's policy manual. At the end of the process, the City will have a modern and up-to-date policy manual.

On City Hall's Capital Improvement Plan for 2022, we had budgeted for new LED lighting throughout the building. New LED light panels were installed Tuesday, February 22. Staff is pleased with the difference these fixtures have made compared to the old fluorescent lighting.



## ECONOMIC DEVELOPMENT REPORT FROM ROL

My report to you for February is a story we ran in the newspaper the first part of the month about the proposed increase in the city's sales tax.

I am sure some of you have seen it while others have not had an opportunity to do so.

It will provide you with some background as you encounter discussions with citizens as the Tuesday, April 5 election approaches.

At this point in time, I have had very few discussions about the proposed 1% increase in sales tax to be used exclusively for maintenance and repair of streets, alleys, curb and gutter and sidewalks.

I do not know if this is a positive sign for passage of it or just the opposite. I guess we will find out on April 5.

## CITY TO SEEK 1% INCREASE IN SALES TAX FOR STREETS

At the municipal election in April, the City of Burlington will be asking voters to approve a ballot measure to increase the city sales tax by 1% in order to fund critical street repair and maintenance.

If approved, the increase in the sales tax would be used for the support of:

Constructing, maintaining, rebuilding and improving streets and alleys, including pedestrian, biking, utility and drainage improvements and equipment needed to begin the process.

When asked the question, "If this increase is approved, will it be totally used each year for the streets?", City Administrator Jim Keehne said, "Absolutely! All of the funds generated by a 1% increase will be set aside each year and used totally for the streets.

"The language on the ballot measure locks the money in place. It would be illegal to use it in any other way."

The city has garnered feedback from residents and businesses on the proposed 1% sales tax increase. One of the questions posed was "How was a 1% sales tax determined, and how would the tax dollars be spent?"

Keehne said "100% of the money collected, which is estimated to be \$700,000 annually, would be allocated to fixing our streets.

"The city has approximately 31.5 miles of paved streets within its boundaries. Most of our streets are in poor to decent condition, all in need of some repair and ongoing maintenance.

"Installing a new curb and gutter and a two-inch asphalt overlay on 31.5 miles costs (in today's dollars) in excess of \$37,000,000, if done all at one time."

The city administrator continued, "A funding needs analysis estimates the need of an additional \$1,000,000 each year to keep our roads at an acceptable level, and at the same time, to maintain alleys, and provide curb and gutter and drainage."

Why a sales tax increase?

A sales tax is paid for by residents and visitors. Both groups benefit from improved streets. An increase in property tax affects only property tax owners.,

Burlington has one of the lowest property tax rates in the state. The levy is only 8.6 mills and it has been that for at least the past 45 years.

Breaking down what the city collects in property taxes illustrates that if you are presently paying \$1,000 in property taxes when you sit down and write a check to the Kit Carson County Treasurer, the city will receive only \$86 of that \$1,000 check you just wrote.

The remaining balance goes to the school district, the county, the hospital district, the cemetery district and the fire district.

Keehne concluded by saying, "We all realize the condition of our streets. It is imperative that we get additional revenue to make so many much needed improvements."

Approving a sales tax increase will take care of that over the years.



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## Burlington Activities Department

### February 28, 2022

→ Martial Arts and Soul Steppin' Studio continues to operate on a monthly registration fee, with the city collecting 15% from each program. Both programs are excellent and have a good following. Dance has 57 participants and Martial Arts has 31 participants.

→ Youth Basketball is nearing the end of the season. All that remains on the schedule is the invitational tournament we are running March 5<sup>th</sup> and 6<sup>th</sup>. 3/4 Grade divisions will play March 5<sup>th</sup>, while the 5/6 divisions will play March 6<sup>th</sup>. All of the Burlington teams are in, with other teams participating from Genoa-Hugo, Wray, Stratton, and Weskan. Every team is guaranteed 3 games. This should be a fun weekend for all teams involved. We will have 35 games played in the two days.

→ We are currently taking registrations for a new program – Youth Volleyball league. This will be for 5<sup>th</sup> and 6<sup>th</sup> grade students and instructed by coach Celci Bakos (jr high volleyball coach). We will need a minimum of 28 participants in order to have at least 4 teams. This will run for 6 weeks, beginning the week after spring break. Practices will be on Tuesdays & Thursdays after school with games on Saturdays. We currently have 12 registrations collected, so hopefully we get several more as the registration deadline of March 1 approaches.

→ The community center continues to be busy with rentals throughout each week. The annual No Till conference went very well back on Feb. 1<sup>st</sup> and 2<sup>nd</sup>. We had a little over 300 people here on the first day of the conference, and saw a dip in attendance on the second day due to the snow storm we had move in. We have them on the books for next year, Feb. 7<sup>th</sup> and 8<sup>th</sup>, and looking forward to having them here once again. We also had the building rented the day after the No Till conference to MCC, which would not have been possible without the help of the public works crew coming down after hours to help tear down and reset the building for MCC's event. With the help of the public works crew, we had everything done in just a couple of hours.

→ We are taking registrations for the annual Spring Fling show. This is for vendors of any kind, commercial or hand-made crafts. This event is scheduled for Saturday, April 9<sup>th</sup> at the community center, 9am-2pm.

→ **Other Activities in the works:** Rentals of Community Center, City Travel Basketball, Summer Programs/Activities, Swimming Pool

## Police Department Council Report February 28, 2022

- We have renewed our shelter license for the dog pound for another year
- Sworn staff recently completed a search, seizure and arrests legal training
- We have begun working on our next Peace Officers Standards and Training grant and hope to acquire more training equipment for the agency at no cost to the city.
- We are working on completing our portion of the e-citations setup which will allow officers to be more accurate and efficient when issuing summons to court as well as penalty assessments
- Officers recently completed a, Use of digital data to solve major crimes training
- Officers have been increasing foot patrols in residential and business areas to take a more proactive approach to detecting and solving crime
- We recently had all of our portable breath alcohol testing devices tested for proper calibration
- Officers attended a pipeline awareness and safety training

## The Library

2/28/22

- Purchased PastPerfect Software to begin historical archive
- Numerous meetings with CAL
  - I am on the CAL board
  - Discussing HPLD policies
  - Mentor Group meeting
  - Summer Reading meeting
  - Children and Teens services meeting
- Educating Library Board about book banning
  - We DO NOT ban books
- Planning summer reading programs
- Genealogy Workshop
  - March 23<sup>rd</sup> 6:00

**Checkouts:** 911

**Visits:** 695

**Programs:** 5 for 32 people

Nick McCarty-Daniels



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14111 US Highway 385 - Burlington CO 80807 - 719.346.5352

## Council Report 2.28.2022

- Developing bid specs for mower
- Fuelmaster equipment received for fuel truck. Coordinating installation with Eaton sales and service
- Working on grant with CDOT for FAA weather camera system

### January 2021 Fuel

Total- 3,697.32 Gallons

Avgas- 1,039.01 gallons

Jet fuel- 2,638.51Gallons

Gross sales- \$ 10,211.85

### January 2022 Fuel

Total- 2,360.24 Gallons

Avgas- 379.82 Gallons

Jet fuel- 1,980.42 Gallons

Gross sales- \$ 9,385.04

## February 2022 City Council Report—Old Town Museum

- We are still working to get all Christmas décor down and stored for the year, in addition to conducting our annual inventory of gift shop merchandise. Planning has already begun for several of our spring and summer events and our event calendar is filling up for 2022. Our first event of the year will be School Daze on May 10<sup>th</sup> & 11<sup>th</sup>. So far, we have 6 schools signed up. We will have 10-12 schools and 500 people total by the time the event happens
- January and February have been lighter visitation and retail sales which is on trend for the off-season. We anticipate things picking back up for Spring Break ski travel and then for our season which generally starts mid-April.
- Call for bids is out on our Bank building renovation project. Those close on March 18<sup>th</sup> and we hope to have work completed before School Days weather and supply chain permitting.
- Planning for our summer season of Can Can shows and gunfights has begun. We are seeking a Can Can director to take over for Heather Stinnett, whom we tragically lost in January. Heather was invaluable to our program and will be difficult to replace. We plan to kick off our summer season of shows on May 28<sup>th</sup> with shows at High Noon and 2pm every Saturday. It is yet to be determined if we will be bringing back our Wild West Dinner Theatres.