



**BURLINGTON CITY COUNCIL  
REGULAR MEETING  
Community Center  
340 S. 14<sup>th</sup> St., Room A  
June 13, 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  
Brent Carter, mayor pro tem  
Troy Schultz

Lana Mireles  
Adrian Hernandez

Paul Velasco  
Dale Franklin

**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.*

May 9 and May 23

**6. Public comment** *(Comment is limited to 3 minutes.)*

**7. Public hearings**

- A. Burlington Chamber of Commerce special event permit for Celebration of Sumer and Red, White & Brew events June 17-28 and July 4
- B. Ordinance 971 - An Ordinance of the City of Burlington, Colorado Amending Sections 3.08.050, 3.08.060, and 3.08.070 of the City of Burlington Municipal Code to Implement a One (1.0%) Percent Increase in the Rate of the City's Sales and Use Tax, Approved by the Voters

**8. Unfinished business**

- A. Adopt Ordinance 971 after public hearing
- B. Adopt Resolution 2022-02 to opt out of Family Medical Leave Insurance (FAMLI) program

**9. New business**

- A. Approve Burlington Chamber of Commerce application for summer special event permits for Celebration of Summer June 17-18 and Red, White & Brew on July 4
- B. Discuss 2023 Capital Improvement Planning

**10. Reports from city departments**

Administrator – Jim Keehne  
Clerk – Georgia Gilley

**11. Council comments**

**12. 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., Main Conference Room  
May 9, 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  
Brent Carter, mayor pro tem

Paul Velasco  
Dale Franklin

Lana Mireles  
Troy Schultz

**Council members absent:**

Adrian Hernandez

**Staff/Officials present up front:**

Jim Keehne, Administrator  
Georgia Gilley, Clerk

Mike Grinnan, City Attorney

**Others present:**

Donn Witzel, Ginny Hallagin, Martin Levario

**4. Review and Approve Agenda**

Gilley noted that Glen Marciniak changed his mind and requested he be removed from the agenda. Mireles moved and Franklin voiced a second to approve the agenda. Motion passed unanimously.

Mireles: Aye	Velasco: Aye	Hernandez: Absent
Carter: Aye	Schultz: Aye	Franklin: Aye

**5. Consent Agenda**

**A. Approval of the April 25, 2022, meeting minutes**

Motion by Carter and second from Schultz to approve the April 25, 2022, meeting minutes as presented. Motion passed unanimously.

Mireles: Aye	Velasco: Aye	Hernandez: Absent
Carter: Aye	Schultz: Aye	Franklin: Aye

**6. Public comment** – Donn Witzel indicated he was interested in purchasing land in the Industrial Park. He made an offer of \$6,000 per acre for approximately 5.5 acres based on information he retrieved from the assessor's office for previous land sales. In his response to Witzel, Keehne related it would be in the City's best interest to have the land surveyed and appraised, and that a survey and appraisal has already been ordered, but the completion time is several months out.

**7. Public hearing** – none

**8. Unfinished Business**

**A. Childcare facility Land Lease Agreement**

Keehne reviewed a proposed land lease that could be used if the childcare center committee chooses to lease city-owned property for construction of a daycare center. The lease would be a 30-year lease and spells out rent payments, first option to purchase, utilities, site plans, parking maintenance, insurance, etc. Grinnan will further review and edit this proposed lease.

**9. New Business**

**A. Ginny Hallagin – Dynamic Dimensions Inc.**

Hallagin shared information from a 2019 economic impact study from before COVID-19, showing how much DDI contributes economically to the community. They have 30 clients right now. Approximately \$2 million, in total, has been contributed to Kit Carson County. Hallagin indicated this is “found money” injected into the community from Medicaid and Social Security. About 20% of the consumers are employed in the community and makes at least minimum wage. Hallagin listed jobs the consumers do around the community.

**B. Glen Marciniak – Having animals in city limits**

Marciniak called City Hall the morning of the meeting to ask that the item be removed from agenda.

**C. Approve Application to Renew Tavern Liquor License for Century Lanes**

Motion by Schultz, and second from Carter, to approve the Application to Renew a Tavern License for Century Lanes.

Motion passed unanimously.

Mireles: Aye	Velasco: Aye	Hernandez: Absent
Carter: Aye	Schultz: Aye	Franklin: Aye

**D. Discussion about FAMLI – Family Medical Leave Insurance**

Keehne informed council about the FAMLI program, relating that it is a program where employees may take 12 weeks of paid time off work for medical leave for life events like injury, serious illness or pregnancy. Payment may be made at the rate of .9 percent of employees’ wages. Premiums are split with employer and employee. Employers may vote to opt out of the program. If the city chooses to opt in, the city will be enrolled and must remain enrolled for three years. Employers may opt in at any time. If employer opts out, the employee may opt in but employee pays the premium and the state pays the other half. Rules are still being iron out by the state. A public hearing will be required should the City decide to opt out. The City must inform employees previous to the vote of council.

**10. Reports from city departments**

Keehne and G. Gilley reviewed their written reports provided in the council packets.

**11. Council comments**

Swiatkowski asked about dress code for council members. Keehne indicated council can make their own decision about dress code.

Velasco asked about power lines getting entangled due to the wind. Keehne noted that Asphlund will be coming to town again this summer to address tree branches in secondary lines.

Franklin asked about pickle ball in the community center. Keehne noted the Activities Dept. is looking into costs and having lines painted on the floor in the community center and on the tennis courts behind the swimming pool.

**12. Adjournment**

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

Motion passed unanimously.

Mireles: Aye

Velasco: Aye

Hernandez: Absent

Carter: Aye

Schultz: Aye

Franklin: Aye

---

Greg Swiatkowski, Mayor

ATTEST:

---

Georgia Gilley, City Clerk

DRAFT

**BURLINGTON CITY COUNCIL  
WORK SESSION MEETING MINUTES  
County of Kit Carson  
State of Colorado  
Burlington Community and Education Center  
340 S. 14th St., Main Conference Room  
May 23, 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	Lana Mireles	Paul Velasco	Adrian Hernandez
Brent Carter, mayor pro tem	Dale Franklin	Troy Schultz	

**Council members absent:** none

**Staff/Officials present:**

Jim Keehne, Administrator	Daniel Melia – Airport
Georgia Gilley, Clerk	Chief Nate Hill – BPD
Nikki Wall – Old Town	

**Others present:**

Ashley Hernandez – Kit Carson County Emergency Manager

**4. Review and Approve Agenda**

There were no changes or additions to the agenda.

**5. Consent Agenda – none**

**6. Public comment – none**

**7. Public hearing – none**

**8. Unfinished Business**

**A. Continue discussion on opting in or out of FAMLI – Family Medical Leave Insurance program**

Keehne reviewed FAMLI, the state program allowing up to 12 weeks of paid medical leave for employees. Premiums would be paid 50/50 by employer and employee. Keehne recommended the City opt out, since the City provides for more benefits to the employee than the program would. Notification will be emailed to all employees next week notifying them of the program and that council would vote to either opt in or opt out of the FAMLI program at the next meeting, which they could attend to provide input.

**B. Sale of City property**

Keehne indicated a second interested party expressed interest in purchasing the same city property at the Industrial Park that another party offered to purchase. Keehne noted he met with city attorney Michael Grinnan, and they recommend the City put the real estate up for bid. Appraisers are backlogged and would not be available to appraise the property for 4-6 months. No action was taken.

**C. Discuss land lease agreement for proposed daycare center**

Keehne reported city attorney Grinnan reviewed the proposed lease agreement and added some verbiage that did not change the tenor of the agreement. The City would have first right of refusal if the proposed daycare facility vacated the building.

**9. New Business**

**A. Ashley Hernandez, Kit Carson County Emergency Manager**

Ashley Hernandez introduced herself as the Kit Carson County Emergency Manager, taking over the position last December. She brought the KCC Emergency Telephone Authority IGA for signature, which had been revised.

**B. Approve mayor’s signature on KCC Emergency Telephone Authority IGA**

Motion by Carter, and second from Hernandez, to approve the mayor’s signature on the KCC Emergency Telephone Authority IGA.

Motion passed unanimously.

Mireles: Aye                      Velasco: Aye                      Hernandez: Aye  
Carter: Aye                      Schultz: Aye                      Franklin: Aye

**C. Approve mayor’s signature on Kyle Railroad document – Occupancy License Agreement and Contractor Right of Entry License Agreement**

Keehne indicated this process has been in the works for a year and will allow the City access to overhead lines to make upgrades to the west loop.

Motion by Carter, and second from Velasco, to approve the mayor’s signature on the Kyle Railroad agreement.

Motion passed unanimously.

Mireles: Aye                      Velasco: Aye                      Hernandez: Aye  
Carter: Aye                      Schultz: Aye                      Franklin: Aye

**D. Approve Modification of Premises application for Alta liquor license**

Gilley informed council that Alta has submitted an application for a modification of premises inside the convenience store to add a walk-in cooler.

Motion by Schultz, and second from Mireles, to approve the application for modification of premises for Alta.

Motion passed unanimously.

Mireles: Aye                      Velasco: Aye                      Hernandez: Aye  
Carter: Aye                      Schultz: Aye                      Franklin: Aye

**E. Award bid for community center roof repair**

Bids were submitted from three companies as follows:

Elite Commercial Roofing, LLC	\$ 58,750.00
On-Point Construction LLC	\$ 70,811.52
Blue Frog Roofing LTD	\$151,528.87
Blue Frog Roofing LTD	\$221,569.33

Motion by Schultz, and second from Carter, to award the bid for roof repair at the community center to Elite Commercial Roofing LLC for \$58,750.

**F. April financial report**

Keehne went over the April financial reports on the overhead screen and is pleased with where the City is financially at this time. Funds are on track to budget.

**G. Review proposed Ordinance 971 increasing city sales and use tax rates and set public hearing**

Keehne reviewed proposed Ordinance 971 – An Ordinance of the City of Burlington, Colorado Amending Sections 3.08.050, 3.08.060, and 3.08.070 of the City of Burlington Municipal Code to Implement a One (1.0%) Percent Increase in the Rate of the City’s Sales and Use Tax, Approved by the Voters.

This is the last step to implementing the sales and use tax increase of one percent as approved by voters at the April 5, 2022, municipal election.

The public hearing will be held Monday, June 13, 2022.

**10. Reports from city departments**

Department managers present reviewed their written reports provided in the council packets.

Daniel Melia, airport manager, informed council he was appointed by Gov. Polis to serve on the Colorado Aeronautical Board.

**11. Council comments**

Swiatkowski asked about first and second reading verbiage in Ordinance 971. Keehne noted that wording was not necessary and would be removed.

Mireles asked about the weeds along south Lincoln Street. Keehne advised that the code enforcement officer contacts the local store management and also makes calls to property owners.

Hernandez gave kudos to the code enforcement officer for outstanding work at the school cross walks.

**12. Adjournment**

With a motion by Carter and second from Hernandez, the meeting adjourned at 8:22 p.m.

Motion passed unanimously.

Mireles: Aye	Velásco: Aye	Hernandez: Aye
Carter: Aye	Schultz: Aye	Franklin: Aye

\_\_\_\_\_  
Greg Swiatkowski, Mayor

ATTEST:

\_\_\_\_\_  
Georgia Gilley, City Clerk

CITY OF BURLINGTON  
ORDINANCE No. 971

AN ORDINANCE OF THE CITY OF BURLINGTON, COLORADO AMENDING SECTIONS 3.08.050, 3.08.060, AND 3.08.070 OF THE CITY OF BURLINGTON MUNICIPAL CODE TO IMPLEMENT A ONE (1.0%) PERCENT INCREASE IN THE RATE OF THE CITY'S SALES AND USE TAX, APPROVED BY THE VOTERS

**WHEREAS**, the City of Burlington, Colorado (the "City), a Colorado Home Rule City duly organized and operating as a Colorado Home Rule City under the Constitution and laws of the State of Colorado; and

**WHEREAS**, the members of the City Council of the City (the "City Council") have been duly elected and qualified; and

**WHEREAS**, the City Council's Mission is to improve the quality of life for the citizens it serves. To that end, the City desires to deliver quality, customer-focused, municipal service with an emphasis on public safety, community livability, responsible planning for economic growth, infrastructure improvement, transportation systems, and environmental concerns, while maintaining its rural roots; and

**WHEREAS**, the City presently imposes a sales and use tax at the aggregate rate of two percent (2.0%) (the "Current Rates"), which tax rate is imposed pursuant to City Ordinance No. 573, passed in 1980, and codified in The Municipal Code of the City of Burlington, Colorado (the "Municipal Code"); and

**WHEREAS**, the City has not increased sales use tax since it was imposed in 1980. The average of combined State and local sales tax in the State of Colorado is 6.28%. Even with passage of this vote, the City's sales and use tax would remain substantially lower than the State average; and

**WHEREAS**, the one (1.0%) percent sales tax increase shall be used in its entirety to fund transportation systems and infrastructure through the expenditure of taxes collected to be used to construct, maintain, rebuild and improve streets and alleyways; and to provide for curb, gutter and sidewalk improvements.

**WHEREAS**, Article X, Section 20 of the Colorado Constitution, also referred to as the Taxpayer's Bill of Rights ("TABOR") requires voter approval for any new tax, any increase in any tax rate, and the spending of certain funds above limits established by TABOR; and

**WHEREAS**, TABOR requires that the City submit ballot issues, as defined in TABOR, to the City's registered electors on specified election days before action can be taken on such ballot issues; and

**WHEREAS**, at the April 5, 2022, regular municipal election, the eligible electors of the City approved an increase in the City's sales and use tax from 2.0% to 3.0% through a vote on the following ballot language:



SHALL CITY OF BURLINGTON SALES AND USE TAXES BE INCREASED BY AN ESTIMATED SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$725,000.00) ANNUALLY IN THE FIRST FISCAL YEAR (2023) AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY IN EACH SUBSEQUENT YEAR, BY A ONE PERCENT (1.0%) INCREASE IN THE CITY SALES AND USE TAX RATE (ONE PERCENT REPRESENTS 10 CENTS ON EACH 10 DOLLAR PURCHASE EXCLUDING THOSE ITEMS EXEMPT FROM TAXATION BY CITY CODE) INCREASING THE CITY SALES AND USE TAX RATE FROM TWO PERCENT (2.0%) TO THREE PERCENT (3.0%), COMMENCING ON JULY 01, 2022 AND CONTINUING IN PERPETUITY, THE REVENUES FROM SUCH ONE PERCENT (1.0%) INCREASE SHALL BE ADDED TO THE CITY'S GENERAL FUND AND USED TO CONSTRUCT, MAINTAIN, REBUILD AND IMPROVE STREETS AND ALLEYWAYS, CURB, GUTTER AND SIDEWALKS OF THE CITY OF BURLINGTON AS A VOTER APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE REVENUE AND SPENDING LIMIT OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

With the results of the vote being

506 YES                      and                      311 NO

**WHEREAS**, the City Council has determined that it is in the best interest of the City to amend the town code to increase the sales and use tax rate from 2.0% to 3.0% as shown in this Ordinance and that this increase complies with the applicable provisions of the Colorado Constitution and the City Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, COLORADO:**

**SECTION 1**

The foregoing recitals are hereby incorporated into this Ordinance.

**SECTION 2**

The City Code is hereby amended as shown in **Exhibit A**, which is attached to and incorporated into this Ordinance by reference. The amendment shall take effect on July 1, 2022.

**SECTION 3**

All ordinances heretofore passed and adopted by the City Council of the City of Burlington, Colorado are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

**SECTION 4**

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

**PASSED, APPROVED, ADOPTED, AND ORDERED PUBLISHED** following a public hearing this 13th day of June, 2022.

CITY OF BURLINGTON

---

Greg Swiatkowski, Mayor

ATTEST:

---

Georgia Gilley, City Clerk

## EXHIBIT A

### 3.08.050 Schedule of sales tax.

A. There is imposed on all sales of tangible personal property at retail and the furnishing of services as provided in CRS, 1973, 39-26-104, as amended, a tax equal to three percent of the gross receipts. The tangible personal property and services taxable by this chapter shall be the same as the tangible personal property and services taxable pursuant to CRS, 1973, 39-26-104, as amended. The imposition of the tax on individual sales shall be in accordance with schedules set forth in the rules and regulations promulgated by the Department of Revenue or by separate ordinance of the city. If any vendor, during any reporting period, shall collect as a tax an amount in excess of two percent of his total taxable sales, he shall remit to the director of revenue the full amount of tax herein imposed and also such excess.

B. The collection, administration and enforcement of this sales tax shall be performed by the executive director of revenue of the state in the same manner as the collection, administration and enforcement of the Colorado state sales tax. The provisions of Article 26, Title 39, CRS, 1973, as amended hereafter, and all rules and regulations promulgated by the director of revenue shall govern the collections, administration and enforcement of the sales tax imposed by this chapter.

### 3.08.060 Use tax.

A. There is imposed a use tax of three percent of the retail cost thereof, for the privilege of storing, using or consuming in the city any construction and building materials, and motor and other vehicles on which registration is required, purchased at retail.

B. In no event shall the use tax imposed by this chapter extend or apply:

1. To the storage, use or consumption of any tangible personal property, the sale of which is subject to a retail sales tax imposed by the city;

2. To the storage, use or consumption of any tangible personal property purchased for resale in the city, either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of a business;

3. To the storage, use or consumption of tangible personal property brought into the city by a nonresidents thereof for his own storage, use or consumption while temporarily within the city; however, this exemption does not apply to the storage, use or consumption of tangible personal property brought into this state by a nonresident to be used in the conduct of a business in this state;

4. To the storage, use or consumption of tangible personal property by the United States government or the state, or its institutions or political subdivisions, in their governmental capacities only or by religious or charitable corporations in the conduct of their regular religious or charitable functions;

5. To the storage, use or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit or use any

article, substance or commodity, which tangible personal property enters into the process of or becomes an ingredient or component part of the product or service which is manufactured, compounded or furnished and the container, label or the furnished shipping case thereof;

6. To the storage, use or consumption of any article of tangible personal property the sale or use of which has already been subjected to a sales or use tax of another town, city or county equal to or in excess of that imposed by this chapter. A credit shall be granted against the use tax imposed by this chapter with respect to a person's storage, use or consumption in the city of tangible personal property purchased by him elsewhere. The amount of the credit shall be equal to the tax paid by him by reason of the imposition of a sales or use tax of another town, city or county on his purchase or use of the property. The amount of the credit shall not exceed the tax imposed by this chapter.

7. To the storage, use or consumption of tangible personal property and household effects acquired outside of the city and brought into it by a nonresident acquiring residency;

8. To the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a nonresident of the city and he purchased the vehicle outside of the city for use outside the city and actually so used it for a substantial and primary purpose for which it was acquired and he registered, titled and licensed such motor vehicle outside the city;

9. To the storage, use or consumption of any construction and building materials and motor or other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to the effective date of such use tax;

10. To the storage, use or consumption of any construction and building materials required or made necessary in the performance of any construction bid, let, or entered into at any time prior to the effective date of this use tax chapter.

#### 3.08.070 Motor and other vehicle use tax collection.

A. The three percent use tax provided for in this chapter shall be applicable to every motor vehicle for which registration is required by the laws of the state, and no registration shall be made for any motor or other vehicle for which registration is required, and no certificate of title shall be issued for such vehicle or for a mobile home by the Department of Revenue or its authorized agents until any tax due upon the use, storage or consumption thereof pursuant to this chapter has been paid.

B. The use tax imposed by this chapter shall be collected by the authorized agent of the Department of Revenue in this county.

C. The proceeds of such use tax shall be paid to the city periodically in accordance with an agreement entered into by and between the city and the authorized county agent of the Department of Revenue.

STATE OF COLORADO       )  
County of Kit Carson       ) ss.  
City of Burlington        )

**CLERK'S CERTIFICATE**

That I, Georgia Gilley, the official City Clerk of the City of Burlington, do by these presents, say that the foregoing Ordinance No. 971 was passed and adopted by the City Council of the City of Burlington on the 13th day of June 2022, and that the foregoing Ordinance is a true, correct and full copy of the Ordinance as shown in Ordinance Book 13 of the records of the City of Burlington, Burlington, Colorado.

Dated this 13th day of June 2022.

---

Georgia Gilley, City Clerk

STATE OF COLORADO       )  
County of Kit Carson       ) ss.  
City of Burlington        )

**CLERK'S CERTIFICATION OF PUBLICATION**

That I, Georgia Gilley, the official City Clerk of the City of Burlington, do by these presents, say that the foregoing Ordinance No. 971 and Clerk's Certificate attached thereto was published in the *Burlington Record*, a weekly newspaper of general circulation in Burlington, Kit Carson County, Colorado, on June 23, 2022, and "Proof of Publication" is filed herewith.

Dated this 23th day of June 2022.

---

Georgia Gilley, City Clerk

**RESOLUTION 2022-02**

**STATE OF COLORADO      )      RESOLUTION OF THE CITY COUNCIL  
                                          ) ss.    OF THE CITY OF BURLINGTON IN  
County of Kit Carson        )      THE COUNTY OF KIT CARSON,  
                                                          STATE OF COLORADO**

**A RESOLUTION DECLARING THE CITY OF BURLINGTON’S DECISION TO OPT OUT OF THE COLORADO PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM (FAMLI)**

WHEREAS, the City of Burlington provides greater than the amount of paid leave mandated by the Colorado Healthy Families Act, C.R.S. § 8-13.3-401 et seq., and provides other paid leave more generously than required by Colorado law; and

WHEREAS, the City of Burlington allows its employees to accrue sick leave and carry unused sick leave over from one year to the next, to a maximum 18 weeks of paid leave; and

WHEREAS, the City of Burlington maintains a sick bank allowing for employees who have exhausted all leave to draw up to 6 additional weeks per year from the bank where needed; and

WHEREAS, the City of Burlington pays sick leave to its employees at 100% of the employee’s wage, versus the partial reimbursement provided under the Colorado Paid Family and Medical Leave Insurance Program (FAMLI); and

WHEREAS, the C.R.S. § 8-13.3-522 provides that a local government employer may decline participation in the FAMLI program by a vote of the governing body; and

WHEREAS, it is the desire of the City of Burlington City Council to decline participation in the FAMLI program.

NOW THEREFORE BE IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON:

- 1. The City of Burlington hereby declines participation in the Colorado Paid Family and Medical Leave Insurance Program.
- 2. Notice of this Declaration shall be provided to the Colorado Division of Labor and Employment.

INTRODUCED AND APPROVED THE 13<sup>TH</sup> DAY OF JUNE 2022.

CITY COUNCIL OF BURLINGTON

SIGNED \_\_\_\_\_  
Gregory Swiatkowski, Mayor

ATTEST \_\_\_\_\_  
Georgia Gilley, Clerk

Council,

We are fast approaching our budget development season and with this season comes the development of a Capital Plan that will assist in prioritizing how funds are to be spent over the next five years. Below we have developed a list of areas in need of funding. As we continue to develop our 2023 budget, we ask for your input in prioritizing the following list of projects. Your input will assist City Staff in better understanding and meeting community expectations, planning for future needs, and developing funding strategies, all designed to better our community.

Please prioritize the following list by placing a numerical value from 1 to 10 in front of each project(s), with 1 the highest priority to you and 10 the least. Thank you for your input.

### CITY OF BURLINGTON COMMUNITY PROJECTS

\_\_\_\_\_ Street construction, repair, maintenance to include:

- Street Improvements
- Curb and Gutter
- Alleyways
- Drainage Improvements
- Transportation Plan Development

\_\_\_\_\_ Water Quality improvements to include:

- Conservation Plan Development
- Well Acquisition
- Well House Improvements

\_\_\_\_\_ Electric Distribution System improvements to include:

- Sub-Station design and development
- Improvements to existing Sub-station
- Continuing efforts to improve existing energy distribution system

\_\_\_\_\_ Park and Recreation Improvements to include:

- Physical improvements to existing facilities and parks
- Walking/Trail development
- Parks and facility acquisition and development

\_\_\_\_\_ Wastewater concerns to include:

- Infrastructure development, repair, maintenance
- Development of wastewater treatment facility

\_\_\_\_\_ Administration Concerns to include:

- Comprehensive plan development
- Charter Updates
- Code Revision

\_\_\_\_\_ Affordable Housing to include:  
Land acquisition for development purposes  
Involvement in Colorado Resiliency Roadmap

\_\_\_\_\_ Tourism and Promotional Activities to include:  
Continued Improvement in Tourism related Facilities  
    Old Town  
    Welcome Center  
    VA Clinic  
Lodging Tax Improvements

\_\_\_\_\_ Continued Improvement and Development in Community Facilities to Include:  
Community Center Development and Upgrades  
Library Development and Upgrades  
Ball Fields expansion  
Ball Field Upgrades  
Swimming Pool upgrades  
Court Upgrades  
City Hall Upgrades

\_\_\_\_\_ Other, please List:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





June 13, 2022

## City Administrator's Summary Report

May 23 – June 13, 2022

### Administration

- **FAMLI – state run Paid Family Medical Leave Insurance Program – Council to Vote on opting out of FAMLI**

November 2020, Proposition 118 was approved by voters, approving for FAMLI, effective January 2023. Provides coverage for 12 weeks of paid leave to take care of themselves or a family member during life events like injury, serious illness or pregnancy. Payments would be at rate still to be determined but no greater than 90% of employee wage. Premiums are split between employer and employee.

Employers may opt out of the program by July 01. If organization does not opt out you are automatically enrolled and must remain enrolled for three years. Employers who opt out now may opt back in at any time. If employer opts out, employee may opt in and premium is only provided by employee.

Employers may opt out of FAMLI by a vote of the governing body. Organizations must give prior notice of the vote in the same manner it notices other public business. Special Notice must be provided to employees in writing before the vote. Vote must occur 180 days before the declination will be effective. If vote is to decline participation notice must be provided to the FAMLI Division, and to all employees.

Organizations may opt back in at the beginning of the annual local budgeting cycle.

Notifications to all employees was made earlier this month as to vote of Council on Resolution to opt out of program.

Included in packet is the Resolution to be adopted by Council, opting out of FAMLI program. at the next Council meeting, June 13, 2022.
- **Childcare Facility Lease Agreement**

Were notified by the Childcare Group that wished to proceed with the development of a Land Lease Agreement with the City to lease the property East of the Community Center for the purpose of planning, development and erection of a Childcare Facility. The Land Lease Agreement has been drafted and has been reviewed by the City Attorney. Land Lease Agreement is currently under review by Burlington Childcare Center Project.
- **2022 Election**

The 1% Sales and Use Tax Increase approved by voters in the March Election will go into effect July 01, 2022 where all entities required to collect sales tax will begin to collect the extra 1%. Currently the City is updating its chart of accounts to reflect this increase, specifically putting this 1% into its own account for specific use purposes related to street maintenance and repair. Additionally, we have been in contact with the Colorado Department of Revenue to update their records, posted the information on our website, placed articles in the Record, and notified everyone in our community through mailing of a flier. Sales and Use Tax increase will be effective July 01, 2022.

Will be working with Infrastructure design and engineering group, Basis Partners of Colorado Springs to assist in the development of a multi-year maintenance program as well as providing for street design, engineering, and project management for our street concerns as we start looking at creating a long term transportation plan that addresses economic growth in our community.

- **2023 Capital Development Priorities**

As we approach our budget development season we seek Council's input in the development of our Capital Improvement Plan. We have put together a broad stroke list of ten areas that are in need of funding and ask that you each prioritize this list which will not only assist us with 2023 capital improvement budget development and in prioritizing how funds are to be spent over the next five years. In your packet is the list of areas in need of funding. As we continue to develop our 2023 budget, we ask for your input in prioritizing the list of projects. Your input will assist City Staff in better understanding and meeting community expectations, planning for future needs, and developing funding strategies, all designed to better our community.

## **Operations/Public Works**

- **Water/Wastewater**

- Daily well checks and testing.
- Daily checks and maintenance at WWTP
- Repair and installation of aerator at WWTP has been completed
- Monthly sampling requirements, both water and wastewater has been completed
- Fire Hydrant pressure check being conducted.
- Addressing issues with algae bloom at wastewater treatment facility that has caused elevated BOD (biochemical oxygen demand) levels. Since one pond was taken offline, BOD levels have returned to normal.
- Consumer Confidence Report (CCR) has been completed, submitted to the State per regulations, posted on website and reported in Record

- **Parks**

- Maintenance of facilities and equipment
- Cleaning and maintenance of bathrooms
- Parks irrigation systems under test
- Daily Maintenance of Splash Pad
- Daily Swimming pool maintenance
- Mowing

- **Streets**

- Alley maintenance.
- Pothole repair and maintenance in process.
- Equipment service and maintenance.
- Splash Park Maintenance
- Pool Maintenance
- Street sweeping taking place daily

- **Electric**

- Outages May – No system wide outages occurred during May and none have occurred to date this month (June). There have been outages related to wind that affected individual buildings.
- Working with Atwell (Damien Berger, Engineer) to get permits from railroad to cross their track with west loop. This has been an ongoing issue that once permits are received, will be better able to service North part of the City. In doing this, will be providing new transformers at fairgrounds, providing better energy and reducing outage risk. On May 17, a permit was received from Kyle Railroad allowing for our electric lines (overhead) to cross the tracks. Permit was review and approved by the City Attorney. Permit costs

have been submitted to Kyle Railroad. We still await the permit allowing underground placement of the line parallel to the track and in railroad right-of-way. We are pushing the railroad hard to get this approved as they have been in possession of application for a full year.

- On-site visit by Atwell to Light Plant where we have small station where upgrades are being initiated to replace re-closers, abandon in place an unused circuit, decommission transformer, upgrade switching and install a back-up generator. All work being done in compliance with federal regulations. Plan for upgrading is being developed which should be in hand by end of month.
- Street light repair

## **Intergovernmental/Upcoming Events**

- Management Team Meeting – In Person at Community Building – Wednesdays 2:00 P.M.
- Burlington Housing Authority Regular Meeting – June 01<sup>st</sup>
- Council Meeting – Monday, June 13, 2022- 6:30 P.M.
  - Resolution Opting out of FAMLI State Run Insurance Program
  - Ordinance 971 – 1% Sales Tax Increase
  - Council Capital Priorities Discussion
- CML 100<sup>th</sup> Annual Conference June 21-24 Breckenridge
- Council Meeting – Monday, June 27, 2022 – 6:30 P.M.
  - May 2022 – Financial Report
  - Results of Council Capital Priorities and Staff Recommendations



---

To: City council members  
From: Georgia Gilley, Clerk  
Date: June 13, 2022  
Subject: Clerk's report to Council

---

Notification letters went out to individuals and businesses reminding them of the city sales and use tax increase taking affect July 1. The notice was placed on the website, and an article will be in The Burlington Record.

Public notice was made for the public hearings for Burlington Chamber of Commerce for their summer events. Another posting was made for Ordinance 971, which will wrap up the sales and use tax increase.

As far as the FAMI program, I have not heard any comments or concerns from employees after notification was sent out to them by email.

The CIRSA renewal application has been submitted to get quotes for 2023 premiums.

I have enrolled in the third year of Colorado Municipal Clerk Association (CMCA) certification courses. Online classes begin next week, and the in-person school will be in Denver July 11-13.

With the recent hail storm, we are assessing damages and staying in contact with claims adjusters.