



**BURLINGTON CITY COUNCIL  
REGULAR MEETING  
Community Center  
340 S. 14<sup>th</sup> St., Room A  
June 14, 2021 – 6:30 p.m.**

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

## **AGENDA**

- 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.*
  - A. Approval of the May 24, 2021 meeting minutes.
- 4. Public comment** *Comment is limited to 3 minutes.*
- 5. Public hearing**  
Land use zoning – determine if a multi-family dwelling would be allowed to be built in an industrial zone
- 6. Unfinished business – none**
- 7. New business**
  - A. Discussion about American Rescue Plan funding
  - B. Discussion on the ballot initiative petition process
  - C. Discuss mid-year salary increases
- 8. Reports from city departments**  
Administrator – Jim Keehne  
Clerk – Georgia Gilley
- 9. Council comments**
  - A. Mayor Greg Swiatkowski
  - B. Kamron Weisshaar, mayor pro tem
  - C. Mark Burghart
  - D. Brent Carter
  - E. Melvin Gilley
  - F. Adrian Hernandez
  - G. Troy Schultz
- 11. Executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. 24-6402(4)(e)**
- 10. Adjournment**  
*Emergency matters coming before Council may be discussed, with decisions to be ratified at a subsequent council meeting.*

**BURLINGTON CITY COUNCIL  
REGULAR MEETING MINUTES  
County of Kit Carson  
State of Colorado  
Burlington Community and Education Center  
340 S. 14th St.  
May 24, 2021  
6:30 p.m.**

**1. Call to order**

Mayor Greg Swiatkowski called the meeting to order at 6:30 p.m.  
The meeting was held in person.

Council members present:

Greg Swiatkowski, Mayor  
Mark Burghart, Brent Carter, Adrian Hernandez, Troy Schultz, Kamron Weisshaar  
Melvin Gilley, arrived at 6:32 p.m.

Council members absent: none

Staff/Officials present:

Jim Keehne, Administrator	Nate Hill, Police Chief
Georgia Gilley, Clerk	Becky Castillo, Treasurer
Mike Grinnan, City Attorney	
Daniel Melia, Airport	

Others present:

Dave Hornung, Cory Wall, Stan Hitchcock, Paula Weeks, Jeff Cure, Travis Belden, Cody Adolf,  
Morgan Jones

**2. Pledge of Allegiance**

**3. Consent Agenda**

**A. Approval of the May 10, 2021 meeting minutes**

Motion by Burghart and second from Carter to approve the May 10, 2021 meeting minutes as presented. Motion passed unanimously.

**4. Public comment – none**

**5. Public hearing – none**

**6. Unfinished Business**

*Break for Dinner*

**7. New Business**

**A. Approval of Mayor's signature on Single Audit Engagement Letter (Airport)**

Motion from Burghart and second from Weisshaar to approve the mayor's signature on the Single Audit Engagement Letter with Mayberry & Company, LLC. Motion passed unanimously.

**B. Approval of mayor's signature on lease agreement between City of Burlington and CAT Financial for a 60-month lease purchase of a 2021 CAT 920-14 loader.**

Motion from Carter and second from Weisshaar to approve the mayor's signature on a lease agreement between City of Burlington and CAT Financial for a 60-month lease purchase of a 2021 CAT 920-14 loader. Motion passed unanimously.

**C. KCC Sheriff Travis Belden**

Belden briefly introduced himself.

**D. E911 Authority**

Kit Carson County Commissioner Dave Hornung talked about the E911 Authority and making amendments to MOU agreements with the towns in the county to be in line with EMS Council. Looking to appoint a board of nine members to make recommendations to commissioners.

**E. Greg Etl, DOLA – ARP funding**

Greg Etl was absent due to a family emergency. Keehne indicated there will be a process set up through DOLA to receive ARP funds. There are four categories of useage and recipients must be registered with a DUNS number.

**F. Comprehensive Plan**

Keehne noted he would like for the city to update its Comprehensive Plan from the 1990s and will begin budgeting for the process to begin.

**G. Burlington-Kit Carson County Airport**

Discussion about the condition of the airport taxiways and runway and the sharing of expenses.

**H. Marijuana**

Cody Adolf and Morgan Jones provided an update of their previous presentation to council. Council, the commissioners and attendees discussed potential pros and cons of the sale of marijuana in the community.

**8. Reports from city departments**

Department reports are provided in the council packet and may be found online.

**9. Council member comments**

None.

**10. Adjournment**

With a motion by Burghart and second from Gilley, the meeting adjourned at 8:42 p.m.

Motion passed unanimously.

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Greg Swiatkowski, Mayor

ATTEST:

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Georgia Gilley, City Clerk

In April 2021, Witzel Rentals, LLC, of Burlington submitted application for building permit to construct a single level multi-family dwelling unit at 2182 Martin Avenue, Burlington. Legal description of lot is:

The east One Hundred Forty Feet (E 140') of Lot Four (4), Block Twenty-four (24), First Addition to the Town of Burlington, all in Kit Carson County, Colorado.

The project entails the construction of a 128'L x 40'W structure divided into 8 separate living quarters, each 16'W x 40'L. A site plan was provided, as well as a quit claim deed providing for ownership of the property.

Zoning of this parcel is currently I-1, Light Industrial. Land Use Regulations in the Light Industrial District, Uses permitted by right:

1. Garages for storage, repair, and servicing of vehicles and machinery, completely within an enclosed building;
2. Transportation terminals, completely within an enclosed building;
3. Auction houses, completely within an enclosed building;
4. Utility offices, installations, and shops, completely within an enclosed building;
5. Wholesaling and warehousing establishments, completely within an enclosed building;
6. Manufacturing, wholesaling, warehousing, and commercial storage, completely within an enclosed building;
7. Building material sales and manufacturing, completely within an enclosed building;
8. Contractors' office plants, offices, and shops, completely within an enclosed building;
9. Public works and public utility facilities, such as transformer stations, pumping stations, water towers, and telephone exchanges.
10. Any use permitted by right within the R-1, Single Family Residential District.

Uses permitted under special review:

4. Special exceptions for uses in harmony with the intent and purpose of this title which are not injurious to the public interest, except that mobile home use shall not be considered.

As described multi-family dwelling units are not allowed by right but may be permissible under special review. The Board of Adjustment and Appeals may grant a variance from the terms of the existing ordinances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the code would result in unnecessary hardship.

Witzel Rentals, LLC has made a request for a variance indicating that special conditions and circumstances exist which are peculiar to the land, structure, or buildings in the same district in that the existing block is comprised of a warehouse, and a residence. The property itself is "pie shaped" which does not allow for a larger structure to be built and that the literal interpretation of the provisions of the code would deprive the applicant of rights commonly enjoyed by other properties in the same district. The special conditions and circumstances do not result from actions of the applicant, and that granting a variance will not confer on the applicant any special privilege that is denied by the code to other lands, structures or buildings in the same district, and no other nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of the variance.

Witzel Rentals, LLC has further petitioned all property owner of the block seeking approval of multi-family units be constructed at 2182 Martin. No negative feedback was received.

The Board of Adjustment and Appeals may make findings that the above special conditions as provided exist and that applicant has met the requirements for variance; and may further make finding that the granting of the variance will be in harmony with the general purpose and intent of the title, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment and Appeals may prescribe appropriate conditions and safeguards in conformity with the code, i.e., setbacks, landscaping requirements, construction standards, etc.

## AMERICAN RESCUE PLAN FUNDS

To receive funding under the American Rescue Plan Act, the U.S. Treasury has released information regarding steps recipients should take to ensure seamless receipt of funds, and guidance on eligible uses of those funds. States, county government, and some municipalities will be receiving funding directly through the U.S. Treasury. Non-entitlement municipalities, those municipalities under 50,000 population will receive funds through DOLA, after they pass through the state.

The most immediate steps that need to be taken by all funding recipients includes ensuring registration for a DUNS number and SAM. A DUNS number is a nine-character identification number issued by Dun & Bradstreet. The federal government uses the DUNS number to track how federal money is allocated. To register for SAM, a DUNS number is required. SAM (System for Award Management) is a registration service for businesses to work with the Federal Government. Good news is that Burlington is registered with both DUNS and SAM.

The U.S. Treasury has identified four (4) categories of eligible uses for funding:

- a. To respond to the public health emergency or its negative impacts, including assistance to households, small businesses, and non-profits, or aid to impacted industries such as tourism, travel, and hospitality;
- b. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- c. For provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
- d. To make necessary investments in water, sewer, or broadband infrastructure.

### Eligible Uses

1. Eligible uses that respond to the negative economic impacts of the public health emergency must be designed to address an economic harm resulting from or exacerbated by the public health emergency. Approach here would be very similar to the local grant awards to impacted businesses through the CARES Act grants, where an assessment was done as to the extent to which there has been economic harm, such as loss of earnings or revenue, that resulted from the COVID-19 public health emergency and whether, and the extent to which, the use would respond or address this harm.
2. Eligible uses that respond to premium pay to eligible workers performing essential work during the COVID-19 public health emergency or to provide grants to third party employers with eligible workers performing essential work, those workers who have been and continue to be relied on to maintain continuity of operations of essential critical infrastructure sectors including those who are critical to protecting the health and well-being of their communities.

3. Eligible uses that respond to revenue loss indicate funding may be used to the extent of the reduction in revenue experienced due to COVID -19 public health emergency. Reduction is measured relative to the revenue collected in the most recent fiscal year prior to the emergency. At the local level, 90% of cities have reported being less able to meet the fiscal needs of communities and, on average, cities expect double-digit decline in general fund revenues for fiscal year 2021. Those facing budget shortfalls may use payments to avoid cuts to government services.
4. Eligible uses that respond to investments in infrastructure are those that provide funding to make necessary investments in water, sewer, broadband, and stormwater infrastructure, in particular infrastructure that provides access to high-quality broadband service.

Conversations with DOLA have been to the extent that DOLA is not fully aware yet of their role in fund disbursement or of the final guidelines as to eligible uses of funding. Colorado Municipal League has indicated that municipalities and counties discuss and implement American Rescue Plan funding transparently through social media, newsletters, citizen forums, and official websites. While guidance from Treasury is required to verify which planned uses will be allowed, municipalities and counties can benefit from preliminary discussions of current operations and needs in the community. Associations of Local Government and Colorado Municipal League encourage collaboration with local governments, as well as state and federal resources, to explore opportunities to leverage American Recue Plan funds with other sources of funding.

On June 10, 2021, Colorado Municipal League held a Virtual Town Hall meeting to discuss ARP funds. They explained that DOLA has been tasked with fund distribution which must be completed by June 27<sup>th</sup>. To distribute funding DOLA requires that each non-entitlement municipality apply for funding with applications coming through their grants portal. In order to receive funds each municipality must go through this process and apply for funding prior to June 27. Within 10 days of application approval. Municipalities should receive funding, if application properly filed.

CML further stated that once you receive the funding “pause”. The federal government is in the process of identifying what is deemed to be “infrastructure” and will be providing additional guidelines to states for how this money is to be expended. As of now, all monies must be spent to meet the requirements of one of the four above mentioned buckets of funding. By pausing, all will have better direction on fund expenditures.

Funding allocated to the City of Burlington has been identified as \$789,238.23, half to be distributed in 2021 and the other half in 2022. Application has been made through DOLA Grants Portal, application has been accepted, with distribution pending.

## Mid-Year Wage Adjustment

Entering 2021, the City of Burlington placed a freeze on wage increases due to ongoing market uncertainty caused by the COVID-19 pandemic. Our commitment to staff is that at mid-year, a look would be taken of our financial situation to determine if wage increases could or should occur.

Looking at our financial situation involved determining where the City currently sits regarding the 2021 budget. As of April 30<sup>th</sup>, after bank reconciliations were performed, revenues exceed expenditures by \$55,920. Revenues are on pace to exceed budgeted amounts at year end. Sales Tax revenues are up over last year by 1.73%, though Lodging Tax revenues are down by 24%. We anticipate Lodging Tax revenues will meet projections by year end, thereby keeping us within budget parameters with our tourism and promotional fund. Revenues in our tourism and promotional funds are slightly over expenditures which is a good sign at this stage of the year and coming out of a pandemic event. Our utility services are operating normally, and revenues exceed expenditures in all utility accounts.

A look at wages in both the government sector and private sector for 2021 has revealed that in the government sector, wages increased on average 1.4%, and 1.6% for management and 2.95% for all other workers in the private sector. For City purposes, across all sectors, 2021 average wage increases were 1.98%.

The impact to the 2021 budget of an across the board 1.98% wage increase implemented July 01, 2021, will be \$24,705. This included wages, payroll taxes, and retirement contributions. It is the recommendation of the City Administrator that a 1.98% wage increase be approved for all employees effective 07/01/2021.

While developing this information, research has also been completed for 2022 compensation purposes. This information will be shared in September as we begin to finalize budget numbers and adjust pay ranges currently in effect.



## Employment Cost Index

2021 Wages Government All	1.4
2021 Wages Private Sector Management	1.6
2021 Wages Private Sector All Workers	2.95

Average All 1.98

Impact of 1.98% wage increase on personnel costs - remainder 2021 \$ 24,705

YTD (04/30) Revenues over Expenditures \$ 55,920



June 14, 2021

## City Administrator's Summary Report

May 24 – June 14, 2021

### Administration

- COVID Update - Worldwide there have been over 174 million persons infected by the virus, up 5.5% over the last three weeks, with approximately 3.75 million reported deaths attributed to the infection. 19.3% (33.5 million) of all reported cases have occurred in the U.S. which has also reported approximately 604,000 attributable deaths. Colorado has experienced over 551,000 confirmed cases. As of June 10th, Kit Carson County has reported 634 positive cases, up 9 cases in the last three weeks, with a holding mortality rate of eleven persons. As we can see, COVID infections continue to be present in Kit Carson County. It is still recommended that we continue to take the necessary measures to protect ourselves and others from infection. Measures still include hand washing, social distancing, avoiding large gatherings, and mask wearing if necessary or required. Additionally, all are encouraged to get vaccinated to protect self and others.
- The Burlington Housing Authority last met in regular session on June 08<sup>th</sup> where financial report, approval of bills, and internal communication was discussed. There will be a special meeting held this week, TBD, to review the Admissions and Continued Occupancy Policy and preliminary budget discussions for next fiscal year.
- All departments remain on track with their projects and supporting Gantt Charts have been updated, with changes made to second quarter with dates and times for delivery.
- Continue to work with CDLE and Workforce of Colorado to update Lineman Training Program to ensure Registration with State of which will be shared with US-DOL, ensuring certain training standards and testing is performed making our apprentices eligible for Lineman status once program is completed. I will be assisting with the development of the program to be registered with CDLE. Currently developing Apprenticeship program for Burlington which will be submitted for review to Colorado Workforce and CDLE for approval and registration.
- Continue working with Twin Forks Veterinary Clinic owners as they develop their site plans and facility needs. They are almost to the point of pulling permits and we should see work begin within the next two weeks. They have been provided with all information needed to ensure utility needs on site are adequate, or if they are in need of upgrade. Again, their goal is to be open by the end of September.

### Operations/Public Works

- Water/Wastewater
  - Daily well checks and testing.
  - Daily checks and maintenance at WWTP
  - Pool rehabilitation was completed prior to opening on June 1<sup>st</sup>. The entire building received a face lift, and new fencing was placed. CIRSA inspection of pool slide was performed and several issues noted, each of

which have been corrected. Pool and slide are fully operational and pool is experiencing increased traffic this year.

- Working on water/sewer lines at Carousel Court property.

- Parks

- Outback Park structure has treated and open to the public for use.
- Maintenance of equipment - ongoing
- Performing maintenance in both Parmer and Outback parks on irrigation system.
- Mowing operations underway

- Streets

Have received request to put in angle parking on the South side of Park Street, fronting Parmer Park. With the nice weather, we have experienced increased usage of the park and traffic and parking in the area has become a problem. We can gain more parking ability and prevent problem issues by designating this area as angled parking. Currently mapping out what this will look like.

- Street sweeping underway.
- Alley maintenance.
- Pothole repair and maintenance in process.
- Ditch mowing in process.
- Equipment maintenance.
- Scheduling with John Stewart to pour handicap radius at 555 Pomeroy.
- Pool is being maintained and monitored daily.
- Splash Park has been turned on for season.
- Delivery of Backhoe and Front-End Loader with training took place May 26-27.
- Developing bid specifications for concrete drain pans in need of replacing.

- Electric

Scheduled outage for Love's on June 10<sup>th</sup> to upgrade system. Outage is anticipated to last 20-30 minutes and was scheduled during slow time. Main Electric was unable to complete work on West Loop with the installation of switches, as work being performed is within Railroad Tight of Way. The railroad requires permitting to be in place. Working with Atwell at this time to ensure permits are obtained so that work can be completed.

- Pole change out continuing with two red poles being changed per week.
- Substation maintenance and system check performed.
- Working with Tri-State to upgrade transmission line that comes into sub.

## Airport

Since we last met and provided information regarding concrete failure attributable to ASR and that we would be performing work to address the most problematic areas, the area received a lot of precipitation, followed by high temperatures. In the last week one of the concrete panels has experienced a complete failure. The area is currently down for repairs and Management is working with local contractor to replace panel. While work is taking place to replace panel, the most pressing areas are being identified and costing developed to temporarily patch until such a time as the area can be replaced. Will be a coordinated effort with City/County.

## Intergovernmental/Upcoming Events

- Management Team Meeting – In Person at Community Building – Wednesdays 2:00 P.M.
- June 10, 2021 – CML Virtual Town Hall Meeting – ARP Funding
- Council Meeting – Monday, June 14, 2021, 6:30 P.M., Community Center Room A, In Person or Virtual
  - Land Use/Zoning Discussion
  - Mid-Year wage increases
  - ARP Funding
  - Ballot Initiative Petition Process
- BHA Special Board Meeting – Week of June 14, 2021
- Friday, June 18, 9:00 – 3:30, CML Virtual Effective Governance Workshop – Annual training as an introduction for newly elected officials or refresher course for elected officials. Interest?
- EMS Council/911 Authority Meeting Stratton Fire – June 23, 2021 7:00 P.M.
- Meet with Ball Field Board – June 24, 2021, noon.
- September 22-24, CML Special Conference, Westminster



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To: City council members  
From: Georgia Gilley, Clerk  
Date: June 14, 2021  
Subject: Clerk's report

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### **General office**

Completed the 2022 CIRSA Property and Casualty Insurance renewal application. The CIRSA safety auditor was here Wednesday, May 26, for the annual inspections. The public works director accompanied him to the properties being review this year. They looked at Old Town, the swimming pool, Outback Park. The auditor indicated we did pretty good considering the COVID restrictions made things difficult to schedule and attend safety trainings.

Burlington Chamber of Commerce will be putting on their Celebration of Summer event Saturday, June 19. This year, we asked that the chamber purchase a liability insurance policy to cover the day. They applied for a package policy that will also include the Red, White and Brew event July 4<sup>th</sup>.

It is almost time for the municipal clerk's institute to start its 2021 classes. Classes will be offered virtually again this go round. Ashley will also be signing up to take classes. We each applied for and received a scholarship to take \$100 off the \$400 registration fee.

We are back to charging late fees and penalties on the utility bills. Payment arrangements are being made for those residents who did not pay anything or fell behind on their bills during the pandemic.

The Outback Express is still running the 7:30 a.m. to 5:30 p.m. hours. The bus was down a few days last week due for maintenance and brake repairs. We learned it is better to have it down in the middle of the week, rather than a Monday or Friday.

### **COVID-19 update**

City employees testing positive since last council meeting: 0

2021 total to date: 5

2020 total: 9

**Grand total to date: 14**

COVID-19 started affecting city employees at the end of October 2020. A flyer was distributed to department heads to share with staff about the availability of the COVID-19 vaccination for city employees.

