



**BURLINGTON CITY COUNCIL
REGULAR MEETING
Burlington Community Center
340 S. 14th St., Room A
January 12, 2026
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
Mark Burghart
Paul Velasco, Mayor pro tem
Hal McNerney
Troy Hinkhouse
Adrian Hernandez
Kamron Weisshaar
- 4. Review and Approve Agenda**
Emergency matters coming before Council which may require action may be added to the agenda.
- 5. Consent Agenda Items**
A. December 17, 2025, minutes
- 6. Public comment** (*Comment is limited to 3 minutes.*)
- 7. Public hearing**
A. Public hearing for an application for a new Tavern Liquor License at Century Lanes, 410 4th St, submitted by Raymond Witherell, Jr. dba Century Lanes.
i) Consider approval of a new Tavern Liquor License for Raymond Witherell Jr. dba Century Lanes at 410 4th St.
- 8. Unfinished business**
A. Consider approval of Resolution 2026-02 approving the Real Estate Purchase and Sale Agreement Regarding the Purchase of Real Estate from ROH Investments LLC.
- 9. New business**
A. Consider approval of Mayor's signature on Bohannon Huston contract regarding land use and building code updates.
B. Consider approval of Resolution 2026-01 to designate public places for posting of notice for regular and special meetings.
C. Present, review and discuss proposed Ordinance 1015 regarding a ballot issue to raise Lodger's Tax and to set a public hearing January 26.
- 10. City department reports**
- 11. Reports from Council**
- 12. Adjournment**

**BURLINGTON CITY COUNCIL
SPECIAL MEETING
County of Kit Carson
State of Colorado
Burlington Community and Education Center
340 S. 14th Street
December 17, 2025
6:00 p.m.**

1. Call to order

Mayor Swiatkowski called the regular meeting to order at 6:05 p.m.

2. Pledge of Allegiance

3. Roll Call

Council members present:

Mayor Greg Swiatkowski

Paul Velasco, Mayor Pro Tem

Adrian Hernandez

Hal McNerney

Troy Hinkhouse

Council members absent: Mark Burghart, Kamron Weisshaar

Staff/Officials present:

Jim Keehne – City Administrator

Georgia Gilley – City Clerk

Mike Konecne – Public Works

Leevi Nesbitt – Water Supervisor

Kirk Gilliana – Wastewater Supervisor

Mickael Grinnan – City Attorney

Others present:

Andrew Sparn, JVA Engineering

Landon Watts, JVA Engineering

Dustin Skarphol

4. Review and Approve Agenda

Emergency matters coming before Council which may require action may be added to the agenda.

City Administrator Jim Keehne requested that New Business Item 9A regarding the Bohannon Huston contract for code updates be removed for revisions. Keehne requested to replace Item 9A with the review of a *Real Estate Purchase and Sale Agreement* for property at Martin Avenue and Fourteenth Street due to time constraints for Seller.

Motion by McNerney and second from Velasco to approve the meeting agenda as amended.

Motion passed unanimously.

Burghart: Absent

Velasco: Aye

McNerney: Aye

Hinkhouse: Aye

Hernandez: Aye

Weisshaar: Absent

5. Consent Agenda Items

A. Council meeting minutes from Nov. 24 and Dec. 8, 2025.

Motion by Hinkhouse and second from Hernandez to approve the consent agenda.

Motion passed unanimously.

Burghart: Absent

Velasco: Aye

McNerney: Aye

Hinkhouse: Aye

Hernandez: Aye

Weisshaar: Absent

6. **Public comment** – none

7. **Public meeting**

A. **Public meeting conducted by JVA Engineering regarding a new Wastewater Treatment Facility and the loan application process.**

JVA Engineering representative Andrew Sparn began the public meeting at 6:10 p.m. with a power point presentation to provide an overview of the Wastewater Treatment Facility. Sparn indicated a team of engineers compared three different wastewater treatment systems to see which option would make the most sense for the City of Burlington. The choice was a Sequencing Batch Reactor. Proposed plans for the facility were shared.

This project is projected to cost \$14.3 million, with an anticipated loan amount of \$13 million. Funding for this project will need to come from water and wastewater rate increases, grants and a loan. Water and wastewater rate increases went into effect January 1, 2026, to help fund this project.

Councilman Hinkhouse asked if the existing lagoons would remain or be leveled out. Sparn noted the unused lagoon would remain as is. Money to fill in the lagoon was not factored into the cost of the project.

This portion of the meeting ended at 6:43 p.m.

8. **Unfinished business** – none

9. **New business**

Original Item A below was removed from the agenda as noted in Item 4.

~~A. Consider approval of Mayor's signature on contract between Bohannon-Huston and City of Burlington regarding land use code update and building code development.~~ Removed from agenda.

New Item A below was added to the agenda, as noted in Item 4.

A. **Review and consider approval of Mayor's signature on the *Real Estate Purchase and Sale Agreement* between the City of Burlington and ROH Investments LLC for the City's purchase of three vacant lots at Martin Avenue and 14th Street, further described as Lots Twenty-six (26), Twenty-seven (27) and Twenty-eight (28), Block Twenty-one (21), New Burlington, Kit Carson County, Colorado.**

City Administrator Keehne indicated the opportunity for the City to purchase these lots came up quickly and that acquiring this land would be beneficial in creating a civic plaza area, which is in line with the community's desires stated in the Comprehensive Plan and a step forward in improving the main street business district.

Motion by Velasco and second from McNerney to approve the Mayor's signature on the *Real Estate Purchase and Sale Agreement* regarding the City's purchase of the vacant lots at Martin Avenue and 14th Street from ROH Investments LLC.

Motion passed unanimously.

Burghart: Absent

McNerney: Aye

Hernandez: Aye

Velasco: Aye

Hinkhouse: Aye

Weisshaar: Absent

B. **Consider approval of a renewal application submitted by ALTA #6142 for its Fermented Malt Beverage and Wine liquor license.**

Motion by McNerney and second from Hernandez to approve the ALTA #6142 renewal application for a Fermented Malt Beverage and Wine liquor license.

Motion passed unanimously.

Burghart: Absent	McNerney: Aye	Hernandez: Aye
Velasco: Aye	Hinkhouse: Aye	Weisshaar: Absent

C. Consider approval of the schedule for the 2026 City Council meetings.

Dates are January 12 and 26, February 9 and 23, March 9 and 30, April 13 and 27, May 11 and 26, June 8 and 29, July 13 and 27, August 10 and 31, September 14 and 28, October 12 and 26, November 9 and 30, December 14, with special meetings called as necessary.

Motion by McNerney and second from Hernandez to approve the schedule of 2026 City Council meetings.

Motion passed unanimously.

Burghart: Absent	McNerney: Aye	Hernandez: Aye
Velasco: Aye	Hinkhouse: Aye	Weisshaar: Absent

10. Update from City Administrator

City Administrator Keehne indicated that Bettis Asphalt had a window of opportunity to lay asphalt at Rose Pony Way and Jasmine Street. This was part of the 2025 Street Project. Due to time constraints on Bettis' part, they could not complete the remainder of the 2025 Street Project. Keehne will complete the 2026 Street Project bid specs for posting in January and awarding in February. The 2025 Street Project will be completed along with the 2026 Street Project.

Keehne invited council members to the annual employee appreciation breakfast Thursday, Dec. 18, at 9 a.m. He also reminded council of the upcoming municipal election and that seats held by McNerney and Hernandez are up for reelection, Hinkhouse was appointed to fill a vacant seat which will open up. Weisshaar's seat will be vacated when he moves out of town this Spring.

11. Reports from Council – none

12. Adjournment

Motion by McNerney and a second from Hernandez to adjourn the meeting at 6:57 p.m.

The motion to adjourn the meeting passed unanimously.

Burghart: Absent	McNerney: Aye	Hernandez: Aye
Velasco: Aye	Hinkhouse: Aye	Weisshaar: Absent

CITY OF BURLINGTON:

ATTEST:

Gregory J. Swiatkowski, Mayor

Georgia Gilley, City Clerk

CITY OF BURLINGTON, COLORADO

RESOLUTION NO. 2026-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLINGTON, KIT CARSON COUNTY, COLORADO, AUTHORIZING THE PURCHASE OF REAL PROPERTY DESCRIBED AS LOTS TWENTY-SIX (26), TWENTY-SEVEN (27) AND TWENTY-EIGHT (28), BLOCK TWENTY-ONE (21), NEW BURLINGTON, KIT CARSON COUNTY, COLORADO.

WHEREAS, the City of Burlington is a municipal corporation duly organized and operating as a home rule city pursuant to Article XX of the Constitution of the State of Colorado and its Home Rule Charter; and

WHEREAS, the City Council finds it in the best interest of the citizens of Burlington to acquire certain real property for municipal purposes to create a civic plaza area in the downtown business district; and

WHEREAS, the property is addressed as 494 and 498 14th Street and legally described as Lots Twenty-six (26), Twenty-seven (27 and Twenty-eight (28), Block Twenty-one (21), New Burlington, Kit Carson County, Colorado; and

WHEREAS, the negotiated purchase price for said property is Seventy-Five Thousand Dollars (\$75,000.00).

WHEREAS, at their December 17, 2025, meeting, City Council, by majority vote, approved the Real Estate Purchase and Sale Agreement for the property described above.

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

Section 1. Authorization to Purchase. The City Council hereby authorizes the purchase of real property addressed as 494 and 498 14th Street and legally described as Lots Twenty-six (26), Twenty-seven (27), and Twenty-eight (28), Block Twenty-one (21), New Burlington, Kit Carson County, Colorado, for the total sum of Seventy-five Thousand Dollars (\$75,000.00).

Section 2. Execution of Documents. Gregory J. Swiatkowski, in his capacity as Mayor of the City of Burlington, is hereby authorized to execute the Real Estate Purchase and Sale Agreement, closing statements, and any other legal instruments necessary to complete this transaction on behalf of the City of Burlington. Colorado.

Section 3. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

ADOPTED at Burlington, Colorado, this 12th day of January 2026.

CITY OF BURLINGTON

Gregory J. Swiatkowski, Mayor

ATTEST:

Georgia Gilley, City Clerk

December 11, 2025

James Keehne
City Administrator
City of Burlington
415 15th Street
Burlington, CO 80807

Re: City of Burlington Land Use Code Update and Building Code Development

Dear Mr. Keehne,

Bohannon Huston, Inc. is pleased to submit this proposal for the Land Use Code Update and Building Code Development for the City of Burlington. BHI looks forward to the opportunity to support the City in the development of an updated Land Use Code reflective of current best practices while considering and setting the framework for necessary updates identified in the City's recently adopted Comprehensive Plan. This work will also incorporate the development and adoption of a building code for the City. BHI will work in collaboration with the City to ensure an updated version of the land use code, and a building code with appropriate exceptions and adjustments is available for Planning Commission and City Council consideration within 12 months.

BHI will support the development of an updated Land Use Code (Title 17 of the City's current municipal code) and provide a Building Code recommendation (including exemptions relevant for the City) for a lump sum fee of \$72,555 (excluding applicable tax), with completion of the final version in a format appropriate for upload to Municode once adopted.

If this proposal is acceptable, please process this proposal and provide us with a signed version of the standard agreement attached.

This proposal is subject to renegotiation if not accepted within thirty (30) days. If any portion of this scope extends in duration for more than one year from the date of acceptance, this work order is subject to renegotiation. If you have any questions, please do not hesitate to contact me. We look forward to working with you.

Sincerely,



Denise Aten, AICP

Senior Vice President

DMA/amb

SCOPE OF WORK

Tasks identified for Bohannon Huston are outlined below with details on associated cost on the following page.

Project Management:

- Monthly check-in meetings (BHI and Burlington Staff)

Task 1: Comprehensive Plan Review and Existing Land Use Code Audit

- Summary review of key code-related opportunities from the City's recently adopted Comprehensive Plan.
 - Initially identified/discussed opportunities include:
 - Updating city codes to guide where and how accessory dwelling units will be allowed (Comp plan, page 8)
 - Updating city codes regarding short-term rentals (Comp Plan, page 8)
- Review of the City's current Land Use Code (Title 17 only) to identify areas of potential improvement, restructuring opportunities, and revisions for alignment with State requirements and current best practices.
- One meeting with City Staff to discuss outcomes of this task and set expectations on proposed updates.
- Deliverable: Issues and Opportunities Memo

Task 2: Draft Land Use Code

- BHI will produce a table of contents "crosswalk" of the proposed structural changes to the code in alignment with best practices and state requirements.
- BHI will create the framework and initial considerations for the regulation of Accessory Dwelling Units and Short Term Rentals based on appropriate best management practices.
- BHI will produce a redlined version of the current code contents illustrating proposed changes.
- BHI will produce a clean version of the proposed updated code for planning commission and city council consideration

Task 3: Building Code Recommendations/Support

- BHI will review peer community building codes and develop a recommendation for the City of Burlington.
- BHI will conduct up to three (3) developer/builder stakeholder interviews to support the building code development process.
- BHI will outline relevant exceptions and adjustments to the recommended peer community building code to support future development in the City.
- This task includes one meeting with City Staff to discuss opportunities and next steps for the development of a proposed building code that could then be packaged for planning commission and city council consideration.

Task 4: Planning Commission/City Council Discussions – work sessions, public hearings, and adoptions support

- BHI staff will support up to 3 work sessions with the City's Planning Commission (or appropriate committee) to review revised Land Use Code articles and code structure.

- BHI staff will support one public hearing with the Planning Commission (or appropriate committee) for a recommendation to City Council for approval/adoption of the updated Land Use Code and the adoption of the recommended Building Code.
- BHI staff will support one public hearing with the City Council for adoption of the updated Land Use Code and Building Code.
- This effort includes up to 2 in-person visits by BHI staff. These visits can be utilized for public hearings or workshops with the Planning Commission/City Council. BHI will coordinate with City staff on how best to plan for these trips.

Assumptions:

- Public engagement will not take place during this project. BHI will leverage and incorporate input the City received during the development of the Comprehensive Plan to support code update recommendations.
- This effort includes the initial development and consideration of requirements for Short Term Rentals (STRs), Accessory Dwelling Units (ADUs). However, any associated engagement to build buy in from residents or elected officials will need to take place under a separate task order.
- This effort does not include adjustments to zoning districts to realize the future land uses outlined in the Comprehensive plan.
- BHI will work with City staff to identify peer communities for building code considerations
- All coordination meetings will be virtual, including stakeholder interviews. Travel is outlined in Task 4 to support workshops or public hearings.
- Legal review will be the responsibility of the City, if deemed necessary.

PRINCIPAL IN CHARGE / PROJECT MANAGER AND CONTACT INFORMATION

Denise Aten, AICP – Senior Vice President - daten@bhinc.com / (505)980-6065

Derrick Webb, AICP – Vice President – dwebb@bhinc.com / (303)974-0039

Burlington Land Use Code Update						202,700,5102 Cost Estimate
	P7	P6	E4	P3	P2	
	\$270	\$215	\$185	\$145	\$120	
	Hour s	Hours	Hours	Hours	Hours	
Project Management						
Project Management		10		5		\$2,875.00
Project Management Total						\$2,875.00
Task 1: Comprehensive Plan Review and Existing Land Use Code Audit						
Comprehensive Plan Review		1		4	8	\$1,755.00
Current Code Audit (Title 17)		12		20	20	\$7,880.00
Staff Coordination (1 meeting)	1	1		3	3	\$1,280.00
Issues and Opportunities Memo	1	2		4	8	\$2,240.00
Task 1 Total						\$13,155.00
Task 2: Draft Land Use Code						
TOC Crosswalk - structural changes to code ADU and STR requirements (draft code, consideration for inclusion)	1	3		6	4	\$2,265.00
Draft - Redline		20		40	40	\$14,900.00
Draft - Clean	3	8		10	10	\$5,180.00
Task 2 Total						\$27,325.00
Task 3: Building Code Recommendations/Support						
Peer Community code review/recommendations	1	8	4	20	30	\$9,230.00
Stakeholder interviews (up to 3)		3	3	6	8	\$3,030.00
Exceptions and Adjustments	2	20	12	30	30	\$15,010.00
Staff Coordination (1 meeting)	1	1	2	4	2	\$1,675.00
Task 3 Total						\$12,260.00
Task 4: Planning Commission/City Council Discussions						
Work Sessions (up to 3, virtual)	1	12		16	16	\$7,090.00
Planning Commission Public Hearing	1	4		8	8	\$3,250.00
City Council Public Hearing	1	4		8	8	\$3,250.00
Support Travel (up to 2 trips)		10			10	\$3,350.00
Task 4 Total						\$16,940.00
Expenses						
Mileage (2 trips, 688 miles total @\$.70/mile)						\$481.60
Expenses Total						\$481.60
Burlington Land Use Code Update						\$72,555.00

**BOHANNAN HUSTON, INC.
STANDARD FORM OF AGREEMENT
FOR
PROFESSIONAL SERVICES**

CONTRACT NAME: City of Burlington Land Use Code Update and Building Code Development

DATE: 12/11/2025

ARTICLE 1. DEFINITIONS

Bohannan Huston, Inc. (BHI), whose address and telephone is 10303 East Dry Creek Road, Suite 250, Englewood, CO 80112, 303-799-5103 shall also be referred to as BHI for its subsidiaries. The Client City of Burlington, whose address is 415 15th Street, Burlington CO 80807 shall be referred to as Client and shall refer to the party, partnership, corporation, or entity signing this contract.

BHI will furnish labor and/or materials for the property located in: _____
("Property") pursuant to the terms and conditions of this contract.

ARTICLE 2. INVOICES AND PAYMENT PROVISIONS

The Client will be invoiced each month for work, which has been accomplished to the date shown on the invoice. Invoices are due and payable upon receipt. Questionable charges or errors on an invoice shall be brought to the attention of BHI within fourteen (14) days of the invoice date, or it is agreed that the charges are correct as invoiced. Disputed charges will be reconciled in a timely fashion and a revised invoice will be issued, if necessary. The revised invoice will be due and payable upon receipt. Invoices or portions of invoices unpaid more than thirty (30) days from the invoice date shall accrue interest at a rate of 1% per month until paid in full. The Client hereby agrees to pay all costs and expenses incurred by BHI including but not limited to reasonable attorney fees in pursuing collection of any sums not paid to BHI pursuant to the terms of this contract. BHI may terminate this contract if payment on any invoice not in dispute is not paid in full within forty-five (45) days from the date of the invoice. Fees invoiced are due whether or not the project is constructed. Portions of the fee that may be billed on a time and materials basis will be billed in accordance with the Fee Schedule in effect at the time the services are invoiced. Applicable Gross Receipts Tax will be added to all charges. Applicable fees for processing, permits, or review shall be paid by the Client. Additional provisions are as follows:

- A. Oral or Implied Acceptance of Contract:** This Contract has been forwarded to the Client prior to execution by both parties, and the Client understands that BHI may proceed prior to receipt of executed copy of professional services contract. Client's oral acceptance or authorization to initiate services shall be considered by both parties to constitute acceptance of all terms and conditions of this contract prior to formal execution.
- B. Project Mobilization Fee/Retainer:** BHI may require a mobilization fee or retainer prior to the commencement of work. The mobilization fee or retainer will be applied to project charges as they are incurred and invoiced.
- C. Right to Renegotiate:** BHI reserves the right to renegotiate this contract should project be halted for 30 days or more.
- D. Lien Provisions:** The Client warrants, acknowledges and agrees that it has secured legal rights to the property upon which the project will be built or that such right will be secured within sixty (60) days after signing the contract. The Client further acknowledges and agrees that non-payment of fees owned under this contract may result in a mechanic's lien being placed on the property upon which the project is/will be located, whether or not the design plans or development data have been used in actual construction. This contract constitutes proper notice to Client (if owner and/or original contractor), of Bohannan Huston, Inc.'s right to claim a lien in the event of non-payment in compliance with current state Statutes Annotated.
- E. Stamp or Release of Documents or Plans Only After Payment:** BHI will not stamp drawings with its professional seal for any phase of this project under the terms of this contract until all invoices billed up to that point in the project have been paid in full. BHI will, necessary, withhold release of documents or plans until all invoices billed up to that point have been paid in full.

ARTICLE 3. CONTRACT RENEGOTIATION

BHI reserves the right to renegotiate fee schedule rates annually for open-end hourly rate and time and materials contracts.

ARTICLE 4. CLAIMS

The Client acknowledges that BHI is a corporation and agrees that any claim made by the Client arising out of any act or omission of any director, officer, or employee of BHI in the execution or performance of this contract shall be made against BHI and not against such director, officer, or employee individually.

A. Professional surveying services: Pursuant to Section 61-23-27.9(D) NMSA 1978, BHI carries professional liability insurance coverage for surveying services in the amount of \$2 million dollars per occurrence and \$4 million dollars in aggregate.

ARTICLE 5. INFORMATION SUPPLIED BY CLIENT

Client certifies that any Client furnished information supplied to BHI is correct and BHI can rely on this information as being correct as a basis for BHI's work product. Furthermore, BHI will not assume any responsibility or liability for errors or omissions in Client furnished information.

ARTICLE 6. PROPRIETARY INFORMATION

The use of any plans or specifications prepared by BHI shall be restricted to the original site for which they were prepared. Reproduction, reuse, or alteration by any method, in whole or in part, is prohibited unless authorized in writing by BHI. Any unauthorized reproduction, reuse or alteration of documents relieves BHI of any responsibilities or liabilities whatsoever. BHI has the right to photograph any phase of this project, under the terms of this contract, and to use the photos in the promotion of the professional practice through advertising, public relations, brochures, or other marketing materials.

Drawings and specifications as instruments of service are and shall remain the property of BHI whether the project for which they are made is constructed or not. These drawings are not to be used by the Client on other projects, or extensions to this project, except by contract in writing and with appropriate compensation to BHI.

ARTICLE 7. FORCE MAJEURE

Should the services provided as a result of this contract result in construction of facilities, BHI in no way warrants or guarantees the performance of general contractor or subcontractors. BHI assumes no responsibility for the general contractor's or subcontractor's safety program (i.e., means, methods, techniques, sequences, schedules, or compliance with laws, rules, regulations, ordinances, codes, permits, or others).

BHI will not be responsible for delays or defaults in the performance of design services, which are beyond its control.

It is recognized that neither BHI nor the Client has control over the cost of labor, materials, or equipment; over the general contractor's methods of determining bid prices; or over competitive bidding, market, or negotiating conditions. Accordingly, BHI cannot and does not guarantee construction cost, nor has any fixed limit of construction cost been established as a condition of this contract.

ARTICLE 8. DESIGN AND CONSTRUCTION RELATED PROVISIONS

A. Engineer's Construction Phase Responsibilities: Unless specifically contracted for, BHI shall only answer questions, attend meetings, prepare correspondence, and make revisions to design documents prepared by BHI where such services are directly attributable to changes in construction field conditions. Any other requests for service to modify, change, or revise any plans or documents and attend meetings to coordinate or implement construction of the improvements will be billed on a time and materials basis, at BHI's usual and customary rate.

B. Opinion of Probable Construction Costs: BHI's opinions of probable Construction Cost provided for herein are to be made on the basis of BHI's experience and qualifications and represent BHI's best judgment as an experienced and qualified professional generally familiar with the industry. However, since BHI has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, BHI cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by BHI. If OWNER wishes greater assurance as to probable Construction Cost, OWNER shall employ an independent cost estimator. BHI assumes no responsibility for the accuracy of opinions of Total Project Costs.

ARTICLE 9. SUCCESSORS AND ASSIGNS

The Client and BHI each binds itself, its successors, assigns, and legal representatives to the other party of this contract, and to the successors, assigns, and legal representative of such other party with respect to all provisions of this contract. Neither the Client nor BHI shall assign, set over, or transfer its interest, in whole or in part, in this contract without the prior written consent of the other, nor shall any act in derogation hereof at the option of the non-assigning party, render the written contract terminated.

ARTICLE 10. DISPUTES

BHI and the Client agree that claims, disputes, and other matters in question between the parties to this contract arising out of or relating to the contract or breach thereof first be attempted to be resolved by mediation. However, if mediation is not successful, then disputes shall be resolved by litigation, unless parties mutually agree to arbitration. Any lawsuit filed shall be filed in state court in the County of Bernalillo or federal court in the District Court of New Mexico.

ARTICLE 11. CONTRACT TERMINATION

This contract may be terminated for cause by the Client upon fourteen (14) days' written notice to BHI. In the event of such termination, BHI shall be immediately paid compensation for all services performed to the termination date. Upon payment thereof, any and all obligations and liabilities of the parties hereto shall terminate. This Contract and any modification thereof may be terminated by BHI with or without cause upon fourteen (14) days' notice and BHI shall be paid compensation for services performed up to the termination date.

ARTICLE 12. EXCLUSION OF DAMAGES

In no event shall BHI be liable to Client for any indirect, incidental, special, or consequential damages, regardless of the nature of the claim.

ARTICLE 13. DISCOVERY OF UNANTICIPATED HAZARDOUS MATERIALS

Hazardous materials may exist where there is no reason to believe they could or should be present. Bohannon Huston, Inc. and the Client agree that the discovery of unanticipated hazardous materials constitutes a changed condition mandating a renegotiation of the scope of work or termination of services. BHI and the Client also agree that the discovery of unanticipated hazardous materials may make it necessary for BHI to take immediate measures to protect human health and safety and/or the environment. BHI agrees to notify the Client as soon as practically possible should unanticipated hazardous materials be encountered.

The Client agrees to allow BHI to take any and all measures that in BHI's professional opinion are justified to preserve and protect the health and safety of BHI's personnel and public and/or the environment, and the Client agrees to compensate BHI for the additional cost of such work. In addition, the Client waives any claim against BHI and agrees to indemnify, defend, and hold harmless BHI from any claim or liability for injury or loss in regard to encountering any unanticipated hazardous materials. The Client also agrees to compensate BHI for any time spent and expenses incurred by BHI in defense of any such claim.

ARTICLE 14. SCOPE OF AGREEMENT

This contract and attachments represent the entire agreement with the client. Any change to the contract terms and conditions shall be modified only by a written modification executed by both parties. No oral or written representations, inducements, or understandings of any kind or nature may modify this agreement.

ARTICLE 15. JOBSITE SAFETY

Insofar as jobsite safety is concerned, BHI is responsible for its employees' activities on the jobsite, but this shall not be construed to relieve Client, the Owner, or any construction contractors from their responsibilities for maintaining a safe jobsite.

ARTICLE 16. INDEMNIFICATION

Client shall indemnify, defend, and hold harmless BHI, and hereby indemnifies BHI against, any and all claims, demands, causes of action, loss, costs, damages and expenses, including reasonable attorney's fees arising out of or in connection with injuries or death to any and all persons and damages to any property to the extent or sustained in connection with, or arising out of Client's negligence or negligence of any party for which Client is legally liable.

ARTICLE 17. SPECIAL PROVISIONS

Special provisions, conditions, modifications, and/or schedules, which may be required, are contained in attachments or exhibits to this contract.

BOHANNAN HUSTON, INC.
CONSULTANT

Denise Aten

APPROVED BY (SIGNATURE)

Denise Aten

APPROVED BY (PRINT NAME)

Senior Vice President

TITLE

12-12-25

DATE

City of Burlington
CLIENT

APPROVED BY (SIGNATURE)

Greg Swiatkowski

APPROVED BY (PRINT NAME)

MAYOR

TITLE

12/17/2025

DATE

CITY OF BURLINGTON, COLORADO

RESOLUTION 2026-01

A RESOLUTION DESIGNATING THE PUBLIC PLACES FOR POSTING OF NOTICE OF REGULAR AND SPECIAL MEETINGS OF LOCAL PUBLIC BODIES OF THE CITY OF BURLINGTON.

WHEREAS, C.R.S. 24-6-402(2)(c) requires that an official posting place for Notice of official City business be named; and

WHEREAS, the City of Burlington desires to comply with such posting requirements, such notices will be posted not less than 24 hours before commencement of such meetings with specific agenda information for all such meetings, if available, posted at the same place stated below; and

WHEREAS, all notices required to be published by the City of Burlington will be published in *The Record*, a paper of general circulation.

NOW THEREFORE, IT IS RESOLVED by the City Council of the City of Burlington that the locations for posting will be:

Burlington City Hall:	415 15th Street
Burlington Post Office:	259 14th Street
City of Burlington website:	www.burlingtoncolo.com

ADOPTED at Burlington, Colorado, this 12th day of January 2026.

CITY COUNCIL OF BURLINGTON

Gregory J. Swiatkowski, Mayor

ATTEST:

Georgia Gilley, City Clerk

CITY OF BURLINGTON
ORDINANCE NO. 1015

AN ORDINANCE OF THE CITY OF BURLINGTON SETTING THE BALLOT TITLE AND CONTENT FOR VOTER AUTHORIZATION FOR A TWO PERCENT (2%) INCREASE IN THE RATE OF THE LODGER'S TAX; SUBMITTING THE BALLOT ISSUE AT THE ELECTION TO BE HELD APRIL 7, 2026; SETTING FORTH DETAILS IN RELATION THERETO; AND DECLARING AN EMERGENCY

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 Lodger's Tax at the aggregate rate of four percent (4%) (the "Current Rates"), which tax rate is imposed pursuant to City Ordinance No. 838, passed in 2006, and codified in The Municipal Code of the City of Burlington, Colorado (the "Municipal Code"); and

WHEREAS, the City has not increased lodger's tax since 2006.

WHEREAS, the two percent (2%) Lodger's Tax increase shall be used in its entirety to fund tourism, advertising the community, attracting conferences, conventions and meetings, and for other purposes related to attracting tourist and visitor business to the City; specifically for road improvement and community revitalization efforts of the City; and

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, April 7, 2026, is one of the election dates at which TABOR ballot issues may be submitted to the registered electors of the City pursuant to TABOR; and

WHEREAS, the City Council is of the opinion that it should refer to the voters at the April 7, 2026, election a TABOR ballot issue concerning the imposition of an additional permanent Lodger's Tax of two percent (2%) commencing July 1, 2026, for the purposes specified in this ordinance, which tax is proposed to be upon the City's Lodger's Tax; and

Any election contest arising out of the Ballot Issues or the election concerning the order of the ballot or the form or content of the ballot titles shall be commenced pursuant to Section 1-11-203.5, C.R.S.

Section 4. Amendment of Lodger's Tax Rate. Subject to approval of the ballot issue set forth in Section 2 hereof by a majority of the eligible electors voting thereon at said election, the references within the Municipal Code to the Lodger's Tax rate of two percent (2%) in Sections 3.28.010 shall be amended and changed to reflect a rate of six percent (6%).

Section 5. Ratification of the Municipal Code. With the exception of the provisions of the Municipal Code which are modified and amended as provided herein, all remaining provisions of the Municipal Code shall remain in full force and effect. To the extent necessary to affect the voter authorization, the Municipal Code may be further amended by ordinance consistent with the terms of this Ordinance.

Section 6, Approval of Ballot Issue. If a majority of the votes cast on the ballot issue submitted at the election shall be in favor of the ballot issue, the City acting through the Council shall be authorized to proceed with the necessary actions in accordance with the ballot issue so approved.

Section 7. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

Section 8. Emergency Declaration Effective Date. By reason that it is necessary to certify the ballot issues by an established date and the matters set forth in this Ordinance will be subject to a vote by the eligible electors of the City, it is hereby declared that an emergency exists, that this Ordinance is necessary to the immediate preservation of the public peace, health and safety, and that this Ordinance shall be in full force and effect upon adoption.

**INTRODUCED, READ AND ADOPTED AS AN EMERGENCY ORDINANCE,
AND ORDERED PUBLISHED** this ____ day of January 2026.

Greg Swiatkowski, Mayor

[S E A L]

ATTEST:

Georgia Gilley, City Clerk



January 12, 2026

City Administrator’s Summary Report

December 08, 2025 - January 12, 2026

Administration

- **2026 Budget**

At the December 2025 Council Meeting, Council formerly adopted the 2026 Budget and by ordinance appropriated the requisite funds to various departments for operating purposes for fiscal year 2026. Since the last meeting, the 2026 Budget Letter was drafted and signed by the Mayor for submittal purposes to the State. The entire 2026 budget along with supporting documentation and Budget Letter were downloaded to Colorado Department of Local Affairs. The budget was accepted and approved by the State as to compliance with Colorado Revised Statutes.

The budget, as presented, was balanced and included information regarding Burlington’s strategic Priorities for 2026 as outlined in the Capital Expenditures and Special Projects section of the budget. In future Council Meetings you will be kept apprised of status on each one of our capital projects. To recap, these projects include the following:

- Administration: 2026 Municipal Election with Ballot measure to increase Lodgers Tax
Land Use Code Development
Property Acquisition
- Parks and Recreation: GOCO Grant to improve Parmer Park experience and Court Resurfacing
- Pool: Pool Vacuum acquisition
Fence Screening
Structure over mechanical area
- Police: Replacement of Toughbooks (mobile Data Terminals
Acquisition of Firearms Simulator
Ongoing Lease Payments of police vehicles
- Streets: 2025 Street Project completion
2026 Street Project completion
Ongoing Lease Payments for vehicles and equipment
- VA Clinic: Interior Remodel of portion of Clinic
- Old Town: Replacement of Flooring in Honor Hall,
Replacement of Doors in Heritage Hall
Replacement of doors at Barn
Boardwalk Replacement
- Electric: Move South Electric Loop from Overhead to Underground
Begin Meter Changeout – move to Radio Read
Tree Trimming

	Ongoing lease payments for vehicles and equipment
Water/Sewer:	Design and Engineering of WWTF
	Secure Funding for WWTF
	Begin Construction of WWTF
	Continue upgrade of water meters
	Water Tower Maintenance
Airport:	Runway Sel Project
	Access Road Rebuild

- **Municipal Election**

Georgia Gilley, our Municipal Clerk has put together a calendar of benchmarks with dates to meet for the upcoming election to be held April 7th. Council Candidate Petition Packets have been developed and are ready to be distributed. Reminder, there are 4 seats up for election (3-Four-year seats, 1-Two-year seat). Language for the Ballot measure has been developed and currently under review as to form and compliance with state statute.

- **Land Use Code Development**

We are contracting with Bohanon Huston, Inc. of Englewood, Colorado, to assist in the development of and update of our Land Use Code with the development and adoption of an accompanying building code. Contract has been updated to meet our requirements and is ready for Mayor’s signature. We hope to have a “kick-off” meeting later this month. Process will be 6-9 months in length.

- **Property Acquisition**

A Contract for Sale of Real Property has been developed and approved for the acquisition of a vacant parcel of land located at the Southeast Corner of the Intersection of Main Street and Martin Avenue, to be developed as a “Civic Plaza” to draw residents and visitors alike to our Main Street area. The Plaza is an outdoor setting that can serve as a meeting area, event area, etc. and will assist in driving economic revitalization to our downtown business district. A Resolution has been developed to show that this property acquisition has been approved by council to meet the requirements of the Title Company. We hope to close on the property by end of Month.

- **Park and Recreation**

Burlington is the recipient of GOCO Grant to improve and update Parmer Park and to rebuild our basketball/tennis court facility. The award is \$750.00 and will be awarded once the contract is signed and in place. We have ongoing weekly meetings to ensure our project stays on track and I will provide you all with a timeline as the project continues to move forward.

- **2026 Street Project**

As all are aware, our 2025 Street Project was not completed due to colder weather moving in. In December, we had a warm spell where Bettis Asphalt was able to come and asphalt Rose Pony Way. This reduces our 2025 street project still needed to be completed in 2026, and to be performed in conjunction with the 2026 Street Project.

Since we last met Design and Engineered drawings have been submitted for the 2026 Street project and we are currently developing the bid specifications for this project which will be completed and published later this week. Our goal remains to start April/May again depending on weather outlook, and we will continue to dialogue on a regular basis with Bettis Asphalt to ensure the earliest start possible.

Remaining to complete in the 2025 Project is the following:

- Resurface Fay Street – Mike Lounge Drive East to 15th Street
- Resurface Mike Lounge Drive – Rose Avenue South to Ben Street

2026 Street Project will include the following:

- Resurface Fay Street from 15th Street to 14th Street to include curb and gutter replacement where needed.
- Resurface 14th Street from Rose Avenue to Fay Street to include curb and gutter replacement where needed.
- Resurface the entire length of Ben Street to include curb and gutter replacement where needed.
- Resurface Martin Street from 8th Street to Main Street to include curb and gutter replacement where needed.

- **Wastewater Treatment Facility**

A Special Meeting was held December 17th at the Community Center for a Public Hearing to discuss and inform the community regarding the funding and construction of a new Wastewater Treatment Facility. The new facility will be at the current site and moves Burlington from an antiquated evaporative lagoon system to a mechanical system with a sequential batch reactor. JVA is our design and environmental engineers on this project and facilitated the public meeting. Although very little public attendance, the meeting was informative and started the time clock on seeking funding and getting this project under construction.

Since the meeting, on January 5th JVA, with staff input, completed and submitted a loan application to the State Revolving Fund. Our application was accepted and is currently under review. We are also working with the Department of Local Affairs to submit an EIAF Tier II grant for \$1Million to offset constructions costs. This grant opens January 12th and Closes February 13th. We will continue to meet weekly with JVA as we continue to finalize our planning and engineering of the new WWTF and to assist with completion of the EIAF grant.

Once a loan is approved, we head into the procurement stage and preconstruction stage. If all goes as planned, and we receive funding from DOLA we may be ready to award bids late spring/early summer (no guarantees yet), and head into procurement/construction (Phase 3 of our project – May 2026).

- **Electric – Move South Loop from Overhead to Underground**

This project has been in the planning and procurement stage for the last two years. Early in 2026, once bid specifications have been developed, the project will be put out to bid. We hope to contract with a qualified entity to perform the work by springtime and to be in process by early summer. This project will move our overhead line that runs along the South side of I-70 to an underground application, protecting this highly exposed line from high winds, snow and ice, and other hazards that disrupt providing energy to our consumers. As this is being placed underground, another distribution line will be added, in essence allowing us to split the line to North and South of the interstate users.

Intergovernmental/Upcoming Events

- Public Works Planning Meeting – Monday’s 7:00 AM
- Management Team Meeting – Wednesday’s 2:00 P.M.
- JVA Meetings – WWTF Funding with DOLA and additional Grant Opportunities
 - January 14th
- Burlington Housing Authority Meeting – Wednesday, January 14th
- January 12, 2026, City Council Meeting, Community Center, 6:30 P.M.
 - Public hearing and consideration of new tavern license at Century lanes
 - Consider approval of Resolution 2026-02 to approve real estate purchase
 - Consider approval of Bohannan Huston contract regarding land use and build code development
 - Consider Proposed ballot measure and Ordinance 1015 regarding lodging tax and set public hearing
- January 26, 2026, City Council Special Meeting, Community Center, 6:00 PM
 - Public meeting to inform citizens and solicit public input regarding a referred ballot measure to raise Lodger’s Tax

Public Works Report 1/12/2026

Electric Department

Took down Christmas decorations and help dismantle the Christmas tree at the north end of main street. Breaker at substation was repaired and T-2 was put back in service. Working with Power Solutions to contract them for a bi-annual maintenance program at the substation. A communication line was hit by a farm implement at CR 48.5 and CR W pulling down a pole owned by KC Electric, with a power line heading to Well #1 attached to it. All was repaired within 24 hrs, however it was discovered that a pole heading to the Trailer park northeast of the cemetery needed replaced. This replacement is scheduled for Wednesday, January 14.

Parks Department

Assisted with the take down of all the Christmas decorations. Repairing, replacing boards and repainting all the bleachers around the swimming pool in preparation for the upcoming season.

Street Department

Assisted with the take down of all Christmas decorations, including the tree on main street, nativity scene and the Carousel. Swept streets. Measured curb and gutter, alley pans and sidewalks that will be replaced for the 2026 Street project so that bid spec can be developed.

Water/ Wastewater Department

Worked with JVA to get the SRF loan application uploaded to the State portal for review for the WWTF. Received 102 radio-read water meters to be installed in the distribution system. So far 430 out of 1380 are installed. First of month water and wastewater sampling. Assisted with Christmas decorations.

