

# CITY OF BURTON

## COUNCIL MEETING MINUTES

A Regular Meeting of the Burton City Council at 5:30 p.m. was held on

TUESDAY, December 10, 2024, in the Burton City Hall

at 12200 E. Mulberry Street Spur 125, Burton, Texas.

### Members Present:

Mayor Karen Buck

Councilmember Paul McLaughlin

Councilmember Jeff Eckhardt

Councilmember Macey Tidwell

**Members Absent:** Councilmember Tommie Gilmon, Councilmember Nathan Kalkhake

**Others Present:** City Secretary Angela Harrington,

**Citizens Present:** Sarah Forsythe (Banner Press), Joshua Blaschke (KWHI), Chuck & Debra Johnson, Tiffany Eckhardt, Dale Schwartz and Gregory Miller (Bickerstaff, Heath, Delgado, Acosta LLP.)

**Mayor Karen Buck called the meeting to order at 5:31 pm. A quorum was established and all in attendance were led in the Pledge of Allegiance.**

### CITIZEN PRESENTATIONS

Former Councilmember Dale Schwartz encouraged Council and praised them for all the work that they are doing to get grant funding for the many things that need attention around the City.

### CONSENT AGENDA

- (1) **Minutes of the November 12, 2024 Regular Meeting & December 3, 2024 Workshop Meeting**
- (2) **Financial Reports-Revenue & Expenditures**
- (3) **Mayor's Report** – Attached.
- (4) **City Secretary's Report** – None
- (5) **Utility Report** – Attached.

A motion was made by Councilmember McLaughlin and seconded by Councilmember Eckhardt to **ACCEPT** the consent agenda.

FOR: Tidwell

AGAINST: None

The motion passed.

### UPDATES:

1. **General Land Office Contract #24-065-042-E534 - Water Well #5 Project**

Engineering is scheduled to have their design finalized by January 31 and Procurement of the well company will, more than likely, be in late February. A final specific location should also be determined by mid-January.

2. **2023-2024 TDA CDBG – Rebuild/Repair Knittel Lift Station** – Awarded. In planning stages.

3. **2025-2026 TDA CDBG – Application for Wastewater and Drainage Improvements South of 290**  
Application submitted.

4. **2025 Texas Water Development Board DWSRF Project Information Form**

Bradley with BEFCO, the Mayor, and Paula with Langford will meet to discuss the application and will have it submitted in a timely manner prior to the PIF deadline of March 7, 2025.

**CONSIDERATION AND/OR ACTION TO:**

**1. On a Resolution Authorizing Publication of Notice of Intention to Issue Combination Tax and Surplus Revenue Certificates of Obligation**

Mayor Buck went through a timeline, life span and the failure of all of the wells that have serviced Burton. She also pointed out that Burton's water system services approximately 270 residents, weekend and/or short term rentals, 2 restaurants, small businesses, churches, non-profits, 2 city parks, and a Volunteer Fire Department that services beyond the city limits and ETJ. It also services Burton ISD's physical location within the city limits which encompasses more than 500 students and staff, with a cafeteria that serves 2 meals a day.

The City Secretary went through a timeline from the beginning of the application of funds for a water well. She explained that the original application for multiple drainage improvements was submitted in 2020 to the Harvey Mitigation and denied. In 2022, the City was contacted by the Brazos Valley Council of Governments (BVCOG) to inform them that the City was a potential recipient of funding in the amount of \$500,000 of left over Harvey Mitigation money with a method of distribution through the BVCOG. The project for Water Well #5 was submitted and accepted. The well application was submitted in April of 2023 and included a Budget Justification of \$609,500. In November of 2023, the city was formally notified of the awarded funds being \$593,800, due to additional funds becoming available. Actual costs for the project was determined in September of 2024 to be \$1.2 million with a drastic reduction in items included.

The GLO grant funds will cover roughly half of the costs to give the City a second well. This item provides funds to have the project completed. Gregory Miller (Bond Counsel) explained the process of acquiring a Certificate of Obligation and what to expect to Council. The City Secretary pointed out that the General Obligation Refunding Bonds, Series 2016 held by the City will be paid off in September of 2027. There will be some overlap of the Obligations. It is believed that the city currently collects enough funds to take on this additional debt. A motion was made by Councilmember McLaughlin and seconded by Councilmember Eckhardt to **APPROVE**.

FOR: Tidwell

AGAINST: None

The motion passed.

**2. To Approve the 2025 Holiday Schedule**

A motion was made by Councilmember Eckhardt and seconded by Councilmember Tidwell to **APPROVE**.

FOR: McLaughlin

AGAINST: None

The motion passed.

**The Meeting was adjourned at 6:13 pm.**

ATTEST:

  
City Secretary Angela Harrington

  
Mayor Karen Buck

## **Mayor's Report December 4, 2024**

### **Activities for the month of November included...**

\*Monthly GLO Team Call regarding updates from all entities involved in the Water Well #5 project.

\*Met with water contractor regarding city water line issues/updates as well as updating his contract with the city.

\*Following up on discussion with BEFCO engineers back in late October, I spoke with Burton Volunteer Fire Department Chief Billy Jasinski regarding his knowledge about any fire ordinances (in place or in need here in town); fire codes, and hydrant ratings. I learned that –

-Burton's ISO (Insurance Services Office) ratings are a 5 or 6. (In comparison, Brenham's is a 2 or 3 as they have paid staff.) ISO ratings are determined by how well the fire department is able to serve the community. The lower the number the better the rating.

-Hydrant testing is done by BVFD as part of training every 2-3 years in January or February.

-For information about Fire Codes (types, the needs of the city, enforcement) Billy referred me to Stephen Lovings the Fire Marshall in Brenham. I have a phone call in to Mr. Lovings and hope to set up meeting with him.

\*Wrote "Burton Matters" article for Banner Press.

\*Reviewed Subdivision Ordinance DRAFT and sent follow up questions to on-call BEFCO engineer to clarify his comments on the draft. Also worked on DRAFT for the "whereas" introduction to the ordinance.

\*Began research on Water Well #4 motor size/amps and specs on Water Well #5 for Mr. Zaskoda to confirm that current emergency generator can service both wells. Met a dead end in paper files; need to work with Dustin on site at WW#4 for that information.

\*Wrote speech and attended the Veteran's Day Program at Brenham's American Legion Hall on November 11.

\*Attended Board Meeting of BVCAP (Brazos Valley Community Action Programs) in Bryan on November 13.

\*Met with Robin Wellmann and Justice of the Peace Harold Riddle at City Hall regarding the JP's office moving to City Hall.

\*Follow up with City Attorney Bridgette regarding water lines on FM 1697.

\*Met with County Judge John Durrenberger and Precinct 4 Commissioner Dustin Majewski regarding the JP Office here at City Hall.

\*Made contact with ATF (Alcohol Tobacco & Firearms) agent regarding police department closure and seized weapons. Plan was made regarding the handling of ballistic tests and destruction of seized weapons.

\*Invited by Burton Bridge Ministry's Madeline Johnson to speak at the Community Thanksgiving Meal on Sunday, November 24.

\*Initiated the Boil Water Notice Protocol (November 25) and follow up Rescind (November 27) emails for City Council and City Leaders. BWN was for water line in west Burton starting at Indian Creek and heading west; included all homes and businesses west of the creek.

\*My son, Jonathan, and I hung Christmas lights at City Hall.

**Total number of volunteer hours for the month of November – 58**

# System Totals Report

City of Burton

Water Pumped This Month	1,855,000 Gallons
Water Sold This Month	1,210,620 Gallons
Water Used for Fire and Flushing Line	100,000 Gallons
Water Loss	544,380 Gallons
Water Loss (%)	29.35 %

	Amount (\$)	# Of Accounts
Total Water	11,768.26	217
Total Sewage	7,312.70	192
Total GARBAGE	4,311.00	202
Total Adjustments	(202.90)	2
Total Other Charge	-0.26	1
<b>Total Current Charges</b>	<b>23,188.80</b>	<b>228</b>
Amount Past Due 1-30 Days	3,818.85	41
Amount Past Due 31-60 Days	1,384.38	17
Amount Past Due Over 60 Days	5,277.80	15
Amount Of Overpayments/Prepayments	(1,909.17)	32
<b>Total Receivables</b>	<b>31,760.66</b>	<b>242</b>

Total Receipts On Account	21,309.08	185
Net Change in Deposits	160.00	1
Amount of All Deposits	29,052.31	225
Amount of All Deposit 2	100.00	2
Turned Off Accounts (Amount Owed)	1,840.68	50
Collection Accounts (Amount Owed)	1,516.08	21
Number Of Unread (Turned On) Meters		9
Average Usage For Active Meters	5,218	232
Average Water Charge For Active Meters	54.23	217

Usage Groups	Gallons	# Of Accounts	Usage	Gallons	% Of Usage	% Of Sales
Over 50,000		2 - : WWTP	276,900		22.87	4.90
40,001-50,000		0 F&N	0		0.00	0.00
30,001-40,000		1 - Burton ISD	31,800		2.63	1.18
20,001-30,000		5	124,800		10.31	3.97
10,001-20,000		20	260,880		21.55	13.34
8,001-10,000		7	67,490		5.57	4.05
6,001-8,000		13	91,640		7.57	6.34
4,001-6,000		22	110,120		9.10	10.14
2,001-4,000		53	156,420		12.92	21.71
1-2,000		91	90,570		7.48	31.66
Zero Usage		18	0		0.00	2.72
<b>Total Meters</b>		<b>232</b>	<b>1,210,620</b>		<b>100.00</b>	<b>100.00</b>

### DECEMBER UTILITY REPORT:

- GARBAGE REPORT: IT SEEMS LIKE THEY HAVE GONE BACKWARDS SINCE RECEIVING A CONTRACT WITH US AGAIN. WE HAVE HAD SEVERAL CALLS ON MISSED TRASH. THE SAME FEW PEOPLE WERE MISSED FOR 3 WEEKS IN A ROW. ONE QUESTION: DO YOU THINK THE RESIDENTS SHOULD PAY FOR A SERVICE NOT BEING FULFILLED?
- BOIL WATER NOTICE WAS PLACED 11-25-24 DUE TO A CONSTRUCTION CREW WORKING ON PRIVATE PROPERTY HITTING AND DAMAGING OUR CITY WATER LINE. WE DID GET AN EMERGENCY WATER TEST DONE SO PEOPLE WOULD HAVE CLEAN WATER FOR THANKSGIVING. PROPER PAPERWORK WAS SUBMITTED TO TCEQ.
- WATER LOSS IS UP AGAIN DUE TO THE LEAK THAT HAD HAPPENED AT THE GUELKER PROPERTY OF 1697. IT WAS SO MUCH WATER IT FILLED HER EMPTY TANK UP ON HER PROPERTY.

## **Just the Facts**

### **Water Well Life Spans**

Water Well #1 - ?

Water Well #2 – 14 years

Water Well #3 – 13 years

Water Well #4 – Currently, this well is approaching 13 years. Emergency repairs were made to it in October of 2022. Water well was checked in October 22; all appeared good. Has not been taken offline for general maintenance since it was drilled.

### **City of Burton Water Wells serve –**

\*those who live in the city limits – approx. 270 residents + weekend homes/short term rentals + 2 restaurants + small businesses, churches, non-profits + 2 city parks + Volunteer Fire Department which serves in areas beyond city limits/ETJ

\*those who live within the ETJ – approx. 10 residential homes + 1 business

\*Burton ISD's physical location within the city limits which encompasses more than 500 students and staff, cafeteria that serves 2 meals a day

\*Water well also serves Wastewater Treatment Plant

### **Water Meter Data**

There are currently 232 active meters; 3 irrigation meters; and 24 inactive meters. The total number of meters using "math" is 259.

However, if one uses "TCEQ meter math", then the number changes. We have one apartment complex here in town. It has one meter serving the building. If there are 6 apartments in the building, then "TCEQ math" views the meter count as 6. This brings the meter count up to 265 TCEQ equivalent meters.

A similar situation occurs with the school district. In regular math terms, the school district is served by 2 water meters. However, the water lines that enter the school district are more than twice the size of the average residential water line. They pull more water faster, and they serve more than 500 students and staff. This "TCEQ meter math" is even more complicated to figure out; unable to do that type of math.

Our engineer has said that the current water well & plant infrastructure has the capacity to serve a 375 TCEQ meter equivalent.

Without knowing what the TCEQ meter equivalent is for the school district, we do not have a complete answer to exactly what our TCEQ meter count is. But if meter math were like algebra, the answer would be  $265 + X$  TCEQ equivalent meters.

## **Water Well History & Timeline**

**January 29, 1966** - Water Well #1 was drilled by the Burton Water Supply Company. The water tower sits above this original site.

**February 19, 1996** - Water Well #2 was drilled in the area of Nueces and West Washington Streets.

**October 11, 1999** – Water Well #3 was drilled near the site of Water Well #1.

\*Water Well #3 was producing less than 200 gallons a minute.

**July 25, 2011** – Water Well #2 failed. Site capped/abandoned. All above ground equipment that was useable was moved to site of Water Well #4.

**April 2012** - Water Well #4 was drilled with help of an emergency assistance program.

NOTE: Much of the above ground equipment is dated to Water Well #2 and February 1996.

**October 30, 2012** – Water Well #3 failed.

**March/April 2024** – Realization that number of water meters allowed per TECQ standards was 250. City meter count fast approaching this limit.

**Summer 2024** – Work to identify ALL abandoned meters and/or taps to the water system.

**October 2024** – Water Well #3 capped per TCEQ standards.

**December 2024** – Groundwork being laid to move toward charging unused/abandoned meters a standby fee to see if can lower the meter count.



## Harvey Mitigation Timeline

1. July 28, 2020 – Council approved a Resolution (20200728) of the City of Burton, Texas, authorizing professional service provider selection for Community Development Block Grant Mitigation (CDBG-MIT) Programs through the Texas General Land Office (GLO.)  
Langford Community Management Services were selected.
2. August 18, 2020 – Council approved a Resolution (20200818) of the City of Burton, Texas, accepting the CDBG-MIT Scoring Committee's Rating of the Respondents to the City's Request for Qualifications for Engineering Services and authorizing the Mayor to contract with an Engineering Firm accordingly for the 2015, 2016, and Harvey CDBG-MIT programs through the Texas GLO.

The City contracted with BEFCO Engineering, Inc. for engineering services.

3. September 29, 2020 – Projects for the application for the use of CDBG-MIT funds were decided on:
  - a. S. Main St. Drainage & Knittel Lift Station & Access Road Improvements
  - b. US 290 Lift Station Improvements
  - c. Live Oak Drainage Improvements
  - d. Washington St. Water and Wastewater Improvements
  - e. Texas St. Improvements
  - f. Old School (AMKIN) Lift Station Improvements

Submitted.

4. Original Application DENIED
5. April 14, 2022 – Application for the CDBG-MIT Method of Distribution through the Brazos Valley Council of Governments (BVCOG) was submitted with the project being Water Well #5.
6. September 7, 2022 – Received notification that the BVCOG's request that the Low to Moderate Income not be a factor for small rural municipalities within the Brazos Valley was approved by GLO.
7. October 25, 2022 – Received letter from the BVCOG informing us that Burton was included as a potential recipient of funding in the amount of \$500,000.
8. October 26, 2022 – A letter acknowledging the acceptance of funding through the Regional Mitigation Program if awarded was signed by Mayor Pro-Tem Nathan Kalkhake and returned to the BVCOG.
9. April 11, 2023 – Budget Justification for \$609,500.
10. April 25, 2023 – Application for Federal Assistance submitted to FEMA in regards to the BVCOG CDBG-MIT MOD.

11. November 21, 2023 – Letter received formally notifying the City of Funding in the amount of \$593,800 (due to additional funds becoming available.)
12. April 4, 2024 – GLO/City Grant contract executed.
13. April 23, 2024 – Environmental Review began.
14. September 4, 2024 – Received notification that the original estimated price was much more than anticipated. More in line is a project costing \$1.2 million and up.
15. October 3, 2024 – Request for Release of Funds Accepted

RESOLUTION NO. 20211210

RESOLUTION AUTHORIZING PUBLICATION  
OF NOTICE OF INTENTION TO ISSUE  
COMBINATION TAX AND SURPLUS REVENUE  
CERTIFICATES OF OBLIGATION

THE STATE OF TEXAS  
COUNTY OF WASHINGTON  
CITY OF BURTON

§  
§  
§

WHEREAS, the City Council of the City of Burton, Texas (the "City Council") deems it advisable to give notice of intention to issue combination tax and surplus revenue certificates of obligation of said City, as hereinafter provided; and

WHEREAS, it is officially found and determined that the meeting at which this Resolution has been considered and acted upon was open to the public and public notice of the time, place and subject of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURTON, TEXAS:

Section 1. FORM OF NOTICE. Attached hereto and marked Exhibit "A" is a form of Notice of Intention to Issue Combination Tax and Surplus Revenue Certificates of Obligation, the form and substance of which are hereby adopted and approved.

Section 2. PUBLICATION OF NOTICE. Said Notice shall be published, in substantially the form attached hereto, in a newspaper, as defined in Subchapter C of Chapter 2051, Texas Government Code, of general circulation in said City once a week for two consecutive weeks, the date of the first publication thereof to be at least forty-five (45) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

Section 3. POSTING OF NOTICE ON WEBSITE. Further, said Notice shall be posted in substantially the form attached hereto continuously on the City's website for at least forty-five (45) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

PASSED AND APPROVED THIS 10<sup>th</sup> DAY OF DECEMBER 2024.

Karon Buck  
Mayor

ATTEST:

Angela Hamington  
City Secretary

[CITY SEAL]

Exhibit "A"

NOTICE OF INTENTION TO ISSUE  
COMBINATION TAX AND SURPLUS REVENUE  
CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Burton, Texas, will convene at the Burton City Hall, 12200 E. Mulberry St. Spur 125, Burton, Texas at 5:30 p.m. on Feb. 11, 2025 and, during such meeting, the City Council will consider passage of an ordinance and take such other actions as may be deemed necessary to authorize the issuance of combination tax and surplus revenue certificates of obligation in an aggregate principal amount not to exceed \$685,000 for the purpose of paying contractual obligations of the City to be incurred for the Design, Engineering, Planning, Equipping, Constructing, Improving, Renovating, Updating of the City's water wells and water system, and the payment of professional services and costs of issuance related thereto. The certificates of obligation will be payable from the levy of an annual ad valorem tax, within the limits prescribed by law, upon all taxable property within the City and surplus revenues of the City's Waterworks and Sewer System within the limits prescribed by law. The certificates of obligation are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Local Government Code, Section 271.041, et seq.

As further required by Local Government Code Section 271.049(b)(4), the following additional information is provided:

- (A) The current principal of all outstanding debt obligations of the City is \$245,000.
- (B) The current combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$255,825.
- (C) The maximum principal amount of the certificates to be authorized is \$685,000.
- (D) The estimated combined principal and interest required to pay the certificates to be authorized on time and in full is approximately \$858,386.
- (E) The maximum interest rate for the certificates may not exceed the maximum legal interest rate.
- (F) The maximum maturity date of the certificates to be authorized is September 15, 2040

Pursuant to Texas Local Government Code Section 271.049(c), an election on the question of the issuance of the certificates will be called if before the time tentatively set for the authorization and issuance or if before the authorization of the certificates, the City Secretary receives a petition signed by at least five percent of the qualified voters of the City protesting the issuance of the certificates, the City may not issue the certificates unless the issuance is approved at an election ordered, held and conducted in the manner provided for bond elections under Chapter 1251, Government Code.

/s/ Karen Buck  
Mayor, City of Burton, Texas

# 2025

## CITY OF BURTON

### HOLIDAY SCHEDULE

(Paid. Based on Federal and TMLIRP)

Wednesday, January 1	New Year's Day
Monday, January 20	Martin Luther King Jr. Day
Monday, February 17	President's Day
Thursday, April 17	Good Friday/Easter Observed
Monday, May 26	Memorial Day
Thursday, June 19	Juneteenth
Thursday, July 3	Independence Day
Monday, September 1	Labor Day
Monday, October 13	Columbus Day
Tuesday, November 11	Veterans Day
Wed. and Thurs, November 27-28	Thanksgiving Holiday
Wednesday, December 24	Christmas Eve
Thursday, December 25	Christmas Day
Wednesday, December 31	New Year's Eve
*Birthday	