

CITY OF BURTON

COUNCIL MEETING MINUTES

A Regular Meeting of the Burton City Council at 5:30 p.m. was held on
TUESDAY, August 13, 2024, in the Burton City Hall
at 12200 E. Mulberry Street Spur 125, Burton, Texas.

Members Present:

Mayor Karen Buck	Councilmember Macey Tidwell
Councilmember Paul McLaughlin	Councilmember Tommie Gilmon
(Councilmember Jeff Eckhardt via Phone)	

Members Absent: Councilmember Nathan Kalkhake

Others Present: City Secretary Angela Harrington, Utility Clerk Rachel Belvin

Citizens Present: Ned Ross, Sarah Forsythe (Banner Press), Joshua Blaschke (KWHI), Susie Tommaney, Adam Freitag, Hollie Janecka of Strand Associates & Bradley Loehr of BEFCO Engineering.

Mayor Karen Buck called the meeting to order at 5:30 pm. A quorum was established and all in attendance were led in the Pledge of Allegiance.

CITIZEN PRESENTATIONS

Susie Tommaney thanked the council for their service and spoke on two subjects listed under the Discussion Only agenda. She would like to remind council to remember how great an impact a "Subdivision Ordinance" would have on the city and the owners of property within the City. She encouraged council to consider implementing a Homestead Exemption on property taxes. She also made a few comments regarding a survey gathering information for the residents of Burton by stating that she felt it would be nice to know what the residents of Burton desire for the future but commented that there are many more important topics to consider and "Pickle Ball" is not one of them.

CONSENT AGENDA

- (1) **Minutes of the July 9, 2024 Regular Meeting**
- (2) **Financial Reports-Revenue & Expenditures**
- (3) **Mayor's Report** – Attached.
- (4) **City Secretary's Report** – Attached
- (5) **Utility Report** – Attached

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

FOR: Eckhardt, Tidwell

AGAINST: None

The motion passed.

UPDATES:

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

City Secretary and Engineer Bradley Loehr brought the council up to date information with Mr. Loehr stating that he will attend next month's meeting to formally discuss the specific possible locations of the well.

2. **Water Line Project – 2021 Tx Dept of Agriculture Contract CDV21-0440**

Mrs. Harrington told that in attendance that the project is almost complete. Mr. Loehr told council that they are waiting on bacterial testing to return in order to completely abandon the old line on S. Brazos St. and then final punch list will be completed.

3. **Application 2023-2024 TDA CDBG – Rebuild/Repair Knittel & Amkin Lift Stations**

Mrs. Harrington told council that we had received a request for additional information (questions) regarding the application for this project, which is a good sign, and that Mr. Loehr had provided those answers.

4. Application 2025-2026 TDA CDBG – Drainage Project on South Side

This project has not opened up for submission at this time but Mrs. Harrington told council that she is going to be procuring grant administration within the next couple of weeks to assist with the application.

5. Commissioner Sid Miller of the Texas Department of Agriculture

The Mayor and City Secretary told all in attendance about a phone call received last week from Commissioner Sid Miller. He told us that the TDA is giving the City of Burton money to be used to combat water lose and repair lines. At this time, there are no specifics known. City Hall is waiting to hear from the TDA with further instructions and information.

CONSIDERATION AND/OR ACTION TO:

1. Approve the Proposed No New Revenue Property Tax Rate for 2024, which is 0.297267 per \$100 Valuation Tax Rate Resulting in 0.045349 for M&O and 0.251918 for I&S and Set Public Hearing for 5:30 September 10, 2024

Mrs. Harrington explained that the No New Revenue Rate generates the same revenue as the last rate. A motion was made by Councilmember Tidwell and seconded by Councilmember McLaughlin to **APPROVE**.

FOR: Eckhardt, Gilmon

AGAINST: None

The motion passed.

2. Review and Take Possible Action on Contracting with BEFCO Engineering and/or Strand Associates for On-Demand or As Needed Engineering

Mayor Buck reminded council that they had heard from both engineering firms in past meetings and that they each have different strengths. A motion was made by Councilmember McLaughlin and seconded by Councilmember Tidwell to **CONTRACT WITH BOTH FIRMS**.

FOR: Eckhardt, Gilmon

AGAINST: None

The motion passed.

3. Approve Ordinance 20240813 Regarding Laas-Weeren Park Use and Rules

It was explained that this ordinance finalizes all of the previous several months discussions and actions regarding alcohol on city property. A motion was made by Councilmember McLaughlin and seconded by Councilmember Gilmon to **APPROVE**.

FOR: Eckhardt, Tidwell

AGAINST: None

The motion passed.

4. Approve Resolution 20240813R Authorizing Road Closures for the Trick or Treat Trail on October 26, 2024 from 5pm to 8pm

The City Secretary told Council that the Chamber of Commerce wishes to close more roads for the safety of children attending the Trick or Treat Trail. These closures include portions of state right-of-way. TxDOT has told the city that no formal agreement, such as that needed for the Cotton Gin Festival, is necessary for closures less than 4 hours in length so she opted to include a Resolution this year to formally express the intent of the City of Burton. A motion was made by Councilmember Tidwell and seconded by Councilmember Gilmon to **APPROVE**.

FOR: Eckhardt, McLaughlin

AGAINST: None

The motion passed.

5. Purchase a New Camera Security System for City Hall

The City Secretary included two (2) estimates with the reduction from eight (8) to four (4) cameras for council to consider. After some discussion, it was decided to ask those submitting an estimate to attend the next meeting to explain the difference in cameras and other options available. No action was taken and this item was tabled.

6. **Remove Declining Tree on N. Brazos St. between Corner Shoppe (807) & Martin Residence (803)**
Mrs. Harrington told council of the recent event of damage to a passing vehicle due to a large limb falling out of a tree on N. Brazos St. A claim was filed with TMLIRP and denied. She had met with Mr. Mendoza to examine the state of the tree and found that it was partially hollow making it more likely to shed more limbs. This item has been placed on the agenda for safety of other pedestrians and drivers. A motion was made by Councilmember Gilmon and seconded by Councilmember McLaughlin to **APPROVE** the expense.

FOR: Eckhardt, Tidwell

AGAINST: None

The motion passed.

DISCUSSION ONLY:

1. Ball Park Use Agreement between the City and Friends & Neighbors as recommended by Olson & Olson

Mayor Buck told council that this agreement has been provided to Terri Smith of Friends & Neighbors who has her attorney looking at it. The plan is for the Mayor and Nathan Kalkhake to meet with her and other possible representatives of Friends & Neighbors to discuss reasons that this agreement is needed and possible changes if needed. There was no discussion of this item due to the need for Friends & Neighbor feedback.

2. What Should be on a Survey Gathering Information on the Opinions of City of Burton Residents (Those that pay Property Taxes that Fund the Government of Burton)

In last month's meeting, Councilmember Eckhardt asked about doing some type of survey to determine the residents desire for the City of Burton in order to clarify whether an EDC is appropriate for this small municipality. He has provided a survey that requests residents opinions on a multitude of subjects and he has suggested using the online service of Survey Monkey. He would like to survey the surrounding County governed areas and the City of Burton. The City Secretary expressed her belief that many forget that the "city" is funded by the property taxes of owners of homes and businesses within the city limits and that their opinions should be far more important to the officials that elected them. Several councilmembers felt that much of the survey was more in line with the interests of a Chamber of Commerce. It was stated that knowing the opinions on city of government applicable items is important. This led to a workshop meeting being scheduled for August 27th at 5:30pm. Councilmembers were encouraged to take a better look at the provided survey and return with their thoughts and suggestions at the workshop.

3. How Does Council want to Proceed in Lieu of the Approaching Evergreen Clause Deadline with the TCW Contract

In the last year, a lot of time has been spent on discussion regarding the service we receive with our current solid waste contractor, Texas Commercial Waste (TCW). The current contract "Evergreen Clause" deadline is approaching and the city staff would like to know how council would like to proceed. It was decided that a small "survey" of the residential and commercial customers would be included in the September utility bills to see where the customers stand on the issue.

4. Simplified Subdivision or Land Division Ordinance as recommended by Olson & Olson (if available) AND Other Possible Options Available

Mayor Buck told council that she learned from Wesley Stolz of Washington County Engineering and Development that the City of Burton is the only portion of the county that has no regulations in place. Since the ordinance was not received until the day of the meeting (August 13), further discussion was postponed until August 27th when council has had time to review the provided ordinance.

The Meeting was adjourned at 6:25 pm.

ATTEST:


City Secretary Angela Harrington


Mayor Karen Buck

**Mayor's Report
August 2024**

The activities in the month of July included...

+Checking references on engineering firms that responded to our RFQs for the Texas Development Water Board water line project as well as for on-call engineer(s) for the city.

+Multiple phone calls and emails with the city attorney regarding simplified subdivision, Laas Weeren Park, Ballpark, etc. Continued research and conversations on subdivision ordinance.

+Preparation for Hurricane Beryl including creating a homebound/homebound watch list of residents, emailing council members information about their "quadrant of responsibility", and making initial phone calls to homebound/homebound watch residents pre-storm. While we did not need to active this system for Hurricane Beryl, it is helpful to have a system in place for the elected leaders in times of emergency.

+Per invitation from Banner Press, wrote first article for publication in new column "Burton Matters".

+Spoke with Tim Zaskoda who installed the generator at the Water Well – weekly tests, maintenance contract information, etc.

Total Volunteer Hours for the month of July - 52.25

Secretary's Report

August 8, 2024

- On August 1, a claim was filed with TMLIRP due to a large limb falling out of a tree that is located within the city Right-of-Way for N. Brazos St. Bob Whitener sent me pictures of the damage to his truck and I was also given the day and time of the incident. TMLIRP denied the claim and the Whiteners have been told to speak with TMLIRP for any further information after a small claims suit was mentioned. I looked at the tree and it is in decline so J. Mendoza was called to get an estimate for its removal.
- The New Bostain Easement has been filed and work on the S. Brazos St. water lines is nearing completion.
- With the sale of the Thaler property on S. Railroad St., Quirt Knittel has approached me regarding having a portion of the S. Railroad St. easement that is adjacent to the Thaler property deeded to him. I am researching with the CAD to try to find details. The transaction with the railroad property was a little complicated.

System Totals Report

City of Burton

Water Pumped This Month	1,722,200 Gallons
Water Sold This Month	1,357,610 Gallons
Water Used for Fire and Flushing Line	225,000 Gallons
Water Loss	139,590 Gallons
Water Loss (%)	8.11 %

	Amount (\$)	# Of Accounts
Total Water	11,223.92	218
Total Sewage	7,336.40	192
Total GARBAGE	4,353.00	205
Total Adjustments	(140.00)	3
Total Current Charges	22,773.32	229
Amount Past Due 1-30 Days	3,542.39	38
Amount Past Due 31-60 Days	1,993.17	21
Amount Past Due Over 60 Days	5,661.82	19
Amount Of Overpayments/Prepayments	(3,128.87)	48
Total Receivables	30,841.83	232

Total Receipts On Account	24,465.52	199
Net Change in Deposits	-92.36	1
Amount of All Deposits	28,285.59	220
Amount of All Deposit 2	100.00	2
Turned Off Accounts (Amount Owed)	1,802.28	44
Collection Accounts (Amount Owed)	1,477.68	20
Number Of Unread (Turned On) Meters		5
Average Usage For Active Meters	5,802	234
Average Water Charge For Active Meters	51.49	218

Usage Groups	Gallons	# Of Accounts	Usage	Gallons	% Of Usage	% Of Sales
Over 50,000		4	577,000		42.50	4.26
40,001-50,000		0	0		0.00	0.00
30,001-40,000		0	0		0.00	0.00
20,001-30,000		0	0		0.00	0.00
10,001-20,000		12	166,500		12.26	8.41
8,001-10,000		10	91,310		6.73	5.32
6,001-8,000		17	115,990		8.54	8.87
4,001-6,000		33	169,640		12.50	16.06
2,001-4,000		55	164,310		12.10	23.11
1-2,000		74	72,860		5.37	27.25
Zero Usage		29	0		0.00	6.73
Total Meters		234	1,357,610		100.00	100.00

AUGUST UTILITY REPORT

Start: 5:30 pm

- Work is still being done on the water lines across the bridge. We are still getting complaints from residents on things they are not happy with. Dustin will have a check list of everything we've received.
- Lead line inventory is still in the works- Dustin and his guys will be getting that information to me once they get it. I have the spreadsheet all filled out and ready to enter in the data.
- We found a couple meters that were not reading correctly so those have been sent to Dustin to be replaced.

• lead & copper test due Sept. 30th

ORDINANCE NO. 20240813

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURTON, TEXAS AMENDING THE PARK RULES FOR LAAS-WEEREN CITY PARK TO REPEAL THE ALCOHOLIC BEVERAGE PROHIBITION; REPEALING ALL PRIOR ORDINANCES, RESOLUTIONS, AND RULES FOR LAAS-WEEREN CITY PARK; AND PROVIDING FOR PENALTY

WHEREAS, the City Council of the City of Burton has determined a need to clearly establish rules and regulations regarding the use of Laas-Weeren City Park; and

WHEREAS, public health, safety, and welfare requires the adoption and enforcement of rules and regulations at Laas-Weeren City Park.

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

Section 1. Ordinance 20231212 and any other ordinance, resolution, or policy enacted concerning rules and regulations of Laas-Weeren City Park are hereby repealed.

Section 2. The following Rules and Regulations for Laas-Weeren City Park are hereby adopted and enforceable as follows with addition being **bolding and underlined** and deletions being ~~struck~~:

Hours and laws for Laas-Weeren City Park:

(A) It shall be unlawful for any person to enter into or upon the city park between the following hours and days:

(1) 10:00 p.m. and 6:00 a.m. on Fridays and Saturdays.

(2) 9:00 p.m. to 6:00 a.m. on Sundays through Thursdays.

(3) Exceptions for events approved by the city council may be granted in certain circumstances.

(B) It shall be unlawful for any person to camp or sleep overnight in the city park.

(C) It shall be unlawful to kindle or maintain any type of open fire or open burning in the city park.

(D) It shall be unlawful to loiter (linger without a purpose) or panhandle in the city park.

~~(E) It shall be unlawful to consume or possess any alcoholic beverage in the city park. Exceptions for events approved by the city council may be granted in certain circumstances.~~

(F) Any person who violates the provisions of this section or fails to comply with this article, shall be subject to immediate removal from the city park, guilty of a misdemeanor, and subject to a fine of not more than \$200.00 upon conviction.

Finance.

The city may accept any gifts of labor and/or materials as well as monetary donations made for the benefit of Laas-Weeren City Park with grateful thanks to the donors. City Council shall approve all donations and improvements to the city park prior to any work or changes performed on city park property. All additions and improvements made to the city park shall constitute property of the City of Burton, Texas.

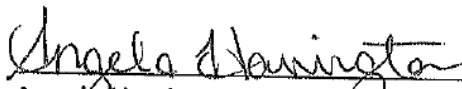
Section 3. Any person found to have violated any provision or rule of this ordinance shall, upon conviction, be fined in an amount up to \$200.00. Each day that a violation continues shall constitute a separate offense.

Section 4. This ordinance shall become effective on August 13, 2024.

PASSED AND APPROVED, this the 13TH day of AUGUST, 2024.



Karen Buck, Mayor



Angela Harrington, City Secretary

RESOLUTION NUMBER 20240813R

**A RESOLUTION AUTHORIZING THE CLOSURE OF CITY AND
STATE ROADS FOR A LESS THAN FOUR (4) HOUR DURATION
FOR THE ANNUAL TRICK OR TREAT TRAIL**

WHEREAS, the City Council of the City of Burton has granted approval for the annual "Trick or Treat Trail" being a special event celebration on October 26, 2024; and

WHEREAS, the "Trick or Treat Trail" promotes tourism and has a positive economic effort thereby serving a public purpose; and

WHEREAS, given the very nature of Trick or Treating to be a walking door to door activity, the City of Burton authorizes the temporary closure of the downtown area which includes portions of Spur 125 and FM 390; and

WHEREAS, certain Trick or Treat activities are planned to be held on segments of city and state streets; and

WHEREAS, the City Council of the City of Burton, Texas has determined that it is necessary for the preservation of the health, safety, welfare and good order of the city;


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

That the city has authorized the less than four (4) hour closure of roads as shown in the attached Exhibit A which provides the locations detour points where signs and/or barricades and the presence of Citizen on Patrol and/or Law Enforcement at each sign or barricade location to assist in the detour of traffic.

**PASSED, APPROVED AND ADOPTED THIS
THE 13th DAY OF August, 2024.**



Karen Buck, Mayor

ATTEST:

Angela Harrington, City Secretary

ROAD CLOSURES & CITIZENS ON PATROL

EXHIBIT "A"



CITIZENS ON PATROL / OR DEPUTY

- FM 1697/FM 390
- SPUR 125
- SAN MARCOS/WASHINGTON

Parking

Parking

BURTON DETOUR
SPUR 125 SIGN

COP and SIGN

BURTON DETOUR
SPUR 125 SIGN
290 WEST SIGN

ROAD CLOSED BARRICADES FOR TRICK OR TREAT TRAIL

- FM 1697/FM 390
- COLORADO/ E. MULBERRY ST
- WASHINGTON/SAN MARCOS



THESE ARE ARROW SIGNS FOR
TRAIL TRAFFIC TO PARKING
AREAS

AT CEDAR/COLORADO
AT MULBERRY/COLORADO

