

CITY OF BURTON

COUNCIL MEETING MINUTES

A Regular and Workshop Meeting of the Burton City Council at 5:30 p.m. was held on **TUESDAY, SEPTEMBER 12, 2023**, in the Burton City Hall at 12200 E. Mulberry Street Spur 125, Burton, Texas.

Members Present:

Mayor Karen Buck
Councilmember Paul McLaughlin
Councilmember Nathan Kalkhake

Councilmember Tommie Gilmon
Councilmember Jeff Eckhardt
Councilmember Macey Tidwell

Members Absent: None

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

Citizens Present: Tiffany Eckhardt, Lucas Banda (Banner Press), Jonathan Nelson, Dennis Wood & Kevin Deramus (Wash. Co. EMS).

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.

Public Hearing regarding the 2023 Property Tax Rate - None

Citizen Presentations -None

CONSENT AGENDA

- (1) Minutes of the August 8, 2023 Regular Meeting**
- (2) Financial Reports-Revenue & Expenditures**
- (3) Mayor's Report – Attached**
- (4) City Secretary's Report – Attached**
- (5) Utility Report –** Utility Clerk Rachel Belvin reminded Council of recent Boil Water Notices prompted by a leak and power outage as well as the implementation of Stage 1 of the Drought Contingency Plan due to the current severe drought.
- (6) Park Ordinance Committee Update –** A report was given by Councilmember Jeff Eckhardt that a new ordinance has been written up and he has asked a legal friend of his look at it.

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

FOR: Gilmon, Kalkhake, Tidwell

AGAINST: None

The motion passed.

DISCUSSION, CONSIDERATION AND/OR ACTION TO APPROVE, ACCEPT, DENY, REMOVE OR TABLE ON:

1. Approve Olson & Olson, LLP Engagement Letter for City Attorney Services on an As Needed (On-Demand) Basis

Mayor Buck explained to Council that Aaron Kleinschmidt had given his verbal resignation a couple of months prior to this meeting. City Secretary Angela Harrington began researching how other small cities handle their legal needs. Two firms were seriously considered. Olson & Olson was recommended by Somerville. A zoom meeting was held to meet Loren Smith, David Olson and Bridgette Begle to discuss Burton's legal needs.

A motion was made by Councilmember McLaughlin and seconded by Councilmember Gilmon to **APPROVE** the Engagement Letter.

FOR: Eckhardt, Kalkhake, Tidwell

AGAINST: None

The motion passed.

2. Accept and Approve a Division Order for Hielscher 2H, Hielscher 3H, Hielscher 4H, Hielscher 5H, Hielscher 6H and Hielscher 7H from GeoSouthern Operating II, LLC for Decimal Interest of Production Proceeds

City Secretary Angela Harrington explained that this order is the same form of agreement as the other Orders that the City has entered into with GeoSouthern. A motion was made by Councilmember Gilmon and seconded by Councilmember Eckhardt to **ACCEPT** and **APPROVE** the Division Order.

FOR: Kalkhake, McLaughlin, Tidwell

AGAINST: None

The motion passed.

3. Update on the 5-Year Washington County Hazard Mitigation Plan

Mayor Buck gave a history of the Hazard Mitigation Plan that was adopted in 2019 and outlined the goals of the plan for the next 5 years to be adopted sometime in 2024. The Mayor asked Council to let her know if they had any ideas that could be considered for the plan. Some discussion took place among Council.

4. Review Draft of Proposed New Drought Contingency Plan

Mayor Buck explained the uncertainty she experienced when first exposed to the Plan. She then found a much more understandable document in the TCEQ's model plan and has been tweaking it to fit the specific needs of Burton. There was discussion among Council. A final decision will be made at the Special Meeting on September 26, 2023.

5. Approve and Establish Water Outage and Water Well Failure Protocols

Mayor Buck told of the confusion that the recent water leak and power outage caused requiring the implementation of the Boil Water Notice. After experiencing this for the first time, she and Utility Clerk Rachel Belvin drafted protocols to be followed for both water outage and water well failure. These protocols should make future events much easier to handle and allow the city officials to be knowledgeable and more educated on what to expect.

6. Approve Resolution 20230808 Revoking Resolution 20171211A Resulting in the Dissolving of the Burton Beautification and Compliance Committee

This agenda item was tabled from the August 8, 2023 meeting. Mayor Buck recapped the discussion that took place at the August meeting. A memo from the legal firm Olsen & Olsen was presented to Council and it was pointed out that, according to legal counsel, it appears that the BBCC has been operating outside the scope of the resolution and that no Park Commission has ever been appointed as outlined in the Laas-Weeren Park Ordinance. Mayor Buck reminded Councilmember McLaughlin that when she met with him and Linda Zajicek back in July that she had requested that the minutes and records of the BBCC be brought to City Hall. It has been more than 60 days and records are still not at City Hall. The mayor stated that any citizen or the press could fill out a form and ask for them. The city would have 10 days to respond, but as mayor she has waited 60 days. Paul assured the mayor that he would get the BBCC meeting minutes to City Hall.

Resolution 20230808 was created to thank those of the BBCC for what they have accomplished. After a brief discussion, a motion was made by Councilmember Eckhardt and seconded by Councilmember Kalkhake to **APPROVE** Resolution 20230808.

FOR: Gilmon, Tidwell

AGAINST: McLaughlin

The motion passed.

Presentation by Kevin Deramus of Washington County EMS

Mr. Deramus shared a Power Point presentation explaining the concepts that have been utilized in allowing Washington County EMS to be a model of rural emergency support coverage for other similar organizations in Texas. The presentation gave those in attendance true statistics on the revenue versus tax income issues being skewed by reports in the press.


Mayor Karen Buck reminded those in attendance of future scheduled city meetings:

- Special City Council Meeting - Tues. September 26, 2023 @ 5:30 pm at City Hall for Public Hearings on the 2023 Tax Rate and the Proposed New Drought Contingency Plan
- National Night Out - Tues. October 3, 2023 from 5:30 pm to 7:00 pm at the Oliver Whitener-Roy Winkler Pavilion
- Regular City Council Meeting – Tues. October 10, 2023 at 5:30 pm at City Hall

The Meeting was adjourned at 7:00 pm.

FOR: Eckhardt, Gilmon, Kalkhake, McLaughlin, Tidwell

AGAINST: None



Mayor Karen Buck

ATTEST:


City Secretary Angela Harrington

Mayor's Report – September 2023

This past month's activities included –

- + Attended a one-hour class sponsored by the Texas Municipal League Intergovernmental Risk Pool over in Giddings. Title of the class – "First Amendment Auditors". The class was offered as part of a "Staff Inservice Event" for the employees of the City of Giddings, but opened to area city leaders. Beyond the content of the class, it was a great way to connect with other city leaders as well as staff with the TML's Risk Pool.

- +Met with Washington County Emergency Management Director Bryan Reumke regarding TDEM grants. Received lots of encouragement (and tips) when tackling the TDEM grants. (TDEM – Texas Division of Emergency Management).

- +Started a TDEM grant application for money for a generator for the Wastewater Treatment Plant. This involved research, asking for bids, and taking pictures of the treatment plant. Hope to have this grant completed before the end of the month.

- +Tackled some statistics that Angela pulled for me regarding small city growth and decline in the state of Texas. Met with Susan Kiel, Chamber of Commerce President, and shared the results with her. Results in a nutshell – There are 1,226 cities in the state of Texas. 125 of those cities are smaller than Burton. Looking at cities around the size of Burton AND looking at double-digit growth and decline – The 15 cities experiencing double-digit growth were located within driving distance of metropolitan areas. The 7 cities experiencing double-digit decline were located in far west Texas and the Panhandle, except for one – Burton. The BIG question is – Why? Lots of issues were kicked about - Lack of infrastructure in terms of a reliable water source? High number of "empty houses" owned by "weekenders" and/or short term rentals? Price of homes? Lack of access to highway to grow business? This is an issue that we as town leaders – working in conjunction with the Chamber of Commerce – need to address.

- +After receiving Aaron Kleinschmidt's verbal resignation as city attorney, Angela and I began the search for a new city attorney. We Zoom interviewed with a firm out of Houston and decided on them. More information will be shared during that item of new business.

- +Followed up on the request to research cost of making a pathway in alleyway of Lot 91. Contacted Leroy Schroeder Stone for bids on rocks that might be ADA compliant for this walkway. The project would need 62 cubic yards of stone...5 ½ dump trucks. Depending on the type of stone used, bids came back between \$3,830 and \$5,520. Quite frankly, I feel that that money is better put to use on an emergency generator for the Wastewater Treatment Plant.

- +Worked with Burton Bridge leadership regarding the move of resident into his new home in South Burton.

- +After the August Council meeting, Dustin suggested that we look at going into drought contingencies. We have been watching the numbers all summer. While our water usage numbers look okay, the concern is the lack of rain for almost two months with none forecasted for the near future. So, Stage 1 Drought Restrictions were enacted. The town has responded graciously as water use numbers have dropped.

- +After drafting the letter for Stage 1 of the contingency plan and in preparation for a time when Gov. Abbott might declare the state a disaster because of the current drought, I drafted a letter for Stage 3 in the plan. It was in the drafting of this letter that so many other pieces of the current Drought Contingency Plan offered me more questions than answers. So, I began researching...and found that TCEQ (Texas

Commission on Environmental Quality) had a model Drought Contingency Plan on their website. It was "deeper and wider" than the current plan offering more details as well as guidelines about when stages of the plan can/are lifted. I have edited the TCEQ's model, included pieces of the current plan that are applicable, and annotated the changes/differences between the two. Please read over these before the meeting.

+Sunday, August 27 – We experienced two main water issues on that day. The first was a water leak in front of Adam Spiess' house on Main Street. When I asked Dustin about a Boil Order for it, I was told that it was not necessary. Then, the front hit and knocked out power; shortly after that the town was without water. Many phone calls were made and questions were asked about this event. Finally, on Monday morning at 5:30am I was told by Dustin that the town needed a boil water notice. After living through situations like this as a customer for the past 16 years and then experiencing it firsthand as a city leader, I finally understood what the problem was and what we needed to do about it. In Council packets tonight, you will find a copy of "Boil Water Notice Protocol". It is what we will use "in house" for situations like last Sunday. All information/directions therein were taken from the TCEQ protocols for a Boil Water Notice as well as a new state law passed on September 1, 2023. ALSO, an Emergency Folder was created for such times as this Sunday. Should the City Hall Staff, Mayor, Mayor Pro Tem or other City Council leaders need to enact the Boil Water Notice, information can be found in the RED "SOS" folder in the Utility Clerk's office (Rachel's office). Access to all information/data/websites can also be handled remotely via "Mayor Laptop". Please read over the Boil Water Notice before the meeting.

+UPDATED – The Water Well Protocol has been updated as well to reflect the new Boil Water Notice and the new Drought Contingency Plan. This, too, is in your packet. Please review before the meeting.

+APOLOGY – I would like to offer an apology to the Council for not texting/emailing you about the Drought Contingency Plan or the Boil Water Notice before the general public was informed. Moving through those events for the first time was like drinking water from a fire hose. However, I learned a lot, especially from a conversation that I had with Mayor Pro Tem Nathan. The Boil Water Protocol, the Water Well protocol, and the new Drought Contingency Plan all contain notification lists in them which include the Council leadership.

+I was invited to join the Burton Chamber of Commerce's table at the Washington County Chamber of Commerce's Tailgate event at Silver Wings. Susan Kiel saw to it that the Burton Contingency met State Representative Kyle Kacal. The result – Rep. Kacal would like to come out to Burton to meet with the Council. He is quite aware of our water well situation. Ideally, I would like to gather the town's leadership – City Council, Burton ISD trustees, and the Chamber of Commerce leadership – for a meal and conversation with Rep. Kacal. As soon as we have a date for his visit, I will let you all know about the details.

+Met with Washington County leadership to begin updating the Washington County Hazard Mitigation Plan. More details will be shared during the meeting.

Karen Buck, Mayor

Secretary's "Out of the Ordinary" Report

September 12, 2023

- David Camp of AMKIN approached me about purchasing the alleyway in Block 59 and a portion of E. Branch St. that has been abandoned. Letters were sent to all property owners having a common boundary with that alleyway and right of way.
- Contacted TxDOT with the request to modify the existing Municipal Maintenance Agreement to include TxDOT being responsible for all signage installation on TxDOT right of ways within the city.
- I have ordered the No Engine Brake signs & posts that were approved at the August meeting.
- I contacted Wesley Stolz of Washington County Engineering and Development to inquire as to when road repairs for this fiscal year will be completed. He said that they are aiming for October.
- The Burton Chamber of Commerce asked why the city cannot be collecting HOT tax to be used to promote Burton. It is my understanding that the Washington County Chamber is who currently receives those funds. I am researching to find history on the issue and see if Burton is able to have that changed.

*Call to
reschedule
to Nov.*

RESOLUTION NUMBER 20230808

**A RESOLUTION PROVIDING AND CALLING FOR THE DISBANDING OF THE
BURTON BEAUTIFICATION AND COMPLIANCE COMMITTEE AS CREATED BY
RESOLUTION 20171211A**

WHEREAS, the City Council recognizes that, since the formation of the Burton Beautification and Compliance Committee, a more comfortable, inviting and visually stimulating atmosphere has been created in Laas-Weeren Park; and

WHEREAS, the City Council would like to acknowledge the work of the Burton Beautification and Compliance Committee and thank them for their dedication to making Burton more appealing and attractive to tourist, as well as, for all that they have done to improve Lass-Weeren Park; and

WHEREAS, the City of Burton City Council seeks to explore alternate avenues available to inspire and encourage those willing to work for the continued beautification of our small town;

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

The Burton Beautification and Compliance Committee as created by Resolution 20171211A is hereby dissolved and disbanded.

PASSED AND APPROVED this 12th day of September, 2023.

Karen Buck

Karen Buck, Mayor

ATTEST:

Angela Harrington
Angela Harrington, City Secretary