

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, OCTOBER 10, 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, Jonathan Nelson, Susan Kiel, Denise Worthington, Ned Ross, Kathy Liles, and Jessica Teufel.

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

Tiffany Eckhardt spoke on the importance of bringing attention to Small Business Saturday which is November 25th this year. She also told council and those in attendance about events taking place at her business. Those events are Music & Margarita's on October 20, 2023 with Kountry Chick Karaoke & T4 Party Rentals Margarita's and Small Business Saturday on November 25, 2023 with live music, give aways, kids activities & sweets.

Susan Kiel told council about activities happening at the Trick or Treat Trail on October 28, 2023 and noted that the road closures on the agenda are important to the safety of all those attending. It was also pointed out that the festivities will be taking place between the elementary school at N. Railroad St. and E. Cedar St. all the way down N. Railroad St. to the Texas Cotton Gin lower field behind the gin. There will also be food trucks set up around the area of E. Texas St. and N. Railroad St.

Ned Ross let council know of the recent filing for a 501c (3) classification of a local group calling themselves the Burton Beautification Association (BBA). Once they receive approval, forms will be filed with the state and a bank account will be opened for the organization.

CONSENT AGENDA

- (1) **Minutes of the September 12, 2023 Regular Meeting & September 26, 2023 Special Meeting**
- (2) **Financial Reports-Revenue & Expenditures**

- (3) **Mayor's Report** – Attached
- (4) **City Secretary's Report** – Attached
- (5) **Utility Report** – Utility Clerk Rachel Belvin told council of 3 main line breaks which prompted 3 Boil Water Notices for those north of Live Oak St. on Main St. and extending all the way down FM 1697 & FM 2780. All notices were rescinded as soon as test results were returned to the city. She reminded all those in attendance of the Dumpster Days on October 13 – 15.
- (6) **Park Ordinance Committee Update** – Councilmember Jeff Eckhardt had emailed a legal friend of his to look at the ordinance and give recommendations but he has not heard back from him.

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

FOR: Eckhardt, Gilmon, Kalkhake

AGAINST: None

The motion passed.

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

1. **Approve the Closing of: a) N. Railroad St. from the School to FM 390 & from FM 390 to the Post Office Drop Box and b) W. Texas Street be blocked on the west side of N. Railroad St. (diverting Los Patrones traffic to exit going west on W. Texas St.) for Trick or Treat Trail on October 28, 2023 from 6 to 8pm.**

Mayor Buck pointed out and reviewed the map provided to council of the proposed street closures. These are the same closures that took place for last year's event.

A motion was made by Councilmember Tidwell and seconded by Councilmember Gilmon to **APPROVE** the noted street closures.

FOR: Eckhardt, Kalkhake, McLaughlin

AGAINST: None

The motion passed.

2. **Approve Proclamation for Small Business Saturday, November 25, 2023**

The proclamation was read by Mayor Buck. A motion was made by Councilmember McLaughlin and seconded by Councilmember Eckhardt to **APPROVE** the Proclamation.

FOR: Gilmon, Kalkhake, Tidwell

AGAINST: None

The motion passed.

3. **Approve Resolution 20231010 Providing for Nominations for the Election of the Board of Directors for the Washington County Appraisal District**

Mayor Buck stated that, in an effort to create diversity on the board, she had contacted a few people that she considered good candidates. She spoke to Halee Kalkhake and Mrs. Kalkhake then agreed to be a nominee. A motion was made by Councilmember Tidwell and seconded by Councilmember Gilmon to **APPROVE** Resolution 20231010.

FOR: Eckhardt, McLaughlin (Kalkhake abstained from voting)

AGAINST: None

The motion passed.

4. Approve an Interlocal Agreement for Providing Law Enforcement by the Washington County Sheriff in the City of Burton, Texas

City Secretary Harrington told council of her discovery that the previous ILA had required renewal every year by the city and the county. That renewal had never taken place so she requested that a new ILA be created that was to last indefinitely until termination by the city or the county. This ILA has that change made in Section 2, #6. A motion was made by Councilmember McLaughlin and seconded by Councilmember Gilmon to **APPROVE** the Interlocal Agreement.

FOR: Eckhardt, Tidwell, Kalkhake

AGAINST: None

The motion passed.

5. Approve Amended Budgets for Fiscal Year 2023-2024 Reflecting Actual Income and Expenses of the Second Quarter (July – September 2023) of the Fiscal Year

Mayor Buck explained to council that the proposed amended budgets were created to reflect actual expenses for April 2023 through September 2023. The figures for October 2023 through March 2024 are projections of income and expense. A motion was made by Councilmember Eckhardt and seconded by Councilmember McLaughlin to **APPROVE** the amended budgets.

FOR: Gilmon, Tidwell, Kalkhake

AGAINST: None

The motion passed.

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

- Regular City Council Meeting – Tues. November 14, 2023 at 5:30 pm at City Hall
- City Hall will be Closed on Wednesday & Thursday, November 22 & 23, 2023, for the Thanksgiving Holiday

Executive Session – At 6:07pm, council moved into an executive session for matters listed in the Texas Government Code 551.071 – 551.086.

Council Reconvened into the Regular Meeting

The Meeting was adjourned at 6:32 pm.

FOR: Eckhardt, Gilmon, Kalkhake, McLaughlin, Tidwell

AGAINST: None



Mayor Karen Buck

ATTEST:



City Secretary Angela Harrington

Mayor's Report – October 2023

This past month's activities included -

- FOR OCT
MINUTES
- +Attending the funeral for Ray [redacted] or Peggy Felder.
 - +A "team building" lunch with [redacted]
 - +Re-arranging the meeting space [redacted] shelves for storage in file storage closet.
 - +Working with Barb Donnelly and [redacted] in their efforts to ready and move a citizen into his new home and prepare for demolition of the old home.
 - +Worked with Dr. Kennedy regarding a Proclamation for World Teachers' Day on Thursday, October 5. Proclamation was passed and given to Dr. Kennedy at the Special Meeting on Tuesday, September 26.
 - +The grant for a generator with the Texas Division of Emergency Management was submitted on Wednesday, September 27.
 - +After receiving the email from the Washington County Tax Appraisal District regarding Board Elections, I scanned the list of citizens who live here in town to identify several to ask if they would like to be nominated to serve on the Tax Appraisal Board. I received a "yes" from Halee Kalkhake. Her name is before the Council tonight.
 - +Began researching Indian Creek regarding flood mitigation efforts – asking Betsy Zeiss if she remembers if/when it was done before (It has not.); attempted to make my way down to the creek to explore; found the Master Naturalists working and learned about their efforts. Ann Ray, with the Gideon Linccum Chapter suggested that I also contact the Mill Creek Watershed Organization and the Washington County Agriculture Agent regarding resources and questions. Focus from this project shifted due to water line events since then...
 - +The water line extending from Flow[redacted] the Coop and up FMs 1697 and 2780 has had THREE breaks in the last 30 days. Two of those breaks were on Main Street at the Spiess house, the other in front of Pete and Cynthia Horn's home...just up from the break in it last fall. Customers on this service line have been under a Boil Water Notice THREE times in those 30 days. These breaks have also impacted the school district and Burton Short Stop. As a result, the City of Burton has –
 - +Sent in an application to the Texas Water Development Board to participate in the Asset Management Program for Small Systems (AMPSS). We successfully submitted the application on Wednesday, September 27 for both the water system as well as the wastewater system within 24 hours of the application's release. Now, we wait to be accepted as a candidate for that program.
 - +Also on Wednesday, September 27, I contacted Langford Community Management Services to seek more information about using them to assist the city with two grants that open in December with the Texas Water Development Board. One for the Water Well...the State Water Implementation Fund for Texas (SWIFT). The other for the water line that extends from the Hair Depot, down Lot 91, down Main Street, and up FMs 1697 and 2780...the Drinking Water State Revolving Fund (DWSRF). Work on these grants will be concurrent. As of this writing, I am waiting for Langford to return my call.

+Have been networking and connecting with other community leaders to learn more about how their communities are doing.

+Had lunch with Mayor Wade Eilers of Carmine

+Emailing Mayor Mike Stroup of Fayetteville to set up a lunch with him.

+Emailing with State Representative Kyle Kacal's Office regarding a date for him to come and visit Burton. When known, details about that visit will follow in an email to City Councilmembers.

+Attended two gatherings/planning sessions for National Night Out and the Trick or Treat Trail in October.

+Have briefly visited with Billy Jasinski regarding Burton's portion of the Washington County Hazard Mitigation Plan.

+I am scheduled to attend the Washington County Hazard Mitigation Team Meeting on Thursday, October 12. We will be working on plan updates.

Secretary's "Out of the Ordinary" Report

October 10, 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. In last month's report, I told you that letters were sent to all property owners having a common boundary with that alleyway and right of way. I received 2 letters in favor of purchasing the alleyway but did not receive a response from the other property owners. I met with Ms. Mabel Guyton regarding the abandoned portion of E. Branch St. She is not interested in purchasing the portion she would be entitled to. Therefore, since I cannot get everyone to agree, according to ordinance, nothing can be conveyed.
- TxDOT has agreed to install the No Engine Brake signs. The actual signs are expected to be delivered in December.
- ~~Washington County Engineering and Development will be doing completing the road repairs for this fiscal year sometime during the first 2 weeks of October. They may have already begun.~~
As soon as the city knows if or when road repairs will begin, the school and other businesses will be contacted.

Proclamation for Small Business Saturday

Whereas, the City of Burton celebrates our local small businesses and the contribution they make to our local economy and community; and

Whereas, Small Business Saturday® is a day founded by American Express to help bring more business to small businesses everywhere; and

Whereas, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday; and

Whereas, the City of Burton, supports our local businesses that create jobs, boost our local economy, and preserve our community; and

Whereas, the American entrepreneurial spirit is a defining quality of our Nation which time and again has lifted us to new heights and carried us through our greatest challenges. Small businesses are not only the engines of our economic progress – they are the heart and soul of our communities. During National Small Business Week, we celebrate our Nation’s small businesses – the pillars of their neighborhoods; and

NOW THEREFORE, BE IT RESOLVED that the Burton City Council joins these efforts and proclaims November 25, 2023 to be Small Business Saturday; and

BE IT FURTHER RESOLVED that the Burton City Council encourages members of our community to personally express appreciation to our City of Burton small businesses.

Adopted this 16th day of October, 2023.

SIGNED:

Karen Buck
Karen Buck, Mayor

RESOLUTION NUMBER 20231010

**A RESOLUTION PROVIDING FOR NOMINATIONS FOR THE
ELECTION OF BOARD OF DIRECTORS FOR THE WASHINGTON
COUNTY APPRAISAL DISTRICT**

WHEREAS, the Washington County Appraisal District requests nominations for the Washington County Board election; and

WHEREAS, the City Council recognizes that one to five nominations may be given by the City of Burton; and

NOW THEREFORE BE IT RESOLVED, that the City of Burton City Council at City Council Meeting held on October 10, 2023, did hereby nominate one candidate to be elected to serve on the Washington County Board of the Washington County Appraisal District, as follows:

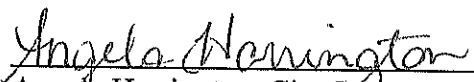
Washington County Board Nominee

Halee Stark Kalkhake



Karen Buck, Mayor

ATTEST:



Angela Harrington, City Secretary

STATE OF TEXAS §

COUNTY OF WASHINGTON §

**INTERLOCAL AGREEMENT
FOR PROVIDING LAW ENFORCEMENT BY THE
WASHINGTON COUNTY SHERIFF
IN THE CITY OF BURTON, TEXAS**

This Interlocal Agreement for the Providing Law Enforcement by the Washington County Sheriff in the City of Burton, Texas ("Agreement"), is made and entered into pursuant to the Interlocal Cooperation Act, Chapter 791 of the *Texas Government Code* and Article 2.13 of the *Texas Code of Criminal Procedure* between Washington County, Texas ("County"), acting by and through its Commissioners' Court & County Sheriff, and the City of Burton, Texas ("City"), acting by and through its City Council & Mayor.

In consideration of the forgoing and further considerations of the mutual promises, covenants, and conditions herein, the parties hereby agree as follows:

I. PURPOSE

The purpose of this Agreement is to provide sheriff deputies to execute any and all services/duties authorized by law within the corporate limits of the City of Burton, Texas, with the exception of enforcing the City of Burton ordinances, until such time as this agreement is terminated in writing collectively, or individually by any of following: Commissioners' Court, County Sheriff, City of Burton City Council or Burton City Mayor. This Agreement has further been requested by the City due to the lack of a Police Department for the City of Burton, Texas.

II. TERMS, RIGHTS, AND DUTIES

1. The county will provide law enforcement services under the exclusive jurisdiction and supervision of the Washington County Sheriff for the purpose of executing any and all services/duties authorized by law within the corporate limits of the City of Burton, Texas.
2. Law Enforcement personnel of the Washington County Sheriff's Office will exercise their lawful duties within the corporate limits of the City of Burton, Texas and the thoroughfares entering and exiting the City.
3. Neither the Washington County Sheriff's Office nor County will maintain evidence on cases they do not initiate, nor will the Washington County Sheriff's Office or County be responsible for the current City of Burton evidence storage facility or the accountability or responsibility of items contained within. Should any evidence contained in the City of Burton evidence facility be needed for court purposes, the providing of that evidence to the court will be the sole responsibility of the City of Burton.
4. The City will pay \$15,000 per year for the law enforcement services in the city limits of Burton. This amount will be paid in monthly payments of \$1,250.00 per month.

5. The term of this Agreement will be from the date of execution by the last party through the next twelve (12) months with an automatic renewal for 12 months unless automatic renewal is terminated or unless terminated by one of the parties.
6. Either party may terminate this agreement by giving a thirty (30) day written notice to the other party. Notice of written termination is deemed effective when physically received by the Washington County Judge or the Mayor of Burton, **OR** when mailed to the parties at the addresses listed in Section III thirty (30) days prior to termination. All sums owed to the County due to services provided under this Agreement prior to termination shall be paid by the City upon receiving an invoice from the County under the same terms of this Agreement as if said Agreement had not been terminated.
7. This agreement may be amended with both parties agreeing to the amendment in writing. Only the County Judge and the City of Burton Mayor can agree to amend this agreement.
8. This agreement will automatically renew at the end of the first twelve (12) month term. Notice of intent to stop the automatic renewal must be given in writing 30 days prior to the expiration of the term.
9. The City, in consideration for this Agreement, agrees to timely pay, but no later than thirty (30) days after receiving any and all invoices from County, the full amounts invoiced under this Agreement. Invoices shall be mailed to the City/Mayor at the address provided below in the notice section.
10. The County hereby affirmatively finds that Washington County will receive a benefit as the result of this Agreement.
11. The City hereby affirmatively finds that the City of Burton, Texas will receive a benefit as the result of this Agreement.
12. The County hereby affirmatively finds that the Agreement serves a public purpose.
13. The City hereby affirmatively finds that the Agreement serves a public purpose.
14. The County and City agree that, in performing the governmental functions contemplated in this Agreement or in paying for the performance of those governmental functions, each party will make that performance or those payments from current revenues legally available to that party.
15. The County and City affirmatively find that the performance of this Agreement is in the common interest of both parties.
16. The City agrees to cooperate and assist County in a timely manner with any reasonable needs during the performance of its services or functions performed under this Agreement. The City also agrees and understands that dates and times worked by the Washington County Sheriff's Office Law Enforcement personnel provided under this Agreement are in the sole discretion of the County Sheriff.
17. This Agreement does not benefit any third party and does not create any rights or obligations in any third party.

III. NOTICES

Notices, correspondence, and all other communications shall be addressed as follows:

If to Washington County:
Washington County
Attn: County Judge
100 E. Main Street, Suite 104
Brenham, TX 77833

If to City of Burton:
City of Burton
Attn: Mayor Karen Buck
P.O. Box 255
Burton, TX 77835

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated

WASHINGTON COUNTY

John Durrenberger, Washington County Judge

Date

Attest:

Beth Rothermel, Washington County Clerk

Approved as to form by:

Otto Hanak, Washington County Sheriff

Date

CITY OF BURTON

Karen Buck
Karen Buck, Mayor

10-10-23
Date

Attest:

Angela Harrington
Angela Harrington, City Secretary