

Niederwald City Council
May 1, 2023 Council Meeting Minutes

The following represents the actions taken by the Niederwald City Council in the order they occurred during the City Council meeting.

Mayor Charles Bisson called the meeting to order at 7:04 p.m.

Role was called. Council members in attendance were:

Ken Perry
Connie Wood
Diane Shirey
Dawn Bowen
City Administrator Richard Crandal

Absent: Reynell Smith

A moment of silence was observed.

Presentations: None

Public Comment: None

Agenda Item 1. Discussion and possible action on minutes of: April 3, 2023 City Council meeting.

Synopsis: The minutes of April 3, 2023 council meeting were presented.

Motion: Council Member Wood motioned to accept the minutes with corrections, Council Member Perry seconded the motion.

Vote: Perry - Yes
Wood – Yes
Shirey – Yes
Bowen – Yes
Smith – Absent

Motion Passed

Agenda Item 2. Discussion and possible action to accept Council Member Smith’s resignation.

Synopsis: Council Member Smith’s resignation was presented to Council. Reynell Smith submitted her resignation in writing to the City Hall on April 6, 2023 effective immediately.

Motion: Council Member Wood motioned to accept Reynell Smith’s resignation, Council Member Shirey seconded the motion.

Vote: Perry - Yes
Wood – Yes
Shirey – Yes
Bowen – Yes

Motion Passed

Mayor Bisson closed the Council Meeting to go into a Public Hearing – 7:17 p.m.

Public Hearing – Subdivision Variance Quinta Subdivision – 7:17 p.m.

Synopsis: The subdivision is located on Mathias Lane and consists of 5 lots. A portion of the subdivision is located outside of the City of Niederwald’s ETJ, and none of the lots are located within the city limits of the City of Niederwald. Sara presented the Council with the plat of Quinta Subdivision. There were

two variance requests for Quinta Subdivision. The first variance request was for a flag lot. The flag lot was not part of the City of Niederwald's ETJ, and so therefore the City's Subdivision Ordinances do not apply. The second variance request was for Lot 2, Lot 3, and Lot 5 Quinta Subdivision frontage on a public road. City of Niederwald's Subdivision Ordinance requires a minimum of 125' of frontage on a public road. Lot 2 Quinta Subdivision consists of 120' of frontage on a public road, Lot 3 Quinta Subdivision consists of 89.3' of frontage on a public road and Lot 5 Quinta Subdivision consists of 99.24' on a public road. Richard advised the Council that the lots had already been sold by contract before the subdivision process was approved.

Public Hearing Closed – 7:30 p.m.

Reconvene into Council Meeting – 7:30 p.m.

Agenda Item 3. Discussion and possible action on Quinta Subdivision variance request

Synopsis: Sara advised the Council of the variance request for Quinta Subdivision. Variance requests included a request for variance of Lot 2, Lot 3, and Lot 5 for frontage on a public road, the request for variance for Lot 1 to be a flag lot, and an easement to the flag lot which effects Lot 1 & Lot 2. Lot 1 and Lot 2 of Quinta Subdivision are not included within the City of Niederwald's extraterritorial jurisdiction, and so therefore cannot be held to the city's subdivision ordinance standards.

Motion: Council Member Bowen motioned to decline the Quinta Subdivision variance request, Council Member Perry seconded the motion.

Vote: Perry - Yes
Wood – Yes
Shirey – Yes
Bowen – Yes

Motion to decline passed

Agenda Item 4. Discussion and possible action on approving a TABC application for beer and wine sales at 14750 Camino Real

Synopsis: A TABC application was submitted to city staff for beer and wine sales for a new restaurant located at 14750 Camino Real. The city held an election, in 2004, to have beer and wine sales for consumption on premises at a restaurant that was approved by residents of the city. Due to this, the City Administrator could have approved the submittal of application, but Richard has historically presented the Council with all TABC applications for approval.

Motion: Council Member Perry motioned to approve a TABC application for beer and wine sales at 14750 Camino Real, Council Member Wood seconded the motion.

Vote: Perry - Yes
Wood – Yes
Shirey – Yes
Bowen – Yes

Motion Passed

Agenda Item 5. Discussion and possible action for road repair at Gini Lane

Synopsis: Sara presented the Council with three different estimates from three companies to repair Gini Lane. Each asphalt company was asked to submit a quote to repair the potholes on Gini Lane and perform a surface layover, a quote to repair the rough patch on Gini Lane and fill the potholes, and a quote to resurface Gini Lane completely. The road is damaged due to a base structure failure.

Texan Paving quoted the following:

\$51,676.11 for two inch resurface on the rough patch of road, and repair potholes.

\$70,317.00 to mill old asphalt, repair potholes and provide a two inch overlay.

\$131,963.11 to completely resurface Gini Lane with a two inch overlay.

Shaneco Asphalt quoted the following:

\$34,270 for three inch resurface on the rough patch of road, and repair potholes.

\$131,679 to pre-patch the existing potholes, and resurface the complete road with a three inch overlay.

\$219,523 to completely resurface Gini Lane with a three inch overlay.

Alpha Paving quoted the following:

\$64,150.00 for three inch resurface on the rough patch of road, and repair potholes.

\$78,500.00 for four inch resurface on the rough patch of road, and repair potholes.

\$250,000.00 to completely resurface Gini Lane with a four inch overlay.

Richard requested that Alpha Asphalt provide a quote for three inches since this was what the other companies were quoting, and those quotes had not yet been received. Richard and Sara reviewed the companies and met with all three companies. Richard advised the council that Texan Paving was the only company he did not feel comfortable moving forward with due to the estimator not showing up for the original meeting, as well as poor reviews posted online from previous customers. Council Member Bowen expressed that she did not want to move forward without viewing Alpha Paving's reduced quotes for three inch asphalt.

Motion: Council Member Wood motioned to table until the Council could be presented with Alpha Paving's reduced quotes, Council Member Perry seconded the motion.

Vote: Perry - Yes
Wood - Yes
Shirey - Yes
Bowen - Yes

Motion Tabled

Agenda Item 6. Discussion and possible action on placement of streetlights at school bus stops in the city

Synopsis: Sara advised the Council that she reached out to Lockhart ISD transportation and Hays ISD transportation to receive the bus routes in the City of Niederwald. Sara has not heard back from either entity.

Motion: Council Member Bowen motioned to table the action item, Council Member Wood seconded the motion.

Vote: Perry - Yes
Wood - Yes
Shirey - Yes
Bowen - Yes

Motion Tabled

Agenda Item 7. Discussion and possible action to enter an interlocal agreement for regulating food establishments with Hays County

Synopsis: Richard advised the Council that he had received a phone call from the head of the health department at Hays County inquiring whether the City of Niederwald had a health inspector and whether the city was monitoring the status of food establishments permits. Food establishments include any business that sells food that must be temperature regulated, including convenience stores. Currently the City of Niederwald has not been monitoring the status of permits, nor does the City of Niederwald have a health inspector. It was proposed that the City of Niederwald could enter an interlocal agreement allowing Hays County Health Department to monitor and inspect food establishments within the City of Niederwald. If the interlocal agreement is approved by both the Council and the Hays County Commissioners Court, it would cover all food establishments within the city limits of the City of Niederwald in both Hays and Caldwell County.

Motion: Council Member Wood motioned to accept into an interlocal agreement with Hays County Health Department if the cost is no more than \$4,000 for the City of Niederwald city limits, Council Member Perry seconded the motion.

Vote: Perry - Yes
Wood – Yes
Shirey – Yes
Bowen – Yes

Motion Passed

Agenda Item 8. Discussion and possible action to amend the building permit fees schedule.

Synopsis: Sara advised the Council that the existing fee schedule was based on inspection cost of \$50.00 for each inspection. Inspection cost have gone up to \$65.00 each. Due to the fee schedule not being up to date with the new inspection cost the city has failed to recuperate funds on some building permits.

Richard suggested the fee schedule to be increased including the price increase for inspections, as well as administrative fees for processing building permits and inspections.

Motion: Council Member Wood motioned to table until the Council is presented with a revised building permit fees schedule, Council Member Perry seconded the motion.

Vote: Perry - Yes
Wood – Yes
Shirey – Yes
Bowen – Yes

Motion Tabled

Agenda Item 9. Discussion and possible action on the purchase of a microphone system for Council Members.

Synopsis: Per last month's meeting, there were people in attendance that could not hear the Council meeting. Sara presented the Council with three options for the Council Members to have individual microphones. The options included PA speakers and 8 microphones. The speakers cost \$215.99 to \$257.90, and the microphones cost \$269.99 to \$618.22. Richard did advise the Council that they had purchased a microphone podium that included a speaker, amplifier, and microphone in one. In order use the podium each Council Member would need to speak at the podium. Council Member Bowen suggested that the Council speak a little louder.

Motion: Council Member Bowen motioned to decline the microphone system, Council Member Perry seconded the motion.

Vote: Perry - Yes
Wood – Yes
Shirey – Yes
Bowen – Yes

Motion to decline passed

Agenda Item 10. Discussion and possible action on Assistant City Secretary employee evaluation

Synopsis: Richard advised the Council that he had been sick and was not able to complete the employee evaluation before the meeting.

Motion: Council Member Bowen motioned to table the action item until the employee evaluation can be presented, Council Member Perry seconded the motion.

Vote: Perry - Yes
Wood – Yes
Shirey – Yes
Bowen – Yes

Motion Tabled

Agenda Item 11. Discussion and possible action to initiate the hiring process for City Administrator

Synopsis: Council Member Bowen suggested that the city needs to post the City Administrator position to be filled before posting the Assistant City Secretary/Court Clerk position. Richard advised the Council

that he spoke with the City Attorney and was advised that the city can hire internally without posting the position. Richard did note that Sara was brought on as the Assistant City Secretary to train for the City Administrator position. Council Member Perry voiced that he did not think it was necessary to post the position because the intent of the Council was to promote from within once the knowledge and skills were successfully demonstrated for the City Administrator position by the Assistant City Secretary.

Motion: Council Member Shirey motioned to table the hiring process till the employee evaluation of the Assistant City Secretary is presented, Council Member Bowen seconded the motion.

Vote: Perry - Yes
Wood – Yes
Shirey – Yes
Bowen – Yes

Motion Tabled

Agenda Item 12. Discussion and possible action on approving the job description for part-time Groundskeeper I and initiate the hiring process.

Synopsis: Sara did research to try and find a contractor with Kelly Services, and Manpower, and is waiting on a price range from Manpower. Sara created a Groundkeeper I job description to hire an employee for the position based on surrounding cities job description for the position, and what the City of Niederwald is looking for in a Groundskeeper I position. Council Member Bowen voiced that the job description was good, but that she wanted to include a background check and drug screen.

Motion: Council Member Perry motioned to approve the job description for part-time Groundskeeper I and post the position, as well as initiate the hiring process, Council Member Bowen seconded the motion.

Vote: Perry - Yes
Wood – Yes
Shirey – Yes
Bowen – Yes

Motion Passed

Agenda Item 13. Report on city operations and activities by City Administrator

Synopsis: The Gangi Plat and variance were received by City Staff, and the variance request was worded as though it was waiving the Subdivision Ordinance in its entirety. Niederwald's City Attorney provided a letter for Mayor Bisson to sign that specified what the variance request was approved for. Upon reviewing the plats for 6301 Niederwald Strasse it was found that the plat wording said that 6301 Niederwald Strasse was within the city limits of the City of Niederwald. Sara sent the plats to the City Attorney, and they have forwarded the plats to the Gangi's engineers to be revised. Richard and Sara have been working Prairie Lakes Commercial/Multi Use property. The developers are working on amending the DA for approval to include Town Homes and Duplexes. Sara advised the Council on the Uhland ETJ swap. Richard and Sara had a meeting with Uhland, and Uhland proposed that instead of an ETJ swap, that the City of Niederwald and City of Uhland enter an interlocal agreement. Richard advised Uhland that that was not fair to the owner, since he had already had the survey completed for the ETJ swap. All paperwork is still being reviewed. Sara has also been working on the job descriptions for the Assistant City Secretary/Court Clerk, and Groundskeeper I. Richard and Sara met with Brohn Homes, and due to the increase of variance request the Development Agreement had to reviewed by Legal Council and the City Engineer again. The Camino Real Subdivision has been submitted to the City and Sara sent it the City Engineer, and he is reviewing the final plat. It will be around 400 homes in total.

Motion: No Action Taken

Agenda Item 14. Discussion and possible action on financial reports for fiscal year to date

Synopsis: The financial reports for the fiscal year to date were presented to the Council.

Motion: No Action Taken

Agenda Item 15. Discussion and possible action on paying outstanding bills in excess of City Administrator's authorized limits.

Synopsis: ATS \$910 for 14 invoices at \$65.00 each. Two invoices from LNV for \$3978.85. The March invoice totaled \$2,566.35 for Camino Real Subdivision, Prairie Lakes Development, Schubert RV Park, and Bluestem, and April invoice totaled \$1,412.50 for the Prairie Lakes Final Plat Phase 1 and Phase 2, Schubert RV Park and Brohn Homes Development Agreement review.

Motion: Council Member Perry motioned to pay invoices presented, Council Member Wood seconded the motion.

Vote: Perry - Yes
Wood – Yes
Shirey – Yes
Bowen – Absent

Motion

Announcements:

June 5, 2023 - Council Meeting

Meeting was adjourned at 8:55 p.m.

Attest:

Mayor
City of Niederwald

City Secretary
City of Niederwald