

Mayor
Dee Grimm

Council Members
Dwayne Padalecki
Susann Baker
Caid Franckowiak
Deborah McInerney
John Hafner

City Secretary
Janice Staudt

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APPROVED MINUTES
of the Regular City Council Teleconference Meeting

July 9, 2020

1. CALL MEETING TO ORDER

Mayor Dee Grimm called the teleconference meeting to order at 7:30 pm.

2. ROLL CALL AND ESTABLISH A QUORUM

Roll call was taken. Members present were Councilman Dwayne Padalecki, Councilwoman Susann Baker, Councilman Caid Franckowiak, Councilwoman Deborah McInerney and Councilman John Hafner. A quorum was established. Janice Staudt presided as City Secretary.

3. READING AND APPROVAL OF MINUTES

The first set of minutes to approve was from the June 4, 2020 City Council Public Hearing. Councilman John Hafner moved to approve the minutes as written. Councilwoman Susann Baker seconded the motion. Mayor Grimm proceeded with a roll call vote. All were in favor of passing the minutes. The June 4, 2020 City Council Public Hearing minutes were approved.

The second set of minutes to approve was from the June 4, 2020 regular City Council meeting. Councilwoman Susann Baker moved to approve the minutes as written. Councilwoman Deborah McInerney seconded the motion. Mayor Grimm proceeded with a roll call vote. All were in favor of passing the minutes. The June 4, 2020 regular City Council meeting minutes were approved.

4. READING AND APPROVAL OF FINANCIAL SUMMARY

The financial summary to approve was for May, 2020. Councilman John Hafner moved to approve the May, 2020 financial summary. Councilwoman Deborah McInerney seconded the motion. Mayor Grimm proceeded with a roll call vote. All were in favor; the May, 2020 financial summary was approved.

5. REPORT FROM CODE COMPLIANCE

Code Compliance Officer Kim Fornof presented the June report.

Ms Fornof referenced Item#9 on the report, and said they have now requested a permit, but she will continue to monitor them, for the amount of semi-truck traffic going in and out of that property can cause road damage.

Ms Fornof said she stopped work at a property where a considerable amount of land is being disturbed and blowing onto adjacent properties. She said she received a reply saying they were exempt from filing a Storm Water Pollution Prevention permit. Ms Fornof said she is looking into that because they should be containing some of that soil, and when you disturb and remove all the growth from that amount of land, the soil can become wind borne and it can also become an erosion issue.

Ms Fornof said she's received a lot of calls about a two-acre parcel of land for sale, possibly in the Silesia Subdivision, and has informed callers that the City may not permit it if it's less than the required five acres in A-1R zoning. Councilman Dwayne Padalecki asked if the City could make the realtor selling the property remove the listing. City Attorney Cynthia Trevino said the City cannot prevent the owner from selling the property. However, she said, it is the responsibility of the owner to disclose if there are any limitations on the property such as zoning and development regulations, and nondisclosure could be a cause of action between private property owners. Councilwoman Susann Baker questioned whether someone could still build on less than the required five acres if the property was subdivided prior to the City's Ordinance mandating such. Ms Fornof replied yes, if proof can be provided that it was subdivided prior to the adoption of the Ordinance.

Councilman Dwayne Padalecki asked if Ms Fornof could define "accessory building" as found in Item# 3 of the report. She said she considers an accessory building is a building without electricity or water. Mayor Dee Grimm then asked the City Attorney to, while reviewing the City's Zoning Ordinance, look at areas in the Ordinance that are ambiguous, such as what constitutes an accessory building. Ms Fornof added that the Zoning Ordinance does have an accessory building defined, but she also lets the applicant know that such permit does not allow residential or commercial use of the building. She suggested adding a size limitation for accessory buildings to the Zoning Ordinance.

Councilman Padalecki, referencing Item# 6 on the report, asked Ms Fornof if the City has a way to verify if a new business within the city is paying sales tax. She replied yes, however, the location referenced on the report is in the City's extraterritorial jurisdiction (ETJ), not within the city limits.

Councilman Padalecki then inquired about Item# 22 on the report, Freedom Forever. He asked Ms Fornof if that was business, residence, or what information does she have on that, for it is a pretty large metal building being constructed, and he believes it is on located on West St Hedwig road. She replied she received the inquiry by text without much information, but has not gone by the location yet to investigate. Councilman Padalecki asked her to update him on it when she does.

Councilwoman Susann Baker asked Ms Fornof if there was anything the City could do about an abandoned mobile home on Pittman Road that a citizen had inquired about. She replied yes, but she may require more information.

For a complete report, see it on our website at sainthedwigncity.org under Code Compliance Reports.

6. REPORT FROM PLANNING AND ZONING

Planning and Zoning (P&Z) Commission Chairman, Mr. Charles Mais, presented the report. He said Ms Fornof presented in her report, most of what the Planning and Zoning (P&Z) has discussed. As far as old business, Chairman Mais said, the Zoning Ordinance revisions were sent to the City Attorney for review on June 8, but as of their June 30th meeting, they have not received a response back from the Attorney. Hopefully he said, they will receive something by the next Planning and Zoning Commission meeting on July 28. Chairman Mais said the Commission has started the review of the Subdivision Ordinance, with the assistance of Mr. Eddy McNew with Don McCrary & Associates. He said Mr. McNew recommended the Commission divide the revision process into six categories, and the Commission appointed Code Compliance Officer Kim Fornof and P&Z Commissioner Wanda Polasek to meet with Mr. McNew to discuss the revisions. The next P&Z meeting is scheduled for July 28.

7. CITIZENS TO BE HEARD

Mayor Dee Grimm reminded everyone that 5 minutes is allocated for each citizen to be heard and that City Council is not allowed to engage in discussion with citizens to be heard, but they are allowed to provide factual answers to questions citizens may have.

Morgan Lubianski, 13440 FM 1346, said he did not see any information about whether or not the City Hall will be used as a voting site for the July 14 Runoff Election. He also asked the City to expand the City Park by adding a tennis court that would also double as a basketball court.

Helene Davis, 14489 Miller Road, informed the City that a white wire is running above ground near Miller and N Lupon Rd, which could be the reason she is having an internet issue at her home. She also said she spoke with a Spectrum Internet representative and he asked if the City would like someone from Spectrum to attend a Council meeting concerning acquiring Spectrum internet service in the City, so she would like to see that topic on the next City Council meeting agenda. The representative also advised her that having citizens call Spectrum requesting internet service would promote the chances of getting it in this area.

8. OLD BUSINESS

a. Roads – Receive Road Maintenance Report, and Take Action on Related Items

Road Maintenance Report was presented by Councilman Caid Franckowiak.

He said Ronnie Mills has shredded, trimmed trees and is currently spraying the City's right-of-ways. Councilwoman Deborah McInerney informed Councilman Franckowiak that a stop sign was down at Lupon and Miller Road. Councilman Franckowiak responded that he had already been informed of that.

1. Matching Fund Project – Gable Road - Discuss and take action

Councilman Dwayne Padalecki said the easement agreement was finally signed by the landowner and the Engineer will soon put the job out for bid.

2. Silesia Drive - Discuss potential deficiencies in the design/construction of the road - Discuss and Take Action

City Attorney Cynthia Trevino said the reports, resulting from the second set of tests conducted on Silesia Drive, were forwarded to the developer's attorney, but no response has been received for correcting the deficiencies stated in the reports. Although Council had already voted to rescind the acceptance/approval of Silesia Drive, Attorney Trevino recommended that Council draft and pass a Resolution rescinding its acceptance/approval. Mayor Grimm said she would present such Resolution at the next City Council meeting. Councilman Dwayne Padalecki asked if the performance bond was ever received. Mayor Dee Grimm replied that it has not been received.

3. Road Review Status

Councilman Dwayne Padalecki said 6S Engineering has completed the city road assessment and has provided the city with a roadway pavement condition evaluation. Mr. Jess Swaim, Vice President of 6S Engineering said a preliminary budget and general opinion of Probable Construction Cost was developed for each roadway within the community, and as directed by the City, provided a scope of services for base repairs and two-course surface treatment for three primary roadway segments; Graytown (from FM 1346 to Lupon Road), Miller Road (from Graytown Road to New Berlin Road), Lupon Road (from Graytown Road to the "T" intersection at Gable and E Lupon Road). Mr. Swain also suggested the City consider an alternate bid for slurry seal, opposed to the two-course surface treatment, which seems to be smoother and quieter, and could save the City some money. Mayor Dee Grimm said she'd like 6S Engineering to move forward and assemble a bid package for this work. Councilman Dwayne Padalecki moved to accept 6S Engineering's evaluation and proposal, and to approve putting the work out for bid.

Councilman John Hafner seconded the motion. Mayor Grimm took a roll call vote. All were in favor.

b. City Park

Councilman Dwayne Padalecki reported that park visitors are starting to drive into the west entrance (along FM 1518) of the park and proposed to use the remaining budgeted park funds to install a new fence and gates similar to those across the street at Tradition Elementary. Councilman John Hafner agreed and Mayor Dee Grimm asked Councilman Padalecki to proceed with his request.

c. Update on Monthly Crime Stats

Councilwoman Susann Baker gave the Crime Stats Report. For the Month of June, 2020, there were a total of 6 crimes (5 of which were outside the city limits): 1 property crime (in the city limits), and 4 property crimes and 1 narcotic law violation (outside the city limits). Councilwoman Baker announced that the person she receives the crime stats from is retiring and the crime stats may no longer be available to the city, but she will try to find someone else to provide that information to the City. For locations of these crimes and all crime reports, please visit our website at sainthedwigcity.org

d. St. Hedwig's Contract with MD Systems for Exclusive Waste Management Services within the City Limits

Mayor Dee Grimm said cease and desist letters were sent to three waste management companies informing them of the City's exclusive agreement with MD Systems. She said questioned Ordinance 1107, mandating a single waste management provider, on whether it applied solely to residential or to commercial also. Councilwoman Susann Baker said to leave Ordinance 1107 as written and ask MD Systems if they want to start picking up commercial also. Councilman Dwayne Padalecki stated that an Ordinance preceding Ordinance 1107 intended for a single waste management provider for residential only. Mayor Grimm said she'd contact MD Systems to see if they'd want to start picking up commercial also, provide a proposal if interested, and she'd present to Council at the next meeting.

e. COVID-19 Update

Mayor Dee Grimm said COVID-19 is an ongoing crisis in the United States. She said the San Antonio Fire Marshall provided the City with a bunch of masks and several hand held infrared thermometers.

9. NEW BUSINESS

There was no new business to discuss.

10. ANNOUNCEMENTS

Mayor Grimm announced that the City has acquired Wi-Fi for public use while in City Hall and is considering a conference call system.

11. DETERMINE AGENDA & DATE FOR NEXT MEETING

Next City Council Meeting will be August 6, 2020.

1. Call Meeting to Order
2. Roll call & Establish a Quorum
3. Reading and Approval of Minutes
4. Reading and Approval of Financial Summary
5. Report from Fire Department
6. Report from Code Compliance
7. Report from Planning & Zoning Commission
8. Citizens to be Heard
9. Old Business
 - a. Roads
 1. Miller Road Bridge
 2. Matching Fund Project on Gable Rd
 - b. City Park
 - c. Update on Monthly Crime Stats
10. New Business
11. Announcements
12. Determine Agenda for next meeting
11. Adjournment

12. ADJOURNMENT

Mayor Dee Grimm adjourned the teleconference meeting at 8:44 pm