

**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 Meeting

January 9, 2020

**1. CALL MEETING TO ORDER**

Mayor Dee Grimm called the meeting to order at 7:30 pm at the St. Hedwig City Hall.

**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 minutes to approve were from the December 5, 2019 City Council Meeting. Councilman John Hafner moved to approve the minutes as written. Councilwoman Susann Baker seconded the motion. Mayor Dee Grimm confirmed that it will. All were in favor of passing the minutes; the minutes were approved.

**4. READING AND APPROVAL OF FINANCIAL SUMMARY**

The financial summary to approve was for November, 2019. Councilman John Hafner moved to approve the November, 2019 financial summary. Councilwoman Deborah McInerney seconded the motion. All were in favor; the November, 2019 financial summary was approved.

**5. REPORT FROM CODE COMPLIANCE**

Kim Fornof gave the Code Compliance report and answered questions posed by the Council. Numerous calls were received inquiring about subdividing, city building codes, permits and zoning. For a complete report, see it on our website at [sainthedwiggcity.org](http://sainthedwiggcity.org) under Code Compliance Reports.

## **6. REPORT FROM PLANNING AND ZONING**

There was no report from the Planning and Zoning Commission. Councilman Dwayne Padalecki however, questioned what classification of road Silesia Drive was to determine what specification was used to construct it, for there are variances in the specifications depending on what class of road it is. City Attorney Habib Erkan explained the hierarchy of streets. Ms. Fornof said she believes it's classified as a minor street. Mr. Erkan confirmed that if it's a street serving only the houses that are on it, then it's a minor street.

After Citizens to be Heard, Councilman Dwayne Padalecki posed a question to Kim Fornof about why the notice for the upcoming January 21 Public Hearing did not include an address for the rezoning request that's on the agenda. Ms. Fornof explained that the property did not have a postal address and due to its recent purchase, had not yet appeared on the Bexar County Tax website. Thus, due to time requirements for posting the notice, it was posted without an address. Ms. Fornof said since this issue poses a problem, she may have to cancel the January 21 Public Hearing until an address can be acquired. Councilman Padalecki asked Ms. Fornof if citizens and developers are being informed that they can build on 2.5 acre tracts as long as they implement a subdivision. Ms. Fornof stated that's only true if the current zoning of the property allows that. If not, they must apply for a change in zoning. City attorney Habib Erkan confirmed Ms. Fornof's statement to be correct.

## **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.

Linda Doege, 14855 E Lupon Rd, representing the American Legion Auxiliary, announced upcoming events. They are collecting items for homeless veterans, at various places around town, and the deadline is February 4. They will also be conducting their essay contest again, and the subject is "How can we address the health and well-being of our veterans, military and their families?". The essay contest deadline is February 28. American Legion and Auxiliary Scholarships will be awarded again this year. Check with your school Council or for application rules and deadlines. The next chicken fried steak dinner or fish fry will be January 17, starting at 6:00 pm.

## **8. OLD BUSINESS**

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

There was no road report.

Mayor Dee Grimm asked Councilman Caid Franckowiak if he's had time to consult with former Councilman Doug Thomas on assessing city roads for

repair. Councilman Franckowiak said Mr. Thomas has not been available, but Councilman Franckowiak said he's been driving the roads and noting repairs needed.

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

Councilman Dwayne Padalecki said the easement documents are now ready for the landowner to sign and the next step will be for the engineer to put the job out for bid. Mayor Grimm reminded Councilman Padalecki of the required time limit to complete this project.

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

City attorney Habib Erkan asked Councilman Dwayne Padalecki if any design or construction defects have been discovered. Councilman Padalecki responded that the Engineer's acceptance report of the road lacked some required information that is specified in the Subdivision Ordinance, such as the thickness of road base installed below the asphalt and the type of primer applied between the base and the asphalt, if any. He also stated that there are large cracks in the asphalt and the edges of the road are starting to give way. Councilman Padalecki said the test samples of the road were taken further apart than specified, he had concerns about the compaction tests, and the finished road grade was not stated in the acceptance report.

Mayor Dee Grimm thanked Councilman Padalecki for his research and diligence in providing this information and stated the next step is to discuss potential remedies. City attorney Habib Erkan stated that the offer of dedication of Silesia Drive is defective because the Developer has not yet provided the City with a Letter of Credit (10% of the total cost, but the Developer is still responsible for all repairs), which upon receipt, would begin the one year warranty period. He suggested rescinding the conditional acceptance of Silesia Drive (Resolution 1911) until the issues can be resolved. Councilman Padalecki noted that approximately one-third of Silesia Drive has already been repaved, which won't resolve the issues, it just hides future problems. Councilman Caid Franckowiak also noted that although Resolution 1911 was approved, he felt there was not enough time or data presented to Council to make an affirmative decision, thus his vote to not approve it, and believes Resolution 1911 should be rescinded and a different Engineer should provide another report. Councilman Padalecki agreed that a second acceptance report of

Silesia Drive should be performed. Councilman John Hafner moved to rescind Resolution 1911. Councilwoman Deborah McInerney seconded the motion. All were in favor. Resolution 1911 was rescinded.

## **b. City Park**

Councilman Dwayne Padalecki reported there are plans to plant more trees in the park and replace old lights with LED's. Councilman John Hafner inquired about the status of adding public restrooms to the park, for he's received numerous requests from citizens for the City to start having events in the park. Councilman Padalecki said they are not in this year's budget, but will consider adding them to next year's budget.

## **c. Update on Monthly Crime Stats**

Councilwoman Susann Baker gave the Crime Stats Report. For the Month of December, 2019, there were a total of 5 crimes: 1 car burglary, 2 home burglaries, 1 theft and 1 criminal mischief. For locations of these crimes and all crime reports, please visit our website at [sainthedwigcity.org](http://sainthedwigcity.org)

## **d. City Road Review**

### **1. Update on Mayor's meeting with Engineers**

Mayor Dee Grimm said she met with all the pre-qualified Engineering firms that were selected from our Requests for Qualifications, so she could have a one-on-one conversation with them to acquire an understanding of their specific capabilities and how suited they were for our rural needs. She said although the City has the ability to use any of the pre-qualified firms, she has narrowed it down to three firms that best suit the City's needs. Councilman John Hafner asked if Council decides on which firms to allow the City Administrator to use for projects. City attorney Habib Erkan confirmed that Council approves them. Mayor Dee Grimm said she would present the top three firms she has selected, along with the criteria for selection, to Council for their approval at the next meeting. She also asked Attorney Erkan if she can commence on hiring a pre-qualified firm for conducting another acceptance report for Silesia Drive without approval from Council. Attorney Erkan said yes because the cost would be below the threshold of having to get approval.

### **2. Council's Input on Roads Requiring Repair**

Mayor Dee Grimm informed everyone that the City will soon be hiring an Engineering firm to assess the City roads for repairs, but

if anyone sees or knows of an area requiring attention, to please let her know.

**e. Wireless Network Node Installation on City Roads**

**1. Resolution 2001 - Acceptance of Design Manual for Installation of Network Nodes**

Councilman Dwayne Padalecki asked City Attorney Habib Erkan if he authored this. Attorney Habib Erkan stated that his office has worked with other cities in response to legislation that has passed, and customized the model that they had to the City of St Hedwig. Councilman Padalecki voiced concern on who will assure it will get updated if legislation changes again, because of how quickly technology changes. Councilman John Hafner responded that this is not about the technology, but instead, it's about the placement. Attorney Erkan said they try to keep the City Mayor informed of any legislative changes. Councilman John Hafner moved to approve Resolution 2001. Councilman Caid Franckowiak seconded the motion. All were in favor. Resolution 2001 to adopt the Design Manual for installation of Network Nodes, Service Pole Collocation Attachment License Agreement and Wireless Network Permit Application was approved.

**2. Ordinance 2002 - Right-of-Way Management for Wireless Network Providers**

An Ordinance regulating the physical use, occupancy and maintenance of city right-of-way by wireless providers.

Councilman John Hafner moved to adopt Ordinance 2002. Councilwoman Deborah McInerney seconded the motion. All were in favor. Ordinance 2002 was adopted.

**f. Update on 2020 Census**

Councilwoman Susann Baker relayed the importance of the Census and asked that everyone respond. She noted there will be multiple methods available to respond to the Census; on-line, by phone, or call and request a hard copy be mailed to you. She also informed everyone to beware of fraud in the collection of your data.

**9. NEW BUSINESS**

**a. Amendment to Subdivision Ordinance**

Consideration and action on an ordinance amending the subdivision ordinance to requiring City Council action on request for variance to subdivision rules and regulations

Mayor Dee Grimm asked Council to review the Ordinance, prior to voting on it at the next meeting. She explained that this Ordinance would allow City Council to have the final vote on Subdivision variance requests, upon receiving a recommendation from the Planning and Zoning Commission. Councilman Dwayne Padalecki requested another Ordinance be drafted, also amending the Subdivision Ordinance, regarding the City's options on the adoption of a Subdivision road. He asked for it to be high priority and to be placed on the next meeting's agenda.

**b. Road Safety and Enforcement**

Discuss the possible need for additional law enforcement to enforce speed limits on city roads for increased road safety

Mayor Dee Grimm said there were concerns expressed at the last meeting about the limited service provided by Bexar County Sheriff's Dept., who are funded by your Bexar County taxes, and what the options are to obtain additional law enforcement to control the speeding problem in St. Hedwig. All Council members agreed that speeding is an issue and asked Mayor Grimm to reach out to Bexar County again requesting more patrol. They also asked her to consult with similar rural towns to see how they handle this situation, and to get an estimate to acquire a Town Marshal for future consideration. Councilman Dwayne Padalecki added that he's noticed an increase in overweight trucks driving through the City. He asked Mayor Grimm if she could arrange for a representative from Bexar County Sheriff's to be present at a future meeting to discuss all concerns.

**c. Planning and Zoning Commission Review of Subdivision Ordinance**

Retain professional engineering firm to assist the Planning and Zoning Commission to review Subdivision Ordinance

Mayor Dee Grimm informed everyone on the ongoing review of the City's Subdivision Ordinance by the Planning and Zoning Commission. She said after meeting with some of the selected qualified Engineering firms, she determined it would be advantageous to have one of them assist with technical issues, such as specifications, in the review process. Councilwoman Deborah McInerney moved that the City retain a professional Engineering firm to assist the Planning and Zoning Commission with technical issues in the review of the Subdivision Ordinance. Councilwoman Susann Baker seconded the motion. All were in favor.

**d. Resolution 2003 Rules of Decorum**

Mayor Dee Grimm stated that she had previously presented the Council with the City Rules of Procedure (Decorum), which they agreed they wanted to adopt, but a Resolution was required in order to adopt it. She presented Council with Resolution 2003, "Procedures and Rules for Decorum for Conducting City Held Meetings" and explained that it's the exact same verbiage as the City Rules of Procedure with the exception that the procedures and rules

now apply to all city meetings, not just City Council meetings. She also stated she verified that it conforms with the new House Bill that addresses citizens' right to be heard. Councilman Dwayne Padalecki asked for a new requirement to be implemented that would make it mandatory that Council receive copies of all Ordinances and Resolutions on an agenda, a minimum of 72 hours prior to the meeting, to allow ample time for review prior to approval. Councilman John Hafner moved to not to accept the document, "Procedures and Rules for Decorum for Conducting City Held Meetings", but to amend the document to read as follows:

### **Section 7.2**

**Distribution of Ordinances.** The city secretary shall prepare copies of all proposed ordinances and resolutions to be available for distribution to all members of the city council 72 hours prior to the meeting at which the ordinance or resolution is introduced, or at such earlier time as is appropriate.

Councilman Caid Franckowiak seconded the motion. All were in favor. The amendment to the "Procedures and Rules for Decorum for Conducting City Held Meetings" was accepted, and the adoption of Resolution 2003 was tabled to the next meeting. Mayor Dee Grimm asked Council to review the entire documents and send any other proposed revisions to her prior to the next meeting.

## **12. ANNOUNCEMENTS**

Mayor Grimm announced that the City's final bond payment has been made.

Councilman Padalecki thanked Laura and Arthur Strzelczyk for their excellence in cleaning City Hall. He also congratulated the City's maintenance men, Mark Schmidt on his graduation from college and Jordan Phillips on his completion of graduate school.

## **13. DETERMINE AGENDA & DATE FOR NEXT MEETING**

Next City Council Meeting will be February 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

## **15. ADJOURNMENT**

Mayor Dee Grimm adjourned the meeting at 9:15 pm