

**CITY OF SCHULENBURG
SCHULENBURG, TX
March, 1, 2021**

The City Council of the City of Schulenburg met in regular session on Monday, March, 1, 2021 at 6:00 P.M. in the Council Chambers located at 607 Upton Avenue, Schulenburg, Texas. The elected officials present included Mayor Elaine Kocian, Aldermen Chip Bubela, Wendy Fietsam, Ben Herzik, Clarence Ahlschlager, and Larry Veselka. City Staff present were City Administrator, Tami Walker, Chief of Police, Troy Brenek, Kenny Schramek, and Mason Florus.

Visitors included Darrell Vyvjala of the Schulenburg Sticker, Andy Behlen of the Fayette County Record, Tina Bohlmann, Chair of the Planning and Zoning Commission, John Fletcher, Herb Bidwell, Margie Gresham, Arvin Gresham, Walter Ervin, James Brossmann, Pastor Lemae Higgs, Sandra Colier, Holly Irwin, Shawn Irwin, Ronald Bohac, Iván Velasquez, Paddy Magliolo, Dennis Johnson, Brian Lux, Naug Zemil, Theresa Kalina, Roland Kalina, Jeremy Baumgarten, Ashleigh Baumgarten, Loretta Baumgarten, Allen Martin, Ryan Wotipka, Gary Adamack, and Reverend Andrew Stafford.

Mayor Kocian called role and led the Pledge of Allegiance. Pastor Lemae said a prayer over the meeting and its members.

Mayor Kocian thanked the police department, Schulenburg VFD, Public Works, Mrs. Walker, and City Council for taking all the phone calls and the response these individuals made in regards to the recent ice and snow storm.

Under Presentations by Citizens, John Fletcher, a retired veteran, thanked Council for saying the Pledge and a prayer. Mr. Fletcher is a resident of the Schulenburg RV Park for 6 months out of the year and supports the Baumgarten Family and business. He stated that the Baumgartens have supported the community for 35 years. Mr. Fletcher said a new business (The Texan) coming in doesn't bother him, he just wishes that they park the trucks along Interstate 10. He wishes that the park survives and the two companies can be good neighbors.

Under Presentations by Citizens, Herb Bidwell spoke on behalf of the RV Park. Mr. Bidwell stated that he is a retired trucker and he knows that a truck stop will bring noise, litter, needles, a class of trouble makers, prostitution, and robbery attempts.

Under Presentations by Citizens, Arvin Gresham spoke on behalf of the RV Park and said moving the truck parking to the other side of the property (along Interstate 10) will be a benefit.

Under Presentations by Citizens, Walter Ervin spoke on behalf of the RV Park. Mr. Ervin said he was looking for a nice, quiet little town to retire in. He asked the audience that if a truck stop moved next to their business what would you think. He stated that air brakes, horns, and back up tones are a nuisance and trucks coming in and out will be a safety hazard.

Under Presentations by Citizens, Holly Irwin wished to yield her time to Jeremy Baumgarten. She was told this was not possible and she elected not to speak.

Under Presentations by Citizens, Ronald Bohac stated that he lived in the area close to the RV park for thirty years and it's always been a quiet neighborhood. He does not want the noise (

from the truck stop), and he asked Council how they would like it if it (The Texan) would be by their house.

Under Presentations by Citizens, Paddy Magliolo spoke on the Wolters' Subdivision zoning issue. Mr. Magliolo stated that he chose Schulenburg in 2002 and his family was always welcomed here. Mr. Magliolo professed that the City needs to welcome new business and families. Mr. Magliolo said that as a citizen and not speaking for the EDC, that we should rezone that particular part of Highway 90 from residential to commercial.

Under Presentations by Citizens, Dennis Johnson spoke about how more trucks in town would result in more air pollution. In addition, Mr. Johnson also stated how the added noise pollution can affect citizens' mental health.

Under Presentations by Citizens, Brian Lux stated that his family did not sell the land to Pilot (truck stop located north of Interstate 10). However, Mr. Lux went on to say that his family's land that neighbors Pilot has to suffer with the litter from the neighboring truck stop. Mr. Lux continued that the Baumgarten family contributed to Schulenburg for over 100 years and believes there is some sort of arbitration that can be reached. Concluding, Mr. Lux stated that there has been drug dealing and prostitution at Pilot and the Texan would double that.

Under Presentations by Citizens, Jeremy Baumgarten stated that he is a direct descendant of John Christian Baumgarten (one of Schulenburg's early residents.) Mr. Baumgarten said that the Texan doesn't want you to focus on the negative that truck stops bring in. He continued that the Texan will cater to travelers and not residents. Mr. Baumgarten stated he's not against the business he is against trucks. Mr. Baumgarten concluded by citing several City nuisance ordinances.

Under Presentations by Citizens, Loretta Baumgarten stated that the (truck) drivers will be the ones that will produce the litter. Mrs. Baumgarten stated that the Texan will affect the nearby property value and if approved, she expects the City to enforce the ordinances.

Under Presentations by Citizens, Ashleigh Baumgarten expressed that her home is near where the Texan plans on parking the trucks and is concerned about issues that could arise. Mrs. Baumgarten said she is all for the business but where they plan on parking the trucks is right where her children sleep, basically in her back yard.

Under Presentations and Proclamations, Mayor Kocian presented a resolution celebrating Black History Month and recognizing the African American Community of Schulenburg.

Tina Bohlmann, Chair of the Planning and Zoning Commission, addressed Council about the meeting held on Thursday, February 25, 2021. Ms. Bohlmann stated that there was a big crowd Thursday night with many speakers, mostly against. Ms. Bohlmann informed Council that the vote was 5-0 in favor of the Texan rezoning a 10.79-acre tract at the intersection of Highway 77 and IH-10 from Heavy Industrial to General Commercial.

Alderman Fietsam said she understands everyone's concerns but this is strictly about zoning.

Alderman Fietsam made a motion, seconded by alderman Veselka, to accept the Board's recommendation. The vote resulted in a 2-2 tie with Aldermen Fietsam and Veselka voting for, Aldermen Herzik and Ahlschlager voting against, and Alderman Bubela abstaining. Mayor Kocian voted for, breaking the tie. The motion carried 3-2.

Tina Bohlmann, Chair of the Planning and Zoning Commission, addressed Council about the meeting held on Thursday, February 25, 2021. Ms. Bohlmann informed Council that the vote was 4-1 against for a request for a tract of the Wolters Subdivision, Tract 1, from Residential to General Commercial for the purpose of opening a business for a 7.07-acre tract at the intersection of Highway 90 East and Avenue B.

Alderman Veselka made a motion to accept the Board's recommendation. There was no second and the motion failed.

Alderman Veselka made a motion, seconded by Alderman Fietsam, to accept Consent Agenda items A, B, and C. The motion passed unanimously.

- (A) The minutes from the Council Meeting held on February, 1, 2021.
- (B) The payment of current bills.
- (C) The Police Department's Annual Racial Profiling Report

Mrs. Walker led discussion on revoking a License Agreement between the City and the Von Minden, LLC. Roland Kalina, who owns the building located at 604 Upton Ave that is located North of same alley as the Von Minden addressed Council. Mr. Kalina professed that he was upset that the license was passed at a budget workshop and that no body approached him about the agreement. Mr. Kalina stated that he shouldn't have to work anything out with Mr. Wotipka and this is a City issue.

Alderman Veselka asked Mr. Kalina about his intentions with the building. Mr. Kalina replied that he needed a drive through service and have trucks drive up and down the alley. Alderman Fietsam stated that the intent was to protect the safety of the public. Mr. Kalina stated that it was shady business and should have been in an open meeting.

Alderman Fietsam assured Mr. Kalina that if the City wants to revoke it in the future the City can. Alderman Bubela read a quote from the agreement to which Alderman Herzik expressed that if the Von Minden is doing nothing and Mr. Kalina's building is not sold yet he sees no need to do anything at this moment.

Alderman Veselka made a motion, seconded by Alderman Herzik to table the item for a later date. The motion passed unanimously.

Mrs. Walker read a resolution proclaiming a disaster declaration as a result of the recent winter storm.

Alderman Fietsam made a motion, seconded by Alderman Bubela to accept the declaration. The motion passed unanimously.

Mrs. Walker led discussion on a resolution authorizing a temporary waiver of utility late fees, penalties, disconnections, and permit fees for plumbing repairs and providing modification of winter averaging for wastewater service made necessary by the 2021 Winter Storm Event.

Alderman Herzik made a motion, seconded by Alderman Bubela to accept the resolution. The motion passed unanimously.

Mrs. Walker led discussion on opening the Schulenburg Public Swimming pool for the Spring/Summer of 2021. Mrs. Walker stated that the pool needs improvements that will cost around \$1,000, and she needs council approval so the Water Department can order paint and begin preparing the pool for the upcoming season.

Alderman Ahlschlager asked if the pool would be open for just the Sharks (The local swim team) or the public as well. Mrs. Walker replied that she would like to see the pool open to the public, especially since it was closed all of 2020.

Alderman Veselka made a motion, seconded by Alderman Bubela to open the pool for the 2021 season. The motion passed unanimously.

Mrs. Walker led discussion on a Resolution Designating Authorized Signatures for Contractual and Grant Fund Documents pertaining to TxCDBG Contract #7220421. Mrs. Walker suggested Mayor Kocian, Mayor Pro Tem Veselka, and herself as signees.

Alderman Herzik made a motion, seconded by Alderman Ahlschlager to accept Mrs. Walker's recommendation. The motion passed unanimously.

Mrs. Walker led discussion on adopting Civil Rights Policies and Procedures for the TxCDBG Contract #7220421.

Alderman Bubela made a motion, seconded by Alderman Fietsam to adopt the policy. The motion passed unanimously.

Mrs. Walker led discussion on awarding a Management / Administration Service Contract for the preparation of the City's 2021-2022 Texas Community Black Grant (TxCDBG) Application and Subsequent Administration Contract if funded. Mrs. Walker informed Council that Langford and Associates was the only firm out of five to respond and suggest they be awarded the contract.

Alderman Herzik made a motion, seconded by Alderman Veselka to accept Mrs. Walker's recommendation. The Motion passed unanimously.

Municipal Court Judge, Kayla Peter's, report was presented to Council in their packets.

Chief Brenek reported to Council that a SPD vehicle was involved in an accident during the ice storm. Chief commended officer Frank Parkinson for saving an individual from being crushed by pulling him into the SPD vehicle as the other vehicle rolled into the SPD Explorer. Chief continued that he's waiting to hear from insurance and in the meantime the two new vehicles should be put into the fleet this week.

Alderman Ahlschlager asked Chief for an update on the new speed limit signs to which he replied that the City is waiting on TxDOT to send the ordinances.

Library Director, Thadious Polasek's, report was presented to Council in their packets. Mrs. Walker added that starting Wednesday, the Library will be open three days a week.

Mrs. Walker updated Council on the following activities from Public Works:

- Street Department trimmed the oak tree and pressure washed the sidewalks and picnic tables by the public restrooms, repaired fences at Melba and Emma, swept streets, and repaired the trash compactor at DFA.
- Water Department filled the Elevated Storage Tank at Interstate 10, repaired numerous busted pipes, and worked on other issues caused by the winter storm.
- Wastewater Department worked on a 3- and 4-inch pump, pumped 5 boxes of sludge at Babylon and 2 boxes at Kallus, and jetted a line on St. John Road.
- Electric Department set a pole at 507 Matula, changed out street lights, read water and electric meters, swapped meters, trimmed trees, worked on breakers at Kallus, and conducted line locates.
- Parks Department worked on broken water lines, Mowed and performed dirt work on the Boys' Field, mowed all other fields, and picked up limbs.

Mrs. Walker professed to Council that the City needs to consider locking the restrooms at Wolters' Park. Mrs. Walker Commended Public Works stating that we had 243.5 hours of overtime during the winter storm.

Mrs. Walker updated Council on the following activities from Administration:

- On February 12th, Mason and I stayed until 5 o'clock to accept candidate applications. Individuals filing included Mayor for her spot, Alderman Fietsam for Place 2, and Greg Thomas for Place 1. As a result, we will not have an election.
- Derek and I received a call from LCRA instructing customers to conserve. I am still waiting for an explanation why Schulenburg was in the top slot for the load shed.
- The City was closed the entire week. Communication was down due to the rolling blackouts constantly resetting the phone system. Mrs. Walker commended Dan Muller for making announcements over the radio. The City also communicated to citizens through Facebook and the reverse 911 system.
- This past week I watched the Senate hearings on the power outages during the winter storm.
- We had the safety of the employees in mind as to why we didn't run garbage during the ice and snow.
- Megan and I sat up at City Hall waiting on the water report to reverse the boil water notice.
- Monday February 27th, Chief, Mason, and I attended a meeting at the Court House in response to the aftermath of the winter storm.
- Tomorrow the City is closed for Texas Independence Day.

- On March 8th, some employees will be participating in the Catapult health screening.
- Mrs. Walker appreciated the community and employees coming together during the winter storm.

Alderman Veselka made a motion, seconded by Alderman Herzik to adjourn the meeting at 7:41 P.M. The motion passed unanimously.