

**CITY OF SCHULENBURG  
SCHULENBURG, TX  
July 7, 2014**

The City Council of the City of Schulenburg met in regular session on Monday, July 7, 2014, at 7:00 P.M. in the Council Chambers located at 607 Upton Avenue, Schulenburg, Texas. The elected officials present included Mayor Roger Moellenberndt and Aldermen Rodney Gresser, Douglas Behlen, Roland Kalina, Brenda Rehak and Larry Veselka. City Staff present included Tami Blaschke-Walker, Interim City Administrator; Candace Berger; Julie Cernosek; David Osina; Ronnie Bohac; Zac Evans, Municipal Court Prosecutor; and Chief of Police, Troy Brenek. Visitors included Alana Wyatt, Board of Adjustments Chairman; Gerry Jochen BOA member; Bob Schmidt, City Engineer; Andy Behlen of the Schulenburg Sticker; Mary Ramirez; Joycelyn Kubesch; Arnold Stoever; Brian Lux; Katrina Packard; Howard Wagner; Ryan Wotipka; Mike Stroup and Ivan Velasquez.

Mayor Moellenberndt called the meeting to order with Candace Berger leading the group in prayer. Mayor Moellenberndt then led the pledge.

Alderman Gresser made a motion, seconded by Alderman Behlen to accept the minutes as sent. The motion passed unanimously.

**Under Presentations by Citizens**, the following addressed Council members:

David C Allen had signed up to speak; however, he presented the City Council with fracking concerns during the public hearing held prior to the meeting for the Consumer Confidence Report 2013 and had left.

Mike Stroup expressed his concerns from friends and colleagues regarding newspaper article comments from Katrina Packard about the Municipal Court being a "joke". He expressed his support for Mr. Taber.

Mary Ramirez who resides at 120 Wolf Street addressed the Council regarding her neighbor, Frankie Kocian, and the condition of his property. She showed contact made starting in January of 2014 with the City – Andy Smith and Don Doering – to have the property cleaned up. Pictures showed the tall grass, building debris and junk scattered about, dilapidated buildings and even a travel trailer parked half on his property and half on the neighbor's property. Her last visit with Andy and Don revealed that he had complied with their request to clean up. She stated that instead of completing the clean up, he added chickens. She is requesting Council's assistance to further the clean up and included the request be extended to other parts of town where similar situations are located. Council requested Tami Walker work with her.

Additionally, Alderman Roland Kalina positively commented on the agenda information being presented in binder form and Alderman Rehak stated that she had received a call

from local citizen Marie Krohovjak regarding the storing of hay bales in the city limits. She had already checked to see if there was a current ordinance addressing the issue and there was none. City Council agreed that perhaps the issue needed to be researched and addressed as an item on the next agenda.

Mayor Moellenberndt also wanted to publicly recognize recently retired city employee Eugene Schrader for his 25 years of service to the city and asked for a round of applause.

**Under Reports from Standing Committees**, Alana Wyatt, Chairman of the Zoning Board of Adjustment, presented their approved application for a west side set back variance from 15' to 6' for the installation of a portable carport at 1008 Baumgarten for Barbara Rainosek. Council thanked them for their consideration.

**Reports from Officers** included the following items:

**Municipal Court Judge Dan Taber's** report was reviewed by Council.

**City Attorney, Zachariah Evans** gave a verbal report on Municipal Court stating that there is a backlog of old tickets - some arising from one computer conversion program to another that need to be taken off the books – that the statute of limitations on citations is two years if a complaint has not been filed on the case. He stated that this is not uncommon in courts. It is not something that he needs to spend extra trips coming here to deal with but instead will plan to spend some extra time on court days to sign motions to dismiss. He will however, wait until the audit is complete for recommendations.

**Chief of Police Troy Brenek** stated that in the future his report will be included in the binder. He also stated that the burglaries that occurred at the Sports Complex may be linked to a theft ring in Arizona. There were a few problems with fireworks on the 4<sup>th</sup>; but they are working on a case of an injury to child that occurred in Schulenburg that is requiring much of their time.

Mayor and Council also questioned the outcome of the power outage on June 23<sup>rd</sup>. They thanked everyone for the quick response in getting service restored. The trucking company's insurance is responsible for the damages and Chief is waiting on a few more bills. He did state that the part to fix the Verizon line and poles is estimated to cost about \$50,000.00.

**Building Inspection** report included the following: gas tests at 1010 Simpson, 400 Black, and 30 East Avenue; final at 407 E US HWY 90; redo drinking fountains at 708 N US HWY 77; moved in building at 200 N Upton; built covered deck at 102 N Kessler; sewer line inspection at 100 South Main; tall grass letters sent to 901 James, 606 South, 618 Black, 1002 Upton and 104 Russek; falling down building letter, 301 Lyons; TV's in alley – 508 Baumgarten and trailer falling down – 1105 Williams; changed out water heater at City Hall and repaired lavatory at Wolter's Park Pavilion Restrooms.

**Water Department:** Did connects, disconnects and line locates; changed out meters that were not working properly; assisted DFA with sampling at Well #10, #12, #13 and Main pump House; replaced solenoid and overhauled injector for Well #12 and rebuilt spare injector and regulator; repaired 2" water service line feeding Fayetteville Bank on College Street; repaired ¾" leak at Wolter's Park pavilion; measured and mapped water line footage at Foster's Branch Subdivision and flushed water main and put it in service; worked on updating maps for O'Malley Engineers, as per TCEQ inspection and changed chlorine cylinders.

**Wastewater Department:** Tex Butane sewer extension complete; for the sludge removal project, we have received one dewatering box, the pumping equipment and the second box should arrive on Wednesday; cleaned 4 beds at Babylon Plant; cleaned 2 beds at Kallus Plant and mowed grass at both plants.

**Street Department:** Fixed area by bridge on Baumgarten Street with asphalt; shredded around town; patched holes; worked on Wolters Street Bridge cutting out sub-grade and relaying it with limestone so that we are ahead; worked at Sports Complex cutting out walking trail and leveling it for concrete work to be done; worked at Foster's Branch Subdivision on sub-grade and setting up select fill and limestone and hauled brush around town and also hauled from limb and leaf site to make room.

**Electric Department:** Worked on lights for the Boys and Girls Club; straightened pole behind 208 Klesel; cleared more limbs off of services that are still falling from previous winds; scheduled outage for Prime Products to shut down power in order to connect new transformer and then re-energize; started shredding and clearing of the ROW on the St John and Moravia lines and street light repair and maintenance.

**Park Department:** Regular maintenance (mowing, weed eating, clean restrooms); picked up animals and placed in dog pound when needed, and working on the walking trail digging out old dirt to prepare for concrete in low spots that got washed out.

**Administration:** Since June 16, 2014 – Department Head Meetings are held on Monday's at the Warehouse at 7:25 A.M. This allows the departments to inform me of work scheduled for the week. Also, all departments have been responding to a back log of work orders and projects throughout the city. **Website** – Megan Bartos has made contact with ETS and In-Code to setup online payments for utilities and municipal court. Geoffrey Schiffli was in the process of editing the content of the pages and the layout. At present, he is on vacation and will provide a full update next week. **Municipal Court** – Candace Berger and Julie Cernosek continue to work through the transition and change being made to court. Julie will be attending Municipal Court "Boot Camp" the week of July 14-18, in Austin, Texas. **Parks and Recreations** – City crews have been working diligently to complete the repair at the Sports Complex. Unfortunately, work has delayed due to the scheduling of concrete. Concrete will be poured this week and with hopes, the track will reopen on Friday, July 11<sup>th</sup>. **Street Department** – City crews responded on Thursday, July 3<sup>rd</sup> to East Avenue with tar exposed and vehicles getting

messed up. Mr. Bohac went to cover the areas with rock. Work continues at Wolters Avenue and Foster's Branch Subdivision. **Electric Department** – a citizen's email was received related to a street light that was out. City crews responded in a timely manner and the citizens expressed their appreciation. Currently advertised the new metering system and bids are due on July 14<sup>th</sup>. Today, new hire Derek Schwenke joined the Electric Department and familiarizing himself with infrastructure of our electrical system. Derek had worked in the electrical field for 8 years and served a supervisor for 2 year prior to joining the City of Schulenburg. His background included designing and instrumentation of electrical control panels. **Water Department** – long time employee of 25 years – Eugene Schrader retired on June 30, 2014. City crews have been encouraged to replace meters that have not been working properly or needed to be checked. I can happily report that 9 out of 10 meters are complete. The last one is a little more in depth and crews expect that it could take up to 3 hours. **Sewer Department** – TCEQ permitting has been received. As of today, the City hauled their first load out from the BLWWTP. Last week, the city contracted their first load through Aqua-Zyme. City crews are working diligently with the new equipment and hauling as necessary.

Alderman Behlen made a motion, seconded by Alderman Rehak to hire O'Malley Engineers to perform field surveys for the HWY 77 and railroad underpass project. The existing 6" sewer line that crosses under the underpass in line with the alley between Anderson and North Main Streets that has previously failed and was sleeved with a 4" line. Due to this restriction, the line has experienced blockages and may be the cause of moisture coming up through the pavement periodically. TxDOT is planning to mill the asphalt pavement off of the concrete pavement through the underpass, replace the failed sections of concrete pavement and then overlay it with new asphalt in the next month or so. TxDOT want the sewer line repaired/replaced before they perform the pavement work. It is believed that the existing line passes through the foundation of the underpass walls, which will make it difficult to upgrade in size. Upon approval of this contract, O'Malley will make contact with TxDOT on the project. It will take approximately 14 days for the field surveys to be scheduled and done. The City will need to contract out the work. Bob Schmidt said they will consider options to move the line from this location if possible. The motion passed unanimously.

Alderman Behlen made a motion, seconded by Alderman Rehak to adopt the Plan for Services to the Wolters Subdivision, Block 3, Lots 1-4. Additionally, Ronnie Bohac informed the Council that he would not be developing the dedicated 80' wide streets and that Ryan Wotipka has agreed to allow the property owners to utilize this property for yards but they will not be allowed to obstruct the area. Tami Walker will initiate the letter for services to Mr. Wotipka. When Mr. Wotipka joined the meeting, he also stated that the current fence is encroaching on dedicated streets and will be moved to expose the extension of Avenue B and North Main. The motion passed unanimously to adopt the Plan for Services.

Michael Zweschper of the Schulenburg Festival Association requested the City Council approved the five-year extension option to the lease agreement between the City of

Schulenburg and the Schulenburg Festival Association. The agreement would be extended to July 23, 2019. Alderman Veselka made a motion, seconded by Alderman Behlen to grant the five-year extension. The motion passed unanimously.

Alderman Rehak made a motion, seconded by Alderman Kalina to accept the second and final reading of a Resolution of the City of Schulenburg, Texas, approving a project of the Schulenburg Economic Development Corporation, to wit: a loan of \$25,000.00 to Jeff Thompson and Stevie Thompson, owners of the Garden Company for remodeling of its building for use of an outdoor restaurant and event venue in the City of Schulenburg; in consideration of its bringing fulltime primary jobs to the City and making particular improvements; complying with Section 505.158, Texas Local Government Code; providing for two separate readings; open meeting reading and adoption and an effective date. The motion passed unanimously.

Alderman Behlen made a motion, seconded by Alderman Gresser to adopt an Ordinance of the City of Schulenburg, Texas amending the city's Drought Contingency Plan, including the plan's criteria for the initiation and termination of drought response stages, restrictions on certain water uses, penalties for the violation of and provision for enforcement of these restrictions; procedures for granting variances; and providing severability and an effective date. The motion passed unanimously.

Alderman Veselka made a motion, seconded by Alderman Gresser to continue with the current 9-1-1 Addressing Maps and "Memorandum of Understanding" between the City of Schulenburg and Fayette County. The motion passed unanimously.

The 2014 Appointments are incomplete. An alternate member to the Planning and Zoning Commission will need to be selected and appointed. A secretary for the Economic Development Corporation will be voted on at the EDC July 17<sup>th</sup> meeting and then presented to Council for approval. Alderman Behlen made a motion to amend the 2014 Appointments to include the following:

- Airport Advisory Board Representative .....Tami Blaschke-Walker
- Public Library City Representative.....Brenda Rehak
- Fair Housing Equal Opportunity Standards Officer...Tami Blaschke-Walker

The motion passed unanimously.

Mayor Moellenberndt recommended Dan Taber for Municipal Court Judge, Alana Wyatt for Associate Municipal Court Judge and Zachariah Evans for Municipal Court Prosecutor. Alderman Behlen made a motion, seconded by Alderman Roland Kalina to accept the appointments as presented. The motion passed unanimously. Katrina Packard reminded everyone that if and when Judge Taber decided to retire, she was willing to accept the position and that the good came out of all of this was training for the clerk and disposal of the backlog of citations.

Alderman Kalina made a motion, seconded by Alderman Gresser to proceed with the audit of the current municipal court administration, state law compliance and procedures

by Tracy Mush of Johnson City. The audit is currently being scheduled for July 30<sup>th</sup> or August 1<sup>st</sup>. The motion passed unanimously.

City Council took no action on the placement of two signs for reserved customer parking at City Hall. Instead, they recommended that everyone should work together. When large gatherings are booked at Sengelmann Hall, all parking spaces are used in front of local businesses. Mr. Pettit was contacted and stated that he does inform his customers that there is limited parking on Main Street.

Alderman Behlen made a motion, seconded by Alderman Gresser to utilize budgeted funds for Councilman Kalina to attend the Newly Elected City Official's Orientation held in Bastrop on July 24<sup>th</sup> and 25<sup>th</sup>. Tami also reminded all others of the TML Conference held in the fall if they wished to attend. The motion passed with Aldermen Gresser, Behlen, Rehak and Veselka voting for the motion. Alderman Kalina abstained from the vote.

Alderman Rehak made a motion, seconded by Alderman Behlen to purchase a new 25 yard garbage truck for \$143,818.00 plus the addition of a front PTO for \$3,000.00. The total purchase price will be \$146,818.00. The motion passed unanimously.

Alderman Kalina made a motion, seconded by Alderman Gresser to extend a service agreement with Johnny Fowlkes for receiving limb debris for \$1,850.00 for the next year – July 2014 thru June 2015. This is a tremendous savings to the City over chipping the limbs. The motion passed unanimously.

Alderman Kalina made a motion, seconded by Alderman Gresser to pay a bill submitted by Alderman Behlen. The motion passed with Aldermen Gresser, Kalina, Rehak and Veselka voting for the motion. Alderman Behlen abstained from vote.

Alderman Behlen made a motion, seconded by Alderman Rehak to pay all other current bills. The motion passed unanimously.

At 8:32 P.M. the City Council adjourned into Executive Session: In accordance with Section 551.071, advice of legal counsel, and 551.074 Gov't, the personnel exception, discussion of the following:

- A. The appointment, employment, evaluation, reassignment, or duties of the Interim City Administrator.
- B. Advice of legal counsel regarding recently received requests for public records under the Public Information Act.

City Council reconvened into regular session at 9:16 P.M. Alderman Behlen made a motion, seconded by Alderman Kalina to offer Tami Blaschke-Walker a 90-day contract with renewable intervals of 30 day extensions at the present salary of the previous

administrator. The motion passed unanimously. No action was taken on Agenda Item B.

Alderman Veselka made a motion, seconded by Alderman Behlen to adjourn the meeting at 9:17 P.M. The motion passed unanimously.