

Niederwald City Council
March 13, 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 7:03 p.m.

Role was called. Council members in attendance were:

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

A moment of silence was observed.

Presentations: None

Public Comment: None

Agenda Item 1. Discussion and possible action to appoint and swear in a new City Council Member to fill the vacant unexpired term.

Synopsis: Reynell Smith volunteered to fill the vacant unexpired term.

Motion: Council Member Wood motioned to appoint Reynell Smith as the City Council Member to fill the vacant unexpired term, Council Member Bowen seconded the motion.

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

Motion Passed

Swear in Reynell Smith as new City Council Member. Richard Administered the Oath of Office to Reynell Smith and she took her seat at the Council table.

Mayor Bisson closed the Council Meeting to go into Executive Session at 7:08 p.m.

EXECUTIVE SESSION OPEN – 7:08 p.m.

Section 551.071 Texas Government Code – Consultation with Attorney Regarding 3-G Ranch Addition, Section 3, Lot 5 Subdivision

EXECUTIVE SESSION CLOSED – 7:49 p.m.

Reconvene into Council Meeting – 7:51 p.m.

Agenda Item 2. Discussion and possible action on minutes of February 6, 2023 City Council meeting

Synopsis: The minutes of February 6, 2023 council meeting were presented.

Motion: Council Member Wood motioned to accept the minutes as presented, Council Member Perry seconded the motion.

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

Motion Passed

Agenda Item 3. Discussion and possible action regarding a certificate of inaction on Preliminary Replat for 3G-Ranch Addition, Section 3, Lot 5 Subdivision

Synopsis: A Preliminary Replat was submitted to the city and action was not taken within a 30-day time span. This item was supposed to be deliberated at the March 6th Council Meeting, however there was not an adequate quorum to conduct that Council Meeting. Due to this, a certificate of inaction on the preliminary replat was requested.

Motion: Council Member Wood motioned to issue a certificate of inaction for the Preliminary Replat for 3G-Ranch Addition, Section 3, Lot 5 Subdivision, Council Member Bowen seconded the motion.

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

Motion Passed

Mayor Bisson closed the Council Meeting to go into a Public Hearing – 7:53 p.m.

Public Hearing – Final Replat for 3-G Ranch Addition, Section 3, Lot 5 Subdivision – 7:53 p.m.

Synopsis: Kent Wymore, the attorney for Mark and Simone Gangi, addressed the Council. On behalf of Mark and Simone Gangi, Kent Wymore stated to the council that he believed they had followed the requirements of the law. Mr. Wymore went on to say that Mark and Simone Gangi are willing to reasonably work with the city to do the things that need to be done to subdivide the property located at 6301 Niederwald Strasse. Mr. Wymore requested that the Council approve the plat and offered assurance that they would work with the city to make that happen.

Public Hearing Closed – 7:56 p.m.

Reconvene into Council Meeting – 7:56 p.m.

Agenda Item 4. Discussion and possible action regarding the Final Replat for 3-G Ranch Addition, Section 3, Lot 5 Subdivision

Synopsis: There were discussions in Executive Session with legal counsel. After that Executive Session and Public Hearing, a motion was made.

Motion: Council Member Wood motioned to approve the final plat of 3G-Ranch Addition, Section 3, Lot 5 Subdivision subject to the following conditions: a variance request be submitted for the private road, the cul-de-sac diameter, and the lot widths. The City of Niederwald will approve the variance upon the submission of the variance request and all the associated fees and authorize the mayor to sign the final plat once the variance request and the fees are received. Council Member Perry seconded the motion.

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

Motion Passed

Agenda Item 5. Discussion and possible action to approve construction plans for Prairie Lakes Subdivision

Synopsis: Council was provided with a letter from the City Engineer, Ric Zamora, recommending approval of construction for Phase 1 Section 1, Phase 1 Section 2, Phase 2 Section 1, Phase 2 Section 2, and an Amenity Center for Prairie Lakes Subdivision. There were previous discussions with the Prairie Lakes Developers about issues that were present before recommendation from the City Engineer, including CLOMR for crossings flood plains and for site distances at intersections. Prairie Lakes acknowledged these issues and applied for a CLOMR. They have also altered the construction plans to provide better site distances at intersections. Richard advised the Council that Prairie Lakes has complied with all the City of Niederwald's requirements.

Motion: Council Member Perry motioned to approve construction plans for Prairie Lakes Subdivision, Council Member Bowen seconded the motion.

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

Motion Passed

Agenda Item 6. Discussion and possible action on CenterPoint GRIP rate increase request

Synopsis: Council was provided a GRIP rate increase request from CenterPoint. The rate increase included \$3.72 per customer for the residential customers and \$7.51 per customer for the commercial customers. Currently the only customer with CenterPoint is Camino Real Elementary School. Richard advised the Council of their options. Council may approve, disapprove, or take no action. If Council decides to disapprove, a full rate increase hearing by Public Utility Commission is needed. If no action is taken, Public Utility Commission does a review rather than a hearing.

Motion: Council Member Smith motioned to take no action. Council Member Perry seconded the motion.

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

Motion Passed

Agenda Item 7. Discussion and possible action on 2015 – 2016 Audit

Synopsis: Council was provided with the 2015 – 2016 Audit, as well as letters concerning the audit from Anthony Tegbe, the City Accountant. The first letter stated that Mr. Tegbe audited the financial statements of 2015 – 2016 and the financial statements accurately reflect the financial position of the City of Niederwald. The second letter from Mr. Tegbe read that there were significant material weaknesses in the city's processes due to the staffing level. Understanding the limit of staff, Mr. Tegbe did not express concern over those weaknesses. The 2015 – 2016 Audit booklet included the audit in its entirety. This included an overview of the financial statements for fiscal year 2015 – 2016, the differences between the financial statements, government funds, and a statement of the position of the city assets vs liabilities vs restricted or unrestricted assets. Richard advised the Council that there were adjustments made going from the city's cash basis to a modified accrual basis that could be found in a section of the audit booklet. The audit booklet also included a comparison of fiscal year 2015 – 2016 to fiscal year 2014 – 2015 and listed the variances in dollar amounts and percentages. This comparison showed increases in both revenue and expenses, as a result of the growth the City of Niederwald experienced. The booklet went on to include a Management Discussion and Analysis (MD&A) letter from Richard discussing the activities of the City

of Niederwald for 2015 – 2016, and whether that was a positive or negative impact on the city. The MD&A stated that the activities for the City of Niederwald were positive and exceeded the budget by \$130,690 due in large part to fees from developments in the city. A statement of net positions, showing the net assets vs liability, and a statement of activities, showing the expenditures of the city and the revenues acquired, was also included in the audit booklet. The net change indicated was positive equaling to \$116,000 over \$111,000 the previous year. Other documents included were the balance sheet, statement of revenue, and a reconciliation of a statement of revenues vs fund balances. This showed an overview of current assets, fixed assets, and liabilities the city has. The last part of the audit booklet included notes on the City of Niederwald, and how the city operates. This included a list of fixed assets the city has, the depreciation of assets the city has, and the property taxes and insurance the city has.

Motion: Council Member Smith motioned to accept the results of 2015 – 2016 audit by Mr. Tegbe, Council Member Wood seconded the motion.

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

Motion Passed

Agenda Item 8. Discussion and possible action to transfer funds to TexPool from checking account.

Synopsis: The city has collected property taxes for the tax year 2023. Currently the City of Niederwald’s checking account has \$231,605.75. Richard recommended transferring \$100,000 into the TexPool account.

Motion: Council Member Wood motioned to transfer \$100,000 into the TexPool account, Council Member Smith seconded the motion.

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

Motion Passed

Agenda Item 9. Discussion and possible action on resignation of Richard L. Crandal Jr. effective June 30, 2023

Synopsis: The city hired an Assistant City Secretary to train with Richard in October 2022 on operations of the City of Niederwald. The city has also decided to hire a Court Clerk/Assistant to take the place of the Assistant City Secretary, as the current Assistant City Secretary may take the place of City Administrator upon Richard’s resignation. Richard formally submitted his resignation effective June 30, 2023, to begin the hiring process for the Court Clerk/Assistant.

Motion: Council Member Smith motioned to accept the resignation of Richard L. Crandal effective June 30, 2023, Council Member Wood seconded the motion.

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

Motion Passed

Agenda Item 10. Report on city operations and activities by City Administrator

Synopsis: The city has been receiving many requests for subdividing lots, not all of which met the criteria for subdividing a lot. A request for a subdivision, The Hernandez Addition, did meet the criteria for subdividing. The city did not act on the subdivision application within 30 days, making this subdivision approved by the City of Niederwald. The Hernandez Addition was supposed to be deliberated on at the March 6th Council Meeting agenda, however there was not an adequate quorum to conduct that Council Meeting. Also, due to not having a Council Meeting on March 6th, the variance hearing for Quinta Subdivision must be reposted and will not come before Council until May 1st City Council Meeting. The office has been processing building permits and inspections, some of which are not complete and must be rejected until completed. Richard informed the Council that the office has been dealing daily with 6301 Niederwald Strasse subdivision. Richard and Sara had a meeting with Brohn homes to view a subdivision the developers had previously completed. Brohn Homes hopes to resemble this subdivision in many ways with the Bluestem subdivision. Negotiations on a development agreement are still taking place. Richard has also been in contact with Prairie Lakes subdivision. The developers want to alter the development agreement to include town homes and duplexes in the mixed-use definition. Currently, the proposal is for eight apartment buildings and additional town homes. Richard expressed concern about the traffic that would come from that many units, and this is still under negotiation. The office received a complaint about a septic system located on Engelke Rd. Robert Piper was referred to investigate the system, and found that there were septic problems under the house as well as effluent flowing out from under the house and onto the adjacent property. A letter was sent to cease and desist the septic system. The property owner hired an inspector to inspect the system and the inspector report was that the septic system was inoperable.

Motion: No Action Taken

Agenda Item 11. 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 12. Discussion and possible action on paying outstanding bills in excess of City Administrator's authorized limits.

Synopsis: Richard presented outstanding invoices for payment. LNV invoice of \$1,852.50 includes charges for Prairie Lakes pre-development conference, Prairie Lakes Phase 2 Amenity Center plan reviews, 6301 Niederwald Strasse flood plain application review, and City Limits and ETJ Mapping. Two invoices for January and February for Bovey and Cochran. The first invoice of \$3,218.58 includes charges for review of issues regarding the RV Park, annexation for Highway 21 Storage, 837 Schubert Lane Code Violation, 6301 Niederwald Strasse re-plat, and Municipal Court creation. The second invoice of \$1,377.90 includes charges for response to audit letter, 6301 Niederwald Strasse re-plat, flood plain development application, and Bluestem Development Agreement. The Moore Group invoice of \$25 includes culvert sizing. Anthony Tegbe invoice for \$4,000 includes remaining balance for 2015 – 2016 audit.

Motion: Council Member Perry motioned to pay invoices. Council Member Smith seconded the motion.

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

Motion Passed

Announcements:

Discussion on Windridge Drive gunfire complaint to be put as an agenda item.

April 3, 2023 - Council Meeting

Meeting was adjourned at 8:39 p.m.

Attest:

Mayor
City of Niederwald

City Secretary
City of Niederwald