

**MINUTES OF THE MEETING OF THE
VILLAGE OF BEAR CREEK COMMISSIONERS
April 20, 2015**

1) Call to Order

The meeting was called to order 7:00 pm.

2) Roll Call

Mayor Upham, Commissioner Bohm and Commissioner Brushwood are present.

3) Citizens Comments will be taken from the audience on Non-Agenda related topics. No action may be taken by the City during Citizens Comments.

None.

4) Approval of Minutes from March 16, 2015 Commissioners Meeting.

Commissioner Bohm makes a motion to approve the March 16, 2015 minutes with the one correction to #8 C; the word "toing" should be "doing". Commissioner Brushwood seconds. Motion approved is approved unanimously.

5) Discussion and possible action in regards to reviewing 2014 – 2015 budget and actual expenditures.

Budget vs Actual reviewed. No changes necessary.

Mayor requests change in order of agenda. Opens item # 6 New Business #D.

D. Discussion and possible action regarding possible subdivision of Lot 11, Section 2, Bear Creek Oaks requested of Aubrey Home Builders. (Lot is on North Madrone Trl)

Property owners; Carl and Loris Henderson and builder Darcy Baylis, with Aubrey Homes are in attendance. The Henderson's live in Appaloosa Run, and have owned this 5.189 acre lot for 35 years they now want to subdivide into two lots and sell. VOBC Subdivision Ordinance requires: minimum 3 acres per lot for a well and septic and minimum 2 acres per lot for public water or rain water system and septic, and deeding 25' frontage of lot to VOBC right of way. Once Lot 11, Section 2, dedicates the 25' frontage requirement the 2 lots would be 2.36 acres each. The builder has looked into water sources: public water from VOBC or Appaloosa Run is cost prohibitive, only well or rain water are feasible. The builder prefers to install a well on each lot, it's her opinion wells are more marketable.

Council begs to differ, the builder holds firm on wanting wells as the water source. Builder is concerned the verbiage in the subdivision ordinance referencing "conventional septic" does not allow for anaerobic septic system. Commissioner Bohm explains at the time the subdivision ordinance was created the only term used to reference a septic systems was 'conventional septic'. That term was used by Hays County, thus adopted by VOBC. VOBC does not approve the 'type of septic system approved or installed'. Once the final plat is approved by VOBC and recorded with Hays County. Then the Hays County Environmental Department approves individual septic systems for each tract. Builder explains that the homes will be 5 star energy rated and asks if council would approve a proposal to subdivide each tract to 2.36 acres served by well and anaerobic drip septic system. Individual Council members are hesitant to give an opinion without having a preliminary plat to review. At this time they reference the subdivision ordinance and suggest when submitting a preliminary plat they request a variance to the "well requirement if less than 3 acres". A variance request is not necessary if lots are to have rain water collection.

Mayor requests change in order of agenda. Opens item # 7 Old Business #A.

A. Discussion and possible action on improvements to the low water crossing. (Upham)

Jeff Grubert of Grubert Equipment Contractors, Inc is in attendance. Mayor Upham checked references on Grubert Equipment Contractors and was told they are reliable, fair priced, and produce good work. Jeff answered various questions council asked regarding his proposal to tear out and rebuild the low water crossing. Bid price \$44,030.00.

Proposed 6 new tubes each 35" x 24" egg shaped, corrugated metal pipes. Spaced 1 foot apart. 6" of concrete will be poured over the top and soil placed on top of that.

Concrete will be 3000 PSI. Recommending 4" curbing to keep drivers on the low water crossing. Expect the road closed 2 to 3 weeks. (1 to 1.5 weeks to do the work and min 7 days for curing) Prefers to do the work in summer, when there is less threat of rain. VOBC pays an additional \$1,500.00 for bonding Grubert Equipment Contractors, Grubert obtains the bond. Grubert recommends obtaining permission from property owners on either side of the creek to access their property for duration of the project.

Council discusses wanting the contractor have access 25' beyond the Right of Way in area of the creek. Mayor Upham makes motion to approve up to \$500.00 for attorney

services to draft a Limited Right of Way Entry Letter for property owners who own either side of the creek to execute. Commissioner Bohm seconds. Motion approved is approved unanimously.

Second bid from Beck-Reit & Sons was briefly discussed. This proposal would raise the height of the road 12" from current height, and install two 2 x 4 box culverts. Bid price \$74,820.00

Meeting continues in Agenda sequence.

6) New Business

A. Discussion and possible action to incorporate BCOPOA website information and documentation to the VOBC website; HOA's intention is for the BCOPOA website to expire in 2016.

Kathryn Rosenbluth City Secretary for VOBC and Bookkeeper for BCOPOA feels it's important there is separation between VOBC and BCOPOA. Sharing a web site would only add to the current confusion of identity. VOBC and BCPOA are different entities, and should maintain their own website. BCOPOA has funds available; in excess of \$24,000.00 is currently in their operating fund. Their web site renewal fees are less than \$125.00 per year. Commissioner Bohm makes motion not to incorporate BCOPOA website to VOBC website. Commissioner Brushwood seconds. Motion is approved unanimously. Mayor Upham will communicate to Lawrence Ragan, BCOPOA Treasurer.

B. Discussion and possible action regarding TDS/VOBC clean up date on Saturday, April 25, 2015.

TDS clean up is confirmed 9AM to 1PM at Madrone Cr and Niles Cove. Clean up will be manned by TDS. Plywood is put on the road at each location to protect the road, under the roll off. Additional plywood is needed for Niles Cove. Commissioner Brushwood has agreed to purchase the plywood and put it in location. Commissioner Bohm makes motion to purchase 2 4x8 sheets of plywood not to exceed \$50.00 for TDS Trash Day. Commissioner Brushwood seconds. Commissioner Bohm amends motion 'not to exceed \$75.00 for ¾ sheets of plywood.' Commissioner Brushwood seconds. Motion is approved unanimously.

Hays County is sponsoring a hazardous waste clean up the same day and time as

VOBC/TDS clean up, in Driftwood

- C. Discussion and possible action to make a voluntary contribution to CAMPO. CAMPO requesting a \$250.00 contribution. Invoice date 1/29/15.**

Council finds no value of benefit to VOBC in making a contribution to CAMPO. Commissioner Bohm makes motion declining giving a voluntary contribution to CAMPO. Commissioner Brushwood seconds. Motion is approved unanimously.

- D. Discussion and possible action regarding possible subdivision of Lot 11, Section 2, Bear Creek Oaks requested of Aubrey Home Builders. (Lot is on North Madrone Trl)**

Discussed earlier in the meeting.

7) Old Business

- A. Discussion and possible action on improvements to the low water crossing. (Upham)**

Discussed earlier in the meeting.

- B. Discussion and possible action regarding an automated digital speed limit detection and warning sign. (Bohm)**

Commissioner Bohm reports no new data has been downloaded. He intends to move the does digital speed limit sign to another location soon.

- C. Discussion and possible action regarding the VOBC Subdivision Ordinance requirements 3 acre or smaller tract with well water and Aerobic septic system. (Bohm)**

Commissioner Bohm shared his research regarding on site sewage systems. TCEQ

uses the term on site sewage facilities, also known as "OSSF". OSSF refers to all conventional on site septic systems including anaerobic systems. Bohm recommends the Subdivision Ordinance be updated to replace conventional septic with "OSSF" and include "OSSF" in the definition section. The intent is not to change the intent of the original Subdivision Ordinance but to clarify what is meant by conventional septic system.

- D. Discussion and possible action regarding Village of Bear Creek Right-of-Way; including but not limited to ditch work.**

Commisisoner Brushwood hasn't heard anything from Johnny, who did the

work on our low water crossing, and is interested in doing the ditch work but very busy with work due to the recent rains in Hays County.

Mayor Upham stated that at this time Ramming Paving is still working on completing the crack fill job in the Village.

9) Announcements

A. Next VOBC Commissioners Meeting is scheduled for Monday, May 18,

2015 7:00 PM

B. VOBC – TDS Annual Trash Clean Up Date Saturday, April 25, 2015

9:00 AM – 1:00 PM.

10) Adjournment

The meeting adjourned at 9:02 PM

Submitted on May 16, 2015 by Kathryn Rosenbluth.

Approved on June 15, 2015

By Kathryn Rosenbluth, City Secretary Kathryn Rosenbluth