

**MINUTES OF THE MEETING OF THE
VILLAGE OF BEAR CREEK COMMISSIONERS
June 15, 2015**

1) Call to Order

The meeting was called to order 7:02 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 April 20, 2015 Commissioners Meeting.

Commissioner Bohm makes a motion to approve the April 20, 2015 minutes as submitted.

Commissioner Brushwood seconds. Motion approved is approved unanimously.

5) Approval of Minutes from May 18, 2105 Commissioner Meeting.

Minutes are not available. Item tabled.

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

Budget vs Actual reviewed. No changes necessary.

7) Consent Agenda – the following may be acted upon in one motion. A Commissioner, Mayor or a Citizen may request items be pulled for separate discussion and/or action.

- A.** Approve payment to Hays County Tax Assessor-Collecting \$28.05 for assessing & collecting 2014 tax rolls. Invoice dated 5/22/15.
- B.** Approve payment to Knight & Partners \$15.00 for April 2015 attorney services.
- C.** Approve payment to Hays Central Appraisal District \$94.53 for 2015 3rd quarter. Invoice dated 5/31/15.
- D.** Approve payment to Ramming Paving \$6,500.00 for crackfill. Invoice dated 5/19/15.
- E.** Approve reimbursement to Kathryn Rosenbluth \$48.75 for postage stamps.
- F.** Approve payment to Jeffery Raffaele \$1,000.00 for ROW Mowing. Invoice dated 6/10/15.
Agenda has a typo on item #C. Agenda has 2014 3rd quarter, it's corrected in the

minutes to 2015 3rd quarter. Commissioner Bohm makes motion to approve the consent agenda. Commissioner Brushwood 2nd. Motion approved is approved unanimously.

8) New Business

A. Discussion and possible action for a Special Meeting at the office of Knight & Associates to discuss current and possible changes to update Subdivision Ordinance and options for city considering subdivisions in process. Likely an executive session with city legal counsel.

Mayor Upham explains a Special Meeting for Commissioners will be held at the attorney office of Knight & Partners on Friday, June 19, 2015 at 1:00 pm. The meeting agenda will be posted on VOBC website and in the posting box's. The meeting is open to the public, however, once the meeting is called council will immediately move into executive session, the executive session is not open to the public. Purpose of the executive session is to consult with legal counsel regarding applicable law regarding the development and subdivision of land and discuss contemplated litigation regarding the subdivision of land.

B. Discussion and possible action for a Special Meeting, if needed to consider possible Final Plat to subdivide Lot 11, Section 2, Bear Creek Oaks before the next scheduled council meeting on July 20, 2015.

Mayor Upham called a Special Meeting to be held on June 19, 2015, a council meeting will be scheduled on or before July 15, 2015 to have an open hearing and discuss the Final Plat to subdivide Lot 11, Sec. 2 BCO. Mayor states for the record as of 6/15/15 the Village of Bear Creek received a letter from Aubrey Homes addressing the deficiencies in the Final Plat submission received 6/5/15. Thus, per the Subdivision Ordinance VOBC council has 30 days from 6/15/15 to take action on the Final Plat to subdivide or by default, it is approved. VOBC Council meant well but in hindsight, acted inappropriately in approving the Prelim Plat without posting a public notice. They did send out a letter to property owners within 200' of the subject (with exception to the property owners of the subject who also own property in Appaloosa run, 200' behind the subject). It was thought the public notice was required for the Final Plat, not the Prelim Plat. Public Notice of the Final Plat will be posted and letters to all property owners within 200' of the subject will go out a minimum of 10 days prior to the VOBC council meeting when the Final Plat will be discussed.

Rowland Williams: shared with council he feels two possible outcomes are 1) lawsuit

from Darcey Baylis, Aubrey Homes and Carl & Loris Henderson, property owners. 2) lawsuit from owners if VOBC approves a variance.

Darcy Baylis: shared with council. It is the property owners rights to follow the Subdivision Ordinance as it is currently written. We are not asking for a variance. The way the current ordinance is written, an variance is not required.

Mayor re opens Citizens Comments

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.

Rowland Williams: I live across the street from the proposed property, and am very concerned about 2 wells going in across from me. Understanding the intent of the ordinance, which has not been acknowledged by the builder. I feel they are being un neighborly and unfair. I've provided a letter to council from the previous owner of the lot to the subject property, James Tillotson, who when subdivided into two parcels: one to 3 acres and the other to 2 acres. States that even with the current Subdivision Ordinance, he understood any parcel under 3 acres was not sufficient for a new well. They sold the 3 acre parcel and retained the 2 acre parcel with the intention to one day build on it with using rain water or possible public water source.

9) Old Business

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

Jeff Grubert reworked his bid to accommodate no access from the McCulley's to allow him on their property 50' outside the right of way on the downstream side of the low water crossing. New bid totals to \$47,510.00 includes all tear out and installation. Installation of six pipes, compact material between, around and over top of pipes, pour concrete on roadway, safety end treatments and slide slopes. Includes \$1,875.00 for the safety traffic curb on both sides of low water crossing. Grubert prefers to do the work in summer months; less chance of rain and no school bus traffic. All traffic would be routed to Bear Creek exit. Kathryn Rosenbluth would like to see the proposed safety traffic curb removed. Feels this curbing will 1) increase chance of debris get caught on the low water crossing 2) increase back up of water onto her property 3) low

water crossing without curbing allows the water to flow over it; never had a problem with someone driving over the low water crossing when flowing. Commissioner Bohm recommends if the safety traffic curb is removed we should have safety markings and revised flow numbers.

McCulley's are against any improvements to the low water crossing, feel if it isn't broke why fix it. Commissioner Brushwood states that council has a responsibility to insure the low water crossing and roads are well maintained. Commissioner Bohm stated that if we make the improvements as proposed by Grubert Engineering we would bring the low water crossing up to meet the 2 year flow. Ideally we should meet the 10 year flow. To meet the 5 year flow we would be raise the road 1.5 feet and installing six 3' x 6' arched pipes. To meet the 10 year flow we would be raise the road 3 feet and installing 8 box culverts. Both of these are much more expensive and raising the road would change the water flow downstream. Obviously, engineering studies are required. He's contacted our city engineer, who referred to a low water crossing /bridge specialist. They are willing to work with our water data and write up proposals or order a full study with core drilling tests, etc. Informed council a full study would cost of +/- \$3000.00. For now Bohm has additional questions for Daniel Harris and will forward them before the next meeting.

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

Commissioner Bohm intends to move the digital speed limit sign from its current location on N. Madrone Trl to S. Madrone Trl this Saturday. Mayor requests it be programmed to capture data from both directions. .

C. Discussion and possible action regarding but not limited to the drafted changes to VOBC Subdivision Ordinance onsite septic systems. (Bohm)

Item tabled.

D. Discussion and possible action regarding Village of Bear Creek Right-of-Way; including but not limited to ditch work and replacing signs at the entrance to the Village. (Upham)

Mayor Upham presents council with two different sign designs for the entrance. Council agrees on the web design that is more decorative, however prefer it be in white with black lettering and not a green sign. Commissioner Bohm makes motion to approve the purchase of 2 new "Welcome to The Village of Bear Creek" signs,

expense not to exceed \$200.00. Commissioner Brushwood seconds. Motion is approved unanimously.

10) Announcements

A. Next VOBC Commissioners Meeting is scheduled for Monday, July 20, 2015 7:00 PM

11) Adjournment

The meeting adjourned at 9:13 PM

Submitted on August 2, 2015 by Kathryn Rosenbluth.

Approved on 8/17/15

By Kathryn Rosenbluth, City Secretary Kathryn Rosenbluth