

**Niederwald City Council**  
**November 6, 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 7:00 p.m.

Role was called. Council members in attendance were:

Ken Perry  
Diane Shirey  
Connie Wood  
Dawn Bowen  
Jaime Aragon

City Secretary Reynell Smith was also in attendance.

A moment of silence was observed.

**Presentations:** None

**Public Comment:** None

The council meeting was closed at 7:02 pm and the first Public Hearing to Consider the annexation of 3.542 acres at 12954 Camino Real was open at 7:02 pm.

The Public Hearing was closed at 7:03 pm and the second Public Hearing to consider a variance request for parking at 13770 Camino Real (Dollar General) was opened at 7:03 pm.

The Public Hearing was closed at 7:05 pm.

**Agenda Item 1. Consent Agenda Items.**

- 1.1 Discussion and possible action on the minutes of the September 23 and October 2 City Council Meeting.**
- 1.2 Discussion and possible action to adopt a resolution authorizing the change in banking signatures and debit/credit cards and safety deposit box access to remove Sara Montgomery and add Reynell Smith.**
- 1.3 Discussion and possible action to adopt a resolution authorizing the removal of Sara Montgomery as authorized user from the TexPool account and replacing with Reynell Smith**
- 1.4 Council approval of the October Financials as presented.**

**Synopsis.** The City Secretary suggested that the council not take action on the presented financials because she was not able to balance the cash account at this time.

**Motion:** Council Member Bowen motioned to table item 1.4 and Council Member Perry seconded the motion.

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

Motion Passed

**Synopsis:** There was a brief explanation of the other items and 3 grammar corrections to the Council minutes of October 2, 2023

**Motion:** Council Member Perry motioned to approve the remaining consent items and Council member Shirey seconded the motion.

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

Motion Passed

**Agenda Item 2. Discussion and possible action on the annexation of 3.542 acres at 12954 Camino Real.**

**Synopsis:** There was no further discussion since this was done in the public hearing.

**Motion:** Council Member Wood motioned to annex the 3.542 acres at 12954 Camino Real and Council member Bowen seconded the motion.

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

Motion Passed.

**Agenda Item 3. Discussion and possible action on a variance request for parking requirements for 13770 Camino Real.**

**Synopsis:** There was no further discussion since this was done in the public hearing.

**Motion:** Council Member Wood made a motion that we grant the variance and Council Member Shirey seconded the motion.

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

Motion Passed.

**Agenda Item 4. Discussion and possible action on appointing a new Records Management Officer with the Texas State Library.**

**Synopsis:** There was no discussion needed for this item.

**Motion:** Council Member Wood made a motion to appoint Reynell Smith as the Records Management Officer and Council Member Perry seconded the motion.

Vote:           Wood – Yes  
                  Shirey – Yes

Bowen – Yes  
Aragon – Yes  
Perry – Yes

Motion passed.

**Agenda Item 5. Discussion and possible action on adopting a Resolution for Caldwell County for the approval of the 2023 tax roll along with a copy of the totals from the tax roll.**

**Synopsis:** No discussion was needed as this is an annual item.

**Motion:** Council Member Shirey motioned to adopt the presented resolution and Council member Perry seconded the motion.

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

Motion Passed.

**Agenda Item 6. Discussion and possible action on appointing a committee or someone to move forward with planning a community Christmas/Holiday Party, which may include approving a date, time, budget and location.**

**Synopsis:** Discussion was made as to how to promote the event and the short time for planning and volunteers who would be likely to help. Council Member Wood volunteered to decorate City Hall.

**Motion:** Council Member Wood made a motion that we wait until next year to have a large event but have cookies or snacks and hot chocolate available at the December meeting, with a budget of \$300. The motion was seconded by Shirey.

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

Motion Passed.

**Agenda Item 7. Discussion and possible action on appointing a CAPCOG Representative.**

**Synopsis:** The City Secretary gave the benefits of being a member and asked Council to join and appoint someone as the Representative for their December 13 meeting in Austin. She stated that the dues for joining in December would be \$67.30.

**Motion:** Council Member Wood made a motion that we join and appoint Reynell Smith as the Representative for the December meeting.

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

Motion Passed.

**Agenda Item 8. Discussion and possible action on the creation of a city clerk position with job description and job posting.**

**Synopsis:** The council read over the presented job description in their packets and discussed rate of pay. They asked for Council Volunteers for a hiring committee.

**Motion:** Council Member Perry motioned to approve the job description with a rate of pay \$15 to \$20 per hour depending on qualifications and appointing Reynell, Shirey and Bowen as the hiring committee.

Council member Wood seconded the motion.

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

Motion Passed.

**Agenda Item 9. Discussion and possible action on approving the 2017 Independent Auditors report by Anthony Tegby and approving payment of same.**

**Synopsis:** No discussion was needed as this is an annual item and the Council had sufficient time to read over their emailed packets.

**Motion:** Council Member Wood motioned to approve and pay for the 2017 Audit and Council member Perry seconded the motion.

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

Motion Passed.

**Agenda Item 10. Discussion and possible action on having City Attorney attend Council Meetings.**

**Synopsis:** Mayor Bisson expressed that for financial concerns he would rather not commit to every meeting. Other options were discussed.

**Motion:** Council Member Wood motioned to let the Mayor and City Secretary approve which meetings that we ask the Attorney to attend instead of every meeting. Council Member Shirey seconded the motion.

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

Motion Passed.

**Agenda Item 11. Discussion and possible action on having two meetings a month, possibly 1<sup>st</sup> and 3<sup>rd</sup> Mondays.**

**Synopsis:**

**Motion:** Council Member Wood motioned to have two meetings a month temporarily on the 1<sup>st</sup> and 3<sup>rd</sup> Monday of the month and Council member Perry seconded the motion.

Vote: Wood –Yes

Shirey – Yes  
Bowen – Yes  
Aragon – Yes  
Perry – Yes

Motion Passed.

**Agenda Item 12. Discussion and possible action on an Ordinance amending the City's Subdivision Ordinance by adopting a new fee schedule.**

**Synopsis:** The City Attorney had provided us with an Ordinance that the Council read over, and there was general discussion regarding the reasoning behind the Ordinance which was stated to be in compliance with the new legislation that went into effect September 1<sup>st</sup>.

**Motion:** Council Member Perry motioned to approve the new Ordinance and Council member Wood seconded the motion.

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

Motion Passed.

**Agenda Item 13. Discussion and possible action on an Ordinance amending the City's Site Development Ordinance by adopting a new fee structure.**

**Synopsis:** Mayor Bisson announced that this is for the same reason as the previous item on the agenda.

**Motion:** Council Member Wood motioned to approve the new Ordinance and Council member Perry seconded the motion.

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

Motion Passed.

**Agenda Item 14. Discussion and possible action on hiring a new City Engineer.**

**Synopsis:** Mayor Bisson gave a brief history of Ed Moore who was our engineer in the past. He had submitted a proposal for the Council to consider.

**Motion:** Council Member Wood motioned to approve the proposal that was submitted by the Moore Group and Council member Shirey seconded the motion.

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

Motion Passed.

**Agenda Item 15. Discussion and possible action on changing construction regulations for portable buildings, decks, carports and other outbuildings.**

**Synopsis:**

**Motion:** Council Member Perry motioned to change our existing ordinance of requiring building permits for portable buildings, decks, carports and other outbuildings to not require permits of these uninhabited structures and Council member Wood seconded the motion.

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

Motion Passed.

**Agenda Item 16. Discussion and possible action on revising Ordinance regarding permanent foundations, regulations and inspections on manufactured housing.**

**Synopsis:** Discussion was made regarding the overlap of Federal, State and Local regulations. The existing regulations were discussed.

**Motion:** Council Member Perry motioned to change our Ordinance but still require a building permit to include a site plan in order to ensure building set-backs, age of home, and driveways are still in compliance but allow the installation to be handled by TDHCA Manufactured housing division and Council member Wood seconded the motion.

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

Motion Passed.

**Agenda Item 17. Discussion and possible action on approval of Studio Estates, Lot 38, Section 2B Replat.**

**Synopsis:** This lot was previously dedicated as parkland, however, due to the fact that he dedicated an overage of required parkland, Mr. Cuddy is wanting to remove this lot for use as a residential lot. An email from our city attorney was read, stating that he saw no legal issue with doing so.

**Motion:** Council Member Perry motioned to approve the Replat and Council member Wood seconded the motion.

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

Motion Passed.

**Agenda Item 18. Discussion and possible action on approval of Studio Estates, Lot 11, Section 2B, Block C Replat.**

**Synopsis:** It was stated that we had no comment from the county, our engineer or attorney at this time.

**Motion:** Council Member Perry motioned to table the item pending further review from County or Engineer and Council member Shirey seconded the motion.

Vote: Wood – Yes  
Shirey – Yes

Bowen – Yes  
Aragon – Yes  
Perry – Yes

Motion Passed.

**Agenda Item 19. Discussion and possible action on approval of contractor to re-level city hall.**

**Synopsis:** Reynell stated that she had not received a bid from the last contractor who came and looked at the project, nor had she received an amended bid from the first contractor.

**Motion:** Council Member Perry motioned to table the item and add it to our next agenda and Council member Wood seconded the motion.

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

Motion Passed.

**Agenda Item 20. Discussion and possible action on a rate change for Centerpoint Energy.**

**Synopsis:** The Council had the choice of denying the change, approving the change or taking no action.

**Motion:** Council Member Perry motioned to take no action and Council member Shirey seconded the motion.

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

Motion Passed.

**Agenda Item 21. Report on city operations and activities by City Secretary**

**Motion:** None

**Agenda Item 22. Discussion and possible action on paying bills in excess of City Secretary's authorized limits.**

**Synopsis:** The outstanding bills presented were Bovey \$4703.59, LNV \$1182.50, ATS \$31,590 and TML Risk Pool \$5512.50.

**Motion:** Council Member Perry motioned to pay the outstanding bills as listed and Council member Shirey seconded the motion.

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

Motion Passed.

**Announcements:**

Next City Council Meetings are November 20, 2023, and December 4, 2023.

City Hall will be closed November 6th for Veterans Day observance and November 23 and 24<sup>th</sup> for Thanksgiving.

The Meeting was adjourned at 8:34 p.m.



Mayor  
City of Niederwald



Attest:



City Secretary  
City of Niederwald