

THE STATE OF TEXAS

COUNTY OF KENDALL BE IT REMEMBERED, that the Commissioners' Court of Kendall County, Texas, was begun and held at a Regular Meeting at the Historic Courthouse in Boerne, Texas, on the 26<sup>th</sup> day of January, 2004.

Present: EDDIE J. VOGT, COUNTY JUDGE  
JOHN C. KIGHT, COMMISSIONER, PCT. #1  
GENE MIERTSCHIN, COMMISSIONER, PCT. #2  
DARREL LUX, COMMISSIONER, PCT. #3  
RUSSELL C. BUSBY, COMMISSIONER, PCT. #4  
DONNA B. STEWART, DEPUTY COUNTY CLERK

The meeting was called to order with the Pledge of Allegiance to the United States and Texas flags.

9:02

County Service Awards were presented by Judge Vogt to the following:  
Cissy Lee 5 years, Susan George 5 years, Shannon Stockton 5 years,  
and Bonnye Vidal 15 years.

9:10

After one non-acceptance for the Salary Grievance Committee, the name of Robert Potter was drawn.

9:15

The burn ban was discussed at this time but not reinstated.

THE STATE OF TEXAS 9:17

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to amend the permit fees for non-exempt Bed and Breakfasts and Convenience Stores to \$50.00; and, change the duration of temporary permits to 4 days rather than annually. Motion was made by Commissioner Busby, seconded by Commissioner Lux, and carried by a vote of 5-0.

THE STATE OF TEXAS 9:25

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the mitigation actions to be included as mitigation strategies in the FEMA-approved Hazard

**Mitigation Plan.**

Motion was made by Commissioner Kight, seconded by Commissioner Lux, and carried by a vote of 5-0.

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THE STATE OF TEXAS 9:30

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Monthly Reports for December, 2003, as submitted by the Auditor's Office and on file.

Motion was made by Commissioner Lux, seconded by Commissioner Busby, and carried by a vote of 5-0.

**Public Comments:**

Brent Evans advised the court that his committee would be presenting a report by the end of February on the Green Space and Parks in Kendall County.

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THE STATE OF TEXAS 9:30

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to pay the Claims as submitted by the Treasurer's Office and on file.

Motion was made by Commissioner Kight, seconded by Commissioner Lux, and carried by a vote of 5-0.

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THE STATE OF TEXAS 10:00

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to road frontage requirements in accordance with Section 301.1000 of the county guidelines dated January, 1997, on a 39 acre tract of Kunz property on State Highway 46 being divided into 22 and 17 acre tracts with the 17 acres having a 60 foot access lane.

Motion was made by Commissioner Lux, seconded by Commissioner Kight, and carried by a vote of 5-0.

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THE STATE OF TEXAS 10:10

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to road frontage requirements in accordance with Section 301.1000 of the county guidelines dated January, 1997, on a 4.2 acre tract with a 60 foot access divided out of a 70.4 acre tract of Langenberg property. This property is exempt from subdivision platting under Local Government Code, Chapter 232.0015(e).

Motion was made by Commissioner Miertschin, seconded by Commissioner Lux, and carried by a vote of 5-0.

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**THE STATE OF TEXAS** 10:05

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to table action on the amended letter of credit for Tapatio Springs until construction of the roads has been approved.

Motion was made by Commissioner Kight, seconded by Commissioner Miertschin, and carried by a vote of 5-0.

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**THE STATE OF TEXAS** 10:15

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the plat revision of Lot 65D in Unit 4 of Shadow Valley Ranch Subdivision into Lots 65D-1 and 65D-2 in accordance with Sections 203.40 and 203.50 of the county guidelines dated January, 1997.

Motion was made by Commissioner Lux, seconded by Commissioner Busby, and carried by a vote of 5-0.

Before further discussion and subsequent Court Orders regarding the 10:15 agenda item, Tom Pahl, Jeff Boerner, and Karen Walton were sworn in by Judge Vogt for testimony if it should be necessary in response to the objections filed by Joseph Dale Robertson. Constable Milburn Dearing, Bailiff, was instructed to call the name of Joseph Dale Robertson three (3) times at the front steps of the Historical Courthouse. This was done and Constable Dearing advised the Court that there had been no response. The following orders reference the objections raised by Mr. Robertson in the attached document:

**THE STATE OF TEXAS** 10:15

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, that objections 2, 3, 4, 5, and 6 made by Joseph Dale Robertson in Section III a are overruled. Motion was made by Judge Vogt, seconded by Commissioner Busby, and carried by a vote of 5-0.

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**THE STATE OF TEXAS** 10:15

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, that objections 8, 9, 10, and 11 made by Joseph Dale Robertson in Section III b are overruled. Motion was made by Judge Vogt, seconded by Commissioner Busby, and carried by a vote of 5-0.

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**THE STATE OF TEXAS** 10:15

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, that objections 12, 13, and 14 made by Joseph Dale Robertson in Section III c are overruled. Motion was made by Judge Vogt, seconded by Commissioner Busby, and carried by a vote of 5-0.

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**THE STATE OF TEXAS                    10:15**

**COUNTY OF KENDALL                    It is ordered by the Commissioners' Court of Kendall County, Texas,  
that objection 15 made by Joseph Dale Robertson in Section III d is overruled.  
Motion was made by Judge Vogt, seconded by Commissioner Busby, and carried by a vote of 5-0.**

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**THE STATE OF TEXAS                    10:15**

**COUNTY OF KENDALL                    It is ordered by the Commissioners' Court of Kendall County, Texas,  
that objections 16, 17, and 18 made by Joseph Dale Robertson in Section IV are overruled.  
Motion was made by Judge Vogt, seconded by Commissioner Busby, and carried by a vote of 5-0.**

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**Commissioner Kight left court for another meeting at this time.**

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**10:30**

**Representatives from IKON gave an updated proposal for a new digital copying and printing system for the County. The item was postponed until the afternoon session for discussion of a possible discount and time for budgetary concerns to be addressed.**

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**Court recessed until the 4:30 agenda item.**

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**Commissioner Kight and Miertschin were not present for the following order:**

**THE STATE OF TEXAS                    9:15**

**COUNTY OF KENDALL                    It is ordered by the Commissioners' Court of Kendall County, Texas,  
to reinstate the Burn Ban for 60 days, effective immediately.  
Motion was made by Commissioner Busby, seconded by Judge Vogt, and carried by a vote of 3-0.**

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**Commissioner Miertschin was present for the remaining items.**

**Discussion of budgetary concerns were addressed on the IKON equipment proposal but a representative was not present to answer questions that had come up or to discuss an incentive for the County to purchase at this time.**

**THE STATE OF TEXAS                    10:40**

**COUNTY OF KENDALL                    It is ordered by the Commissioners' Court of Kendall County, Texas,  
to table the decision on the IKON proposal until a later date.**

Motion was made by Judge Vogt, seconded by Commissioner Miertschin, and carried by a vote of 4-0.

THE STATE OF TEXAS 4:30

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to declare the attached list from the Sheriff s Department as surplus property, excluding the paper feeder belonging to the Attorney General s Office, and list on the county auction site.

Motion was made by Judge Vogt, seconded by Commissioner Busby, and carried by a vote of 4-0.

9:17

Permit fees charged to small establishments that do minimal food sales were discussed further but no changes were made.

Being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF FEBRUARY A.D., 2004.

ATTESTED: \_\_\_\_\_ COUNTY CLERK KENDALL COUNTY, TEXAS

\_\_\_\_\_ COUNTY JUDGE KENDALL COUNTY, TEXAS