

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 10th day of May, 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.

Sympathy was extended to the family of Laura Wetzel and the family of Kurt Knapp, the Department of Public Safety Trooper that died in a car accident in Kendall County.

THE STATE OF TEXAS **9:02**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for the month of April correcting the month listed on the meeting of the 30th to April.

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

THE STATE OF TEXAS **9:05**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Budget Adjustments as presented by the Auditor's Office and attached.

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

THE STATE OF TEXAS **9:10**

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the proposal from Southern Steel Co. in the amount of \$48,393.00 to replace a control panel at the Jail, pending available funds.

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

THE STATE OF TEXAS 9:10

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to declare an emergency for budgetary purposes and approve the transfer of \$23,393.00 from 10-390-675 (Fund Balance) to 10-512-575 (Jail Expansion).

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

9:30

The quarterly Workers Compensation Report was held for Executive Session.

THE STATE OF TEXAS 9:35

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Financial Reports for October 2003 and March 2004 as presented by the Treasurer and attached.

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

THE STATE OF TEXAS 9:35

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Investment Report for January March 2004 as presented by the Treasurer and attached.

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

THE STATE OF TEXAS 9:20

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 Miertschin, and carried by a vote of 5-0 with Commissioner Busby abstaining only on the reimbursement to himself for seminar expenses.

THE STATE OF TEXAS 9:20

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

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

9:45

A presentation was made by Automatic Data Processing, Inc. on Time & Labor Management.

THE STATE OF TEXAS 10:05

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim May as Foster Care and Foster Parent Month.

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

THE STATE OF TEXAS 10:10

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to proclaim May as Elder Abuse Prevention Month.

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

Public Comments None

THE STATE OF TEXAS 10:20

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve and authorize the Judge to sign the interlocal agreement for Mental Health services between Kendall and Kerr Counties after review by the County Attorney's Office.

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

10:25

City and County representatives will get together to discuss upcoming projects on Adler Road and the City Soccer Complex.

10:30

No action was taken in regards to a letter received from Kendalia Volunteer Fire Department requesting a change in budgeting.

THE STATE OF TEXAS 10:40

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow Kendall Appraisal District to retain remaining funds, computer, copy, interest and sale of asset monies from fiscal year 2001-2002 after review by the County Attorney's Office.

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

10:45

Leta Schlinke, Chief Appraiser, discussed the proposed Appraisal District budget for 2004-2005 that had been submitted to the County.

10:55

The Court continued the discussion of an erosion problem on Ranger Creek Road. The property owner, Harold Lee, was asked if he would be willing to sign a release if bio-matting was installed to aid in the reestablishment of vegetation and he advised he would. Item will be discussed in Executive Session before a final decision is made.

THE STATE OF TEXAS 11:05

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to allow a prime coat in lieu of the one course surface treatment under the 1 inch asphalt pavement for the proposed Diamond Ridge Subdivision in accordance with Sections 105 and 405 of the County guidelines dated January, 1997.

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

THE STATE OF TEXAS 11:10

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the final plat for Diamond Ridge Subdivision and accept the corresponding letter of credit in the amount of \$1,574,127.00 in accordance with Sections 203 and 204 of the County Guidelines dated January, 1997.

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

THE STATE OF TEXAS 11:30

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the plat revision of Lots 22, 23, and 24, Twin Canyon Subdivision - Unit 2, into Lots 22A, 23A, and 24A in accordance with Sections 203.4 and 203.5 of the County Guidelines dated January, 1997.

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

THE STATE OF TEXAS 11:40

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the request for relief to minimum road frontage of Zoeller property on Scheele Road in accordance with Sections 105 and 301.1 of the County guidelines dated January, 1997. A 22.8 acre tract is being divided out of 65 acres and will have a sixty foot fee simple access.

Motion was made by Commissioner Miertschin, seconded by Commissioner Lux, and carried by a vote of

5-0.

A plat revision for Block 15 - Lots 1-6, and Block 22 Lots 2-3 in the Town of Waring was discussed. Abandonment of a portion of Manning Street and road frontage relief is also being requested.

THE STATE OF TEXAS 11:20

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to table further discussion on the plat revision of a portion of the town of Waring until the County Attorney's Office has asked the office of David Brooks for an opinion on platted but undeveloped roads when adjoining owners do not agree on the abandonment.

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

THE STATE OF TEXAS 11:35

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief on minimum lot size on the division of Outlot 23 on FM 473 in Comfort, owned by Ricky Stewart, in accordance with Section 301.12 of the County guidelines dated January, 1997. A 2.179 acre tract is being divided into 6 lots.

Motion was made by Commissioner Busby, seconded by Judge Vogt, and carried by a vote of 3-2 with Commissioners Kight and Lux voting against.

THE STATE OF TEXAS 11:45

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief on minimum lot size for three acres on IH-10 near Comfort in accordance with Section 301.101 of the County guidelines dated January, 1997. The tract is being divided out of 52 acres with the majority of the three acres being in the 100 year flood plain, but outside an identified floodway. The proposed commercial development for the property will have specific development conditions.

Motion was made by Commissioner Busby, seconded by Commissioner Kight, and carried by a vote of 4-0 with Commissioner Lux abstaining.

THE STATE OF TEXAS 11:55

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to extend the current contract and/or interlocal agreement between the County and Cow Creek

Groundwater Conservation District until September 30, 2004.

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

Court recessed for lunch at this time.

THE STATE OF TEXAS 2:35

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant relief to minimum road frontage requirements in accordance with Sections 105 and 301.1 of the County guidelines dated January, 1997, on a 25 acre tract, owned by Milton Travis, that will have a sixty foot fee simple access. Tract is being divided out of 48.6 acres.

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

Court went into Executive Session at this time.

As a result of Executive Session the following two orders were made:

THE STATE OF TEXAS 10:55

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize the expenditure of \$1,000.00 for bio-matting and for the Road and Bridge Department to perform the preparatory work on Ranger Creek Road for erosion occurring next to Harold Lee s property.

Motion was made by Commissioner Busby, seconded by Commissioner Lux, and carried by a vote of 4-1 with Commissioner Kight voting against.

THE STATE OF TEXAS 1:30

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, for the County Attorney s Office to send a letter to Comfort Independent School District regarding the School Resource Officer whose employment grant is about to expire.

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

Being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS _____ DAY OF June A.D., 2004.

ATTESTED: _____

COUNTY CLERK
KENDALL COUNTY, TEXAS

COUNTY JUDGE
KENDALL COUNTY, TEXAS