

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 9<sup>th</sup> day of July 2007.

Present:            GAYLAN L. SCHROEDER, COUNTY JUDGE  
ANN REISSIG, COMMISSIONER, PCT. #1  
GENE MIERTSCHIN, COMMISSIONER, PCT. #2  
DARREL L. LUX, COMMISSIONER, PCT. #3  
KENNETH M. RUSCH, COMMISSIONER, PCT. #4  
SALLY W. PETERS, DEPUTY COUNTY CLERK

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

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2.        THE STATE OF TEXAS

COUNTY OF KENDALL            It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Minutes for the month of June 2007.

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

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3.        THE STATE OF TEXAS

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

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

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4.        THE STATE OF TEXAS

COUNTY OF KENDALL            It is ordered by the Commissioners' Court of Kendall County, Texas, to approve all of the Claims as submitted by the Auditor's Office (on file).

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

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5.        PUBLIC COMMENTS:

- Victor Uvalle, Field Representative for the Texas Association of Counties (TAC), recognized Kendall County for saving its taxpayers \$66,422.00 by renewing the county's liability coverage with the TAC risk management pool.

The following comments are by residents living on Upper Cibolo Creek Road and regarding that road:

- Stuart Brown said that when he returned home from being out of town, he was surprised and concerned about the gates that were put up on the road.
- Tana Kehoe said she was upset about the gates since they are not attached to fences, are not holding in livestock, are about 100 yards apart, and are locking some people in and some people out.
- David Pipes asked the Court to help the residents get the gates removed and said despite the decision of the Jury of View regarding the road, the county should bear responsibility for keeping the road open.
- Ed Clouse expressed concern for conditions that could cause harm to residents opening and closing the gates and that could slow down or prohibit emergency vehicles.
- The County Attorney explained the road situation in light of a statute passed by the Texas Legislature in 2003, and he also explained that it is a Jury of View who hears and makes decisions on citizens' protests of the county's interest in a road and that the Jury's decision is binding on the county and the county cannot appeal the Jury's decision. He said the Jury has heard the arguments from both the citizens and the county regarding Upper Cibolo Creek Road and the Jury has decided that the county has no interest in the road. Therefore, Upper Cibolo Creek Road will not be designated a county road. It will be classified as a public road. He said it is his opinion as County Attorney that when the Court officially adopts the County Road Map, then at that time Upper Cibolo Creek Road will be a public road and the residents will be responsible for road issues, but until then it remains a county road and the county will take action to remove the gates.

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6.        No action was taken on reinstating the burn ban.

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7. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve overtime pay to Road & Bridge employees for emergency response to flooding from the rain (attached). Motion was made by Commissioner Lux, seconded by Commissioner Rusch, and carried by a vote of 5-0.

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8. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the amending plat for Cordillera Ranch Subdivision, Unit 203, Block C, Lots 4 and 5 into Lot 4A in accordance with paragraph 208.1200.4 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006).

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

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9. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the amending plat for Live Oaks Subdivision, Unit 1, Town of Comfort, Lot 10A-2 (Karen and Steve Kaiser) into Lot 10A-2A in accordance with paragraph 208.1200.4 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006). This is to add a 15-foot wide drainage easement.

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

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10. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the amending plat for Kendall Pointe Subdivision, Lot 106 into Lot 106A (Clay and Deborah Upchurch) in accordance with paragraph 208.1200.4 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006). This is to remove an unused drainage easement.

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

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11. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief to minimum road frontage, minimum lot size, and platting requirements on Waring Welfare Road in accordance with paragraph 301.1000 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006) for a 0.1-acre tract that is being divided out of a 29.67-acre tract and that is to be combined with the adjoining 24.567-acre tract (Ebb Flynt) and a 0.2-acre tract that is being divided out of a 50.501-acre tract and that is to be combined with a 29.67-acre tract (William Wiedenfeld, Sr.).

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

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12. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief to minimum lot size, minimum road frontage, and platting requirements on Upper Cibolo Creek Road in accordance with paragraph 301.1000 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006). The affidavit of land location and the deed are to carry the following note: This tract of land cannot be conveyed separately from the adjoining and commonly owned tract without approval by Commissioners Court of Kendall County, Texas.

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

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13. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief to the required 50-foot minimum building setbacks on Spencer Road in accordance with paragraph 305.1100 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006). The relief is for 15 feet on the two sides and the rear and 32 feet in the front. Parking spaces are prohibited on the frontage side of the commercial development.

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

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14. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to grant the request for relief to minimum road frontage and platting requirements on Old #9 Highway in accordance with paragraph 301.1000 of the Development Rules and Regulations dated August 29, 2005 (amended September 2006) for a 37.354-acre tract that is being divided out of a 775.5-acre tract with access through a 60-foot easement to Old #9 Highway. The deed is to carry the following note: This property cannot be sold to persons not related to Grantor within the third degree by consanguinity or affinity without complying with Kendall County platting requirements in effect at such time.

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

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15. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the proposal by Schwarz Engineering to design, draw, and oversee the construction of a public water well and appurtenances for James Kiehl River Bend Park as amended by the County Attorney and with the approval of the County Engineer, and authorize work on the well to begin.

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

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16-1. THE STATE OF TEXAS

COUNTY OF KENDALL It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the interlocal agreement between the City of Boerne and Kendall County for animal control.

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

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**16-2. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the interlocal agreement between the City of Boerne and Kendall County for regulation of the subdivision plats within the extraterritorial jurisdiction (ETJ) with the addition of the word "new" in paragraph 5.06 and authorize the County Judge to sign.

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

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Court recessed Open Session at 10:26 a.m. for a Break and upon return went into Executive Session.

Court reconvened Open Session at 2:40 p.m. where the following motions were made:

**3. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the Budget Adjustment for fund number 72.

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

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**I-1. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to approve the name Joshua Springs Park and Preserve for the 405-acre Kendall County park #2.

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

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**I-1. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Samuel Dean Sheet Metal Company to repair the roof of the main building at Joshua Springs Park and Preserve.

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

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**I-4. THE STATE OF TEXAS**

**COUNTY OF KENDALL** It is ordered by the Commissioners' Court of Kendall County, Texas, to authorize Commissioner Lux to proceed as discussed in Executive Session regarding land evaluation and a possible purchase option.

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

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Being no further business, the meeting was adjourned.

EXAMINED AND APPROVED THIS 13<sup>th</sup> DAY OF AUGUST A.D., 2007.

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

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COUNTY JUDGE  
KENDALL COUNTY, TEXAS