

**MINUTES OF THE REGULAR MEETING  
OF THE OAK LEAF CITY COUNCIL  
HELD ON JULY 15, 2008 7:00 P.M.  
AT OAK LEAF CITY HALL**

**I. CALL TO ORDER & ROLL CALL**

Council members present:

Mayor Paul Klooster

Mayor Pro Tem Pat Mahlstedt

Councilman Ron Spurlock

Councilman Jim Tuma

Councilman Ray Brindle - absent

Councilman Craig Wilson

**II. MAYOR KLOOSTER CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AT 7:04 P.M. AND ANNOUNCED A QUORUM PRESENT.**

**III. INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Klooster gave the invocation followed by the Pledge of Allegiance.

**IV. GUEST LIST ATTACHED**

**V. AUDIENCE PARTICIPATION**

At this time Mayor Klooster open the meeting to citizen comments.

- Sandy Garson – 708 Little Creek Trail, stated she was not aware that the city’s livestock ordinance had changed in October of 2007. She identified that city staff had informed her of the process for new or revised ordinances (agendas, council meetings, minutes, web site, etc.). She stated that she felt her quantity of horses should be “grandfathered” based on what she had in place in October, 2007, rather than the one horse she currently has.

She was told by Mayor Klooster that should she wish to add a second horse she would need to get a variance. However, should she choose to swap out the existing horse for another she would continue to be “grandfathered” on that one horse. In regard to her fence, Mayor Klooster advised her that the existing fence was ok as is.

- Bill Denier – 1001 Lariat Circle, asked how the City enforced ordinances. He identified that he had viewed the Oak Leaf website for ordinances; specifically in regard to a ban on fireworks. After this past July 4<sup>th</sup> he found firework related debris throughout his yard, including on his roof. He felt the nuisance and safety were legitimate concerns and felt that the City should have some kind of mechanism in place to address this issue. He stated that he had spoke with his neighbor in regards to the fireworks and neighbor stated he would stop.

Mayor Klooster informed Mr. Denier that the current law enforcement entity for the City was the County Sheriff and, while that agency provided the city with a cost effective alternate to a city law enforcement department, the Sheriff would not enforce the City ordinance on the fireworks. As an alternate, the city is in the process of seeking a contract supplemental officer, such as a County Constable, that could be utilized during specific periods of need ... such as July 4<sup>th</sup>. In the meantime, any citizen experiencing nuisance or other code violation(s) should contact city staff so that the violation could be noted and that the home/land owner provided formal notice of the violation. The City did have as a remedy, the possibility of issuing the land/home owner with a citation to appear before the Municipal judge.

## VI. CONSENT ITEMS

- A. Minutes of the Regular meeting of June 10, 2008 and the Special meeting of June 18, 2008 were reviewed. Mahlstedt made note of a minor omission on the June 10, 2008 minutes and made the motion to approve and accept both minutes, with that error corrected. Wilson seconded the motion. With no further discussion Mayor Klooster called for a vote.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

## VII. OLD BUSINESS

- A. Consideration and approval for Flood Drainage Study to be done by the City's consulting engineers, Birkhoff, Hendricks and Conway

Mayor Klooster stated that the flood drainage study was a substantial amount of money, but the study is needed. The council will need to decide whether to a) fund the study on this year's budget b) fund the study using some of the current year's budget and some on next year's budget c) fund all on next year's budget or d) continue to seek additional proposals. Another engineering company saw the City's agenda posted and has stated that they would like to submit a proposal for the study. Mr. Tuma asked why a study was needed; that a lot of our flood problems are either upstream of us or downstream. Mayor Klooster stated that a flood study will show where problems areas are located and help the city to prioritize work. If other upstream or downstream issues were identified then the City might have to generate communication with those entities, including contacting our State Representative. Tuma confirmed that the Interstate 35 bridge was a problem during the March rains. Craig Wilson stated his concerns regarding getting another bid, but volunteered to help as much as possible and will need more background information. Mahlstedt made the motion to table until a future meeting. Wilson seconded.

B. Budget - Fiscal Year 2008-2009

Mayor Klooster identified that Council needed to review the changes to the '08-'09 budget. Mayor Klooster asked assistant secretary Ellis to find out if line item 5122 included the \$15,000 for the preparation of plans to extend Indian Trails to E. Highland Road in the '07-'08 budget or the '08-'09 budget. Mayor Klooster identified that line item 5504 would be used for the Indian Trail extension road construction. It was decided that line item 5302 is fine per the new contract received by Miller Copier, Mayor will sign contract in October. It was decided to add \$80,000 to line item 5502 to reflect the Indian Trails extension of approximately 1,200 linear feet. Mayor Klooster identified that the grant for the repair due to erosion for the Wood Haven Bridge was received and an engineer was sent out to review and take pictures of the bridge. He also informed the Council that they should hear about the grant for the Uhl Road and Locust Bridge by the middle of August. Tuma asked if we could restrict the weight limit on the bridge. Mayor Klooster identified that the State inspector did not identify a weight limit for that bridge. Mayor Klooster asked assistant secretary Ellis to check the latest inspection report regarding weight limit and to provide a copy of the report to Mr. Tuma. Wilson asked if the County would help pay for the repair of the Uhl/Locust Bridge if we did not receive the grant. Mayor Klooster stated we can check into that, but did we want to budget for repairs in next year's budget just in case the grant fell through or to re-apply for another grant in the annual grant cycle. Mayor Klooster stated that a revised draft of the '08-'09 budget report would be ready in 24 to 48 hours for council review.

**VIII. NEW BUSINESS**

A. Bank account check signers

1) Removal of Patricia Cortes as check signer on all Oak Leaf bank accounts

Mahlstedt made a motion to remove Patricia Cortes as check signer on all Oak Leaf bank accounts. Spurlock seconded the motion. With no discussion, Mayor Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion was passed.

2) Add Patty Ellis as a check signer to all Oak Leaf bank accounts

Spurlock made a motion to add Patty Ellis as a check signer on all Oak Leaf bank accounts. Mahlstedt seconded the motion. With no discussion, Mayor Klooster called for a vote.

Ayes: All present voted aye

Nays: None

The motion was passed

**IX. MAYOR'S UPDATE**

Mayor Klooster updated Council on the items listed below.

- Oak Leaf Business Development Corporation  
Mayor Klooster identified that Rick King was voted in as the president, Craig Wilson as the secretary and the City Secretary is the treasurer.
- NCTCOG Population Report  
Mayor Klooster identified that per the North Central Texas Council of Governments the City of Oak Leaf has 477 houses and 1,557 residents as of January 1, 2008.
- Judge Glendon Haney  
Mayor Klooster informed City Council that there would be a proclamation honoring Judge Haney in August since he would be retiring on the 15<sup>th</sup> of the month after 33 years of service in Ellis County.
- Handyman  
Mayor Klooster informed the Council that Dwayne Sprabary had applied for the handyman job for the City of Oak Leaf. He was offered \$10 an hour plus mileage. Sprabary requested an increased hourly rate with no mileage reimbursement. With no objections from council, Mayor Klooster identified that an hourly rate increase would be made.
- City Secretary Position  
Mayor Klooster identified that he and Mayor Pro Tem Mahlstedt had reviewed over sixty resumes and interviewed six prospective secretaries for the city. The position remains open and unfilled at this time.
- 507 Little Creek Trail  
Paperwork has been received identifying that the grant application for the buy-out of 507 Little Creek Trail, due to chronic flooding, has been approved. Official notification to the citizen is pending.
- August Council Meeting  
It was decided to change the August 12th council meeting to August 19th.
- Joseph Portugal  
Mayor Klooster identified that Mr. Joseph Portugal has been contracted as a consultant in the non-residential zoning for three pieces of property adjacent to Ovilla Road.

## **X. REPORTS AND ACTION BY COUNCIL**

### **LAND/BUILDING**

- Nuisance Property:

#### 606 Winding Creek Trail

Mayor Klooster reminded City Council that with the possibility of a court date in October the City would need to inquire about getting a new judge sworn in prior to that court date. Mahlstedt asked if it was feasible for the city to contract a judge on a case-by-case basis instead of keeping a Judge on a monthly retainer. Mayor Klooster asked assistant secretary Ellis to check into this with TML.

#### 2059 Willow Bend Drive

The moving of the fire hydrant should be completed within one week. Once we receive the invoice from Fox Contractor for this work we will pursue reimbursement from the land/home owner.

### **LEGAL AND PUBLIC RELATIONS**

- Indian Hills Subdivision Streets

Mayor Klooster identified that the attorneys from both parties have been talking and a meeting will soon be, to hopefully resolve the matter without having to go to court. Discussion amongst the council continued regarding street composition, construction costs as well as maintenance costs.

### **PUBLIC WORKS**

- Signs for E. Highland

Mayor Klooster and City Council reviewed the street sign and location map provided by councilmember Tuma regarding signs for E. Highland. Wilson will provide correct information for sign types, sizes, and verbiage. Mayor Klooster asked assistant city secretary Ellis to order signs from the City of Dallas and he would pick them up when ready. The new handyman will install.

- Road Repairs

B. G. Williams is waiting to commence our scheduled 2008 street re-surfacing after completing another job and expected to be here next week, weather permitting.

- Water Concerns

Some citizens on Rocket Water are having problems with fixtures in their homes getting "clogged" due to excessive calcium. They have initiated discussions with the water provider and are awaiting test results.

- Proposals for Refuse Pickup

Spurlock informed council that Waste Management expressed interest in our refuse removal contract. He also talked with Brenda LaLone, with Allied Waste, regarding recycling. Mayor Klooster informed council that he was attending a recycle program that Allied Waste was sponsoring on July 16th. Mayor Klooster asked assistant city secretary Ellis to check into local Boy Scout and/or Girl Scout troops that might be interested in a community project involving increasing citizen awareness and participation in recycling.

**SECRETARY'S REPORT**

- No updates

**ORDINANCE REVIEW/UPDATE**

- Weight Restrictions – City roadways...no update
- Excavation Ordinance ... no update

**XI. ADJOURNMENT FROM REGULAR COUNCIL MEETING**

A motion to adjourn was made by Mahlstedt, and seconded by Spurlock.

Ayes: All present vote aye.

Nays: None.

The motion passed.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2008

\_\_\_\_\_  
Paul Klooster, Mayor

ATTEST: \_\_\_\_\_  
Patty Ellis, Assistant Secretary