

**MINUTES OF THE  
SPECIAL CITY COUNCIL MEETING  
HELD ON MARCH 20, 2007 7:00 PM  
AT OAK LEAF CITY HALL**

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

Council members present:

Mayor Paul Klooster  
Mayor Pro Tem Pat Mahlstedt  
Councilwoman Susan Walker  
Councilman Jim Tuma  
Councilman Ron Spurlock  
Councilman Ray Brindle

**II. MAYOR PAUL KLOOSTER CALLED THE SPECIAL CITY COUNCIL MEETING TO ORDER AT 7:15 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**

**VI. NEW BUSINESS**

**A. *Coe Farms subdivision Phase II; Preliminary Plat.*** Represented by Mr. Jon Coe.

Note: Applicant submitted to Secretary Cortes at the time of the meeting, revised Preliminary Plats of Coe Farm's Phase II (3rd submittal) for Council's review with a letter from his surveyor (dated 3/20/07) and also a letter from him (dated 3/20/07). Secretary Cortes made copies and distributed to all Council.

Klooster identified that the applicant has submitted for consideration and approval a Preliminary Plat for Coe Farms Phase II. Klooster summarized the documentation that had been submitted to the City; he identified that on the 3/16/07 letter sent to the applicant, items 10, 11, and 13 have been modified and addressed and item 12 is addressed on the surveyors 3/20/07 letter. Klooster asked Council if they had, had sufficient time to review the third submittal of the Preliminary Plat they had just received. Council identified that they were ready to proceed.

Klooster ask the applicant if he would like to address Council. Applicant identified that he felt like he had done what the City required on the existing 4" waterline, that

it was installed according to the City's and Glenn Heights specifications at the time of installation. Applicant identified that he is willing to work with the City on the remaining deficiencies, unless costs to him get too high.

Klooster identified he would at this time entertain a motion from Council, he identified what choices Council had: approve with contingencies, deny, approve, or make no decision, which would mean that the Preliminary Plat would automatically be approved after the 30-day time period had expired.

Klooster identified that he was again calling for a motion, he identified that there were 10 items that may factor into the motion. Spurlock made a motion to approve as submitted. The motion failed due to lack of a second. Mahlstedt made a motion to accept the 3<sup>rd</sup> submission of the Preliminary Plat as submitted with the 10 deficiencies addressed to the City's satisfaction. Brindle seconded the motion. Discussion between Council followed on the deficiencies that need to be addressed.

- Item 1 to be addressed is the Thomes tract, which is not included in the Preliminary Plat that has been submitted for approval. It was identified that the applicant could revise the Preliminary Plat to incorporate the survey of this tract as it was when sold to Mr. Shortes. Walker identified that the Coe drive ROW looks to be 20-feet into the Thomes tract. Klooster identified that this would be covered under item 4.
- Item 2 - Tree Preservation Plan. Klooster identified that as shown on the Preliminary Plat submitted, it was the ultimate Tree Preservation Plan as no trees could be removed at all without the City's permission. Mahlstedt identified errors in spelling to be corrected.
- Item 3 - Contour Map. Applicant has asked for a waiver for this item. Klooster identified that the contour map is a tool used to make sure we're not compounding an existing problem. Applicant identified that he has had no flooding on his property. Klooster identified that the elevation numbers were shown on Phase I. Brindle stated that he did not want to waive this because he didn't want to set a precedent. Applicant asked Council if they would accept a contour map that was similar to what was submitted with Phase I.
- Item 4 – Cul-de-sac. Klooster identified that Coe Drive is currently a dead end road. He further identified that section 9.500 (3) of the subdivision code identifies that dead end streets are not allowed. The applicant has requested a waiver for this. He asked for Council discussion on this. Walker stated that in trying to make the right decision on the Coe Farms Phase II Preliminary Plat, she went back to the source of the State's authorization to create rules for the subdivision of property to use as a guide.

According to the State statute, we may adopt rules in order to promote the health, safety, morals, or general welfare of the municipality. She stated that morals were not an issue here, and our focus is on health, safety and general welfare and she included in general welfare, the responsible use of taxpayers' money. Walker stated that she does not subscribe to the opinion, "Buyer Beware"; she believes it is our responsibility as a city to provide rules for the health, safety, general welfare and orderly development of our city, for our current and future residents.

Walker stated that future homeowners purchasing property within our city limits have a reasonable right to expect that certain basic things are in place when they buy land in our city, such as: adequate access to our public thoroughfares, police protection, fire protection (including access to a fire hydrant) planning to avoid compounding drainage and/or flooding problems, and the confidence that the property they buy is secure from being condemned and purchase for rights-of-way or easements that the city could have reasonably foreseen. Walker asked Council to keep in mind when looking at the applicant's request for specific waivers or "variances" to keep in mind the key issues: the health, safety, general welfare and orderly development of our city.

Applicant stated that he has talked to Mr. Thomes and mentioned that they might have to give land for a cul-de-sac. Walker stated that a cul-de-sac would possibly make the land more saleable. Klooster identified that the cul-de-sac has to be built at some time, and if the land were not given voluntarily, then the onus would be on the City to acquire.

- Item 5 – Letters from utility providers. Klooster identified that utility provider letters were not a significant issue. More applicable to large subdivisions. Applicant has asked for a waiver.
- Item 6 and 7 – Water line and fire hydrant. Klooster identified that the Preliminary Plat identifies an existing four (4") inch water line. Per Article 9.600 (b) (2) this line is to be a six (6") inch sized water line. Code further requires fire hydrants at a distance of no more that 600-feet. As is stands now applicant has to have, a six (6") inch water line and a fire hydrant to meet fire-fighting requirements.
- Item 8 – Easements. All easements within 200-feet of the property to be shown. It was identified that there were no easement specifications shown for the Pickerill, Jordan, Lohler, Thomes or the Jonathon Coe residence.
- Item 9 – Drainage Utility Easement (D.U.E.) on east side of Coe Drive, has been left off on all (3) submittals of the Preliminary Plat for Coe Farms Phase II. Applicant has asked that this be left off.

- Item 10 – Subdivision fee. Applicant has asked for the subdivision fees to be waived. Klooster identified the fee is \$100.00 per lot and shall apply to the cost incurred by the City, if the cost to the City exceeds this amount, the applicant shall be responsible to reimburse the City for the excess fee(s) prior to Final Plat. We have received from the applicant a \$100.00.

Mayor Klooster queried Council on any further discussion. Mahlstedt made a motion to withdraw her original motion, Brindle who seconded that motion agreed. Mahlstedt made a motion to accept the Preliminary Plat as submitted with the following contingencies.

1. The Preliminary Plat drawing is to be modified to include the Thomes (formerly Shortes) parcel.
2. Request for an exception to the requirement for a Tree Preservation Plan is granted. Leave as is on the submitted Preliminary Plat, with spelling errors corrected.
3. A contour map is to be provided. It is understood that the contour map will be similar to that submitted for Coe Farms Phase I, Plat.
4. The Preliminary Plat is to include a 50' radius cul-de-sac at the end of Coe Drive.
5. Request for an exception to the requirement for letters from Utility Providers, identifying that service can be provided to this proposed subdivision, has been approved.
6. The Preliminary Plat drawing identifies an existing four (4") inch water line. Per Article 9.600 (b) (2) this line is to be a six (6") inch sized water line. Request for an exception to this requirement is denied. This line is to be upgraded to a six (6") inch sized line.
7. Per Article 9.600 (b) (4) there is to be a fire hydrant installed. Request for an exception to this requirement is denied.
8. The drainage utility easement (D.U.E.) on the east side of Coe Drive, running along the western boundary of the Pickerill tract, has been shown to lie within the 40-foot right-of-way (ROW). This easement is to be separate, and in addition to, the ROW, Article 9.500 (8).
9. The subdivision fee of \$100.00 has been paid. Request for an exception, and refund, to this requirement has been denied. Appendix A Fee Schedule Sec. 2.300. Article 9.800.

Walker seconded the motion. Brindle identified that he did not agree with contingencies 6 and 7. Klooster called for the final vote.

Ayes: Spurlock, Tuma, Walker and Mahlstedt.

Nays: Brindle.

The motion was passed.

## **VII. ADJOURNMENT FROM SPECIAL CITY COUNCIL MEETING**

A motion to adjourn was made by Brindle, seconded by Mahlstedt.

Ayes: All present vote aye.

Nays: None.

The motion passed.

PASSED THIS \_\_\_\_\_ DAY of \_\_\_\_\_ 2007

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**Paul Klooster, Mayor**

**ATTEST:** \_\_\_\_\_

**Patricia Cortes, Secretary**