

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, June 16, 2014 at 7:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meetings Act. The following Commissioners were present:

Carl Law	Mayor
Bill Lindenborn	Mayor Pro Tem
Frank Ducos	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

Commissioner Brewster was not present.

Others present: Mike Whaley, City Manager; Trish Holley, Director of Administration; Gordon Smith, Director of Public Works; Janelle Dolan, City Clerk; Ed Stahr, Police Chief; and Deana Sheriff, Economic Development Director.

Item 1. Mayor Law called the meeting to order and welcomed the visitors.

Item 2. Invocation was given by Commissioner Tugman.

Item 3. The Pledge of Allegiance was led by Commissioner Lindenborn.

Item 4. Consent Agenda.

- A. Approval of Minutes from May 19, 2014 Special Called Meeting and May 19, 2014

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to approve Consent Agenda 4. Motion carried unanimously.

Item 5. Gordon Smith, Director of Public Works, addressed the Mayor and Commissioners and reported a variance request was submitted by Mr. Adam Shinpaugh who resides at 1111 Cheryl Dr. requesting the Board of Commissioners allow him to drill a private water well in the front yard of his property. Ordinance Number 612 pertaining to drilling of private water wells restricts the well to the rear yard and does not allow for drilling in the front or side

yard. Section 12 of the ordinance does allow for a variance request to be made under cases of emergency and hardship. Mr. Shinpaugh chose to seek a variance from the City under hardship of the Drought Restrictions. Utility pole locations and site constraints will not allow the driller to enter the back yard to drill the well even with sections of the fence removed. The proposed well site if approved will be required to have a well cover that is aesthetically pleasing.

Motion was made by Commissioner Ducos, seconded by Commissioner Lindenborn to approve the variance request for a front yard water well. Motion carried unanimously.

Item 6. Mayor Law closed the regular meeting at 7:04 p.m. and opened the “Public Hearing” for the following Planning & Zoning Commission Cases:

- A. Case #2014-16, Specific Use Permit for 101 S. Ave D, to construct an accessory building for vehicle storage and a crematory facility.
 - B. Case #2014-17 re-zone application for 900 block and 1000 Block of Cheryl Dr., blocks rezoned as a carport overlay district.
-
- A. Case #2014-16, Specific Use Permit for 101 S. Ave D, to construct an accessory building for vehicle storage and a crematory facility.

Gordon Smith, Director of Public Works, addressed the Mayor and Commissioners and stated that Steve Mendenhall, owner of Owens and Brumley presented an application request for a Specific Use Provision to construct an accessory building for vehicle storage and a crematory facility at 101 S. Ave D. The property is zoned commercial business and Specific Use Provision is required for the crematory. Mr. Smith stated the Planning and Zoning Board unanimously approved the Specific Use Permit. Mr. Smith stated the owner has also submitted a variance request to the Zoning Board of Adjustment (ZBA) to reduce side and rear setbacks and they are scheduled to meet on June 17, 2014 to review the request.

- B. Case #2014-17 re-zone application for 900 block and 1000 Block of Cheryl Dr., blocks rezoned as a carport overlay district.

Mr. Smith addressed the Mayor and Commissioners and stated an application was presented by Edward Frye, owner of property located at 980 Cheryl Dr. This request is to allow for a carport overlay district on the 900 block and 1000 blk of Cheryl Dr. Mr. Smith reported all publishing and mail out requirements have been met. Also, the required amount of signatures (75%) has been satisfied and ownership has been verified by City Staff. Mr. Smith stated the Planning and Zoning Board unanimously approved the request.

Item 7. Mayor Law closed the “Public Hearing” at 7:09 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Cases:

- A. Case #2014-16, Specific Use Permit for 101 S. Ave D, to construct an accessory building for vehicle storage and a crematory facility.
- B. Case #2014-17 re-zone application for 900 block and 1000 Block of Cheryl Dr., blocks rezoned as a carport overlay district.

Case#2014-16: Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to approve the Specific Use Permit for 101 S. Ave D to construct an accessory building for vehicle storage and a crematory facility with the provision that the variance request be approved by the ZBA. Motion carried unanimously.

Case#2014-17: Motion was made Commissioner Hardy, seconded by Commissioner Love to approve the re-zone application for 900 block and 1000 block of Cheryl Dr., blocks rezoned as a carport overlay district. Motion carried unanimously.

Item 8. Mr. Smith addressed the Mayor and Commissioners and stated Steven Mendenhall, owner of Owens and Brumley, presented an application request for a final plat to construct an accessory building for vehicle storage and a crematory facility at 101 S. Ave D. Mr. Smith stated the plat reflects proper building lot lines and easements. It also meets minimum requirements per the Zoning Ordinance and does not conflict with the Comprehensive Plan or the Subdivision Ordinance. Mr. Smith stated the Planning and Zoning Board unanimously approved the final plat and it is City staff’s recommendation to approve the final plat.

Motion was made by Commissioner Ducos, seconded by Commissioner Lindenborn to approve the final plat, Owens and Brumley Addition Block 1, Lot 1. Motion carried unanimously.

Item 9. Ordinance Number 856 was presented. Caption of same being:

AN ORDINANCE SUPERSEDING ORDINANCE NUMBER 853 OF THE CITY OF BURKBURNETT, TEXAS PRESENTLY CODIFIED AS CHAPTER 53, WATER IN THE CODE OF ORDINANCES, SPECIFYING THE EFFECTIVE DATE; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Mike Whaley, City Manager, addressed the Mayor and Commissioners and stated Ordinance Number 856 is an extension of Ordinance Number 853 which the

Board of Commissioner approved on March 17th. Ordinance Number 856 continues a water rate increase to help offset the deficit in water revenue due to the reduction in water sales in our current position concerning the drought and conservation efforts. The first 2,000 gallons within the rate structure has a flat rate of \$20.00, the next 8,000 gallons had previously been \$4.15 per thousand. The increase only effected the next 8,000 gallons and the rate increased from \$4.15 to \$6.15 per thousand. Also, the Ordinance does show that after 90 days, pending no further action by the Board of Commissioners, the rate will revert back to \$4.15 per thousand for the next 8,000 gallons.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Love to approve Ordinance Number 856 as presented.

Ayes: Mayor Law; Commissioners: Lindenborn, Hardy, Love, and Tugman

Nay: Commissioner Ducos

Motion carried.

Item 10. Ordinance Number 857 was presented. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS SPECIFYING THE SPEED LIMIT INSIDE THE CITY LIMITS FOR THE 500 TO 700 BLOCK OF DAVEY DRIVE; AMENDING SECTION 71.05(B) OF THE CITY OF BURKBURNETT CODE OF ORDINANCES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ORDERING PUBLICATION IN ACCORDANCE WITH THE CHARTER OF THE CITY OF BURKBURNETT.

Ed Stahr, Chief of Police, addressed the Mayor and Commissioners and stated during the Board of Commissioners meeting on May 19, 2014 the Commissioners requested the speed limit on Davey Drive be reduced from 30 mph to 25 mph for the overall safety of the area.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Ducos to approve Ordinance Number 857 as presented. Motion carried unanimously.

Item 11. Mr. Whaley addressed the Mayor and Commissioners and stated there are two members of the Planning and Zoning Board whose terms are expiring this month, Jerry Coker and Howard Locklin. Both Mr. Coker and Mr. Locklin have expressed a willingness to serve another term. Mr. Aaron King has also submitted a volunteer application indicating his desire to serve on the Planning Zoning Board.

Motion was made by Commissioner Love to appoint Aaron King and Jerry Coker to the Planning and Zoning Board. Motion died for lack of a second.

Motion was made Commissioner Hardy, seconded by Commissioner Tugman to appoint Aaron King and Howard Locklin to the Planning and Zoning Board.

Ayes: Mayor Law; Commissioners Lindenborn, Ducos, Hardy and Love

Nay: Commissioner Tugman

Motion carried.

Item 12. Mr. Whaley, addressed the Mayor and Commissioners and stated as a member of the NORTEX Regional Planning Commission, the Mayor for the City of Burkburnett is seated on the General Membership Committee. In the event the Mayor is unable to attend, a proxy from the City of Burkburnett is required to be assigned. A quorum of the member entity's governing body must sign a letter assigning the proxy.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to appoint Mike Whaley and Mike Tugman as proxy to the NORTEX Regional Planning Commission.

Ayes: Mayor Law; Commissioners Lindenborn, Ducos, Hardy, and Love

Abstained: Commissioner Tugman

Motion carried.

Item 13. Review of monthly reports.

A. Administration-None.

B. Public Works- Mr. Smith reported the results from well analysis are looking good and the final pump should be installed this week.

C. Public Safety- None

D. Economic Development-Deana Sheriff, Economic Development Director, reported two new businesses are open; Texas Best Donuts and Monkey Butt Leathers. Ms. Sheriff also reported they are two additional businesses opening later this summer. The Community Center LED sign should be installed the week of July 17.

Item 14. There were no public comments.

Item 15. City Manager's report.

A. Kiosk Update- Mr. Whaley reported the kiosk has been delivered. There are some renovations that need to be made for the installation of the Kiosk. Mr. Whaley stated the drive thru will stay open.

B. Water Vending Machine Update-Mr. Whaley stated the electrical work is being completed at the water vending machine.

C. Events-TML Region 5 Quarterly Meeting scheduled for June 19th
in Lakeside City.

Item 16. Commission comments.

Item 17. Motion was made by Commissioner Tugman, seconded by
Commissioner Hardy to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk