MINUTES OF COMMISSIONERS COURT MEETING

I.

Attached hereto is/are public notice(s) posted for the meeting of April 27, 2023.

II.

The minutes of the Regular Meeting of Fayette County, Texas, Commissioners Court held in the Commissioners Courtroom (3rd floor - Room 303) at the Fayette County Courthouse located at 151 North Washington Street, La Grange, Texas.

III.

Attendance: County Judge Dan Mueller **Present**County Commissioner – Precinct No. 1, Jason McBroom **Present**County Commissioner – Precinct No. 2, Luke Sternadel **Present**County Commissioner – Precinct No. 3, Harvey Berckenhoff **Present**County Commissioner – Precinct No. 4, Drew Brossmann **Present**

IV.

County Officials/County Personnel present during all or any part of the meeting:
Brenda Fietsam, County Clerk; Cindy Havelka, County Auditor;
Amber Hielscher, Floodplain Manager; Cassie Austin, Court Administrator;
Angela Hahn, Emergency Management Coordinator & Grant Specialist;
Roger Wunderlich, Constable Precinct 2; Josh Vandever, EMS Director;
Carol Friedrich, County Attorney's Office; Blake Watson, Assistant County Attorney;
Sylvia Mendoza, Tax Assessor Collector; Debra Maddox, Airport Manager;
Randy Noviskie, Chief Deputy Sheriff

V.

Persons in attendance during all of any part of the meeting: See Attached Exhibit A

VI.

Meeting opened at 9:31 a.m. on motion by Judge Mueller, seconded by Commissioner Berckenhoff, votes for 5, votes against 0.

VII.

PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

"Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."

INVOCATION

AGENDA ACTION:

1.	SUBJECT: Consider and take appropriate action in approving the following minutes from previous meetings:
	i. April 13, 2023 – Regular Meeting
	ACTION: Approved minutes from previous meeting.
	PERSONS APPEARING BEFORE THE COURT: Brenda Fietsam, County Clerk
	MOVED BY COMMR. Sternadel, SECONDED BY COMMR. McBroom Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against
2.	SUBJECT: Open public comments – petitions, requests or statements by the public. Close.
	ACTION: Opened Public Comments. Accepted Public Comments from Sylvia Mendoza and Cecil Tinney. Closed Public Comments.
	PERSONS APPEARING BEFORE THE COURT: Sylvia Mendoza, Tax Assessor Collector; Cecil Tinney
	See attached hereto marked "Exhibit B"
	MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. Brossmann Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against

Commr. Brossmann, vote for X, vote against _____

Judge Mueller, vote for X, vote against _____

3.	SUBJECT: Sign proclamation proclaiming April 30 to May 7, 2023 as Soil & Water Stewardship Week in Fayette County.
	ACTION: Signed proclamation proclaiming April 30 to May 7, 2023 as Soil & Water Stewardship Week in Fayette County.
	See attached hereto marked "Agenda Action 3 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Rick Schilling, Fayette Soil & Water Conservation District #341
	MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Berckenhoff Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against
4.	SUBJECT: Consider and discuss nuisance issue in Precinct 2 regarding Don Mendel and Magnolia Oil.
	ACTION: Accepted all comments concerning the nuisance issue in Precinct 2 regarding Don Mendel and Magnolia Oil.
	See attached hereto marked "Agenda Action 4 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Don Mendel; Steve Cain; Blake Watson, Assistant County Attorney; Gerard Howard; Lisa Howard See attached hereto marked "Exhibit B"
	MOVED BY COMMR. Sternadel, SECONDED BY COMMR. McBroom Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against

5.	SUBJECT: Consider and take appropriate action in setting a date for a public hearing concerning setting speed limit on the following road: Giese Lane & Humble Lane (Precinct 1), and for authorization to publish notice of said hearing in the newspaper.
	ACTION: Set date of Thursday, May 11, 2023 at 9:00 am for a public hearing concerning setting speed limit on the following road: Giese Lane & Humble Lane (Precinct 1); and
	Authorized publication of notice of said hearing in the newspaper.
	See attached hereto marked "Agenda Action 5 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Commissioner Jason McBroom
	MOVED BY COMMR. McBroom, SECONDED BY COMMR. Sternadel Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against
6.	SUBJECT: Consider and take appropriate action concerning the application from Charlie Plagens requesting the division of real property located in Precinct 2.
	ACTION: Denied the application from Charlie Plagens requesting the division of real property located in Precinct 2.
	See attached hereto marked "Agenda Action 6 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Amber Hielscher, Floodplain Manager; Cassie Austin, Court Administrator
	MOVED BY JUDGE Mueller, SECONDED BY COMMR. Sternadel Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against

7.	SUBJECT: Consider and take appropriate action concerning the application from Steven & Kristine Brown requesting the division of real property located in Precinct 2.
	ACTION: Approved the application from Steven & Kristine Brown requesting the division of real property located in Precinct 2.
	See attached hereto marked "Agenda Action 7 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Amber Hielscher, Floodplain Manager
	MOVED BY JUDGE Mueller, SECONDED BY COMMR. Sternadel Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against
8.	SUBJECT: Consider and take appropriate action concerning the application from Stephen Reddish requesting the division of real property located in Precinct 3.
	ACTION: Deferred to next scheduled meeting.
	PERSONS APPEARING BEFORE THE COURT: Amber Hielscher, Floodplain Manager
	MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. Brossmann Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against Judge Mueller, vote for X, vote against

9. SUBJECT: Approve the Application for Permit to Lay Temporary Water Line in Road Right-of-Way, submitted by Magnolia Oil & Gas Operating, LLC for said water line to be placed along Deer Haven Rd and Sugar Hill Rd (Precinct 2), all public county roads located in Fayette County, Texas.

ACTION: Approved the Application for Permit to Lay Temporary Water Line in Road Right-of-Way, submitted by Magnolia Oil & Gas Operating, LLC for said water line to be placed along Deer Haven Rd and Sugar Hill Rd (Precinct 2), all public county roads located in Fayette County, Texas.

See attached hereto marked "Agenda Action 9 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Amber Hielscher, Floodplain Manager

MOVED BY JUDGE Mueller, SECONDED BY COMMR.	ternadei
Commr. McBroom, vote for X, vote against	
Commr. Sternadel, vote for X , vote against	
Commr. Berckenhoff, vote for X , vote against	
Commr. Brossmann, vote for X , vote against	
Judge Mueller, vote for X, vote against	

10. SUBJECT: Approve the Routing Agreement and Road Use Bond Agreement submitted by Magnolia Oil & Gas LLC, for said Company's overweight loads to travel, as indicated on the attached map, on the following road: Power Plant road (Precinct 2), a public county road in Fayette County, Texas.

ACTION: Approved the Routing Agreement and Road Use Bond Agreement submitted by Magnolia Oil & Gas LLC, for said Company's overweight loads to travel, as indicated on the attached map, on the following road: Power Plant road (Precinct 2), a public county road in Fayette County, Texas.

See attached hereto marked "Agenda Action 10 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Amber Hielscher, Floodplain Manager

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Brossmann
Commr. McBroom, vote for X, vote against
Commr. Sternadel, vote for X, vote against
Commr. Berckenhoff, vote for X, vote against
Commr. Brossmann, vote for X, vote against
Judge Mueller, vote for X, vote against

11. SUBJECT: Consider and take appropriate action in releasing the portions of Old Lockhart Rd, Morgan Rd, Camp Lone Star Rd, West Point Loop, West Point North Loop, and Mueller Rd only of the Routing Agreement & Road Use Bond Agreement with INEOS USA Oil & Gas, LLC, approved in Commissioners Court from 2020 to current.

ACTION: Released Old Lockhart Rd, Morgan Rd, Camp Lone Star Rd, West Point Loop, West Point North Loop, and Mueller Rd of the Routing Agreement & Road Use Bond Agreement with INEOS USA Oil & Gas, LLC, approved in Commissioners Court from 2020 to current.

See attached hereto marked "Agenda Action 11 Exhibit"

PERSONS APPEARING BEFORE THE COURT: Amber Hielscher, Floodplain Manager

MOVED BY COMMR. McBroom, SECONDED BY COMMR. Berckenhoff
Commr. McBroom, vote for X, vote against
Commr. Sternadel, vote for X, vote against
Commr. Berckenhoff, vote for X, vote against
Commr. Brossmann, vote for X, vote against
Judge Mueller, vote for X, vote against

12.	SUBJECT: Consider and take appropriate action in accepting all bids and awarding a bid for the repairs to hangar #101 located at Fayette regional Air Center.
	ACTION: Accepted all bids for the repairs to hangar #101 located at Fayette Regional Air Center. Awarded bid to Vintage Construction, LLC.
	See attached hereto marked "Agenda Action 12 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Blake Watson, Assistant County Attorney; Cassie Austin, Court Administrator
	MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. McBroom Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against
13.	SUBJECT: Hear report from Fayette County Sheriff's Office.
	ACTION: Accepted report from Fayette County Sheriff's Office.
	See attached hereto marked "Agenda Action 13 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Randy Noviskie, Chief Deputy Sheriff
	MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Berckenhoff Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against

14.	SUBJECT: Hear report from Angela Hahn, Emergency Management Coordinator & Grant Specialist.
	ACTION: Accepted report from Angela Hahn, Emergency Management Coordinator & Grant Specialist.
	See attached hereto marked "Agenda Action 14 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Angela Hahn, Emergency Management Coordinator & Grant Specialist
	MOVED BY JUDGE Mueller, SECONDED BY COMMR. Berckenhoff Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against
15.	SUBJECT: Consider and take appropriate action in entering into a Contract between Straight Line Services, LLC and Fayette County, Texas for the demolition, abatement (if applicable) and disposal of a residential home located at 860 Country Club Drive, La Grange, Texas.
	ACTION: Entered into a Contract between Straight Line Services, LLC and Fayette County, Texas for the demolition, abatement (if applicable) and disposal of a residential home located at 860 Country Club Drive, La Grange, Texas.
	See attached hereto marked "Agenda Action 15 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Angela Hahn, Emergency Management Coordinator & Grant Specialist
	MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. Brossmann Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against Judge Mueller, vote for X, vote against

16. SUBJECT: Consider and take appropriate action in entering into a Contract between Compass Services and Fayette County, Texas for the demolition, abatement (if applicable) and disposal of a residential home located at 868 Country Club Drive, La Grange, Texas. ACTION: Entered into a Contract between Compass Services and Fayette County, Texas for the demolition, abatement (if applicable) and disposal of a residential home located at 868 Country Club Drive, La Grange, Texas. See attached hereto marked "Agenda Action 16 Exhibit" PERSONS APPEARING BEFORE THE COURT: Angela Hahn, Emergency Management Coordinator & Grant Specialist MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. Brossmann Commr. McBroom, vote for **X**, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against 17. SUBJECT: Consider and take appropriate action in entering into a Contract between Compass Services and Fayette County, Texas for the demolition, abatement (if applicable) and disposal of a residential home located at 870 Country Club Drive, La Grange, Texas. ACTION: Entered into a Contract between Compass Services and Fayette County, Texas for the demolition, abatement (if applicable) and disposal of a residential home located at 870 Country Club Drive, La Grange, Texas. See attached hereto marked "Agenda Action 17 Exhibit" PERSONS APPEARING BEFORE THE COURT: Angela Hahn, Emergency **Management Coordinator & Grant Specialist** MOVED BY COMMR. Berckenhoff, SECONDED BY COMMR. Brossmann Commr. McBroom, vote for X, vote against _____ Commr. Sternadel, vote for X, vote against _____ Commr. Berckenhoff, vote for X, vote against _____ Commr. Brossmann, vote for X, vote against _____ Judge Mueller, vote for X, vote against _____

18.	SUBJECT: Consider and take appropriate action in authorizing Josh Vandever EMS Director, and Commissioner Drew Brossmann, Precinct 4, to engage a realtor to sell property located at 115 College Street, Schulenburg, Texas and
	authorizing Josh Vandever and Drew Brossmann to sign necessary paperwork. ACTION: Authorized Josh Vandever, EMS Director, and Commissioner Drew Brossmann, Precinct 4, to engage a realtor to sell property located at 115 College Street, Schulenburg, Texas; and
	Authorized Josh Vandever and Drew Brossmann to sign necessary paperwork.
	PERSONS APPEARING BEFORE THE COURT: Commissioner Drew Brossmann
	MOVED BY JUDGE Mueller, SECONDED BY COMMR. Berckenhoff Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against
19.	SUBJECT: Consider and take appropriate action in approving the purchase of an ambulance box to be installed on a chassis and authorize Josh Vandever, EMS Director, to sign necessary paperwork.
	ACTION: Approved the purchase of an ambulance box to be installed on a chassis and
	Authorized Josh Vandever, EMS Director, to sign necessary paperwork.
	See attached hereto marked "Agenda Action 19 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Josh Vandever, EMS Director
	MOVED BY JUDGE Mueller, SECONDED BY COMMR. Berckenhoff Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against

20. SUBJECT: Consider and take appropriate action in authorizing funds to be expended from the County Attorney's Office Forfeiture Funds to pay for the purchase of a desk and desk chair not to exceed \$1000.00 for use in the new DPS accommodations at the County owned Meadows Building. ACTION: Authorized funds to be expended from the County Attorney's Office Forfeiture Funds to pay for the purchase of a desk and desk chair not to exceed \$1000.00 for use in the new DPS accommodations at the County owned Meadows Building. See attached hereto marked "Agenda Action 20 Exhibit" PERSONS APPEARING BEFORE THE COURT: Blake Watson, Assistant County Attorney MOVED BY COMMR. McBroom, SECONDED BY COMMR. Sternadel Commr. McBroom, vote for **X**, vote against Commr. Sternadel, vote for **X**, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for **X**, vote against Judge Mueller, vote for X, vote against SUBJECT: Authorize the following class requests: Jamie Moreau, Justice of the 21. Peace Precinct 2, and Paul Zapalac, Justice of the Peace Precinct 4, to attend the to attend the 18th Annual Conference on Crimes Against Women May 21-25, 2023 in Dallas (Family Crisis Center will help pay costs associated with training). ACTION: Authorized the following class requests: Jamie Moreau, Justice of the Peace Precinct 2, and Paul Zapalac, Justice of the Peace Precinct 4, to attend the to attend the 18th Annual Conference on Crimes Against Women May 21-25, 2023 in Dallas (Family Crisis Center will help pay costs associated with training). PERSONS APPEARING BEFORE THE COURT: None MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Berckenhoff Commr. McBroom, vote for X, vote against _____ Commr. Sternadel, vote for X, vote against _____ Commr. Berckenhoff, vote for X, vote against _____ Commr. Brossmann, vote for X, vote against _____ Judge Mueller, vote for X, vote against

22.	SUBJECT: Consider and take appropriate action concerning accepting all bids and possibly awarding a bid for the Fayette County Bank Depository.
	ACTION: Accepted all bids for the Fayette County Bank Depository. Awarded bid to Fayette Savings Bank using the fixed rates given.
	See attached hereto marked "Agenda Action 22 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County Auditor; Rodney Kalich, Fayette Savings Bank
	MOVED BY JUDGE Mueller, SECONDED BY COMMR. Sternadel Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against
23.	SUBJECT: Consider and take appropriate action in accepting bids and possibly awarding a Lease Purchase bid for the financing of a Road & Bridge 2023 John Deere 624P Front End Loader with Grapple & Forks for Road and Bridge Prect. No. 4.
	ACTION: Accepted all bids for the financing of a Road & Bridge 2023 John Deere 624P Front End Loader with Grapple & Forks for Road and Bridge Prect. No. 4. Awarded bid to Carmine State Bank.
	See attached hereto marked "Agenda Action 23 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County Auditor; Commissioner Drew Brossmann
	MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Berckenhoff Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against
	Judge Mueller, vote for X, vote against

24.	SUBJECT: Consider and take appropriate action concerning new radios air time provided by LCRA and increase in fees.
	ACTION: Deferred to a future meeting.
	PERSONS APPEARING BEFORE THE COURT: Commissioner Drew Brossmann
	MOVED BY COMMR. Brossmann, SECONDED BY COMMR. Berckenhoff Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against
25.	SUBJECT: Consider and take appropriate action concerning approving the payment of currently due Fayette County bills and expenses.
	ACTION: Approved the payment of currently due Fayette County bills and expenses.
	See attached hereto marked "Agenda Action 25 Exhibit"
	PERSONS APPEARING BEFORE THE COURT: Cindy Havelka, County Auditor
	MOVED BY JUDGE Mueller, SECONDED BY COMMR. Sternadel Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against Judge Mueller, vote for X, vote against

26. SUBJECT: Enter into closed (executive) session pursuant to Government Code, Section 551.074 (a)(1), to deliberate the appointment, employment, or duties of an employee, with final action to be taken in open session.

ACTION: Entered into closed session at 10:45 a.m. to deliberate the appointment, employment, or duties of an employee, with final action to be taken in open session.

PERSONS APPEARING BEFORE THE COURT: None
MOVED BY COMMR. McBroom, SECONDED BY COMMR. Brossmann Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against
SUBJECT: Return and reconvene to open meeting.
ACTION: Reconvened into open meeting at 11:17 a.m.
PERSONS APPEARING BEFORE THE COURT: None
MOVED BY COMMR. McBroom, SECONDED BY COMMR. Brossmann Commr. McBroom, vote for X, vote against Commr. Sternadel, vote for X, vote against Commr. Berckenhoff, vote for X, vote against Commr. Brossmann, vote for X, vote against Judge Mueller, vote for X, vote against

27.

28. SUBJECT: Consider and take appropriate action deemed necessary, including a final action, decision or vote on the matters deliberated in closed session.

ACTION: Remitted payment for Year 2022 to the County Surveyor, which had been inadvertently omitted from the budget.

PERSONS APPEARING BEFORE THE COURT: None

MOVED BY COMMR. Berckenhoff, SECONDED BY	COMMR. Brossmann
Commr. McBroom, vote for, vote against X	
Commr. Sternadel, vote for X, vote against	
Commr. Berckenhoff, vote for X, vote against	
Commr. Brossmann, vote for X , vote against	
Judge Mueller, Recused	

VIII.

Meeting adjourned at 11:19 a.m., April 27, 2023, on motion by Commissioner Brossmann, seconded by Commissioner Sternadel, votes for 5, votes against 0.

APPROVED this 11th day of May, 2023.

Dan Mueller

Dan Mueller

Fayette County Judge

Jason McBroom

Commissioner, Precinct 1

Luke Sternadel

Commissioner, Precinct 2

Harvey Berckenboff

Commissioner, Precinct 3

Drew Brossmann

Commissioner, Precinct 4

ATTEST:

Brenda Fietsam

County Clerk