



**City Council Minutes  
February 7, 2022**

**STATE OF TEXAS  
COUNTY OF WISE  
CITY OF NEW FAIRVIEW**

**THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 7th DAY OF FEBRUARY IN THE NEW FAIRVIEW CITY HALL AND NOTICE OF SAID MEETING GIVING THE TIME PLACE AND SUBJECT THEREFORE HAVING BEEN POSTED AS PRESCRIBED BY ARTICLE 5 OF THE TEXAS GOVERNMENT CODE WITH THE FOLLOWING**

**MEMBERS PRESENT:**

**CITY COUNCIL**

**Mayor Nolan Schoonmaker  
Mayor Pro Tem John Taylor  
Place 1 Councilwoman Julie Burger  
Place 2 Councilman Scoot Johnson  
Place 3 Councilman Steve Misner  
Place 4 Councilman Steven King**

**City Staff**

**Ben Nibarger, City Administrator  
Brooke Boller, Interim Deputy City Secretary**

**WORK SESSION: 7:00 PM**

- 1. Call to Order and roll call. (Work Session called to order by Mayor Nolan Schoonmaker at 7:00 pm; Roll Call with the above-mentioned names.)**
- 2. Discussion of all items on the agenda.**
- 3. Work Session discussion items:**
  - A. Staff presentation on the City's finances.  
  
Presentation was given by City Administrator Ben Nibarger.**
  - B. Staff presentation on infrastructure and streets.**

**Presentation was given by Ryley with Pacheco Koch, the City Engineer. Council was given an update on the progress with the road repair going on in Chisholm Hills as well as what will be needed in the future on the roads in that subdivision.**

- C. Staff presentation on new home construction.

**Council heard from the City Building Inspector Jim Estep and was given a break down on the fees charged as well as an update on how many building permits were submitted in the past and what the future is looking like for the City.**

- D. Staff presentation on code enforcement activities.

**Presentation was given by Joshua Barwell Facility Maintenance and Street Supervisor**

- E. Staff presentation on the City Secretary recruitment.

**City Administrator Ben Nibarger gave council an update on the number of applicants that have applied as well as a time schedule on when they can expect to interview the candidates and expected hiring date.**

- F. Staff presentation regarding a common area and drainage easement maintenance agreement with Falcon Ridge.

**Council heard from City Administrator Ben Nibarger on the drainage easement issues and who was responsible for maintaining them at this point. Ben recommends that the City enter into an agreement with the HOA in ensuring that the easements are properly maintained.**

- G. Staff presentation and discussion regarding the commercial safety inspection program.

**Council heard from East Wise Fire and Rescue Department, stating they are ready to look to the future and move forward working with the city to perform the gas well inspections under the training of Geoscience.**

4. Adjournment.

**Councilman Scott Johnson made a motion to Adjourn at 9:40pm and was Seconded by Mayor Pro Tem John Taylor.**

**REGULAR SESSION: 7:00 PM or immediately following the Work Session.**

5. Call to Order and roll call. **(Regular Session called to order by Mayor Nolan Schoonmaker at 7:03 pm; Roll Call with the above-mentioned names.) (Regular Session called to order by Mayor Nolan Schoonmaker at 9:47pm pm; Roll Call with the above-mentioned names.)**

6. Pledge to the flags.

- A. United States of America

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

7. **OPEN FORUM:** The City Council invites persons with comments or observations related to city issues, projects, or policies to briefly address the City Council. Anyone wishing to speak should sign-in with the City Secretary before the beginning of the City Council Meeting. In order to expedite the flow of business and to provide all citizens the opportunity to speak, there is a three-minute limitation on any person addressing the City Council. State law prohibits the City Council from discussing or taking action on any item not listed on the posted agenda.

**Ocie Vest (Project Manager of Schoop Ranch)- Spoke on behalf on City Administrator Ben Nibarger, stating he is one of the best he has worked with.**

**Nema House- Spoke in regard to the Falcon Ridge HOA Contract, She has requested that council not make any decisions on the contract until the community gets the information they have been requesting from the HOA and they get some control over their community.**

**David Randolf- Spoke on the removal of Ben Nibarger, stating that the council needs to consider the financial burden they are about to place on the city should they approve the removal of the City Administrator.**

**Jimmy Royston- Spoke on the HOA agreement with the city, asking that the council not take action at this moment and showed his support to council on the removal of the City Administrator.**

8. **NEW BUSINESS:** All matters listed as New Business will be discussed and considered separately.

A. Discuss, consider, and act on an ordinance of the City Council of the City of New Fairview, Texas, amending the City's fee schedule.

**Motion: Councilman Scott Johnson**

**Second: Councilman Steve Misner**

**Vote: All in Favor**

**Result: Council made the motion to amending the City's fee schedule allowing for commercial safety inspections to be completed at:**

**Hydrocarbon well inspections costing \$2000.00**

**Manufacturing and retail locations costing \$100.00 per occupied location**

B. Discuss, consider, and act on a resolution of the City Council of the City of New Fairview, Texas, authorizing the City Administrator to negotiate and execute an agreement with the Falcon Ridge developer and HOA to provide maintenance of the common areas and drainage easements.

**Motion: Councilman Steven King**

**Second: Councilman Steve Misner**

**Vote: All Against**

**Result: Motion did not pass**

- C. Discuss, consider, and act to remove members of the Planning and Zoning Commission and appoint qualified residents to serve as an alternate or Commissioner on the New Fairview Planning and Zoning Commission.

**Motion: Councilman Steve Misner**

**Second: Councilwoman Julie Burger**

**Vote: All in Favor**

**Result: Motion passed as written; Removing three (3) Commissioners: Alisa Scheps, Don Duval and Arne Wissman**

- D. Discuss and act on an ordinance ordering the May 7th, 2022 City of New Fairview General Election for five (5) council members at large.

**Motion: Councilman Steve Misner**

**Second: Councilwoman Julie Burger**

**Vote: All in Favor**

**Result: Motion passed as written.**

- E. Consider the removal of Ben Nibarger as City Administrator without cause (to be acted upon after exec. session).

**Motion: Councilman Steven King**

**Second: Councilman Steve Misner**

**Vote: For: Julie Burger, Steve Misner, Steven King**

**Against: John Taylor, Scott Johnson**

**Result: Motion Passed as written.**

- F. Consider the removal of Ben Nibarger as City Administrator with cause (to be acted upon after exec. session).

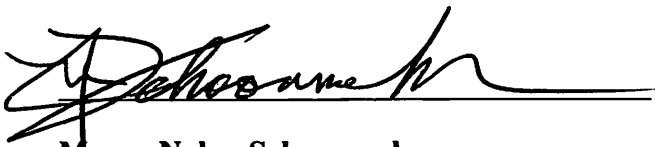
**Motion:**

**Second:**

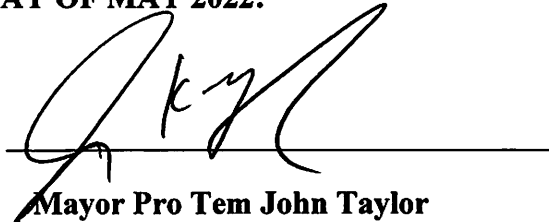
**Vote:**

**Result: No Action Taken**

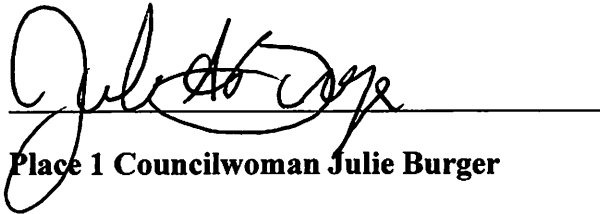
**MINUTES APPROVED ON THIS, THE 16th DAY OF MAY 2022:**



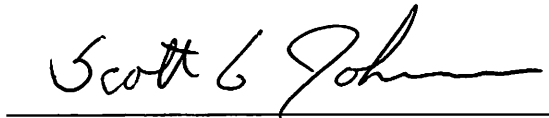
**Mayor Nolan Schoonmaker**



**Mayor Pro Tem John Taylor**



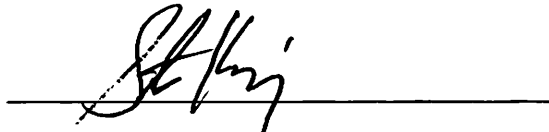
**Place 1 Councilwoman Julie Burger**



**Place 2 Councilman Scott Johnson**

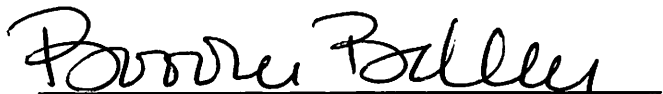


**Place 3 Councilman Steve Misner**



**Place 4 Councilman Steve King**

**ATTEST:**



**Brooke Boller, Interim Deputy City Secretary**

- G. Consider action on the City Attorney's resignation under Local Government Code, Section 22.012).

**Motion: Councilman Steve Misner**

**Second: Councilman Scott Johnson**

**Vote: All in Favor**

**Result: Motion to accept the resignation of City Attorney Larry Collister passed.**

**Motion: Councilman Scott Johnson**

**Second: Councilman Steve Misner**

**Vote: All in Favor**

**Result: Motion passed to appoint Messer, Fort, McDonald as the City's legal counsel passed.**

9. **EXECUTIVE SESSION:** The Council may take action on any of the items listed in the Executive Session. The Commission will conduct a closed session pursuant to Texas Government Code, annotated, Chapter 551, Subchapter D for the following:

- A. Section 551.087 - Deliberation Regarding Economic Development Negotiations with Constellation Lake.
- B. Section 551.074 - Personnel Matters Deliberate the appointment and employment of a new City Attorney.
- C. Section 551.074 - Personnel Matters Deliberate the dismissal of the City Administrator. If the Council is to discuss the City Administrator's performance, he has the right to take that discussion to open session in accordance with the terms of the his employment agreement.

10. **ADJOURN:**

**Motion: Councilman Steve Misner**

**Second: Councilwoman Julie Burger**

**Vote: All in Favor**

**Result: Meeting was adjourned at 12:44 pm.**