

The City Council of the City of Columbus, Texas met in regular session on Thursday, August 26, 2010 at 6:30 p.m., in the Council Chambers of City Hall located at 605 Spring St., Columbus, Texas, with the following present:

Mayor	-	Dwain Dungen
Mayor Pro Tem	-	Curtiss Schonenberg
Councilman	-	Charles Richardson
Councilman	-	John Axel
Councilman	-	Bruce Tesch
Councilman	-	Chuck Rankin
City Manager	-	Donald Warschak
City Secretary	-	Cathy Ezell

Other City Staff present included:

Police Chief	-	Danny Jackson
Utilities Superintendent	-	Wayne Karstadt

1. Call to Order.

Mayor Dwain Dungen called the meeting to order at 6:30 pm.

2. Pledge of Allegiance and Invocation.

Mayor Dungen led the Pledge of Allegiance and Invocation.

3. Consent Agenda:

- a. Approval of Invoices.
- b. Approval of Minutes of August 12, 2010 Regular Meeting, and of July 21, 2010, July 27, 2010, and August 17, 2010 Special Meetings.

Councilman Schonenberg stated that in the August 12, 2010 minutes under Citizen Presentations and Comments mobile home was supposed to be motor home. Councilman Rankin made a motion to approve the Consent Agenda with the correction to the August 12, 2010 Regular Council Meeting. Councilman Tesch seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, and Rankin

The motion passed.

4. Citizen's Presentations and Comments.¹

Pamela Kallina stated that she would like a status update on the property cleanup on Washington Street. Donald Warschak stated that letters had been sent out and that the property in question had not been mowed.

Steve Woodall thanked City Manager Donald Warschak for the work that had been done on the dangerous buildings ordinance. He also stated that he would like discussion on the use of City streets for business purposes and enforcement of State and City laws be placed on the next agenda.

5. City Manager Report Including EECBG Grant Application, Economic Indicators, Austin Street Railroad Crossing, Quikrete, MDT Units, Great Southern Wood Preserving, Water Usage, Back to School.

City Manager, Donald Warschak, presented his City Manager's Report which is attached to these minutes.

6. Public Hearing on Proposed Revisions to the Unsafe or Substandard Buildings, Structures, and Premises Ordinance Article 3.07.

Mayor Dungen opened the public hearing at 6:42 pm.

Mayor Dungen stated that Council is working with a rough draft of the ordinance from the City Attorney. He then read Sec. 3.07.003 Purpose; applicability a, and b.

Pamela Kallina asked if the proposed new ordinance is similar to the ordinance that was talked about at the last meeting. Mayor Dungen stated that yes it was.

EB Flint stated that the preamble of the ordinance was comprehensive and jumbled. She asked for clarification on if a property is occupied could the new ordinance be applied the same as unoccupied property. Councilman Rankin stated that unoccupied was not defined and would need to be defined.

Ms. Flint asked what defined a building as unsafe. Mayor Dungen stated that there are 16 items in the ordinance that would be used to define an unsafe structure. Ms. Flint asked if there were no doors on the property would that make it unsafe. Mayor Dungen stated the ordinance would address unsecure property.

Ms. Flint asked about what would happen if the property owner did not reimburse the City for the demolition performed by the City. City Manager Donald Warschak stated that if all the attempts to collect reimbursement failed the City could foreclose on the property.

Ms. Flint and Jeff Hoy stated that the Citizens did not have a copy of the revised ordinance and that it was hard to speak without knowing the details. Council Rankin stated that a copy would be provided to anyone who wanted one. Donald Warschak stated that copies would be available at City Hall and it would also be placed on the website.

Councilman Rankin stated that he would like clarification on Sec. 3.07.026 Responsibilities of occupant section A-2 regarding removal of animals. He also stated the section A-5 states that the occupant will keep the yard maintained but does not address unoccupied property.

Lori An Gobert asked how the person who filed the complaint would be able to monitor the progress of the complaint. Donald Warschak stated that the process could be followed as an open records request and that a public hearing would be held on properties that did not respond to the letters.

Ms. Gobert asked how the City was going to be aware of properties. Mayor Dungen stated that it is going to take the community and City employees to bring the properties to the attention of Code Enforcement.

Councilman Richardson stated that the ordinance needed to define occupant. Councilman Rankin asked for clarification on the legal exemption of the Texas Homestead.

William Durbin stated that he is concerned about the balance of preservation and demolition. He also stated that it can take more 15 days to start renovations and more that 30 days to complete the renovations especially with older buildings. Mayor Dungen stated that time schedules could be presented and that Council could grant an extension to the timelines.

Steve Woodall stated that something should be added to Sec. 3.07.003 about property value and ascetics. Councilman Richardson stated that the use of welfare covers those concerns.

Mr. Woodall stated that there could possibly be an ordinance that addressed historical buildings separate for this ordinance. He stated that the City of Houston had a separate ordinance for historical buildings. He also stated that the ordinance did not address imminent domain.

Mayor Dungen stated that there would be another public hearing with the City Attorney would be present.

Mayor Dungen closed the public hearing at 7:34 pm.

7. Consideration and Action to Approve Closure of Milam Street beginning in front of the Elementary School ending at Highway 90 and Closure of Highway 90 to Veteran's Memorial Center from 8:00 am to 12:00 pm for the Colorado County Fair Parade.

Councilman Richardson made a motion to approve the closure of Milam Street beginning in front of the Elementary School ending at Highway 90 and closure of Highway 90 to Veteran's Memorial Center from

8:00 am to 12:00 pm on September 11, 2010 for the Colorado County Fair Parade. Councilman Axel seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, and Rankin

The motion passed.

8. Consideration and Action on a Tax Increase for Tax Year 2010 and Fiscal Year 2011 with the rate not to exceed \$0.27312 per \$100 value.

Mayor Dungen stated the tax rate was the same rate as the current rate and that the increase is due to property valuations increasing.

Councilman Rankin made a motion to have a tax increase for the Tax Year 2010 and Fiscal Year 2011 with the rate not to exceed \$0.27312 per \$100 value. Councilman Axel seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, and Rankin

The motion passed.

9. Consideration and Action to Schedule the two Public Hearings on the Tax Rate on Thursday, September 9, 2010 and Thursday, September 16, 2010.

Councilman Tesch made the motion to schedule the two public hearings on the Tax Rate on Thursday, September 9, 2010 and Thursday, September 16, 2010. Councilman Schonenberg seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, and Rankin

The motion passed.

10. Discussion and Action Regarding the July Police Report.

Police Chief Danny Jackson presented his report on July Police activity. No action was taken.

11. Consideration and Action to Approve the Mayor to renew the Continuation of Coverage Administration Agreement with Texas Municipal League (TML) for Continuation of Coverage (COBRA) for the City of Columbus.

City Secretary explained that the only change was the \$0.50 per employee per month charge that will now be charge due to the changes with COBRA regulations.

Councilman Richardson made the motion to approve the Mayor to renew the Continuation of Coverage Administration Agreement with Texas Municipal League (TML) for Continuation of Coverage (COBRA) for the City of Columbus. Councilman Tesch seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, and Rankin

The motion passed.

12. Consideration and Action to Approve Resolution 77-10 Authorizing Designated Signators for its Depository and Other Financial Institutions.

Mayor Dungen stated this resolution would add the City Secretary as a signer to the City of Columbus's accounts.

Councilman Axel made the motion to approve Resolution 77-10 authorizing designated signators for its depository and other financial institutions. Councilman Tesch seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, and Rankin

The motion passed.

13. Consideration and Action to Approve a Budget Amendment in amount of \$7,700.00 for the Railroad Crossing.

Councilman Tesch made the motion to approve a budget amendment in the amount of \$7,700.00 for the Railroad Crossing. Councilman Axel seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, and Rankin

The motion passed.

14. Consideration and Action to Allow Columbus Transmission to Perform Business Services in the Street in the 1100 Block of Bowie Street.

Mayor Dungen stated that Mr. Jeff Hoy requested that Council give him consent to conduct business services in the street as per Chapter 8, Offenses and Nuisances Article 8.01 General Provisions. Mayor Dungen read the ordinance. He stated that he was concerned that to work on vehicles in the street would cause hazard.

Steve Woodall stated that the issue is one of public safety and ascetics. He also stated that this area is one of high traffic and near the Fire Station. He stated that having a motor home on blocks was dangerous and that streets are to be used for traffic not conducting business. He also stated this would set precedence.

Councilman Richardson made a motion to deny Columbus Transmission's request to perform business services in the street in the 1100 block of Bowie Street. Councilman Tesch seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Schonenberg, Tesch, and Rankin

Nays: Councilman Axel

The motion passed.

15. Executive Session: In Accordance with Texas Government Code, Subchapter D, Section 551.086 – Deliberations about Economic Development – Infrastructure Development and Rate Schedule to serve the Quikrete Facility.

The Executive Session was not held.

16. Reconvene Into Regular Session and Consider Action, if Any, Regarding Executive Session – Infrastructure Development and Rate Schedule to serve the Quikrete Facility.

No action taken.

17. Items from Councilmembers.²

Councilman Richardson – no comment.

Councilman Axel – no comment.

Councilman Schonenberg – no comment.

Councilman Tesch – thanked the citizens for their input.

Councilman Rankin – thanked the citizens for their input.

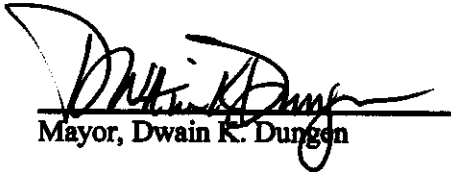
Mayor Dungen – stated that issue of dangerous buildings seems to be important to everyone.

18. Announcements.

There is a Budget Workshop on Tuesday, August 31, 2010.

19. Adjournment.

The mayor adjourned the meeting at 7:49 p.m.



Mayor, Dwain K. Dungen

ATTEST:



Cathy Ezell, City Secretary

¹During this agenda item, citizens may comment for the record on items, which are not on the agenda. However, the Council may not participate in discussion or deliberation on any item that is not on the agenda. Citizens may request that a topic be added to a future agenda.

Citizens who wish to comment on a posted agenda item may do so when that item is addressed by the Mayor. Citizen's comments are limited to five minutes.

²Limited to statements. Issues raised by councilmembers under this item cannot be deliberated by Council. The Open Meetings Act does not allow Council to deliberate items that don't appear on the agenda.