

The City Council of the City of Columbus, Texas met in regular session on Tuesday, October 15, 2019 at 5:30 p.m., in the Council Chambers of City Hall located at 605 Spring St., Columbus, Texas, with the following present:

Mayor	-	Lori An Gobert
Mayor Pro Tem	-	Chuck Rankin (Arrived 5:47 p.m.)
Councilman	-	Keith Cummings
Councilman	-	Michael Ridlen
Councilman	-	Gary Swindle
Councilwoman	-	Sandra Frnka
City Manager	-	Donald Warschak
City Secretary	-	Bana Schneider

Other City Staff Present:

Code Enforcement	-	Richard LaCourse
Code/Fire Assistant	-	Duane Naiser

1. Call to Order.

Mayor Lori An Gobert called the meeting to order at 5:30 p.m.

2. Pledge of Allegiance and Invocation.

Gobert led the Pledge of Allegiance and Invocation.

3. Consent Agenda:

- a. Approval of Invoices
- b. Approval of Minutes of the September 19, 2019 Special Meeting
- c. Approval of Minutes of the September 23, 2019 Regular Meeting
- d. Approval of Minutes of the September 30, 2019 Special Meeting

Councilman Swindle made a motion to approve the Consent Agenda. Councilwoman Frnka seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Ridlen, and Swindle; Councilwoman Frnka
Absent: Councilman Rankin

The motion passed.

4. Consideration and Action to Approve an Invoice for Colorado Valley Veterinary Services.

Councilwoman Frnka made a motion to approve the invoice for CVVS. Councilman Swindle seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, and Swindle; Councilwoman Frnka
Absent: Councilman Rankin
Abstain: Councilman Ridlen

The motion passed.

5. Citizens' Presentations and Comments.¹

All citizens spoke during specific agenda items.

6. City Manager's Report Including Sales Tax and the Water Filtration Project.

City Manager, Donald Warschak, gave the report, a copy of which is attached to these minutes. Warschak stated the sales tax the City received for the month of October was \$139,985.60. This was an increase from last year for the same time period which was \$131,312.55. The County and the City of Eagle Lake both saw increases while the City of Weimar experienced a decrease. Regarding the Filtration Project, Warschak stated the filter has been set in place on the foundation walls at the Tait Water Plant. He also indicated B&D Services had installed the backwash blower and would be placing the media in the filter and installing various piping at the site. The electrical contractor has installed electrical panels and wiring to the control valves on the filter. Warschak also stated the painting contractor has the majority of the painting completed at the Spring Plant, and B&D was scheduling a crane to set the filter into its final position on the foundation. Councilwoman Frnka asked about progress at the Hill Plant. Warschak stated WesTech will be coming the first part of November to begin the start-up at Tait and Spring. He said if the timing was right, Hill might be ready as well. Councilman Ridlen asked if WesTech had to sign off on the installation before the filters can be put into use. Warschak stated there were items they had to perform before the units can be turned on. There was a discussion regarding the consequences of placing two filters online with the other unit coming online at a later date. Councilman Swindle asked about the status of the waterline replacement projects. Warschak stated the grant project had gone out for bids, but the waterline replacement project he had designed has been put on hold. Warschak stated the bids for the grant project came in over budget so the process to move forward needs to be discussed with GrantWorks.

7. Consideration and Action to Accept the Donation of Archival Shelving to the Nesbitt Memorial Library from the Wade Foundation.

Frnka asked Library Director, Susan Chandler, about the Wade Foundation. Chandler stated the foundation was founded and run by Marilyn and Roger Wade. They give gifts to different organizations. Chandler stated the new shelving will double the current storage capacity of the archives.

Councilman Ridlen made a motion to accept the generous donation from the Wade Foundation. Councilman Cummings seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Ridlen, and Swindle; Councilwoman Frnka
Absent: Councilman Rankin

The motion passed.

8. Consideration and Action to Approve the Appointment of Vicki Wiste to the Library Advisory Board to Fill a Term Ending April 1, 2020.

Chandler stated Wiste would be filling a vacant position. She also said Wiste had been an active library user and book club member. Chandler commented Wiste was a retired school librarian.

Councilwoman Frnka made a motion to approve the appointment of Wiste to the Library Advisory Board. Councilman Swindle seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Ridlen, and Swindle; Councilwoman Frnka
Absent: Councilman Rankin

The motion passed.

9. Consideration and Action to Approve the Appointment of Rebecka LaCourse to the Library Advisory Board for a Term Ending April 1, 2023.

Chandler stated LaCourse, who is the wife of Code Enforcement officer, Richard LaCourse, is an active library patron. She will be filling an expired term.

Councilman Cummings made a motion to approve the appointment of LaCourse to the Library Advisory Board. Councilman Ridlen seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Ridlen, and Swindle; Councilwoman Frnka
Absent: Councilman Rankin

The motion passed.

10. Consideration and Action, if Necessary, Regarding the September Golf Association Report.

John Mangini gave the report, a copy of which is attached to these minutes. Mangini stated the Lion's Club golf tournament, held at the course on September 21st, turned out very well. He also stated the cooler weather had brought out players to the course, with 35 playing over the weekend. Mangini stated fertilizer for the course has been ordered, and they are looking for a replacement greens mower for the one that burned up. Ridlen asked about the insurance settlement. Mangini stated they were approximately \$150 to the good after paying the leasing company. Gobert stated since it is the new fiscal year, she was recommending that Council receives the golf financial reports on a monthly basis, but Mangini would only need to report quarterly. Mangini stated if there was something pressing he could always come in at that time as well. Council concurred with the Mayor's suggestion.

No action was required.

11. Public Hearing Regarding a Proposed Zoning Change, Specifically, Lot W Half 1 & PT N Half 2 in Block 20, Consisting of .2145 Acres, Fronting on Milam Street, from Residential to Commercial.

Gobert opened the public hearing at 5:45 p.m.

Gobert read the recommendation and report Council received from Planning & Zoning, a copy of which is attached to these minutes.

Councilman Rankin arrived at 5:47 p.m.

Dr. Kevin Ray spoke to Council and the assembly about his need for a new office. He stated he had been a member of the Columbus community for 30 years, and he has always supported the community. Ray said he understands the concerns the neighbors have regarding a change in zoning, but he did not think the change would have a huge impact.

Regarding the parking issue, Ray stated if he did not use the square footage of the garage apartment, he would only be required to have five parking spaces instead of nine. Originally, he did not want to change the outside of the house, but he would have to widen the driveway in order to have three spaces and put two spaces in one side of the yard. He would still need to use street parking for himself and his employees. Ray also stated he felt traffic was not congested at all, and the additional vehicles would not be noticeable. Ray showed pictures of traffic and parking in the area during the middle of the working day. Ray stated he understood the fear of the unknown about what type of business would come in after him. He would fully support a restricted commercial zoning designation.

Gary Chandler, representing the Methodist church, shared his concerns regarding the gates on Washington Street the church has closed in the past for their after school ministry. He stated at the present time they did not have the volunteers to run the program, but the church is hoping to start the program in the near future.

The neighbor adjacent to the property up for rezoning, Carolyn Hastedt, stated she knew Dr. Ray very well. She indicated he is a professional and he could be depended upon to keep things looking nice. She stated it did not bother her for Dr. Ray to put his office next to her. Hastedt stated she was more concerned with a building that was brought in on Bowie Street. Gobert stated that item was not on the agenda and could not be discussed. Hastedt said she would like to see a special zoning designation for professionals. Her one concern would be parking. She said she would hate to see the front yard become concrete.

Nearby property owner, Linda Lakich stated she was against a zoning change because it would diminish the feel of the neighborhood. She also said the square footage of both buildings should be used in determining the number of parking spaces required because both buildings could be used in the future. Lakich said without a provision to limit the type of commercial enterprise or for the property to revert back to residential when it is sold, anything could go there in the future. Lakich stated if the cars that are normally parked in front of the church property are displaced by Dr. Ray's employees or patients, they will end up parking in front of her house. She asked Council to think about how they would feel if a business moved in two doors down from them.

Billy Kahn of the Chamber of Commerce stated growth is coming and there will be a need for professional office space. He said the charm of our City needs to be preserved, but growth must be allowed. Kahn stated many other cities have been successful in combining professional offices in residential neighborhoods without diminishing property values. He asked the Council to consider some type of overlay to embrace professional services. Kahn also read a letter from Joe and Tracy Wegenhoft and a note from Dr. Tom Hancher both in support of changing the zoning from residential to commercial. Kahn concluded by stating the approval of the ordinance may not go through tonight, but Council should be forward thinking about the growth that will be coming.

Jo Lou Parks stated a zoning change would eat away the residential feel of the street, and she is against changing the zoning.

Margaret Moeller stated Columbus is not a big city, and we need to keep the small town feel, especially in residential neighborhoods.

Laura Ann Rau said she felt this should not be decided immediately. Traffic is a concern, and there will be encroachment on people who live in the area. She is also concerned with parking, and conflicts with church activities.

Elizabeth Flint stated the character of this district should be maintained as a residential street with no business encroachment. She stated Milam Street is the nicest entrance to the downtown area and should be maintained as such.

Code Enforcement officer, Richard LaCourse, stated without using the garage apartment, only five parking spaces would be required, four regular and one handicapped. He stated, per code, the regular spaces would need to be 9 feet wide, and the diagram only has them at 8.5 feet. Gobert asked if cars would need to back out onto Milam Street. LaCourse stated most likely, but he indicated the driveway would go all of the way to the edge of the property line which is permitted per the code.

Councilman Rankin asked if there was a professional designation in the code. LaCourse stated there was not, and once the zoning was changed, it would be permanent.

The Mayor closed the public hearing at 6:31 p.m.

12. Consideration and Action to Approve Ordinance 221-19, an Ordinance Designating Lot W Half 1 & PT N Half 2 in Block 20, Consisting of .2145 Acres, Fronting on Milam Street, from Residential to Commercial.

Frnka stated she did not like the depiction of the property and the plan for parking Council received. She said a person's residence is generally the largest expense in their life. Frnka understands residents' reluctance to have people parking in front of their houses. She was concerned about how busy the area is when the church has the food pantry. She also stated, although Ray was scaling back the number of patients he sees, whomever he sells his practice to could increase the number of patients seen hourly. This scenario could cause even more problems. She stated Council should listen to Planning & Zoning's recommendation.

Rankin stated he concurred with Ms. Rau when she asked if it were necessary to resolve this now. He said we do have to live by the letter of the law because that is all we have. Rankin said we should be able to come up with a solution, possibly some type of yearly renewal. We have to make sure we

come up with a solution that is equitable for everyone, and he does not think we can do that this evening.

Swindle stated we have empowered Planning & Zoning to look at what is best for the community, and he feels it would be extreme to not follow their guidance.

Gobert recapped the situation. There was a discussion regarding tabling this item. Ridlen stated a resolution needed to be made tonight because it would not be fair to Dr. Ray.

Ray commented he wanted a concierge or boutique dental office, and he wants a residential type of atmosphere.

Councilwoman Frnka made a motion to not approve ordinance 221-19. Councilman Cummings seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Ridlen, Swindle, and Rankin; Councilwoman Frnka

The motion passed.

13. **Public Hearing on the Property Located at 316 Milam Street, PT Range 10 that has been Determined to be in Violation of Article 3.07 Unsafe or Substandard Buildings, Structures, and Premises.**

Mayor Gobert opened the public hearing at 6:46 p.m.

LaCourse stated no one from the family was in attendance. He gave the history of the property. He highlighted all of the deficiencies constituting the substandard grade. His presentation included a slide show of the property. Rankin asked when the property was built. LaCourse stated, according to CAD, it was built in 1920. There was detailed discussion of the condition of the property from top to bottom.

Swindle stated there is no doubt this property is substandard. He asked if he had received any feedback from the family. LaCourse stated they have a buyer for the property, but they are interested in also purchasing the small strip of land that goes to the corner. That parcel is owned by an oil company out of Kansas, and they have not been able to reach them. There was a discussion about the legal requirements for declaring the property substandard.

LaCourse stated he had informed the property owner any time frame for remediation is attached to the property, not the owner.

There was a discussion regarding the different options available to Council. He recommended placing a 60 day timeline to have all of the deficiencies addressed, or have the house demolished either by the property owners or the City. If the City does the demolition, then a lien is placed on the property. Swindle stated the family had been given ample time to address the situation, and he would recommend a 30 day timeline.

The public hearing was closed at 7:00 p.m.

14. **Consideration and Action Regarding the Property Located at 316 Milam, PT Range 10 that has been Determined to be in Violation of Article 3.07 Unsafe or Substandard Buildings, Structures, and Premises.**

Councilman Ridlen made a motion to order a 30 day notice be given to the property owners for repair or demolition. Councilman Swindle seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Ridlen, Swindle, and Rankin; Councilwoman Frnka

The motion passed.

15. Items from Councilmembers.²

Councilman Cummings – None

Councilman Ridlen – None

Councilman Swindle – None

Councilwoman Frnka – None

Councilman Rankin – Apologized for being late.


Mayor Gobert – Spoke to Council about the TML Conference she and Donald attended. She stated she learned the new property tax legislation should not have an impact on the City.

16. Announcements.

There were no announcements.

17. Adjournment.

The Mayor adjourned the meeting at 7:03 p.m.



~~Mayor, Lori An Gobert~~ Mayor Pro Tem, Chuck Rankin

ATTEST:



Bana Schneider, 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.

²Limited to statements. Issues raised by council members 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.