

The City Council of the City of Columbus, Texas met in special session on Monday, October 5, 2009 at 6:30 p.m., in the Council Chambers of City Hall located at 1538 Hwy 71 S, Columbus, Texas, with the following present:

Mayor	-	Dwain Dungen
Mayor Pro Tem	-	Curtiss Schonenberg
Councilman	-	Charles Richardson
Councilman	-	John Axel
Councilman	-	Bruce Tesch
Councilman	-	John Wagner
City Secretary	-	Patti Glaeser
Police Chief	-	Danny Jackson
Utility Superintendent	-	Wayne Karstadt
Public Works Superintendent	-	Michael Poncik
Attorney	-	Barbara Boulware-Wells

1. Call to Order.

Mayor 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. Consideration and Action to Approve the Employment of David Meisell as City Manager for Approximately Six Months. (Richardson, Axel)

Councilman Richardson had no comment. Councilman Axel explained that anytime someone needs two signatures to put an item on the agenda, he would do that. He said his opinion has not changed. There was no further discussion.

4. Discussion and action regarding delegating and prescribing the duties and powers of the vacant City Manager position to the Mayor for the efficient administration of municipal affairs until the position of City Manager is filled. (Dungen)

Mayor Dungen said the language came from Ty Prause, City Attorney, based on the Local Government Code. The Mayor's handout stating the Local Government Code is attached to these minutes.

Councilman Wagner said that the City was established to have strong City Manager/City Council and a weak mayor form of government. He believes that if they can appoint someone else to serve that would be better. Councilman Wagner said he is also concerned that the about the conflict of interest with Great Southern Wood and with backdoor conversations the mayor seems to be having with Glidden Fresh Water District. Councilman Wagner thinks the worst mistake the city could make would be to appoint Mayor Dungen as acting City Manager.

Councilman Tesch moved to accept the Mayor as the interim city manager.

Councilman Richardson asked if this was to appoint the Mayor as acting City Manager. Mayor Dungen said it was to give the powers of City Manager temporarily. Patti Glaeser asked if the position would be with pay. Mayor Dungen said no. She also asked if he would have an office at City Hall. Mayor Dungen said no. Mayor Dungen said the letter going out to the citizens referring to Mayor Dungen, Councilman Richardson, Councilman Tesch, and Councilman Schonenberg as contacts already established this. Councilman Schonenberg asked if in the absence of a city manager do those powers by default go to the mayor? Mayor Dungen said basically. Councilman Schonenberg asked why this has to be done. Mayor Dungen said Ty Prause said that it should be formally ratified. Patti Glaeser and Councilman Wagner asked where it states the powers fall to the mayor in the document handed out by the mayor. Mayor Dungen said that Ty Prause recommended that Council formally take that action. Mayor Dungen said he did not bring the paper that contains this. Councilman Wagner stated he would like to see this document. Mayor Dungen said that if Council takes action, it is irrelevant. Councilman Richardson said that if council were to take action he would like to see all this documentation at one time.

The motion died for lack of a second.

5. **Discussion and Action Regarding Assigning the duties of City Manager to specified personnel or appointing an Interim City Manager. (Wagner)**

Councilman Richardson asked Councilman Wagner if he would do this. Councilman Wagner declined. Councilman Tesch asked why there was not another person sponsoring Agenda item #5. Mayor Dungen said only one person was needed to request an item for the agenda. Councilman Wagner said the Council had two choices. One is to appoint Department heads and the other is to appoint Patti because she is in the office everyday. Mayor Dungen said that the Department Heads are already in charge of their departments. Councilman Richardson agreed that the city manager should be in the office and said that Patti has been around enough City Managers to do an excellent job and that it would be most helpful. Councilman Schonenberg asked if she would be willing to serve in that capacity. She said that she was really honored they would think of her. She asked that she have all of Council's support and that all of us have differences of opinions and that they are just that, opinions. She said at some time, she may not have the same opinion of the Council, and has seen what differences of opinions can do, but asked that they still support her. The council all voiced their support.

Councilman Schonenberg moved to approve Patti Glaeser as Interim City Manager. Councilman Axel seconded the motion. Mayor Dungen asked Attorney Boulware-Wells if there was a conflict with Patti serving as both City Secretary and City Manager. Councilman Schonenberg said the City of Eagle Lake did that. The vote was as follows:

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

The motion passed.

Ms. Glaeser thanked the Council for their support.

6. **Consideration and Action to Approve Resolution # 66-09 – Authorizing Depository Signators (City Sec)**

Ms. Glaeser explained that this is a formal document to approve depository signators at Industry State Bank. Councilman Tesch moved to approve the Mayor, City Secretary and Assistant City Secretary. Councilman Schonenberg seconded the motion. The vote was as follows:

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

The motion passed.

7. **Executive Session: In accordance with Texas Government Code, Subchapter D, Section 551.071- Consultation with Attorney regarding the TCEQ rate matter and the TCEQ Emergency Order issued October 1, 2009 regarding the provision of sewer service to the Glidden Fresh Water District and the City's legal options and recommendations for resolving such matter. (Attorney - King)**

Mayor adjourned the regular meeting at 6:50 pm and convened into executive session.

8. **Reconvene into Regular Session and Consider Action, if Any, Regarding Executive Session – Glidden Fresh Water District and Consideration and Action Regarding the TCEQ rate matter and the TCEQ Emergency Order issued October 1, 2009 regarding the provision of sewer service to the Glidden Fresh Water District and the City's legal options and recommendations for resolving such matter. (Attorney - King)**

Mayor Dungen reconvened into regular session at 8:29 pm. Mayor announced that the Council will take no action and will accept any offers from Glidden Fresh Water District (GFWD). Councilman Wagner clarified that the Council will consider any offers.

GFWD attorney, Melissa Kilpatrick, introduced fellow attorney Mike Gershon. Mr. Gershon explained that he worked with TCEQ and represents municipal entities with TCEQ. He discussed the TCEQ hearing that occurred on October 1, 2009. He said that the TCEQ has never seen this kind of hearing. He handed out transcripts of the hearing, prepared by his law firm, Lloyd Gossnick, to the citizens in attendance. He explained that TCEQ was saddened by the actions of the City and that the two entities could not come to an agreement. He said that TCEQ does have jurisdiction over insuring that people in the Glidden district will never be faced with physical termination of service and will exercised that jurisdiction every 89 – 90 days until the problem is resolved. He said that this is a divorce between the parties. He said that if the two parties don't want to be in a contractual relationship, they don't have to be. He said that the commission couldn't make you. He said they can make you stay in the relationship until providing the

public service is worked out. He said that Glidden would have to find an alternative supply, whether it is trucking or building a new plant. He suggested that the two parties sit down and work out the problem. Mr. Gershon said he recently represented a city with a similar situation where the two parties could not get along.

Mr. Gershon reminded that the TCEQ would make the City stay in the relationship until GFWD can make other arrangements. They will continue to issue 90-day orders. It could take Glidden 2 years to get a sewer permit and upward of 4 to 5 years to build a plant.

A discussion ensued with Mr. Gershon saying how aggravated the Commission was with the City of Columbus.

Edward Pavlicek, President of GFWD, presented a proposal based on a 2008 audit. He said the TCEQ would consider the total of all the City's costs of the entire sewer system, not just the Industrial Park. He said that the City's audit shows total costs of \$469,715. He continued that 2008 flow figures show GFWD's flow is 12.41%. He said the audit included \$7,420 that he was not sure where it came from, but he added it in. This added to \$477,135 and a monthly rate of \$4,934.37 and that would be their proposal. He is not saying that is the lowest or highest number.

There were no additional comments. The mayor adjourned the meeting at 8:47 pm.

Mayor, Dwain K. Dungen

ATTEST:

Patti Glaeser, City Secretary