

The City Council of the City of Columbus, Texas met in regular session on Thursday, March 24, 2011 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 (Arrived 6:34)
City Manager	-	Donald Warschak
City Secretary	-	Cathy Ezell

Other City Staff present included:

Police Chief	-	Danny Jackson
Fire Chief	-	Walter Glaeser

**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 March 10, 2011 Regular Meeting.

Councilman Rankin arrived at 6:34 p.m. After clarification of some invoices, and a correction to the minutes on Agenda item 8 changing from "12 foot to 8 foot" to from "12 inches to 8 inches", Councilman Schonenberg made a motion to approve the consent agenda as amended. Councilman Tesch seconded the motion.

The vote was as follows:

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

The motion passed.

**4. Citizen's presentation and comments.<sup>1</sup>**

Robert Koonce stated that he was coming to City Council because of an incident that occurred on March 21, 2011 in Midtown Park. He stated that there was an assault in the park and he felt that the park was no longer safe and the parents will not stand for this or the bullying. He stated that he would like the City Park to be safe. He stated some possible solutions would be to have security cameras in the park, more police patrols, and police issuing citations and making arrests. He stated that if the park could not be made safe, it should be demolished.

Kristen Woolman stated that she witnessed the incident in Midtown Park on March 21, 2011. She stated that she called 911 twice before an officer responded. She stated that when the officer arrived that he did not assess the victim nor did he do anything about the continued verbal assault that was occurring. She stated that she felt the officer was insubordinate and there needed to be an evaluation of his performance. She stated that based on the officer's response that she has a fear for her family's safety.

Mayor Dungen stated that Council could not act on anything that was not on the agenda. He stated that this incident would be looked into and that the safety of the citizens was important to Council.

**5. City Manager Report.**

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

**6. Hear presentation from the American Red Cross.**

Jewel Wilson from the American Red Cross gave a presentation on the Red Cross. She stated that they needed volunteers and donations. She also stated that they are going to Commissioner's Court to try to get office space in Colorado County.

**7. Public hearing on the property located at 740 Washington Street, Block 48 LT S-9 that has been determined to be in violation of Article 3.07 Unsafe or Substandard Building, Structures and Premises.**

Mayor Dungen adjourned the regular session and opened the public hearing at 6:54 p.m.

Fran Moody stated that the property at Washington Street had been purchased in 1911 and had been owned by her family for over 100 years. She stated that the lumber in house is the original lumber. She stated that she and Bill Stein had tried to obtain a historical grant to restore the house but that did not happen. She stated that she had also attempted to sell the property and have the house moved but that also fell through. She stated that there is a buyer for the property and that they are waiting on one more signature to finalize the sale. She stated that the current buyer will have to take the house apart piece by piece. She stated that she has started removing the fixtures and some of the plants from the yard.

Mayor Dungen asked what the timeline was for the sale of the property. Ms. Moody stated that she has asked her attorney to get aggressive in receiving the last signature. She also stated that once the new owner took possession of the property the house would be taken down. Councilman Richardson asked what the timeline to complete the sale and demolition. Ms. Moody stated that she cannot give a timeline and did not know what it would be.

Mayor Dungen stated that the intent of the ordinance was not to tear down homes. That is was first and foremost to refurbish properties if possible; however, that the current condition of this property made it unsafe. Ms. Moody stated that the front porch and the back room are the worst and were not part of the original structure and that the original structure was still in good condition.

Mayor Dungen stated that property is not safe. He stated that Council was going through this process to give time for owners to come up with a plan. He stated that they needed to know what her plan was and what amount of time it would take to complete it.

Ms. Moody stated that she had thought about asking the buyer to start demolishing the home before the sale became final. She stated that she is not sure what to do.

Councilman Rankin asked if staff had seen an earnest money contract. City Manager, Donald Warschak stated that he had not seen a contract. Councilman Tesch stated that she could be given 30 days to provide a copy of the earnest money contract and a plan of action for the property. Councilman Rankin stated that he echoed what the Mayor stated about not demolishing property. He also stated that demolishing historical property is not what they wanted. He stated that he would also add that the property be cleaned up. Ms. Moody stated that she had been there all week cleaning.

Councilman Schonenberg stated that he would like to see a plan of action on paper.

**8. Consideration and action on the property located at 740 Washington Street Block 48 LT S-9 that has been determined to be in violation of Article 3.07 Unsafe or Substandard Building, Structures and Premises.**

Mayor Dungen closed the public hearing and reconvened the regular session at 7:14 p.m.

Councilman Tesch made a motion that a copy of the earnest money contract and a written plan of action must be submitted to Council and that there must be improvements made to the physical appearance of the property by April 28, 2011. Councilman Richardson seconded the motion.

The vote was as follows:

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

The motion passed.

9. **Public hearing on the property located at 609 Austin Street, Block BLK 95 LT S-5 that has been determined to be in violation of Article 3.07 Unsafe or Substandard Building, Structures and Premises.**

Mayor Dungen adjourned the regular session and opened the public hearing at 7:14 p.m.

Harvey Hayek stated that he was trying to get a historical designation for the property. He stated that he planned to rebuild the building and make it a place where people could be introduced to blacksmithing. He stated that he needed to get a designation from the City to submit to the Historical Commission. He then stated that he would like to know who made and what the complaints were on the property.

Mayor Dungen explained the process that the City is following in regards to substandard structures. He stated that there was not problem with Mr. Hayek seeking a historical designation but that he was not sure if preserving the history of the structure would trump the safety of the citizens. Mayor Dungen asked if Mr. Hayek planned to refurbish the property and if not the property would have to be demolished.

Mr. Hayek stated that the building had already been demolished. City Manager, Donald Warschak stated that the building has been demolished but material was still on the property.

Councilman Rankin asked when the property would be cleaned off. Mr. Hayek stated that he is going to claim the material as inventory. Councilman Rankin asked if the material could be organized in a way to represent inventory instead of being stored in a pile. He stated that is should be done in 30 days. Councilman Tesch stated that is should be completed by April 28, 2011.

10. **Consideration and action on the property located at 609 Austin Street, Block BLK 95 LT S-5 that has been determined to be in violation of Article 3.07 Unsafe or Substandard Building, Structures and Premises.**

Mayor Dungen closed the public hearing and reconvened the regular session at 7:20 p.m.

Councilman Rankin made a motion that the property was not in compliance with City Code of Ordinances and that the property must be brought up to City Code by April 28, 2011. Councilman Richardson seconded the motion.

The vote was as follows:

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

The motion passed.

19. **Executive Session: In accordance with Texas Government Code, Subchapter D, Section 551.071 and 551.074, consultation with City Attorney and deliberation about personnel matters.**

Mayor Dungen adjourned the regular session and entered into executive session at 7:24 p.m.

20. **Reconvene into Regular Session and consideration and action, if any, regarding Executive Session, personnel matters.**

Mayor Dungen reconvened the regular session at 7:47 p.m.

Mayor Dungen stated that there was no action to be taken in regards to the executive session.

11. **Consideration and action to appoint Kathryn Cass and Shana Neisner to the Nesbitt Memorial Library Board.**

Councilman Schonenberg asked why there was a need to appoint two new members. City Secretary, Cathy Ezell stated that one of the new members was replacing a member whose term expires on April 1, 2011 and that the other new member was replacing a member who had resigned from the board.

Councilman Tesch made a motion to appoint Kathryn Cass and Shana Neisner to the Nesbitt Memorial Library Board. Councilman Rankin 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 a Budget Amendment amending the City Budget for the receipt and corresponding expenditures for grant funds received by the Library.**

Mayor Dungen state that this Budget Amendment would account for the grant funds received from two grants and it would increase the expenditure line items for books, supplies, building maintenance and office supplies. He stated that the revenues offset the expenditures.

Councilman Schonenberg made a motion to approve the Budget Amendment amending the City Budget for the receipt and corresponding expenditures for grant funds received by the Library. Councilman Axel seconded he motion.

The vote was as follows:

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

The motion passed.

**13. Consideration and action to approve the Fire Department using the additional Police MDT computer license.**

Mayor Dungen stated that when the licenses were bought for the Police Department they had to be bought in blocks of five so there is an extra license. Councilman Rankin asked if there would be any additional costs. City Secretary, Cathy Ezell stated that the only additional cost would be for the air card. Fire Chief Walter Glaeser stated that this computer would be placed in the Command Unit.

Councilman Tesch made a motion to approve the Fire Department using the additional Police MDT computer license. Councilman Schonenberg seconded the motion.

The vote was as follows:

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

The motion passed.

**14. Review, discussion and take action as necessary on Water Well 3 located at 102 Park Street.**

City Manager, Donald Warschak went over the results from the cleaning of the well. He stated that there was a split in the seam and that is where the sand and gravel are seeping into the well. He stated that one option would be to run a liner down the well and that would take it from a 12 inch to an 8 inch line. He stated that by doing this that the capacity of the well would be reduced from approximately 400 gallons per minute to 150 to 200 gallons per minute. Councilman Richardson asked if a 400 gallon per minute well was needed. Donald stated that if we lost any of the other wells and did not have that capacity there would be issues. He stated that the well was drilled in 1971. He stated that if the liner was run and in five years the well was clogged again there would be really no way to clean it without removing the liner. He stated that the cost of a new well would be between \$300,000 and \$400,000.

Councilman Richardson asked what the life span of a new well would be. Donald Warschak stated it would be approximately 25 years.

Councilman Richardson asked what staff anticipated happening to the current well if the liner was used. Donald Warschak stated that in 2004 the well was cleaned and in 2011 it had to be cleaned again. He stated he was concerned with what would happen if the outer section had to be cleaned again.

Donald Warschak stated that a new well could be drilled at the proposed new well site or at the current location. He stated that if the well was drilled at the current site fewer pipes would have to run. Councilman Tesch stated that it makes more sense to drill the well at the current site. Donald Warschak stated that the City could still go ahead and secure the property for a new well in the future.

Councilman Schonenberg stated that the going to five wells was based on the population growing and with the current Census data showing a decrease in population that the fifth well was not needed at this time. He stated that he agreed with drilling at the current location.

Donald Warschak stated that for the time being he would see if the current well could be put back together and ran until we get through the summer. Councilman Rankin asked about the continued vibrations. Donald Warschak stated that it would be used just to get through the summer. Councilman Rankin agreed with Donald Warschak and asked if the drilling of the new well would affect the old well while in operation. Donald Warschak stated that there would be times when the old well would have to be shut down during drilling.

Councilman Schonenberg made a motion to proceed with drilling a new well at 102 Park Street (Cardinal Hill) location. Councilman Tesch seconded the motion.

The vote was as follows:

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

The motion passed.

**15. Certification of an unopposed regular municipal election.**

City Secretary, Cathy Ezell certified an unopposed regular municipal election.

**16. Consideration and action to adopt Ordinance No. 117-11, an ordinance of the City of Columbus, Texas declaring the unopposed candidates for the office of Mayor, City Councilmember Position One and City Councilmember Position Two.**

Councilman Richardson made a motion to adopt Ordinance No. 117-11, an ordinance of the City of Columbus, Texas declaring the unopposed candidates for the office of Mayor, City Councilmember Position One and City Councilmember Position Two. Councilman Rankin seconded the motion.

The vote was as follows:

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

The motion passed.

**17. Review and discussion on the City of Columbus Cash Receipts Policy.**

City Secretary, Cathy Ezell went over the Cash Receipts Policy and stated that the City currently did not have this policy in place.

**18. Review and discussion on the City of Columbus Fraud Prevention and Detection Policy.**

City Secretary, Cathy Ezell went over the Fraud Prevention and Detection Policy. Councilman Rankin stated that on page four it says City Administrator. Cathy Ezell stated that she would change that.

**21. Items from Councilmembers.<sup>2</sup>**

Councilman Richardson – no comment.

Councilman Axel – stated that a group was holding a trail ride and would be renting the fairgrounds for at least two nights. He stated that he would like to get a letter of recognition from the Mayor to present to the group.

Councilman Schonenberg – stated that CCIDC had been discussing building a sidewalk on Montezuma Street but in the process of discussing this project discovered that there is a safety issue at the park. He stated that CCIDC had suggested creating a committee and even voted a board member to be on the committee to look at the safety issue in the park. He stated that he would like to see this item on a future City Council agenda.

Councilman Tesch – no comment.

Councilman Rankin – no comment.

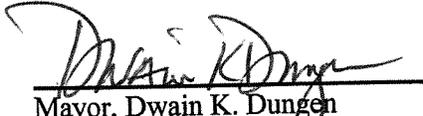
Mayor Dungen – no comment.

**22. Announcements.**

City Manager, Donald Warschak stated that the Trash Off was April 2, 2011. Councilman Schonenberg gave an update on the Trash Off. City Secretary, Cathy Ezell stated that the next City Council meeting would be April 14, 2011.

**23. Adjournment.**

The mayor adjourned the meeting at 8:20p.m.

  
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Mayor, Dwain K. Dungen

ATTEST:

  
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Cathy Ezell, City Secretary

<sup>1</sup>During 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.

<sup>2</sup>Limited 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.