

The City Council of the City of Columbus, Texas met in regular session on Thursday, April 12, 2012 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	-	Steve Woodall (Absent)
Councilman	-	John Axel
Councilman	-	Bruce Tesch
Councilman	-	Chuck Rankin
City Manager	-	Donald Warschak
City Secretary	-	Linda Lakich

Other City Staff present included:

Acting Police Chief	-	Tomas Ramirez
Utilities Supervisor	-	Jody Ripper
Code Enforc. Official	-	Ford Stein
City Attorney	-	Pat Gillespie
Animal Control Officer	-	Butch Schmidt

**1. Call to Order.**

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

**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 22, 2012 Regular Meeting.
- c. Approval of February 2012 Financial Statements.

Mayor Dungen asked if there were any questions regarding the Consent Agenda items. Council Rankin asked how the financial statements looked and was told that they were on track with budget.

Councilman Schonenberg made a motion to approve the Consent Agenda as presented. Councilman Axel seconded the motion.

The vote was as follows:

Ayes: Councilman Axel, Schonenberg, Tesch, and Rankin

The motion passed.

**4. Consideration and Action to Approve Invoices from Marian Schonenberg.**

Council was told that this invoice was to reimburse for the purchase of the plants for landscaping in front of the library.

Councilman Tesch made a motion to approve the invoice from Marian Schonenberg. Councilman Rankin seconded the motion.

The vote was as follows:

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

The motion passed.

**5. Citizens' Presentations and Comments.<sup>1</sup>**

There were no citizens' presentations or comments.

**6. City Manager's Report including Sales Tax, 2012 Water Improvements, Home Grant Project, Animal Ordinance Update, Columbus Historic District Ordinance Update, and Cardinal Hill Water Plant Well, and 2012 Spring Trash Off.**

City Manager, Donald Warschak, presented his City Manager's Report, which is attached to these minutes. He informed Council that the sales tax received in April was \$90,353 compared with \$68,460 last year. He also told them that Grantworks had three completed applications for the HOME grants and one that was almost complete. He said that they would bid out all six homes just in case the other applicants completed their paperwork. He also said that they expected to start on the homes in late May to June. City Attorney, Pat Gillespie, said that she was better than half way through the Historical Ordinance and that a date for the workshop could be set up.

**7. Consideration and Action to Approve the Appointment of Jacob Truchard to the Library Advisory Board.**

Mayor Dungen introduced Jacob Truchard and entertained a motion to appoint him to the Library Advisory Board.

Councilman Tesch so moved. Councilman Schonenberg seconded the motion.

The vote was as follows:

Ayes: Councilman Axel, Schonenberg, Tesch, and Rankin

The motion passed.

**8. Consideration and Action Regarding Proposed Water Distribution System Improvements and Authorization of City Management to Execute a Contract for Engineering Services.**

Donald Warschak told Council that he and Utilities Supervisor, Jody Ripper, had worked up locations and a preliminary budget for using the remaining 2008 Certificates of Obligation money allocated for water line improvements. He said that they targeted 2-inch steel water lines and presented a map showing locations (a copy of which is included in these minutes). He said that the entire project would cost approximately \$565,138 which would leave about \$60,000 of the bond money allocated for water lines. He said that they are looking at replacing old fire hydrants with those funds. He told Council that at this time he would like to get the design process started on the water line replacement so that they could do the work during the summer since some of the lines are near the elementary school.

Councilman Rankin asked how much 2-inch steel water line would be left after the project. Donald told him that there were a few isolated areas such as on Burford Drive and on Tait Street. He said that he would look into it and come up with some estimated costs and that perhaps they could put those areas on next year's Budget.

Councilman Axel made a motion to authorized City Management to proceed with the proposed Water Distribution System Improvements and to execute a contract for engineering services. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilman Axel, Schonenberg, Tesch, and Rankin

The motion passed.

**9. Consideration and Action Regarding Unsafe or Substandard Buildings Ordinance.**

City Attorney, Pat Gillespie, updated Council on a seminar she had attended concerning the Stewart Case. She explained that this case involved a home in Dallas that was declared a public nuisance. The City of Dallas went thru their process and its building standards board set the house for demolition. The

owner of the home appealed the board's decision in district court, but the house was demolished by the City. The owner then filed a suit in district court saying that her property had been taken. The City had taken pictures of the property at the time of condemnation but not later when it was demolished. The owner told the court that she had corrected all of the problems and the court awarded her damages. Pat told Council that the seminar stressed that there should be proper documentation and pictures at every step of a demolition of a property. She also said that pictures should not only be taken of the exterior of the building but that an administrative search warrant should be obtained so that pictures could be taken of the interior. She said that if an appeal is filed, that the decision to demolish should be made by an elected judge and that if it is thought that an owner might be litigious that the policy should be to take it to district court even without an appeal. She said that she had obtained forms to be used in the process and that she would give them to the Code Enforcement Officer, Ford Stein. Mayor Dungen said that it was his understanding that Columbus is following the procedure so far, and Pat said that was true. Councilman Rankin asked if there was a written procedure. Donald Warschak said the city now has the checklist forms that Pat obtained. Councilman Rankin said that he thought it would be best to have a summary checklist incorporating what Pat had learned and that each property should have a file with that checklist and all of the documentation. He also asked if anything needed to be done with the City's ordinance. Pat said that it was okay, but that they could put something into it about filing in district court under certain circumstances.

No action was necessary.

**10. Consideration and Action to Approve a Budget Amendment in the Amount of \$4,800 for Swimming Pool Power Lift Equipment.**

Donald Warschak explained that this would fund a power lift at the swimming pool which is needed under new Americans with Disabilities Act (ADA) requirements. He said that pools with under 300 linear feet of pool wall must have one access point and the deadline for compliance is currently May 15<sup>th</sup>. Mayor Dungen asked what would be done about swim meets held at the pool. Donald said that the cost of the power lift includes a cart and that the lift would be removed for the meets. He also said that he will be attending a seminar and that he will then go through all of the city parks to check for ADA compliance.

Councilman Schonenberg made a motion to approve a budget amendment in the amount of \$4,800 for Swimming Pool power lift equipment. Councilman Axel seconded the motion.

The vote was as follows:

Ayes: Councilman Axel, Schonenberg, Tesch, and Rankin

The motion passed.

**11. Public Hearing Regarding Animal Control Ordinance.**

Mayor Dungen opened the Public Hearing at 7:17 p.m.

City Attorney, Pat Gillespie, said that a draft of a proposed animal cruelty ordinance had been made available to Council and to the Public. She said that it was in agreement with the state law but was more detailed. The mayor confirmed with her that it would be made a part of the current animal ordinance. Animal Control Officer, Butch Schmidt, said that the draft was pretty much in agreement with the state law except that state law allows the tying of animals in some instances. Cheryl Cooke asked who is responsible for stray cats. Councilman Rankin asked if someone is feeding an animal are they responsible for it. Butch said that state law says that a person who feeds is responsible for an animal. Councilman Rankin said that he thinks that it is important that people know this. Pat Gillespie said that perhaps the nuisance portion of the City's current ordinance should be looked at. Councilman Rankin also thought that the number of dogs allowed should be examined and that a limit might need to be placed on the number of cats allowed.

Mayor Dungen closed the Public Hearing at 7:35 p.m.

**12. Consideration and Action, if Necessary, Regarding Animal Control Ordinance.**

Mayor Dungen suggested that they continue to examine the issues brought up and that they not do anything yet. No action was taken.

**13. First Reading of Resolution 102-12, a Resolution Approving Expenditures of 4B Revenues over \$10,000 of City Created Economic Development Corporations, with Less than 20,000 Residents for Funding of Clearing Bid Awarded to Schomburg Dozer Services.**

Mayor Dungen read Resolution 102-12.

**14. First Reading of Resolution 103-12, a Resolution Approving Expenditures of 4B Revenues over \$10,000 of City Created Economic Development Corporations, with Less than 20,000 Residents for Funding a Grant to Colorado County for the Robert R. Wells, Jr. Airport to Assist in Purchasing an Automated Weather Observation System.**

Mayor Dungen read Resolution 103-12. He explained that the second reading of both resolutions would take place on April 26, 2012 at the next regular council meeting.

**15. Consideration and Action, if Necessary, on the March 2012 Code Enforcement/Inspection Report.**

Code Enforcement Officer, Ford Stein, presented his March 2012 Code Enforcement/Inspection Report, a copy of which is attached to these minutes. He told Council that of the 18 weeded lots shown on the report, 13 had been taken care of. Councilman Schonenberg asked if the City had properly documented the house currently being demolished. Ford said that the owner of the property was taking the building down.

No action was necessary.

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

Councilman Axel – no comment.

Councilman Schonenberg – asked that an item be added to the next agenda concerning stop signs. He also asked for a report on the heavy item garbage pickup.

Councilman Tesch – thanked Marian and Curtiss Schonenberg for their good job working on the Spring Trash Off.

Councilman Rankin – no comment.

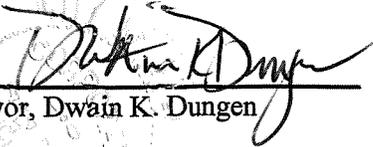
Mayor Dungen – said that they would continue to move forward on the Historic District and that a Workshop would be held.

**17. Announcements.<sup>2</sup>**

Donald Warschak told Council that Councilman Axel, the CISD Superintendent, and he had attended a meeting on Safe Routes to Schools. He said that they would be looking at doing some of the work in phases since it did not look like a grant would be forthcoming.

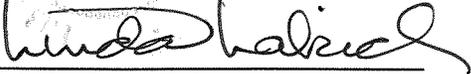
**18. Adjournment.**

The Mayor adjourned the meeting at 7:50 p.m.



Mayor, Dwain K. Dungen

ATTEST:



Linda Lakich, 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.

