

The City Council of the City of Columbus, Texas met in regular session on Monday, October 26, 2020, 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
Councilman	-	Keith Cummings
Councilman	-	Michael Ridlen
Councilman	-	Gary Swindle (Absent)
Councilwoman	-	Sandra Frnka
City Manager	-	Donald Warschak
City Secretary	-	Bana Schneider
Asst City Secretary	-	Dinah Jacobs

Other City Staff present included:

Police Chief	-	Skip Edman
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 14, 2020 Regular Meeting
- c. Approval of Minutes of the September 24, 2020 Special Meeting
- d. Approval of Minutes of the September 28, 2020 Regular Meeting
- e. Approval of Minutes of the October 13, 2020 Regular Meeting
- f. Approval of the August 2020 Financial Statements
- g. Approval of the Investment Report for the Quarter Ended September 30, 2020

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

The vote was as follows:

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

The motion passed.

4. Citizens' Presentations and Comments.¹

Citizens signed in to speak on specific agenda items.

5. City Manager's Report Including the Water Filtration Project, Water Well Rehab Project, the GLO Storm Sewer Improvement Project Updates, and Operation Changes.

Regarding the Water Filtration Project, City Manager, Donald Warschak, stated WesTech had submitted an updated schedule going through two scenarios which City Secretary, Bana Schneider, had emailed. One scenario included disassembling the piping to the filter and shipping them back to

headquarters for repairs, and then sending them back for reinstallation. The other option was to do the project work on site. The contractor started removal of the media (the gravel and sand) today and worked at the Spring location. They think they will have the Spring and Tait location emptied out by the end of the week. Warschak also met onsite last week with a piping contractor who reviewed the piping that will be shipped back to headquarters.

Regarding the Water Well Rehab Project, Warschak stated the contractor at the Tait water plant is working on that well. The interior of the well is pulled. It is currently being set up to acidize and clean the screens. Once they get the screens cleaned up, they will post cameras to survey how effective the cleaning was. If everything is satisfactory, they will put the new pump back in place and put the well back into service.

Regarding the GLO Storm Sewer Project, Warschak stated this was the drainage project by the Junior High. JCM Construction is on site and currently installing the storm sewer. They were at Rampart and are now working on the Dewees Street location.

Regarding the operational changes, Warschak stated there were some changes in the utility department. It is now broken up into three separate departments, with three supervisors – gas, water, and sewer. We have also made some administrative changes to better streamline operations, such as HR and other items we are working on. Councilman Rankin requested an organizational chart of the changes. Warschak did not have on hand, but Schneider will send the chart out to council members.

Councilwoman Frnka, having done litigation before, requested photos and documentation of these tanks and parts, as they are being disassembled, documenting the items and condition before being sent, and then upon their return. She felt this was important in case there was any kind of discrepancy, based on what they say they received and the work performed. The more documentation and paper trail you have, the better off you are. It looked like the letter shows they want to do the right thing, but sometimes the product and how it turns out are two different things. That is my suggestion that we have someone there to take photos of everything they are doing, what is being taken apart, and its condition.

Councilman Cummings questioned the time frame, 9-10 months? Warschak replied that in their timeline, they had a twelve week turnaround. That is taking one vessel down, and then the second one shortly thereafter, is what they are anticipating. Once they are at the factory, they would do the work concurrently and hopefully they would come back together or pretty close together. Once the plant is up and running, they would take down the third vessel.

Councilman Ridlen asked how many dollars out of pocket we are at this time. For the entire project, what has been spent? Warschak stated that with the additional dollars spent, site construction, demo, everything, probably \$2.1 million. Ridlen went on to concur with Frnka, and to proceed as if this would end in litigation. It may not, but it is a lot of money and we need to be prepared. He went on to say he felt our next steps, before the tanks leave Columbus, would be to hire a structural engineer to inspect those tanks and give us a report as to if they were built according to the original set of specs from whoever the original fabricator was; were they built to those specs; were the materials that were used the materials that were supposed to be used; and potential cause of failure, so that we know whose liability this is. Is it a structural failure due to faulty workmanship, or are there other factors? We can then fully characterize our liability and their liability. Ridlen went on to say, we owe them a little more money, but it would be nothing for them to wash their hands of it for that small amount still owed. Once shipped to Iowa, they are out of our realm of inspection, thus his request for a full condition inspection should be done before they leave here. I don't know what it would cost, but it is up against a \$2+million dollar project. Gobert responded they were not willing to give all the specs before when Bruce Tesch and Donald asked, as it was proprietary information. Gobert stated we already had a structural engineer here and they are starting, and getting someone here before they leave will make it delay. Councilman Rankin agreed with Gobert regarding a delay, but thinks we should do as Frnka suggested to identify the condition before they leave. It is their design and we bought it. Gobert went on to say it was well documented in the information that went to the attorney. They have admitted fault and they are trying to remedy it. Rankin stated we need to contact our attorney and see what we need to do legally to prepare. If we try to delay it, it will only make us look bad. Gobert stated we started the paper trail with our attorney, and he felt we had good documentation. Ridlen stated that if the materials were specified on the drawings, then he feels we should have access to that and a structural engineer could tell us if they were met. Gobert stated Cary Bovey, the City Attorney has spoken at length with WesTech and he feels the documentation is substantial, and we are covered. Warschak stated the fabrication contractor called

and spoke to him and they want to make this right. Warschak went on to say that he could crawl in and measure thicknesses and take photos, capture all that data, and run calculations that could be provided to a structural engineer down the road if needed. Ridlen stressed we need to prepare for litigation. Gobert questioned council if they would be acceptable to Warschak taking photos and measurements, as he is an engineer. Ridlen asked if that would be permissible in court and would it hold up? That's where a structural engineer would give you credibility. Warschak stated he could also call Mercer. Frnka stated it is not going to hurt us to do something to be prepared. Rankin said we need to consult attorney to see what we need to do for an airtight case. Gobert stated it could take a couple of weeks to get someone in with certification to do the work Ridlen is asking for. Rankin stated it might make more sense to have someone certified visit the Iowa site and do the inspection there. Warschak stated someone licensed in Texas, a third party person, go up and inspect while it is on site. Rankin stated, ask our attorney how we go down this path. Ridlen stated this is just to absolve us of liability for those failures. Rankin stated the tanks were put in service, but never accepted. Ridlen suggested we proceed as if this is going to litigation, as it has been three years now and he has zero confidence WesTech wants to please the City of Columbus. Frnka stated they are going to make an effort, will it be 100%, I don't know. Gobert stated we have videos and pictures of the problems. Ridlen asked if we could find out if a third party could look at those things before they leave the City. Rankin asked to see who would be qualified and what they would suggest. It is just judicious to seek a third party to see what they find. Since timing is an issue, Rankin asked Warschak if he could update council in the next day or so as to what he found out. Warschak stated he could keep Council updated throughout the whole 12 week process.

6. **Consideration and Action to Approve the Mayor's Appointment of One Member to the Planning & Zoning Commission for a Term Ending December 2022.**

Gobert stated she was proposing Paige Sciba. She is an attorney here in town and her husband has Columbus Tire and Windshield Express.

Councilwoman Frnka made a motion to approve the appointment of Paige Sciba to the Planning & Zoning Commission. Councilman Ridlen seconded the motion.

The vote was as follows:

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

The motion passed.

7. **Consideration and Action to Approve Ordinance 234-20, an Ordinance to Amend Chapter 3 Building Regulations with the Addition of Article 3.13 Regulation of Signs.**

Schneider stated the attorney had added Section 3.13.014, by Type of Sign, to create an Interstate 10 and Hwy 71 corridor. Frnka questioned why he added that section. Gobert stated to exempt those signs like McDonalds, because of their needed height along I10. The only way to accommodate that was to create a corridor. It was questioned if LaCourse created this ordinance. He did not, but he will only be enforcing it. Schneider stated this information was sent out to all businesses along that area. The only response was from McDonalds.

Councilman Rankin made a motion to approve Ordinance 234-20. Councilman Cummings seconded the motion. The vote was as follows:

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

The motion passed.

Gobert thanked Council. She stated P&Z worked a long time on this ordinance. LaCourse questioned when this would go into effect for his enforcement. Schneider stated it would need to be published first. Gobert stated November.

8. Consideration and Action to Approve Street Closures in Memorial Oaks Subdivision for Halloween Activities on the Evening of Saturday, October 31, 2020 from 5:30 p.m. to 8:30 p.m.

Councilman Ridlen made a motion to approve the street closures in the Memorial Oaks Subdivision. Councilman Rankin seconded the motion.

The vote was as follows:

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

The motion passed.

9. Consideration and Action to Approve the Closure of Wallace Street Between Live Oak and Bowie Streets on Saturday, October 31, 2020 from 12:00 p.m. to Midnight for the St. Anthony's School Halloween Carnival.

Councilman Ridlen made a motion to approve the street closure for the St. Anthony's Halloween Carnival. Councilwoman Frnka seconded the motion.

The vote was as follows:

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

The motion passed.

10. Consideration and Action to Approve the Closure of Travis Street from Walnut Street to Spring Street on Sunday, November 15, 2020 from 1:00 p.m. to 7:00 p.m. for the Boys and Girls Club Taste of Columbus Event.

Schneider stated it should have read noon to 6:00 p.m.

Morgan Barton with the Boys and Girls Club stated she was ok with the times.

Councilman Cummings made a motion to approve the street closure for Taste of Columbus. Councilman Ridlen seconded the motion.

The vote was as follows:

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

The motion passed.

Barton questioned about trash cans. Schneider stated that when the barricades are delivered, they will deliver the trash cans and then pick them up after the event.

11. Consideration and Action to Approve Resolution 222-20, a Resolution Adopting the City of Columbus Investment Policy.

Schneider stated this was the same policy. There were no changes.

Councilman Rankin made a motion to approve Resolution 222-20. Councilwoman Frnka seconded the motion.

The vote was as follows:

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

The motion passed.

12. Consideration and Action to Request the City Secretary Conduct the Annual Audit of Chapter 59 Asset Forfeiture Funds as Required by Article 59.06 of the Code of Criminal Procedure.

Schneider stated this is done every year, but permission is needed to conduct the audit.

Councilman Cummings made a motion to approve the City Secretary to conduct the Chapter 59 Asset Forfeiture Funds audit. Councilwoman Frnka seconded the motion.

The vote was as follows:

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

The motion passed.

13. Consideration and Action Regarding the Fire Department Ladder Truck.

Fire Chief Dusty Dittmar addressed the Council. A request outlining the needs is attached to these minutes along with photos of a prospective purchase. The replacement truck would cost \$175,000.00, along with approximately \$50,000 to get it refurbished to our specs. There was discussion on the proposed truck versus a newer model truck, along with the maintenance for the proposed truck. Assistant Fire Chief, Richard LaCourse stated Columbus fire department would be the only one with a ladder truck like this. Councilman Rankin questioned funding. Gobert stated this was a reasonable thing for us. Dittmar stated a \$10,000 deposit is needed to hold this truck. Ridlen questioned if a ladder truck is essential for our city. Gobert stated no, but helps to lower the ISO for the City. Rankin stated it was judicious on our part to get one. The Fire Department is looking into other funding to help with the purchase of the ladder truck. Gobert stated it may help others desire to contribute more if the City commits to \$100,000. Maintenance was discussed. No other entity contributes to the maintenance, yet all in the county reap the benefits of the truck. Rankin stated that the maintenance needed to be added to the budget discussion and pursued in the future from other entities.

Councilman Ridlen made a motion to authorize up to \$100,000.00 towards the purchase of a replacement ladder truck. Councilman Cummings seconded the motion.

The vote was as follows:

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

The motion passed.

Gobert stated she would be happy to go with Dittmar and LaCourse to the commissioners court for discussions. She also stated it is mandatory in 2023 to have \$520,000 in the equipment account for a truck replacement.

14. Consideration and Action, if Necessary, Regarding the September 2020 Fire Marshal Report.

Code Enforcement, Richard LaCourse, gave the Fire Marshal report in Brent Gorman's absence. A copy of the report is attached to these minutes. There were 15 fire calls. Rankin questioned the status of the COVID fund equipment purchases. LaCourse stated all items were on order and in the process. The gear dryer is on order, but has been delayed. Schneider stated that it will be needed by December 30th of this year. Rankin asked for an update on the COVID fund purchases and statuses on the next report.

No action was necessary.

15. Consideration and Action, if Necessary, Regarding the September 2020 Code Enforcement Report.

LaCourse gave the Code Enforcement report, a copy of which is attached to these minutes. He stated 29 permits had been issued, of which 13 were for building. Baker Motel was the largest of the permits, with the upgrading of all wood, walks, and remodeling of one of the buildings. LaCourse has spoken to the owner of the 1506 Crockett substandard property, and they plan to start work soon.

Regarding horse penning, LaCourse stated he had pulled all of the code information from us, Cities of Eagle Lake, Schulenburg, Weimar, LaGrange, and Flatonia, and none of them outright ban horses. He stated Schulenburg and LaGrange have nothing about horses. Most of the cities have basic codes about them not running loose, cannot be staked in a right of way, or they can't be in parks. Two cities actually had penning requirements. Eagle Lake requires a 20'x20' area for each animal and no staking in the right of way. Flatonia requires 1500 square feet per large animal. LaCourse stated he went on what information Dr. Ridlen had given him, as well as the Eagle Lake requirements of 20'x20', equaling 400 square feet per animal, and put that into the code. The only caveat would be for staking when cleaning or moving pens, and no staking in the right of way. No cities have outright banning of horses within the city. This is what has been submitted to you as Council for change. This would have to go to the attorney for review as this is the first submission for the code.

Faye Collins spoke about the horses located in her neighborhood and the need for Columbus to "rise up" and make changes. With Columbus allowing horses within the city, others from out of town come over and bring horses into our City. She stated it is her neighborhood and no one wants to live like that. Barbara Peterman questioned if these people were working the horses, or if they are pets. Collins stated they are only pets. Frnka asked why we don't have anything. Cummings stated if we can have setbacks, we should be able to do something. He also added that he has seen horses inside the Houston city limits, so we really are no different.

Robert Clayton Sanders stated sanitation rules are not being followed. LaCourse stated it has to be a nuisance. Collins asked if he had been there when it is wet. They are not raking it or cleaning it. Ridlen stated many people build barndominiums to be next to their large animals. Columbus is still suburban, and he feels we would be opening a can of worms for the city if you put a restriction on large animals, but if it is a nuisance, that could be a different story.

Rankin stated he disliked the word nuisance, as that means different things to different people. Ridlen stated you can keep horses in 12x12 stalls. Rankin stated he would be concerned about their treatment in the pens. Ridlen went on to say the square footage is not terribly relevant, but have all of the needs for them been met. Sanders asked if sanitation plays into the nuisance. Ridlen stated he felt yes, as there is smell, flies, manure piles, but there is room for subjectivity. Gobert stated she had driven around and didn't see any nuisances, and it would be difficult, as that is a nebulous word. Ridlen stated sending this to P&Z to see if it could be zoned as no large animals. R1 and R2 are mostly residential. They could look at the issues and recommend back to us. Rankin suggested they look at areas and zone accordingly, and then adjust definitions and districts. LaCourse stated there are only five horse issues. Cummings suggested this be sent to P&Z. Ridlen stated the only other way would be to require a license. Gobert stated that would make more sense, like a dog permit. Rankin suggested LaCourse go back and look at the items and see what impact the changes would make on R1 and R2. Look at other large animals and see where this falls.

No action at this time.

16. Consideration and Action, if Necessary, Regarding the September 2020 Police Report.

Police Chief Edman gave his report, a copy of which is attached to these minutes. Officers have been in training, as well as training on the ticket writers. Edman reported the Our Lady of Guadalupe parade has been cancelled. They did one mental health transport. Cummings questioned the status of the officer who was bitten by a dog. Edman stated the dog was determined to be dangerous. There was a court hearing and a long appeal process. Edman stated the officer has recovered and is doing well.

No action was necessary.

17. Items from Councilmembers.²

Councilman Cummings – two weeks ago I forgot to thank the Colorado County Citizen for the correction that was put in the paper.

Councilman Ridlen – None

Councilman Swindle – Absent

Councilwoman Frnka – None

Councilman Rankin – None

Mayor Gobert – None


Management - None

18. Announcements.

There were no announcements.

19. Adjournment.

The Mayor adjourned the meeting at 6:59 p.m.



Mayor, Lon Alf 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 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.