

The City Council of the City of Columbus, Texas met in regular session on Thursday, August 27, 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:

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|----------------|---|---------------------|
| Mayor | - | Dwain Dungen |
| Mayor Pro Tem | - | Curtiss Schonenberg |
| Councilman | - | Charles Richardson |
| Councilman | - | John Axel |
| Councilman | - | Bruce Tesch |
| Councilman | - | John Wagner |
| City Manager | - | David Meisell |
| City Secretary | - | Patti Glaeser |
| City Attorney | - | Ty Prause |
| Police Chief | - | Danny Jackson |

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. **Consent Agenda:**

- a. **Approval of Invoices.**
- b. **Approval of Minutes of August 11, 2009 Special Meeting.**
- c. **Approval of Minutes of August 13, 2009 Regular Meeting.**
- d. **Approval of Minutes of August 18, 2009, Special Meeting.**
- e. **Approval of July Financial Statement.**

Councilman Schonenberg moved to approve the Consent Agenda. Councilman Tesch seconded the motion. The vote was as follows:

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

The motion passed.

4. **Citizen's Presentations and Comments.**¹

Kaylee Brune of the Colorado County Fair Board invited the City of Columbus to the Fair on September 10 – 13, 2009. She invited the Council to the Opening Ceremonies on Thursday, September 10, 2009 at 6:00pm.

Elizabeth Flint said she understands the Council's position last week regarding their confirmation of Mr. Meisell to continue as City Manager at the last meeting. However, she said that his behavior is inappropriate. She brought up several scenarios from years past from Sandra Frnka, Earl Joe Frnka, Mr. Clark, Steve Potter, and others. She also mentioned comments from Councilmembers from the September 27, 2008 meeting. Comments ensued. Ms. Flint said, in conclusion, that two weeks ago, she would have liked to see Mr. Meisell stay, as she appreciated the work he has done with the infrastructure, but after reading prior year's minutes, she feels the behavior problems are outweighing the operational benefits of his employment. She would like to see Mr. Meisell employment terminated with cause.

Frank Howell, citizen and business owner said the Council failed to react to David Meisell's resignation (Note: Mr. Meisell has not resigned nor ever said he intends to resign). Mr. Howell believes Council should actively be looking for a new City Manager. He said he had a petition with 69 signatures on it asking the City Council to begin the process of looking for a qualified City Manager. He did not present the petition for the record.

Nancy Stiles informed Council that the City was featured in an article in the Texas parks and Wildlife Magazine entitled "Paddling Mayberry". She also expressed several ideas she would like Council to address. These included bringing more businesses to Columbus and more housing to Columbus; cleaning up the City including the growing weeds on Spring Street across from The Citizen; initiating a Town Hall meeting with a trained facilitator. She also told the Council that they must be accountable to all citizens; meet the challenge; be leaders; and rise above distractions.

Chris Christensen offered congratulations to the Mayor on winning the election. He said that the one thing that a City has to offer its citizens is fresh water. He said he did hear of the neglect of the City's water system over many years and of the City's intentions for new infrastructure. He said that in the 16 years he has lived in his house, he has had fresh water everyday with good pressure and has not complaints. He said that he now has cloudy water and low pressure and spoke to Michael Poncik (Streets and Parks Department Supervisor) about the problem. He showed the difference in socks washed in City Water in two different loads. Mr. Christensen said he would like the situation cleaned up or he would like to drill water well.

Barbara Peterman read a letter on behalf of the Chamber of Commerce said the Columbus Chamber of Commerce is a volunteer organization to assist their members and the community. Their revenues come through member dues and hotel occupancy tax revenues. The Chamber feels they have the right to speak out on actions that will effect their members will run counter to the best interest of their members. They also feel they should be able to speak out and in the past the Chamber has worked closely with the Columbus Convention and Visitor's Bureau, the Columbus Historical Preservation Trust, and the Columbus Community and Industrial Development Corporation. She said they were all working to make Columbus a more viable community. They would like to see those days return.

5. **Discussion of City Manager's Report including City Hall Construction, Sewer Plant Renovations, River Status, Water Pumpage History, Economic Indicators, Pool Season Ends, Naumann Farms Road, School Opens, Charter Street Water Improvements, Little League Lights.**

City Manager, David Meisell, presented his City Manager's Report, which is attached to these minutes.

In addition, he said he appreciated the comments the Council made at the last meeting and he appreciated the fact that Council asked him to continue as City Manager. He will honor that request and withdraw his intent to retire. He said he will continue on same basis as before. He said he respects the request and will honor it.

6. **Discussion and Action Regarding Lights at the Soccer Fields.**

Liz Christen spoke on behalf of the Columbus Soccer Association. Councilman Schonenberg asked Ms. Christen if she had contacted anyone to evaluate the condition of the lights from the baseball field. She said she spoke to Stephen Girndt regarding the lights. However, do to a death in his family; she was unable to find out the results of the evaluation. Ms. Christen said the group has enough money for new poles with the existing lights, and the hook up of new service. Larry Smith, of the Columbus Little League, said the lights were not adequate for baseball but would be adequate for soccer.

Councilman Tesch moved to approve giving the lights from the Baseball Field at Montezuma Park to the Soccer Association. Councilman Richardson seconded the motion. The vote was as follows:

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

The motion passed.

Councilman Schonenberg asked Ms. Christen to make sure that because this is on City property to make sure the City approves the process and to keep the City informed of the process.

7. **Discussion and Action to Approve City of Columbus Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2008.**

Wm. Pierce Arthur, CPA and auditor read a letter to the Council regarding the results of the 2008 Audit. He said there were no problems with the audit. Mr. Meisell presented a Profit and Loss History of the last five years. He discussed several areas including Sales Tax and Gross Receipts Revenue. He said that as sales tax has increased over the years, gross receipts revenue or franchise fees have been reduced. This is primarily because there are not as many land phone lines as before.

Councilman Schonenberg moved to approve the City of Columbus Comprehensive Annual Financial Report for the Fiscal Year ended September 30, 2008. Councilman Axel seconded the motion. The vote was as follows:

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

The motion passed.

8. Discussion and Action Regarding Meeting of the Mayor's Ad Hoc Committee.

Mayor Dungen said the group did have the meeting on August 19, 2009. Questions were answered as presented by Councilman Wagner. Mayor Dungen said a report is being prepared and will be presented when complete. Councilman Wagner said that he agreed with Mayor Dungen regarding the questions. He said all assets were reported and that there is no need for forensic accounting. He is ready to move forward. Councilman Wagner said Mr. Meisell has a first draft of the meeting and will probably present it at the next meeting.

No action taken.

9. Discussion and Action Regarding Selection of a Forensic Auditor or Attorney.

Councilman Wagner said this action was no longer needed. No action taken.

10. Discussion and Action Regarding Columbus Community and Industrial Development Corporation (CCIDC) Past, Present, and Future.

No action taken.

11. Discussion and Action Regarding Revisions of Columbus Community and Industrial Development Corporation (CCIDC) Bylaws.

Councilman Schonenberg said that the Bylaws need clarification on the appointing process and he recommends that this be sent back to the CCIDC to review the process and bring back to the Council with adequate changes. Councilman Axel moved to request that the CCIDC review the Bylaws, make any changes and bring back to Council. Councilman Schonenberg seconded the motion. The vote was as follows:

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

The motion passed.

12. Consider and Act on Mayor's Appointment of Two Members to the Columbus Community and Industrial Development Corporation Board for a Two-Year Term Ending May 31, 2011.

Mayor Dungen said there was a question regarding his conflicts in appointing members to the CCIDC. Ty Prause, City Attorney, said that in his reading of the Attorney General's 2008 pamphlet. He said that in April, 2009 the Attorney General said that the Council has total oversight of CCIDC and that Council shall approve every program and every expenditure of the CCIDC. He said that Council could adopt a resolution requiring the CCIDC to bring to council to approve all measures or decisions that CCIDC would make for Council approval. Mr. Prause said the Council could require, through this resolution, the CCIDC to bring forward to the Council, any decisions or actions regarding Great Southern Wood.

He said that the CCIDC must still have a board because it is a corporation, even though the Council can remove members at any time, approve expenditures, change bylaws, etc.

Mayor Dungen brought back the name of Matt Sprague as an appointment. Councilman Schonenberg met with Mr. Sprague, at length and said he is a solid young man and has all the qualifications for CCIDC. Councilman Schonenberg moved to approve Matt Sprague to the CCIDC Board. Councilman Richardson seconded the motion. Councilman Axel said he will abstain because he does not know Mr. Sprague, not because he has anything against Mr. Sprague. The vote was as follows:

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

The motion passed.

Mayor Dungen also said he would like to recommend Libby Flint to the CCIDC Board. He said she has taken a great interest in the organization and knows a lot about it. Councilman Tesch moved to approve the Mayor's appointment of Libby Flint to the CCIDC Board. Councilman Richardson seconded the motion. The vote was as follows:

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

The motion passed.

13. Discussion and Action Regarding Mayor's Comments in "Letter to the Editor" in the August 5, 2009 Edition of the Colorado County Citizen.

Mayor Dungen said he spoke to Councilman Richardson, who requested this be put on the agenda. Mayor Dungen said Mr. Richardson said Mayor Heffley did not appoint himself to the CCIDC Board as reflected in the minutes of the May 14, 2009 meeting. The minutes state: "*Councilman Schonenberg said that CCIDC Board, Eddie Hernandez, member had resigned and he would like the vacant position to be filled by Richard Heffley. Councilman Wagner moved that Richard Heffley be appointed to the vacated position effective upon his departure from the mayor's office on May 18, 2009. Councilman Richardson seconded the motion.*" That motion passed 5-0. Mayor Dungen began to explain that the bylaws of the CCIDC state that the Mayor shall appoint the members of the Board. Furthermore, he said that Councilman Wagner said that the CCIDC Board serves at the pleasure of the Mayor. Mayor Dungen said that he was going by his interpretation of the bylaws. Councilman Wagner suggested that the CCIDC Bylaws be cleaned up by the CCIDC. Mr. Meisell explained that the bylaws have two different procedures for appointing members and vacancies. Mr. Meisell said that Eddie Hernandez had vacated the board and the Council has the obligation to appoint a member to fill the vacancy. He stated that Richard Heffley did not appoint himself, but the Council appointed him. Mr. Richardson said he was trying to make the point that Mr. Heffley did not appoint himself.

Mayor Dungen apologized to all if he was incorrect in his interpretation of the bylaws and if he did anything wrong.

14. Discussion and Action Regarding Colorado County Appraisal District's Valuation of Great Southern Wood Property.

Bill Mitchell with the Colorado County Central Appraisal District expressed his finding regarding the Great Southern Wood property allocations. His report is attached to these minutes.

15. Discussion and Action to Accept Retirement Notice Provided by the City Manager, David Meisell, to be Effective on September 30, 2009.

Mayor Dungen asked that this item be put on the agenda more specifically than last meeting (August 13, 2009) because he was not sure the Council understood the vague agenda item at that meeting and may have caught the Council off guard. Now, the Council has had time to think about the item and to take more formal action. Mayor Dungen then turned the meeting to Councilman Tesch. Councilman Tesch moved to accept the retirement notice provided by the City Manager, David Meisell to be effective on September 30, 2009. Councilman Schonenberg said he has seen this situation this last year and have had several meetings with concerned citizens coming in and expressing their concerns with the ways Mr. Meisell has approached constituents over the years. He would hate to be in Mr. Meisell position being put on the spot many times. He said Mr. Meisell has done a tremendous job. He has done an excellent job with infrastructure. He has flown off the handle and has done some things he probably shouldn't have done. Councilman Schonenberg continued by saying Mr. Meisell is

put in pressurized situations and he is concerned with Mr. Meisell's well-being. He's done an excellent job and is put in undo pressure due to the citizens. His concern is that they need to do what is the best of the City. Councilman Schonenberg seconded the motion to accept Mr. Meisell's retirement with a termination date of September 30, 2009. There was no additional discussion. The vote was as follows:

Ayes: Councilman Richardson, Schonenberg, Tesch

Nay: Councilman Axel, Wagner

The motion passed.

16. Discussion and Action to Approve July, 2009 Police Report.

Chief Jackson presented his July 2009 Police Report, which is attached to these minutes. He said there have been no problems at the North River Bridge. People have been slowing down. Chief Jackson said he has not seen many children at that crossing.

17. Items from Councilmembers.²

Councilman Richardson-- no comment.

Councilman Axel - no comment.

Councilman Schonenberg - no comment.

Councilman Tesch thanked all the people for coming to the meeting.

Councilman Wagner - no comment.

18. Announcements.

There were no announcements.

19. Adjournment.

The mayor adjourned the meeting at 8:32 pm.



Mayor, Dwain K. Duggen

ATTEST:



Patti Glaeser, 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.

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.

² 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.