

The City Council of the City of Columbus, Texas met in regular session on Thursday, September 22, 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 (absent)
Councilman	-	Steve Woodall
Councilman	-	John Axel
Councilman	-	Bruce Tesch
Councilman	-	Chuck Rankin
City Manager	-	Donald Warschak
City Secretary	-	Linda Lakich

Other City Staff present included:

Utilities Director	-	Jody Ripper
Police Chief	-	Danny Jackson
Public Works Director	-	Michael Poncik
Code Enforcement Off.	-	Ford Stein

**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 September 8, 2011 Regular Meeting
- c. Approval of minutes of September 12, 2011 Special Meeting

Councilman Axel made a motion to approve the consent agenda as presented. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Tesch, and Rankin

The motion passed.

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

Cheryl Cook told Council that she was coming to complain. She stated that everyone wants a pretty community but that Council is causing grief for and costing money to the citizens of Columbus. She stated she has spent over \$27,000 cleaning up her property and that she just doesn't have the money to continue to do so. She suggested that Council expand recycling to include building materials, stop "hoodlums" from destroying property, and keep people from dumping items. She asked that Council try to help some people.

**5. City Manager's Report including Seismic Survey, Water Usage, Texas Crossroads Business Park Water Tower, Cardinal Hill Water Plant Well, School Zone Signs, 2011 Street Improvements, SECO Project.**

City Manager, Donald Warschak, presented his City Manager's Report which is attached to these minutes. David Sheblak with Mercer Engineering said that the City would be able to save about \$21,000 on the water well project because, in lieu of drilling a pilot hole and taking water samples from it, they will be able to use the existing well since the water is screening from the same source.

**6. Consideration and Action to award bid for painting the Elevated Storage Tank at the Texas Crossroads Business Park.**

David Sheblak told Council that 9 bids for painting the Water Tower at the Business Park were received and opened on September 19<sup>th</sup>. A table of the bids was shown to Council and David said that he would recommend

using the lowest bid since his past experience with the company has been good. He explained that the lights on the tower are not currently working so there is a separate bid item for replacing them and that Council would need to pick between having shiny or satin finish on the paint. Donald Warschak told Council that the interior of the tower will need to be painted in three to five years and that when that is done that the exterior will also have to be redone. He said he would therefore recommend going with the cheaper option of satin finish. He also said that CCIDC will pay for the painting of their logo on the tower and for the replacement of the lights. Councilman Rankin asked how long the paint job would normally last and was told about ten years. Donald Warschak explained that the exterior was being done now because it was at a critical point and would not last for the three to five years that the interior has left. He said that the consultant who looked at the tank suggested that they do the exterior now to prevent damage to the tank and that in three to five years when the inside needed to be painted, that both would be done and then they would be in sync. Councilman Rankin suggested that they paint both now and get them in sync and that in the long run it would save money. He was told that the tank would be out of service longer but that since high water usage season is almost over that would be okay.

Councilman Rankin made a motion to reject all bids and to pursue painting both the interior and exterior of the elevated storage tank at the Texas Crossroads Business Park. Councilman Tesch seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Tesch, and Rankin

The motion passed.

**7. Consideration and Action regarding Seismic Permit for Total Exploration, Inc.**

Tony Altamirano and Bobby Holbrook from Total Exploration showed Council the type of equipment that the company will be using for receiving signals. They explained that the more receivers that they have, the better the picture that they will get. The Mayor asked if the company is following the ordinance and Donald Warschak said that they were. There will be no source points in the City with the possible exception of the Business Park. Total Exploration will vibrate outside of town and while it will not provide a perfect picture, they can get readings from up to a half mile away from the source point. The company representatives also told Council that they will keep the sensors in curbs and rights-of-way for the most part. They said that the sensors will probably be in place for 2-3 weeks and that if property owners need to have them moved, that will be possible. Mr. Warschak said that the City Attorney has reviewed the permit application and that it follows the City's ordinance.

Councilman Axel made a motion to approve the Seismic Permit for Total Exploration, Inc. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Tesch, and Rankin

The motion passed.

**8. Consideration and Action to Ratify Budgeted Property Tax Increase reflected in the 2011-2012 Budget.**

Mayor Dungen explained that the tax rate has not increased and that the increase is due to an increase in overall property valuations.

Councilman Tesch made a motion to ratify the budgeted property tax increase reflected in the 2011-2012 Budget. Councilman Axel seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Tesch, and Rankin

The motion passed.

**9. Consideration and Action to Approve Ordinance No. 123-11 to Establish the Property Tax Rate of \$0.27312.**

Councilman Rankin made a motion that the property tax rate be increased by the adoption of a tax rate of \$0.027312, which is effectively a 0.94 percent increase in the tax rate. Councilman Tesch seconded the motion.

The vote was as follows:

Councilman Woodall – Aye  
Councilman Axel – Aye  
Councilman Schonenberg – Absent  
Councilman Tesch – Aye  
Councilman Rankin – Aye

The motion passed.

The maintenance and operations rate is \$0.23576 per \$100 valuation and the debt service rate is \$0.03736 per \$100 valuation.

**10. Consideration and Action to Approve Ordinance No. 124-11 to Establish Garbage Rates.**

Mayor Dungen explained that these were the garbage rates as discussed in Budget Workshops.

Councilman Axel made a motion to approve Ordinance No. 124-11 to Establish Garbage Rates. Councilman Tesch seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Tesch, and Rankin

The motion passed.

**11. Consideration and Action to Approve Ordinance No. 125-11 to Establish Water Rates.**

Councilman Tesch made a motion to approve Ordinance No. 125-11 to Establish Water Rates. Councilman Woodall seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Tesch, and Rankin

The motion passed.

**12. Consideration and Action to Approve Ordinance No. 126-11 to Establish Sewer Rates.**

Councilman Axel made a motion to approve Ordinance No. 126-11 to Establish Sewer Rates. Councilman Tesch seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Tesch, and Rankin

The motion passed.

**13. Consideration and Action to Approve Ordinance No. 127-11 to Establish Gas Rates.**

Councilman Tesch made a motion to approve Ordinance No. 127-11 to Establish Gas Rates. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Tesch, and Rankin

The motion passed.

**14. Consideration and Action to Approve an Ordinance Amending Section 4.02.003, Sales Near School, Church or Hospital of the City of Columbus, Code of Ordinances as Requested by Live Oak Smokehouse at 1114 Milam St.**

Rusty Conlan, the owner of Live Oak Smokehouse, told Council that when his wife came to City Hall to have their application for an Alcoholic Beverage Permit signed, they found out that they are within 300 feet of the Next Level Christian Church. He said that they have spoken with Pastor Wilson from the church and assured him that they do not want to be a bar and that they close at 9 p.m. on Saturdays and are closed on Sundays. Pastor Wilson was at the meeting and told Council that the Church was ok with the variance to the Alcohol Ordinance.

Councilman Axel made a motion to approve Ordinance No. 128-11 amending section 4.02.003, Sales Near School, Church or Hospital of the City of Columbus, Code of Ordinances as requested by Live Oak Smokehouse at 1114 Milam St. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Tesch, and Rankin

The motion passed.

**15. Consideration and Action to Approve and Ratify Agreement with Colorado County Central Appraisal District for Assessment and Collection Services for the Year 2012.**

Councilman Woodall made a motion to approve and ratify the agreement with the Colorado County Central Appraisal District for assessment and collection services for the year 2012. Councilman Tesch seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Tesch, and Rankin

The motion passed.

**16. Consideration and Action to approve Columbus Community and Industrial Development Corporation Budget.**

Councilman Tesch made a motion to approve the Columbus Community and Industrial Development Corporation Budget for the year ended September 30, 2012 as presented. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Tesch, and Rankin

The motion passed.

**17. Consideration and Action to authorize the Mayor to enter the City of Columbus into a contract for Public Services with Family Crisis Center, Inc.**

Councilman Tesch made a motion to authorize the Mayor to enter the City of Columbus into a contract for public services with Family Crisis Center, Inc. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Tesch, and Rankin

The motion passed.

**18. Consideration and Action to authorize the Mayor to enter the City of Columbus into a contract for Public Services with Combined Community Action, Inc.**

Councilman Axel made a motion to authorize the Mayor to enter the City of Columbus into a contract for Public Services with Combined Community Action, Inc. Councilman Tesch seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Tesch, and Rankin

The motion passed.

**19. Consideration and Action to Approve a Budget Amendment in the amount of \$5,000 for Code Enforcement, Water and Sewer Department Wages.**

Mayor Dungen explained that part of the former Code Inspector's salary was in the Utility Fund and that now it is all in the General Fund. This budget amendment moves the expenditures from the Utility Fund to the General Fund.

Councilman Woodall made a motion to approve the budget amendment in the amount of \$5,000 for Code Enforcement, Water and Sewer Department wages as presented. Councilman Axel seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Tesch, and Rankin

The motion passed.

**20. Consideration and Action if necessary on August 2011 Police Report.**

Police Chief, Danny Jackson, presented the August Police Report, a copy of which is attached. No action was necessary.

**21. Consideration and Action if necessary on Update by Code Enforcement Officer on Substandard Building Timeline.**

Code Enforcement Officer, Ford Stein, presented an update on the properties which were on the Substandard Building List. Councilman Rankin said that he wanted to make certain that everything that needs to be done is being taken care of. No action was necessary.

**22. Consideration and Action regarding Kerry R. Gilbert Study.**

Councilman Woodall handed out a summary of the Kerry R. Gilbert Study which he had prepared. Mayor Dungen pointed out that the study was paid for by the Columbus Community and Economic Development Corp. with 4B sales tax revenues which are dedicated to funding economic development in the City. Councilman Woodall suggested that 3-5 citizens be appointed to review the study and recommend items which could be done. Mayor Dungen pointed out that the study is only a waste of money if it is not acted upon and that there are some things which would be easy to accomplish. Councilman Woodall agreed that the city must take action. Councilman Rankin said that he would like to see an ordinance which encouraged owners to maintain their property. The mayor said that he had some ideas for a plan and asked Council to review Councilman Woodall's summary.

**23. Consideration and Action regarding Columbus Historical District.**

Councilman Woodall presented a copy of an ordinance which he received from the Texas Historical Commission. He asked that the other council members look at it and that it be placed on the agenda for discussion at the next meeting. Councilman Rankin suggested that it be shown to the Columbus Historic Preservation Trust.

**24. Consideration and Action to approve Ordinance No. 129-11 an ordinance amending Article 8.02 Weapons and superseding anything therein to the contrary of the Municipal Code of the City of Columbus, Texas.**

Mayor Dungen explained that this item originally came from Councilman Woodall. He said that the ordinance presented would allow someone licensed by the state to carry a concealed handgun to bring it on city property. He explained that even someone with a concealed handgun license would not be able to bring a handgun into City Hall. Councilman Tesch said that this would make the City's ordinance follow State law. Councilman Axel stated that he objects to the ordinance and that he doesn't see how he will feel safer because someone has a gun in the Library. Mayor Dungen said that he realized that this is an emotional issue but that the old ordinance was not in compliance with state law. Councilman Woodall said that City Attorney, Pat Gillespie, had looked at the new ordinance and was comfortable with it.

Councilman Woodall made a motion to approve Ordinance No. 129-11 as presented. Councilman Tesch seconded the motion. The vote was as follows:

Ayes: Woodall, Tesch, and Rankin  
No: Axel

The motion passed.

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

Councilman Woodall – no comment.

Councilman Axel – no comment.

Councilman Tesch – no comment.

Councilman Rankin – no comment.

**26. Announcements.**

Mayor Dungen recognized the fine work of the Columbus Fire Department. Assistant Chief, Dwight Mazac, thanked the community for its support.

Mayor Dungen reminded everyone that the City operates a recycling center and announced that beginning in October residents would have once a month pick up of large trash items included in their garbage bill. He emphasized that the tax rate has not gone up. He explained that the City does go after grants when possible and that it has received one to demolish and rebuild six homes in the City and also one for a new water well. He said that last year Council did not raise utility rates because of the economy, but that this year it had to be done. He said that everyone at the City is doing their best and that they are concerned about the citizens.

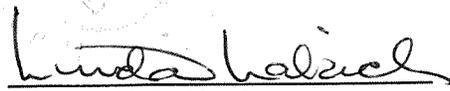
Mayor Dungen also announced that GrantWorks will have an orientation on October 11<sup>th</sup> at City Hall for the HOMES Grant.

**27. Adjournment.**

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

  
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Mayor, Dwain K. Dungen

ATTEST:

  
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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.