

The City Council of the City of Columbus, Texas met in regular session on Thursday, August 13, 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:

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 July 23, 2009 Regular Meeting.**

c. **Approval of Minutes of August 4, 2009, Special Meeting.**

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. **Consideration and Action to Approve Invoice from Curtiss Automotive.**

Councilman Tesch moved to approve the invoice from Curtiss Automotive. Councilman Richardson seconded the motion. The vote was as follows:

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

The motion passed.

5. **Discussion and Action Regarding the Opening of a New Nursing Home in Columbus.**

Tina Hendrix with Trucare Living Center said the nursing home is officially open with 4 current admissions. The facility will house 104 beds and will employ 70 people. She invited everyone to their Open House on September 10<sup>th</sup> at 10:30am.

6. **Citizen's Presentations and Comments.**<sup>1</sup>

Liz Christen with the Columbus Soccer team requested permission and information on moving the lights from the little league fields, that will be replaced, to the soccer fields. She also requested an additional exit be added to the soccer fields parking lot.

Elizabeth Flint voiced her concerns over the questions the Council has brought up concerning the CCIDC/Great Southern Wood transaction in 2000. She suggested the Council talk to Pierce Arthur, City Auditor, and see if he thought there was any wrongdoing during that time.

Ms. Flint discussed the \$50,000 budget amendment from the last meeting on Sewer legal – Glidden.

She also heard the City Manager would ask for an employment contract. She asked why he would want a contract now. She was against a contract.

Chuck Rankin was offended by comments made regarding 'no oversight' in the CCIDC at a previous meeting. He and several other past presidents of CCIDC were currently in attendance.

Lori An Gobert is flabbergasted and embarrassed about what is going on in the City. She said that Councilman Wagner and others won't drop the questions and Mayor Dungen won't answer the questions. She recommended getting a committee together and hammering out the questions.

**7. Discussion of City Manager's Report including City Hall Construction, Sewer Plant Renovations, River Status, Water Pumpage History, Economic Indicators, July Revenue Updates, CCVB Follow-up, Employment of City Manager, Whistle Blower Protections.**

City Manager, David Meisell, presented his City Manager's report, which is attached to these minutes. He said that the City has \$7 million in property going online in the next few months. He said this is a service economy, not an industrial economy.

He also clarified, regarding his employment plans that he stated previously that he would retire at the end of September 2009. He has no intention of asking for a contract.

Mr. Meisell also reviewed his letter dated August 18, 2008 to City Council, saying it is even more valid today. Since then, it was discovered that the 90%/10% split on land values of Great Southern Wood were wrong. He said land values in the City for Great Southern Wood are no greater than in the Glidden Fresh Water District. He pointed out there were discrepancies in what Dr. Hancher said at the July 2008 meeting regarding the 1987 Water Study and using 4B monies to pay for water and sewer infrastructure and swimming pool renovations. 4B monies were used to fund pool renovations in 1996/1997. He also discussed Mayor Dungen's comments from the July 2008 meeting that Great Southern Wood's land values were at \$9,500 per acre. Actual values showed \$18,000 per acre.

Mr. Meisell stated he was invoking Whistleblower's Protection for all City employees because of the questions being raised about CCIDC and Great Southern Wood.

Mr. Meisell also read an e-mail from Chuck Rankin. The e-mail was used as an example of what the City has to deal with.

**8. Discussion and Action Regarding a Contract to Place the School District's Antenna on the Cardinal Hill Water Tower.**

Councilman Richardson moved to allow City Management to continue discussion with the School District regarding a contract to place the School's antenna on the Cardinal Hill Water Tower. Councilman Tesch seconded the motion. The vote was as follows:

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

The motion passed.

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

Mayor Dungen said he would like to appoint Matt Sprague. Councilman Wagner said it appears to be a conflict of interest with him appointing members to the CCIDC that will deal with the Great Southern Wood contract, Mayor Dungen's employer. Councilman Wagner asked City Attorney, Ty Prause, his opinion. Mr. Prause said he would like a day to research the laws. Councilman Wagner moved to table Agenda Item #9. Councilman Axel seconded the motion. The vote was as follows:

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

The motion passed.

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

Councilman Wagner said he does not want to retain a forensic auditor which will cost potentially \$50,000 to \$75,000. He suggested forming a committee to answer the questions. Those recommended to be on the committee included: Mayor Dungen, Councilman Wagner, Councilman Axel, Doak Hartley, Tom Hancher, Larry Hoelscher, Jim Whitcomb, Kenneth Brune, Ty Prause and David Meisell. Mr. Prause voiced his concerns with Councilman Axel serving on the committee. It might appear that the Council had a quorum in attendance with Mayor Dungen, Councilman Wagner, and Councilman Axel. Councilman Schonenberg moved to form a committee with the above mentioned persons, minus Councilman Axel, to answer any outstanding questions. Councilman Tesch seconded the motion. The vote was as follows:

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

The motion passed.

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

Councilman Richardson, who requested this item be put on the Agenda, moved to table Agenda Item #11 because of the meeting running late. Councilman Schonenberg seconded the motion. The vote was as follows:

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

The motion passed.

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

Mr. Meisell said the Colorado County Central Appraisal District is recalculating the appraisal and will let the City know what the new value will be.

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

Councilman Wagner moved to table Agenda Item #13 until the next meeting. Councilman Richardson seconded the motion. The vote was as follows:

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

The motion passed.

**14. Consideration and Action to Award Bid for Street Seal Coating.**

Two bids for street seal coating were received. Silva bid \$1.48 per square yard for 45,676 yards for \$67,600.48. H&C Construction from Shiner bid \$1.26 per square yard for 45,676 for \$57,551.76. The work will be completed before September 20, 2009. Councilman Tesch moved to award the bid for Street Seal Coating to H&C Construction for \$1.26 per square yard. Councilman Axel seconded the motion. The vote was as follows:

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

The motion passed.

**15. Consideration and Action to Approve Resolution 62-09– Investment Policy.**

Councilman Axel moved to approve Resolution 62-09 – Investment Policy. Councilman Schonenberg seconded the motion. The vote was as follows:

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

The motion passed.

**16. Consideration and Action to Approve RFP For Depository Bid.**

Councilman Axel moved to approve the RFP for the depository bid. Councilman Schonenberg seconded the motion. The vote was as follows:

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

The motion passed.

**17. Consideration and Action Regarding Employment of the City Manager.**

Mr. Meisell reiterated that he does not want a contract. Councilman Richardson would like to see Mr. Meisell stay on past September 2009. Councilman Axel said he likes the status quo and would also like him to stay. Councilman Schonenberg said Mr. Meisell is the most qualified and wants him to stay. Councilman Tesch said he has no problem and would like to move forward. Councilman Wagner said he stays. Mayor Dungen made no comment. Mr. Meisell thanked the Council for their comments. He will think about it.

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

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.


Mayor Dungen also thanked everyone for coming to the meeting.

**19. Announcements.**


There were no announcements.

**20. Adjournment.**

The mayor adjourned the meeting at 8:20 pm.

  
Mayor, Dwain K. Dungen

ATTEST:

  
Patti Glaeser, City Secretary

1 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.

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.

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