

The City Council of the City of Columbus, Texas met in regular session on Tuesday, November 23, 2010 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	-	Charles Richardson
Councilman	-	John Axel
Councilman	-	Bruce Tesch
Councilman	-	Chuck Rankin
City Manager	-	Donald Warschak
City Secretary	-	Cathy Ezell

Other City Staff present included:

Police Chief	-	Danny Jackson
Fire Chief	-	Walter Glaeser

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 November 9, 2010 Regular Meeting.

Council received clarification on some of the invoices. City Secretary, Cathy Ezell stated that under item 12 she added that Councilman Axel seconded the motion. Councilman Rankin stated that on item 10 that where he stated that at the next meeting he would like to take action on an option but for the short-time to add more signage that he also stated that the fine should be raised to the maximum levels. Councilman Schonenberg made a motion to approve the consent agenda as amended. Councilman Tesch seconded the motion.

The vote was as follows:

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

The motion passed.

4. Citizen's presentation and comments.¹

There were no Citizen's presentations or comments.

5. City Manager report.

City Manager, Donald Warschak, presented his City Manager's Report which is attached to these minutes.

Councilman Rankin stated that the letter that was being sent out by the company requesting to do seismic testing states that they will be using the whole shot method to complete the testing and this is not the thumper method that was presented at the last City Council meeting. Donald Warschak stated that he contacted the seismic company and that they stated that they were going to use the whole shot method outside the City limits and the thumper method within the City. Councilman Rankin stated that they needed to represent that in the letters being sent out.

Councilman Schonenberg stated that the seismic company stated that they would provide the City with the name of an engineer that could be used as a consultant and asked if they had done so. Donald Warschak stated that no the City had not received that information.

Mayor Dungen stated that ordinance for seismic testing needs to be put in place.

6. Review, discuss and take action as necessary on the update of the Street Proposal as presented by Columbus Elementary School.

Mayor Dungen stated that the proposal had been approved for thirty (30) days and would be reviewed after that time period.

Assistant Principal, Shawn Hagel stated that the residents on Bowie Street did not have any problem with the proposal and that everyone was very supportive of the change. He also stated that there had been no problems and that the process was working smoothly.

Councilman Tesch made a motion to authorize Columbus Elementary School to take action to control traffic on Bowie Street from 3:20 pm to 3:40 pm Monday thru Friday. Councilman Axel seconded the motion.

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

The motion passed.

7. Consideration and action to approve the Hotel Occupancy Tax Fund Grants for 2010-2011.

Mayor Dungen stated that the City had received seven (7) grant requests. He also stated that each request had been reviewed by City Attorney, Ty Prause and were eligible to receive grant funds.

Mayor Dungen stated that the Colorado County Fair Association was requesting \$35,000. Mr. Darrell Gertson from the Fair Association stated that he appreciated the support the organization has received in the past. He stated that they were going to add restroom facilities this year to help the facility be more appealing for rentals. He also stated that they were doing more advertising for events and would like to have a billboard out front.

Councilman Schonenberg asked if they tried to track the activity in the local hotels. Mr. Gertson stated that all of the hotels in the area show an increase in rentals during the fair and that in the past there were no rooms available in Columbus.

Councilman Rankin asked if the grant funds would be used to fund the restrooms. Mr. Gertson stated no the funds would be used for advertising.

Councilman Rankin stated that some of the vendors used for advertising were local and asked was this getting more than locals to come to the events. Mr. Gertson stated that the local residents have others who come from other places to visit the event.

Councilman Tesch asked if the \$37,000 was the total cost to put on the Fair. Mr. Gertson stated no that was just the price of advertising.

Mayor Dungen stated that the Columbus Cardinal Booster Club was requesting \$3,000. Mr. Brent Mascheck stated that the Booster Club is not affiliated with the school. He stated that organization helps out the gym, hosts the banquet, and play off games.

Mayor Dungen asked where the funds will be used. Mr. Mascheck stated that the funds would be used to make additions to the gym entrance.

Councilman Rankin asked about the purchase of uniforms. Mrs. Donna Tesch stated that the different athletic organizations request funds for their current needs.

Mayor Dungen asked City Attorney, Ty Prause if the funds needed to be used for the facility or a specific event. Mrs. Tesch stated that the funds would be use for the gym. City Attorney, Ty Prause, stated that the Mayor was correct but you have a blending of what organizations do in a small town and that sporting events attract tourists.

Councilman Rankin stated that the funds should not be used for uniforms. Mr. Mascheck stated that in the application the Booster Club listed everything that they do and the funds would be used for the gym.

Councilman Rankin stated that the accounting of the funds would require the documentation that the funds were used for the gym or sporting events.

Ty Prause requested that the Booster Club resubmit page three (3) of the grant application to amend the categories most relevant to the project/event to categories one (1) and three (3).

Mayor Dungen stated that the Columbus Historic Preservation Trust (CHPT) was requesting \$29,378. Ms. Melissa Kilpatrick stated that the costs are high to keep up and to run a historic building. She stated that they try to do the best with the events that are hosted. She stated that the funds would be used to finish updating the sound system, replace tables, of which Phase I was done last year, repair the air conditioning system, and repair the elevator, other miscellaneous repairs, and advertising.

Mayor Dungen stated that some of the items were started and Council knew that they would continue. He also stated that the Opera House is a tremendous venue and attraction. He stated that he was thankful for all the time and effort that was put in to keep the facility running.

Mayor Dungen stated that the Shropshire-Upton Chapter #361 was requesting \$5,000. City Secretary, Cathy Ezell stated that a representative could not be present but she was told that the funds would be used the same as last year to help the museum.

Mayor Dungen stated the organization is making the same request as last year to provide support to the various tours.

Councilman Rankin asked if there was any other thing to do to help this organization.

Mayor Dungen stated that the organization could not operate without the grant funds.

Mayor Dungen stated that the Columbus Lions Club was requesting \$3,000. Mr. Doug Lillie stated that last year they had 598 riders and that this year that they would like to have 750 riders. He stated that the event starts early in the day and that at least 100 people are here the night before the event. He stated that advertising and postage were among the most important expenses.

Councilman Schonenberg asked if when the brochures are mailed out they make participants aware of the hotel facilities. Mr. Lillie stated that yes they do. Mayor Dungen stated that they also have a website.

Mr. Lillie stated that they use a billboard for advertising as well.

Councilman Schonenberg asked if they are doing anything to track the people staying in the hotels. Mr. Lillie stated that they do not. Mayor Dungen stated that each rider is given a survey to complete. He also stated that the hotels could be called to see how occupancy that weekend compared to normal weekends.

Mayor Dungen stated that the Live Oak Art Center was requesting \$9,754. He stated that the funds would be used for year around advertising for the events at the center.

Mayor Dungen stated that the Columbus Chamber of Commerce and Tourism was requesting \$35,000. Ms. Kim Dyer handed out a magazine in which Columbus had two pages of advertising and two pages of write-ups for the area.

Ms. Dyer stated that their funds come from memberships, the HOT Grant, and events that they present. She stated that they are planning to have a bridal expo to show what Columbus has to offer. She stated that they help promote all events in Columbus. She also stated that most of the grant is used to help the Visitor Center and advertising.

Councilman Rankin stated that he had contacted Ms. Dyer to ask if she could do more with better funding. He stated that the Chamber should act as the coordinating point for the other organizations. He stated that he was proposing that the Chamber manage the funds received from Hotel Occupancy Taxes. He asked Ms. Dyer to think about this and come up with what she would need to act as the focal point.

Mayor Dungen stated that in the beginning one hundred (100) percent of the funds were given to the Chamber to administer but that there had to be complete separation from the Visitor Bureau. He stated that is why the Visitor's Bureau was created. He stated that some coordination was needed and asked how much it would take to do this.

Ms. Dryer stated that she would need \$10,000 to hire a part-time person to work Saturdays and fill in while she was out of town. She stated that she would also need an additional \$20,000 for advertising. She also stated that the balance sheets from 2006 to 2010 show a steady decline in the general fund reserves.

Mayor Dungen stated that the budget for the grants was \$110,000 and the total funds requested were \$120,123. He suggested that the item be tabled and brought back to the next meeting to give Council time to review the applications.

No action taken.

8. **First reading of Resolution 84-10, a resolution approving expenditures of 4B revenues over \$10,000 of city created economic development corporations, with less than 20,000 residents for funding the contract with Kerry R. Gilbert & Associates.**

Mayor Dungen conducted the first reading of Resolution 84-10.

9. **Review, discuss and take action as necessary on the City Attorney.**

Mayor Dungen stated that City Attorney, Ty Prause has represented the City for the last nineteen (19) years and now Ty Prause was going to be the new County Judge. He stated that Ty Prause could not act as the City Attorney while being the County Judge. He also stated that when he appointed Ty Prause to City Attorney he took the recommendation of the retiring City Attorney and he would recommend doing the same now. He stated that Ty Prause was recommending that Pat Gillespie from his firm be the City Attorney. Mayor Dungen recommended that the City accept the resignation of Ty Prause and appoint Pat Gillespie to the position of City Attorney.

Councilman Axel made a motion to accept the resignation of Ty Prause and appoint Pat Gillespie to the position of City Attorney. Councilman Rankin seconded the motion.

The vote was as follows:

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

The motion passed.

Ty Prause thanked City Council and staff for helping him do his job throughout his tenure. He also thanked Council for their trust.

10. **Consideration and action on the Austin Street railroad crossing.**

Mayor Dungen stated that this is an ongoing issue. City Manager, Donald Warschak stated that he and Councilman Tesch looked over the elevation to access traffic at the intersection. They are recommending redo the transition on the north and south sides of the crossing. He stated that most of the transition would be done on the south side. He also stated that the cost would be approximately \$15,000.

Mayor Dungen stated that it is essential to build up the ramp.

Councilman Tesch stated that there would be a forty (40) foot approach on the south side. Donald Warschak stated that some of the driveways would have to be reconstructed.

Mayor Dungen stated that he would like to see if Union Pacific would participate in the construction. Donald Warschak stated that he would ask.

Councilman Schonenberg asked if by doing the south side that would mean that Crockett Street would not be affected. Donald Warschak stated that is correct.

Councilman Axel asked what would be done with the lights. Donald Warschak stated they could be used elsewhere in the City.

Mayor Dungen asked if a budget amendment would be needed. Donald Warschak stated yes.

Mayor Dungen recommended a budget amendment be placed on the next Council meeting.

No action was taken.

11. Consideration and action to approve a Budget Amendment in the amount of \$4,500 for a Library Security System.

City Manager, Donald Warschak stated that in the past four (4) to six (6) weeks there has been a vehicle broken into and a purse stole at the Library. The funds would provide for security cameras inside and outside. He stated that the cameras would also be infrared. He stated six (6) cameras and a recorder with sixteen (16) channels to allow for additional cameras to be added, if necessary, would be purchased.

Councilman Rankin asked if the cost was just for the purchase of the equipment and software. Donald Warschak stated that yes it was.

Councilman Rankin asked who would do the maintenance. Donald Warschak stated that staff would.

Councilman Rankin asked if the recorder could be set-up to only record when activity occurred. He also stated that maintenance should be looked into in terms of software upgrades.

Mayor Dungen stated that it is Council's responsibility to maintain the security of the residents.

Councilman Rankin made a motion to approve a Budget Amendment in the amount of \$4,500 for a Library Security System. Councilman Tesch seconded the motion.

The vote was as follows:

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

The motion passed.

12. Discussion and action regarding the October Police Report.

Police Chief, Danny Jackson, gave the Police Report for October 2010.

Councilman Rankin asked to have a breakdown of the tickets issued by type. Chief Jackson stated that he would get Council that information.

Councilman Tesch stated that other cities in the area had adopted ordinances banning the sale of K-2. He stated that the City needed to look at it now because it was not a problem but could become one.

13. Consideration and action on reopening Back Street

City Manager, Donald Warschak stated that he and Councilman Tesch went to look at Back Street. He stated that the approaches do not look as steep as Austin Street. He also stated to reopen the street there would have to be concrete centers and signals and he is not sure who would bear the cost the City or Union Pacific.

Councilman Axel stated that the street had been closed for a long time and if the cost would be astronomical then it would not be worth reopening the street. He stated that he was mostly concerned with the children crossing the railroad at this location because there is no protection for them.

Mayor Dungen stated that it is difficult to convince the railroad to reopen a crossing. He stated that the City could look into a pedestrian crossing.

No action was taken.

14. Items from Councilmembers.²

Councilman Richardson – no comment.

Councilman Axel – no comment.

Councilman Schonenberg – thanked Ty Prause for his service as City Attorney.

Councilman Tesch – no comment.

Councilman Rankin – no comment.

Mayor Dungen – wished everyone a Happy Thanksgiving, thanked everyone for their support and announced the December 9, 2010 Council meeting.

15. Announcements.

There were no announcements.

16. Adjournment.

The mayor adjourned the meeting at 8:05 pm.



Mayor, Dwain Dungen

ATTEST:



Cathy Ezell, 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.

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.