

The City Council of the City of Columbus, Texas met in regular session on Monday, April 12, 2021, 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
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

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. Recognition of Outstanding Citizens.

Mayor Gobert recognized the following citizens and presented each with a certificate.

Lana Wied for coordinating COVID-19 Clinic and Vaccination Distribution.

Columbus Community Hospital Employees & Staff, Beth & Billy Hercek, CJ Cernoch, Korby Halla, Kyle Huvar, Jeff Coleman, Geraldine Streckfess, Grace & Steve McCullough, Tony Kubicek, Lori Olivarez Lignes, Michaela Coleman, and Mark Francis for Service to Others During Winter Storm Uri.

Photos were also taken with each recipient.

4. Consent Agenda:

- a. Approval of Invoices
- b. Approval of Minutes of the March 22, 2021 Regular Meeting
- c. Approval of the January 2021 Financial Statements

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

The vote was as follows:

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

The motion passed.

5. Citizens' Presentations and Comments. ¹

Chris Christensen requested to speak during agenda item #9.

6. City Manager's Report Including Sales Tax, the Water Filtration Project Update, the Water Well Rehabilitation Project Update, Transportation Alternative Sidewalk Application, and the American Recovery Plan Act of 2021 (ARP).

City Manager, Donald Warschak gave his report. A copy of the report is attached to these minutes. Regarding Sales Tax, Warschak stated the April payment was \$104,137. This is a decrease from \$134,591 compared to this same time period last year. The County and City of Weimar experienced decreases, while the City of Eagle Lake saw an increase.

Councilman Rankin asked if this is a continuing trend or a delay in payments. Warschak stated looking at 2019, were tax payments abnormally high, I am not sure. Rankin stated there is always a timing issue. City Secretary, Bana Schneider, stated there are some quarterly payments, and every month there are some prior period collections. We have collected 51% of the budget, and we are at 50% of the fiscal year.

Regarding the Water Filtration and Water well Rehabilitation Projects, last week we put both of the items into service at the Tait plant, however, over the weekend, the Tait well started having some issues between the well shaft and the base of the pump where the well shaft had snapped. The well contractor came out this morning and looked at it. They pulled out the upper section to take back to the shop and see what is going on and to try to determine a cause. It had been operating and pumping fine prior to the snap. Councilman Ridlen asked if this is the new one. Warschak replied yes. Ridlen stated if this is a brand spanking new one, this is a warranty deal. Warschak stated the filter had been turning out nice sparkling water.

Regarding the Transportation Alternative Sidewalk Application, Warschak stated this is the project on MLK Street by the Junior High. We had a review meeting earlier in the week, and the project is progressing at the 50% stage. I had a preliminary meeting for the Montezuma project with the TxDOT coordinator. The application was discussed and they had comments and suggestions for the application if we get to the final step. They said we should know something in the next week or two. The coordinator thought it was a really good project for improving pedestrian access.

Regarding the American Recovery Plan Act of 2021 (ARP), Warschak stated this is part of the economic stimulus bill that was passed. Counties and municipalities were awarded funds to use for various things. The projections on the website show Columbus to be allocated \$794,969.89. Rankin asked, do we know what the rules are? Warschak replied, there is talk of a few items it could be spent on, but it is really too early to make a decision. Rankin went on to say this is money the government has already taken from our pockets.

Rankin went on to question the water, and if we are testing the water coming out of the new filters to see what the iron content is. Warschak stated we have not. When you backwash the filter, you know you are pulling iron. Rankin stated I think we should do that. That's one of the primary reasons, to get an assessment of what we have done. Warschak stated, right now we are just checking the disinfection levels after they pass through the filters. Rankin requested Warschak take water samples. Warschak replied we can take an overall sample and a treated sample.

7. Consideration and Action to Approve Ordinance 240-21, an Ordinance Amending Chapter 2 Animal Control, Article 2.02 Dogs and Cats; Rabies Control, Division 2 Dangerous Dogs, Section 2.02.041 Definitions, and Article 2.03 Livestock and Fowl of the Code of Ordinances of the City of Columbus.

Gobert stated Ridlen and Chief Edman have been working on this. Ridlen stated there were some problems with how the ordinance was previously written. It did not really define a dangerous dog in terms of all a dangerous dog could be a danger to. It was pretty much about dog on dog. This provision broadens the definition. If a dog commits an unprovoked attack on a person or animal, it now falls under the dangerous dog category, and can be dealt with accordingly.

Ridlen also addressed large animals in the City limits. We discussed a staking/tethering prohibition in the ordinance so that large livestock cannot be permanently staked within the City limits as their means of husbandry. They can be temporarily staked, but not maintained, or for an extended period of time. Councilman Cummings stated, but there is still no restriction on how close a large animal, like a cow or horse or llama, can be to a residence. Gobert stated we had talked about this before. Code Enforcement, Richard LaCourse, stated the code talks about this in regards to cleanliness. That is in the part of the code that talks about the care of the animal. It can be within 300' of a residence without these things considered to be a nuisance. So if the animal is kept

clean, it can be as close as they want it. Cummings questioned, so it can be right next to someone's house? LaCourse stated yes. Cummings went on to say, so we need a restriction on that. Ridlen responded about not being sure how you would do that. There are people that have large areas of land next to residences outside the City limits. Are you going to say they can't have them within 100' of their property line? Cummings responded, you want a reasonable distance. Ridlen responded, there is no way to define reasonable. Your reasonable and my reasonable are two differing opinions. Cummings stated you could put it in terms of feet. Rankin questioned what provision this was in. LaCourse responded, in the code where it talks about care and in the nuisance part. Ridlen requested LaCourse pull the code and read it to them. Gobert stated we have had this discussion and the more strict you make it, the harder it is to enforce. Ridlen stated the more strict you make it, the more punitive you make it for those already trying to follow the rules. LaCourse read the ordinance, under the sanitation requirements. So if the sanitation is kept up, they can be next door. Discussion continued. Gobert stated the next question to address then, is if you can't do a closer distance, if they have a violation, what happens? LaCourse responded, we usually just talk to them. Gobert, and if a second? LaCourse stated we contact the owner and tell them to meet us at the location and then they have x number of days to move them, and then if there is a third violation, they would be issued a citation. So far, when I meet with them, they move the animals. Rankin stated, so then it is discretion. LaCourse responded yes. Gobert stated we try to work with them. Ridlen stated the tethering addresses some specific problems, and asked Cummings to propose something he thinks is reasonable. Cummings stated where he lives, it is across the street, not next to his home, and that is fine. But if it were next to me, I think I would have a problem and it would bother me. I have not had a problem all these years, but it is people that have these animals that are trying to corral them at their houses. There has to be some kind of limitation on animals in the City limits between two residences. Gobert asked if there was some distance between larger animals. LaCourse stated not in our code. Gobert stated only so many animals per x amount of space. Ridlen responded it then gets back to husbandry. Rankin suggested to Cummings if he was concerned about it, to get a proposal together that could be looked at and acted upon, come specific changes to discuss. Cummings agreed to get with LaCourse and look further into the ordinance.

Councilman Rankin made a motion to approve Ordinance 240-21 as presented. Councilman Ridlen seconded the motion.

The vote was as follows:

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

The motion passed.

8. Consideration and Action, if Necessary, Regarding the March 2021 Golf Association Report.

John Mangini joined the meeting via telephone and gave the Golf Association report. A copy is attached to these minutes. He stated the freeze did some damage at the course to the greens and one of the restrooms. He reported on the tournaments currently scheduled as well as membership.

No action was required.

9. Consideration and Action to Approve the Publicity and Tourism Agreement between the City and the Columbus Chamber of Commerce.

Chamber Director, Billy Kahn, spoke about the agreement, stating COVID put the brakes on their publicity. The Chamber ended the year with \$78,068 in their coffers. He presented a budget proposal of \$258,340. Schneider stated the amount in the budget for the Chamber is \$245,000. Kahn stated it is less than they requested, but they are very happy and thankful. He noted four items in a letter that were not part of the initial budget presentation. A copy of the letter is attached to these minutes. Rankin questioned Schneider on how we were doing on the budget with revenue. Schneider reported things were picking up and we are in a collection period. Rankin stated no

matter what, if the top line is not there, you have to be careful and adjust accordingly. Schneider reported as of the end of January, there is \$245,177 in HOT funds. Rankin stated he was looking at income, not balance and didn't want it to start looking like Donald's sales tax chart, because it is way down. Schneider stated it appears to be on an upswing. Gobert stated budgeting next year will be a lot of fun and they will need to be super conservative. Things have been down so much, and when we pull these funds out, it will be extremely low.

Kahn went on to report he is brokering a deal with Splashway and Hatari Wildlife Park, that if a family spends the night in a hotel, they get a discount at one of the parks. We have been promoting Hatari because it brings people to town. We continue to promote Splashway even though they did not renew their Chamber membership. He also reported dues have been slow coming in. Ridlen questioned if they had a metric to see how Hatari was affecting local revenues. Kahn replied, not yet, but I know Hatari personnel are pleased with how things are going.

Chris Christensen questioned Kahn on a number of Chamber related topics, including Chamber affiliations, marketing, the Trolley, and the Country Market.

Councilman Ridlen made a motion to approve the Publicity and Tourism Agreement between the City and the Columbus Chamber of Commerce. Councilman Cummings seconded the motion.

The vote was as follows:

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

The motion passed.

10. Consideration and Action Regarding a Noise Variance for Friday, May 14, 2021 from 5:00 p.m. to 11:00 p.m. and Saturday, May 15, 2021 from 5:00 p.m. to 11:00 p.m. on Courthouse Square for the Magnolia Days Festival as Requested by the Columbus Chamber of Commerce.

Councilman Rankin made a motion to approve the Noise Variance for the Magnolia Festival. Councilman Cummings seconded the motion.

The vote was as follows:

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

The motion passed.

11. Consideration and Action to Submit to Planning & Zoning a Proposed Replat of a 0.378 Acre Tract Situated in Block P Lot PT 1, S/2, S-3 of the Smith & Jones Addition to the City of Columbus into Two (2) Lots (0.2066 Acres (Lot 1) and 0.1717 Acres (Lot 2)) as Requested by the Dutchman's 3 Bar W FLP.

Warschak gave a description of the property and their plans. He and LaCourse reviewed the request and it does meet all of the requirements for a replat.

Councilman Rankin made a motion to submit the replat to P&Z. Councilman Cummings seconded the motion.

The vote was as follows:

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

The motion passed.

12. Consideration and Action to Submit to Planning & Zoning a Proposed Replat of a 1.007 Acre Tract Situated in Block 88 Lot 6 of the Smith & Jones Addition to the City of Columbus into Four (4) Lots (0.289 Acres (Lot 1), 0.280 Acres (Lot 2), 0.240 Acres (Lot 3), and 0.198 Acres (Lot 4)) as Requested by Kevin Genz and Michele Schorlemmer.

Warschak gave an overview of the property and the proposed replat. He and LaCourse both reviewed the property and it meets all requirements for a replat. They are oversized lots.

Councilwoman Frnka made a motion to submit the replat to P&Z. Councilman Ridlen seconded the motion.

The vote was as follows:

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

The motion passed.

13. Consideration and Action to Approve Resolution 226-21, a Resolution Authorizing the Submission of a Texas Community Development Block Grant Program Application to the Texas Department of Agriculture for the Downtown Revitalization Program Fund.

Warschak stated this is a reapplication of the sidewalk application that was done last summer. Ridlen questioned if the application was any different, to which Warschak stated no, other than to just update numbers and resubmit. Ridlen asked if we knew why we did not get it. Warschak stated it is just very competitive.

Councilman Rankin made a motion to approve Resolution 226-21. Councilwoman Frnka seconded the motion.

The vote was as follows:

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

The motion passed.

14. Consideration and Action to Approve Resolution 227-21, a Resolution Authorizing the Selection of an Administrative Service Provider for the 2021-2022 Community Development Block Grant (CDBG) Downtown Revitalization Program Administered by the Texas Department of Agriculture (TDA).

Warschak reported Langford was the only submission, and they had done the previous application.

Councilman Rankin made a motion to approve Resolution 227-21. Councilman Cummings seconded the motion.

The vote was as follows:

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

The motion passed.

15. Consideration and Action to Approve Resolution 228-21, a Resolution Authorizing the Selection of an Engineering Service Provider for the 2021-2022 Community Development Block Grant (CDBG) Downtown Revitalization Program Administered by the Texas Department of Agriculture (TDA).

Warschak stated this is the same project as last year and he is recommending Weishuhn who was the previous Engineering Service Provider.

Councilman Ridlen made a motion to approve Resolution 228-21. Councilman Rankin seconded the motion.

The vote was as follows:

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

The motion passed.

16. Consideration and Action to Approve Resolution 229-21, a Resolution Authorizing the Submission of a Texas Community Development Block Grant Program Application to the Texas Department of Agriculture Office of Rural Affairs for the Community Development Fund.

Warschak stated this is for the submission of an application for a project like waterlines, water wells, etc. We have targeted a waterline project in two areas, one being Rampart Street, and the other Live Oak Street. Gobert stated we were thinking this could be for a water well, but our out of pocket costs were going to be crazy high, so we shifted the plan for a better opportunity.

Councilman Ridlen made a motion to approve Resolution 229-21. Councilman Cummings seconded the motion.

The vote was as follows:

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

The motion passed.

17. Items from Council members.²

Councilman Cummings – none

Councilman Ridlen – I want to applaud the City for recognizing folks for the outpouring support in the community and among neighbors. I want to also extend that out to those we didn't hear from, because there were tons and tons of those. I also want to encourage voter participation. Early voting starts Monday, April 19th.

Councilman Swindle – none

Councilwoman Frnka - none

Councilman Rankin – none

Mayor Gobert – none

15. Announcements.

Schneider reiterated Ridlen, early voting starts Monday, April 19th.

16. Adjournment.

The Mayor adjourned the meeting at 6:33 p.m.



Mayor Lori An Gobert

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 council members 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.