

January 27, 2020

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE
CITY OF OLNEY, TEXAS

6:00 P.M.

The City Council of the City of Olney, Texas, met Monday, January 27, 2020, at 6:00 P.M. Those present were: Mayor Phil Jeske, Mayor Pro-Tem Rue Rogers, Councilmembers Tommy Kimbro, Chuck Stennett, Harrison Wellman, and Terri Wipperman; Absent: None. Staff Present: City Administrator Neal Welch, City Secretary Tim Houston, Chief of Police Conny Clay, Public Works Director K.C. Blassingame, Officer Dustin Hudson, Officer Bill Achey, and Officer John Butler. All agenda items were subject to action.

Mayor Jeske called the meeting to order at 6:01 P.M.

CALL TO ORDER

Mr. Welch gave the invocation.

INVOCATION

No citizens appeared before the Council to comment.

CITIZEN COMMENT
PERIOD

Mayor Jeske entertained a motion to adopt the minutes from January 13, 2020 Regular Meeting as written. Mayor Pro-Tem Rogers made said motion, and Councilmember Wipperman seconded. Council voted unanimously to approve the minutes.

CONSIDER APPROVAL
OF MINUTES FROM
PREVIOUS MEETING(S)

Officer Hudson brought 14 properties before the Council to discuss code violations on each. Officer Hudson presented pictures of the properties and discussed the dilapidated state of the structures and various code violations found at each address.

COUNCIL ACTING AS
BUILDING COMMISSION
– HEAR REPORT &
RECOMMENDATION
FROM CODE
ENFORCEMENT
OFFICER CONCERNING
CODE VIOLATIONS AT
VARIOUS PROPERTIES

- a. 101 E Church St – Recommended Order to Repair, Remove, or Demolish.
- b. 113 E Church St – Recommended Order to Repair, Remove, or Demolish.
- c. 113 W Springcreek Rd – Recommended Order to Repair, Remove, or Demolish.
- d. 306 W Elm St – Recommended Order to Repair, Remove, or Demolish.
- e. 308 W Elm St – Recommended Order to Repair, Remove, or Demolish.
- f. 505 N Avenue E – Recommended Order to Repair, Remove, or Demolish.
- g. 611 N Avenue F – Recommended Order to Repair, Remove, or Demolish.
- h. 715 N Avenue D – Recommended Order to Repair, Remove, or Demolish.
- i. 810 N Avenue E – Recommended Order to Repair, Remove, or Demolish.
- j. 507 N Avenue C – Recommended Order to Repair, Remove, or Demolish.
- k. 204 S Avenue G – Recommended Order to Repair, Remove, or Demolish.
Officer Hudson presented an external picture of the property from Google Maps. The property had come back to the City for taxes. Structure was full of knotty pine boards.
- l. 407 W Grove St – Recommended Order to Repair, Remove, or Demolish.
- m. 504 W Main St – Recommended Order to Repair, Remove, or Demolish.
- n. 704 S Avenue C – Recommended Order to Repair, Remove, or Demolish.

Mr. Myers made a recommendation to hold one public hearing under which each property would be addressed. Mayor Jeske opened the public hearing to discuss the code violations below at 6:53 P.M. Mayor Jeske announced each property below by address and asked for any questions or comments.

PUBLIC HEARING(S)
CONCERNING CODE
VIOLATIONS AT
VARIOUS PROPERTIES.

- a. 101 E Church St – A brief discussion ensued about this property
- b. 113 E Church St – No comments.
- c. 113 W Springcreek Rd – No comments.
- d. 306 W Elm St – No comments.
- e. 308 W Elm St – No comments.
- f. 505 N Avenue E – No comments.
- g. 611 N Avenue F – No comments.
- h. 715 N Avenue D – No comments.
- i. 810 N Avenue E – No comments.
- j. 507 N Avenue C – No comments.
- k. 204 S Avenue G – Kassandra Farrall and husband came forward and wished to buy the property from the City and make repairs to the structures being that the family had sentimental and familial ties to the property. Mayor Jeske stated that the City was not comfortable selling properties with dilapidated structures. Mr. Myers said that there could be some inherent risk in selling the property as is, but that there may be an opportunity to create an agreement to sell if the property was brought up to code. Mr. Myers essentially stated that the City would enter an order to repair, remove, or demolish the structure and then enter such an agreement, and contingent upon the property meeting code sell the property to the individuals. Mr. Myers asked that the item be tabled for 30 days. Mayor Jeske agreed.
- l. 407 W Grove St – No comments.
- o. 504 W Main St – Council discussed that the property in question was no longer in Robert Howell's name and to continue with issuing an order.
- m. 704 S Avenue C – No comments.

With no further public comments being forthcoming, Mayor Jeske closed the public hearing at 7:05 P.M.

Council considered the recommendations for each of the properties.

- a. 101 E Church St – Mayor Jeske entertained a motion to issue an order to repair, remove or demolish the structures located on the property being considered. Mayor Pro-Tem Rogers made said motion, and Councilmember Stennett seconded. Council voted unanimously to issue the order.
- b. 113 E Church St – Mayor Jeske entertained a motion to issue an order to repair, remove or demolish the structures located on the property being considered. Councilmember Kimbro made said motion, and Councilmember Wipperman seconded. Council voted unanimously to issue the order.
- c. 113 W Springcreek Rd – Mayor Jeske entertained a motion to issue an order to repair, remove or demolish the structures located on the property being considered. Mayor Pro-Tem Rogers made said motion, and Councilmember Stennett seconded. Council voted unanimously to issue the order.

COUNCIL ACTING AS
BUILDING COMMISSION
– HEAR REPORT &
RECOMMENDATION
FROM CODE
ENFORCEMENT
OFFICER CONCERNING
CODE VIOLATIONS AT
VARIOUS PROPERTIES

- d. 306 W Elm St – Mayor Jeske entertained a motion to issue an order to repair, remove or demolish the structures located on the property being considered. Councilmember Stennett made said motion, and Mayor Pro-Tem Rogers seconded. Council voted unanimously to issue the order.
- e. 308 W Elm St – Mayor Jeske entertained a motion to issue an order to repair, remove or demolish the structures located on the property being considered. Councilmember Kimbro made said motion, and Councilmember Wipperman seconded. Council voted unanimously to issue the order.
- f. 505 N Avenue E – Mayor Jeske entertained a motion to issue an order to repair, remove or demolish the structures located on the property being considered. Mayor Pro-Tem Rogers made said motion, and Councilmember Wipperman seconded. Council voted unanimously to issue the order.
- g. 611 N Avenue F – Mayor Jeske entertained a motion to issue an order to repair, remove or demolish the structures located on the property being considered. Councilmember Stennett made said motion, and Councilmember Kimbro seconded. Council voted unanimously to issue the order.
- h. 715 N Avenue D – Mayor Jeske entertained a motion to issue an order to repair, remove or demolish the structures located on the property being considered. Mayor Pro-Tem Rogers made said motion, and Councilmember Stennett seconded. Council voted unanimously to issue the order.
- i. 810 N Avenue E – Mayor Jeske entertained a motion to issue an order to repair, remove or demolish the structures located on the property being considered. Councilmember Kimbro made said motion, and Councilmember Wipperman seconded. Council voted unanimously to issue the order.
- j. 507 N Avenue C – Mayor Jeske entertained a motion to issue an order to repair, remove or demolish the structures located on the property being considered. Councilmember Stennett made said motion, and Councilmember Kimbro seconded. Council voted unanimously to issue the order.
- k. 204 S Avenue G – Mayor Jeske announced that this item would be tabled for 30 days.
- l. 407 W Grove St – Mayor Jeske entertained a motion to issue an order to repair, remove or demolish the structures located on the property being considered. Mayor Pro-Tem Rogers made said motion, and Councilmember Stennett seconded. Council voted unanimously to issue the order.
- m. 504 W Main St – Mayor Jeske entertained a motion to issue an order to repair, remove or demolish the structures located on the property being considered. Councilmember Kimbro made said motion, and Mayor Pro-Tem Rogers seconded. Council voted unanimously to issue the order.
- n. 704 S Avenue C – Mayor Jeske entertained a motion to issue an order to repair, remove or demolish the structures located on the property being considered. Councilmember Wipperman made said motion, and Councilmember Kimbro seconded. Council voted unanimously to issue the order.

Mayor Jeske opened the public hearing at 7:08 P.M. to discuss requests to rezone properties. Mr. Houston explained that the Planning & Zoning Board had met previously to discuss and consider the properties on the Council agenda.

PUBLIC HEARING(S) TO
CONSIDER REQUEST TO
REZONE

- a. 612 S Avenue M from Residential (R-1) to Agriculture (Ag)
Mr. Houston explained that the Planning & Zoning Board had considered the request from Dike Hamilton. Subsequently, the Board had approved and recommended that the Council grant the request to rezone. No complaints or objections had been forthcoming from the letters sent to neighboring properties within 200 feet of the property being considered.
- b. 305 E Hutchings Rd from Residential (R-2) to Agriculture (Ag)
Mr. Houston explained that the Planning & Zoning Board had considered the request from James Ford. Subsequently, the Board denied the request, and recommended that the Council deny the request to rezone. No complaints or objections had been forthcoming from the letters sent to neighboring properties within 200 feet of the property being considered. However, the Planning & Zoning Board considered the property much too small to adequately perform any agricultural business on, and recognized that it would still need to meet City codes and standards.

With no further public comments being forthcoming, Mayor Jeske closed the public hearing at 7:12 P.M.

Council considered each request to rezone in the order received.

CONSIDER REQUEST TO
REZONE

- a. 612 S Avenue M from Residential (R-1) to Agriculture (Ag)
Mayor Jeske entertained a motion to accept the recommendations of the Planning & Zoning Board for each property and to grant the request to rezone 612 S Avenue M from Residential (R-1) to Agriculture (Ag). Mayor Pro-Tem Rogers made said motion, and Councilmember Wipperman seconded. Council voted unanimously to grant the request.
- b. 305 E Hutchings Rd from Residential (R-2) to Agriculture (Ag)
Mayor Jeske recognized that Council accepted the recommendation, but inquired whether Council could consider a contrary motion. Mr. Myers stated that if Council wished to leave the zoning as it was that no motion was required, but that the Mayor should ask if there is a motion to rezone. Mayor Jeske asked if there was a motion to grant the rezone. No motion was forthcoming, and the request died for lack of a motion or second.

Mr. Houston stated that the City had received three bids on two properties.

CONSIDER BID(S) ON
TEXAS RESALE
PROPERTIES

- a. 106 S Avenue F – Mr. Houston stated that Richard Reno of Olney had bid \$2,100 on this property and Cheap Lands, Inc. of Florida had bid \$1,001. Mr. Welch explained that he had received a rough appraisal of the property and it was approximately \$3,000 - \$5,000. Mayor Jeske entertained a motion to reject both bids. Mayor Pro-Tem Rogers made said motion, and Councilmember Kimbro seconded. Council voted unanimously to reject both bids.
- b. 204 S Avenue G – Mr. Houston stated that Cassandra Farrall had bid \$2,000 for the property. Mr. Myers expressed the concerns about selling the property since it had code violations against it. Mayor Jeske announced the bid would be tabled for 30 days.

Mr. Welch explained that this was the system the Court used to place blocks on driver's license renewals. Mayor Jeske stated it was a good program to get people who refused to come in and take care of their citations. Mr. Welch stated the contract would not cost the City any money and that it needed to be renewed on a yearly basis. Mayor Jeske entertained a motion to authorize the City Administrator to approve the OMNI Contract on behalf of the City. Councilmember Wellman made said motion, and Councilmember Wipperman seconded. Council voted unanimously to approve the motion.

CONSIDER APPROVAL
OF OMNI CONTRACT

Mr. Myers stated that it would be inappropriate for any employee of Tower Extrusions on the Council to participate in any voting and/or discussion of the easement proposal and recommended they recuse themselves. Mayor Pro-Tem Rogers, and Councilmembers Kimbro and Wellman recused themselves from the discussion and abstained from subsequent votes. Mr. Myers explained that there was a second sewer pipeline across the property that the City needed an easement for that ran mostly East to West across the property and crossed under the north awnings of the building. Mark McClelland had offered an amendment to the proposed easement language that would put the cost on the City if it had to change the course of the pipe and it could not be replaced with pipe-bursting methods. The awning floors would be replaced at Tower's cost if it was necessary to pull them up for line access. Mayor Jeske asked that a straight shoot of the line be made for location purposes. Some discussion ensued between Mr. Myers and those members of the Council who did not have a conflict of interest. Mr. Myers stated that in order to execute the agreement the Mayor and City Secretary would need to be authorized to sign the documentation. Mayor Jeske entertained a motion to approve the amendment to the easement proposal, and proceed with finalizing the paperwork. Councilmember Stennett made said motion, and Councilmember Wipperman seconded. Councilmembers Stennett and Wipperman voted in favor of approving the motion, there were no votes against the approval of the motion, and Mayor Pro-Tem Rogers, Councilmember Kimbro, and Councilmember Wellman abstained. With a vote of two yeas, zero nos, and three abstentions, the motion was approved.

CONSIDER TOWER
EXTRUSIONS
PROPERTY EXCHANGE
EASEMENT PROPOSAL
AT OLD CITY SHOP

Mr. Houston explained that after perusing the utility rates in ordinance that no mention of a bulk water rate could be found. Therefore, Ordinance O2-20 as presented would introduce and formalize a fee for bulk water of \$5 for up to 500 gallons, \$10 per 1,000 gallons, and \$10 per thousand thereafter with surcharge being tacked on top of the rate already charged. The fees would be added as an amended section of Ordinance O12-19. Mayor Jeske stated he would like to see how the bulk water would interact with Water Conservation Plan. Mr. Houston stated he would find out and the item was tabled.

CONSIDER ORDINANCE
O2-20 ON FIRST
READING TO AMEND
CITY BULK WATER RATE

Mr. Houston stated that this would formalize the fee already in ordinance and amend the Code of Ordinances to include the City's current capabilities and procedures for limbs. Previous ordinance had stated that limbs would be chipped for free on the first load and \$20 on every subsequent load. Instead this would amend ordinance to state that the limbs would be picked up and hauled off to the Convenience Station with the first load being free and every subsequent load costing \$20. Mr. Blasingame inquired whether there was a time limit for when the one load renewed. Mr. Houston replied there was not, but it would be simple to amend. After some discussion, it was agreed that amending ordinance to state that the first load of each month would be free and every subsequent load in that month would be \$20. Mayor Jeske entertained a motion to approve Ordinance O3-20 on first reading as amended. Mayor Pro-Tem Rogers made said motion, and Councilmember Wellman seconded. Council voted unanimously to approve the motion.

CONSIDER ORDINANCE
O3-20 ON FIRST
READING TO AMEND
LIMB PICK-UP FEE
STRUCTURE

Mr. Houston stated that current ordinance only prohibited burning in public streets, alleys, and rights-of-way. Ordinance O4-20 would go further to ban all burning except in a limited number of circumstances. Councilmember Kimbro expressed concern about being able to use fires to cook, grill, or for warmth. Mr. Houston replied there was an exception built-in for that. Officer Hudson expressed concern about superseding the regulatory authority of the Texas Commission on Environmental Quality (TCEQ) and on fires used for religious purposes. Mr. Houston replied there was an exception for fires lit with the approval of the TCEQ, and for ceremonial purposes where a free permit was acquired though public safety would still take precedent. Mr. Houston read the exceptions aloud: These exceptions are: firefighter training, fire used for ceremonies that are approved by the City, fires used for warmth or non-commercial outdoor cooking in a container designed for that purpose, operations approved by the TCEQ, fires conducted by the City and approved by TCEQ, incinerators, and conflict with a Burn Ban enacted by Young County. With no further discussion, Mayor Jeske entertained a motion to approve Ordinance O4-20 on first reading. Mayor Pro-Tem Rogers made said motion, and Councilmember Wellman seconded. Council voted unanimously to approve the motion.

CONSIDER ORDINANCE
O4-20 ON FIRST
READING TO BAN
BURNING WITHIN CITY
LIMITS WITH LIMITED
EXCEPTIONS

Mr. Houston presented Council with a breakdown of the month cashflow, a breakdown of where City revenues came from, and information from Hilltop Securities regarding the Municipal Debt Schedule with current payoff amounts. The Certificated of Obligation (COs) for 1993, 1997, and 2013 were immediately callable for payoff. However, the 2014 and 2015 series COs were not yet callable and would simply require an amount to be set aside in escrow to retire the loan with projected interest earnings. Mr. Houston listed the amounts required to be placed up for immediate payoff or escrow, and warned that if the City expended significant sums of money from reserves that Council would need to place additional monies in its dedicated reserve accounts to satisfy conditions of its debt obligations.

REVIEW AND CONSIDER
ALTERATIONS TO
MUNICIPAL DEBT
SCHEDULE AND
STRUCTURE

1993 SERIES – IMMEDIATE PAYOFF – \$491,000
1997 SERIES – IMMEDIATE PAYOFF – \$128,000
2013 SERIES – IMMEDIATE PAYOFF – \$297,000
2014 SERIES – ESCROW AMOUNT – \$156,722
2015 SERIES – ESCROW AMOUNT – \$2,533,336

Mr. Welch stated that he understood that Council wanted to pay down some of the debt, but he favored taking some of the funds and pushing them towards the most urgent priorities of the City to replace aging and/or broken equipment. A brief discussion ensued with several items being mentioned.

Mayor Jeske stated that this would be something Council would need to mull over and look at. It was decided to table the item until a later meeting.

There being no further business to come before the Council, the Council adjourned by consent at 8:09 P.M.

ADJOURNMENT

ATTEST:

Mayor

City Secretary

Date Approved