

June 28, 2021	MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF OLNEY, TEXAS	6:00 P.M.
<p>The City Council of the City of Olney, Texas, met Monday, July 28, 2021 at 6:00 P.M. Those present were: Mayor Rue Rogers, Mayor Pro-Tem Tom Parker, Councilmembers Harrison Wellman, Brad Simmons and Terri Wipperman. Absent: Chuck Stennett. Staff Present: City Administrator Neal Welch, Chief of Police Dan Birbeck, Police Officer/Zoning Officer Dustin Hudson, Assistant City Administrator Arpegea Pagsuberon, City Secretary Tammy Hourigan, K.C. Blassingame, Public Works Director and Attorney Daniel Branum. All agenda items were subject to action. Meeting was broadcast and recorded online using GoToMeeting.com in accordance with Open Meetings Laws guidance during COVID-19 Pandemic Disaster.</p>		
Mayor Rogers called the meeting to order at 6:00 P.M.	CALL TO ORDER	
Brad Simmons gave the invocation.	INVOCATION	
There were no citizens present during the Citizen Comment Period.	CITIZEN COMMENT PERIOD	
Minutes from the June 14, 2021 City Council Meeting were tabled and will be reviewed at the next City Council Meeting July 12, 2021.	CONSIDER APPROVAL OF MINUTES FROM PREVIOUS MEETING(S)	
<p>Mark Turner and his brother Arnold Turner were present to request that water service be installed for their property located North of Highland Road. The address belonging to Mark Turner is 1222 Highland Drive and his brother owns the adjacent property. Mr. Turner explained that he has plans to build a house and relocate permanently once his son has graduated. He currently has a RV on location for use while building the home. It is his hope to have everything completed at the very latest in 5 (five) years. Arnold Turner is on a similar timeline. Mark is further along on his build, but Arnold would request water services as well in order to plant trees on his property and have a means to care for them readily available. Mayor Pro-Tem Parker stated that there is a State requirement or recommendation, not sure if it's been made a requirement, that if the property abutted the City and there is a request for City water outside of the City limits, there must be a plan in place for annexation. Since water is partially funded by State funds, State did not want a City subsidizing non-taxable entities by receiving assets from the State and not paying taxes. Mayor Pro-Tem Parker asked Mr. Welch if he had inquired as to the rules? Mr. Welch stated that the City Charter could go either way. Mayor Pro-Tem Parker stated that it was possibly a law that had not been adopted and suggested that Attorney Barnum investigate. He then stated to Mr. Turner that he didn't think there would be a problem as long as there was a</p>	DISCUSS AND CONSIDER WATER SERVICE FOR PROPERTY LOCATED OUTSIDE OF CITY LIMITS	

<p>timeline for completion that met any requirements. Mayor Rogers verified that Mr. Turner had no problem with annexation. Mr. Turner stated that he did not, he just wanted to have everything completed before beginning the annexation process. Mayor Pro-Tem Parker asked Officer Hudson if he had any input? He stated that even if Mr. Turner was building the house himself, that was permitted under the current Ordinance. Officer Hudson did state that there could possibly be a special permit needed due to "RV Living" while building the house. There was discussion between the Councilmembers as to Zoning and it was determined that Zoning would take place once annexation was completed, Councilmember Wellman inquired as to whether the property could be Zoned agricultural? Officer Hudson stated that it would be a Planning and Zoning decision. Then touched on the explanation of "spot" zoning and what it meant. Basically, that property had to be zoned the same as land that adjoined or was adjacent from it unless certain conditions were met. Mayor Rogers entertained a Motion to approve water service to property located outside the City Limits of Olney, Texas pending the compliance with requirements for State Law. Councilmember Whipperman made said Motion. Mayor Pro-Tem Parker seconded. Council voted unanimously to approve the Motion.</p> <p>Mayor Pro-Tem Parker did state that it would be a timing issue and to keep in contact with Mr. Blassingame and Mr. Welch. There could possibly require another meeting to adopt a resolution. Could be two weeks, maybe four. Mr. Welch stated that the water connection should move along swiftly, maybe not so quickly on the annexation. Mayor Pro-Tem Parker stated that what the City can deliver and when is dependent on requirements by State Law. Mr. Welch was instructed to follow up on those requirements.</p>	
<p>It was explained by Mayor Rogers that there were some outstanding questions from the last City Council Meeting held on June 14, 2021 as to the conditions of the bid process and the acceptance of those bids by the City of Olney. Mr. Welch visited with Texas Communities Group and Mr. Myers and it was explained that the City of Olney has the ability to review and turn down any bids made during the process. All individuals participating in the process read and accept a list of rules that state such before they are allowed to begin the bidding process. If they choose not to accept those rules, they are re-directed to the Home Page and no bidding is allowed. Mayor Rogers then started the discussion as to what would possibly be the most beneficial way to deal with these properties? Possibly take time to study the lots, access the fair market value, be prepared and know what the long-term plan is in order to make a determination when these bids are presented. When presented with the bids find out what use is intended, if the value will be increased and hopefully be good stewards of City of Olney property. Mayor Pro-Tem Parker stated that there could possibly be the case where an individual states that they're planning to build a \$150,000.00 (One Hundred Fifty Thousand Dollars) house on the property. With this knowledge it could be in the best interest of the City of Olney to give the lot(s) away at no charge because of the revenue that could be generated once the structure is finished. Possibly gifting a lot and having a</p>	<p>CONSIDER TAX RESALE BID(S)</p>

<p>home built would be more advantageous to the City. He stated that the City was possibly in a unique situation due to people moving into the City and around the Country that it could be a better outcome than selling a lot for \$1,500.00 (Fifteen Hundred Dollars) and having a storage container placed on it. Mayor Pro-Tem Parker feels that the process needs to be given more attention. Mayor Rogers suggested possibly forming a committee to check the appraised values of the lots, go view the lots, study the maintenance costs and make recommendations to the Council as to what would be the best course of action. Ms. Pagsuberon asked if this would possibly be something that the Finance Committee, once formed, could undertake? Mayor Pro-Tem Parker stated that possibly local realtors could be contacted to give opinions of value and even market them. Councilmember Wellman then asked if the City would want Texas Communities Group, LLC to list lots as available to be given away. That was not something that was desired at this time. He then asked if this was something that needed to be tabled? He stated that a decision of some kind needed to be made since individuals had already paid money to Texas Communities Group, LLC while waiting for the final decisions. Officer Hudson stated that he was aware of one party that had already requested a refund due to the length of the process. Mayor Rogers stated that there could be more. That particular request involved a \$1300.00 (Thirteen Hundred Dollar) bid on a property that the City currently had \$3000.00 (Three Thousand Dollars) invested. He then verified that the minimum bid on listed properties was now \$1,200.00 (Twelve Hundred Dollars). Mayor Rogers referred again to the forming of a Committee that could gather information and assist the Council in making informed decisions on the acceptance of bids. Mayor Pro-Tem Parker mentioned that sales taking place on Courthouse steps were structured to begin with "all costs" being covered was the minimum bid. Councilmember Wellman asked if the entire process needed to be re-structured, money refunded to the current bidders and the entire process begin again after deciding the structuring? Mayor Rogers again suggested forming a committee to look into value and be able to advise the Council on the matter. Ms. Pagsuberon did bring it to the attention of the Council that the appraised value of each lot was listed on the bid sheets. Attorney Branum did state that he had seen an increase in his office of individuals purchasing property online from other States. Mayor Rogers stated that he did not feel Council was ready to rule on this matter. It was tabled.</p>	
<p>Mr. Welch stated that there has been a problem within the City of Olney City Limits where individuals have trash containers other than those belonging to Waste Connections. The City of Olney has a contract with Waste Connections that states they will be the sole provider for trash/waste service in City. This Ordinance will allow law officers to enforce that rule. Without the Ordinance there is no way for the City Police to enforce a civil matter. Councilmember Wellman asked if this was actually in the contract that was signed and when did the contract expire. The contract expires in February 2022. It was stated by Mayor Pro-Tem Parker that he had experienced this when building here in town and had hauled debris by dump truck to Iowa Park. Councilmember Wellman asked how</p>	<p>FIRST READ AND DISCUSS ORDINANCE TO ENFORCE THE CONTRACT WITH WASTE CONNECTIONS AS A SOLE SOURCE PROVIDER</p>

<p>contractors would know that they were required to use Waste Connections and was informed by Mayor Pro-Tem Parker that it's their responsibility to be informed and to find out such things when they pull permits. Mayor Rogers re-verified that it was in the City's contract with Waste Connections, but that it was not being enforced and that this Ordinance would allow the enforcement. Mayor Pro-Tem inquired as to what could be done if not enforced. Chief Birbeck stated that the contract does in fact say that the City of Olney will enforce. It was his understanding that if the City decided not to enforce that they could be in breach of contract. When the Police Department was notified and asked to enforce, they realized that there was no Ordinance in effect. The contract does state that the City will adopt Ordinances to make the contract enforceable. Mayor Rogers performed the First Reading of the Ordinance. Councilmember Wellman requested that Attorney Branum review the contract before the Second Reading to be certain that we were clear on the contract. It was mentioned by Officer Hudson that an individual had contacted Waste Connections about hauling off debris. It was going to be several weeks before they could get to it and much more expensive than the other provider. Mayor Rogers mentioned that they were instructed by Waste Connections to use the other provider and pay the fine. Mayor Rogers entertained a Motion to approve the First Reading of Ordinance 04-21 to Enforce the Contract with Waste Connections as a Sole Source Provider. Mayor Pro-Tem Parker made said Motion. It was explained by Ms. Pagsuberon that the Motion did not have to be seconded if the Council was not certain. Mayor Rogers suggested that Attorney Branum review prior to the Second Reading. It was clarified that the Ordinance did not specify a company, it read Waste Disposal Company, in order to cover any company that the City of Olney contracted. It was stated that there would be a Second Reading before final approval was given, if given at all. Councilmember Wellman seconded. Council voted unanimously to approve the Motion.</p>	
<p>Mr. Welch stated that at the last Council Meeting, June 14, 2021, Mayor Pro-Tem Parker mentioned that the City of Olney needed a minimum rate for installing water taps. The Ordinance states that the minimum cost for water or sewer taps is \$1,200.00 (One Thousand Two Hundred Dollars). Any additional costs will be the responsibility of the individual requesting the installation. Mayor Pro-Tem Parker verified with Mr. Blassingame that the amount listed would cover the cost for sewer as well as water tap. Mayor Rogers entertained a Motion to approve the First Reading of Ordinance 03-21 to increase and set a minimum fee on water and sewer tap fees. Mayor Pro-Tem Parker made said Motion. Councilmember Simmons seconded. Council voted unanimously to approve the Motion.</p>	<p>FIRST READ AND DISCUSS ORDINANCE TO INCREASE NEW WATER TAP FEES</p>
<p>Mayor Rogers stated that it would be prudent to form a Finance Committee in order to assist with the new Budget and the building of the Water Treatment Plant, since it was such a large capital project and Budget Review. Form a designated group that could review the numbers and then present to the Council. The hope is that this would allow for more time and efficiency. Mayor Rogers stated that he felt Mayor Pro-Tem Parker and</p>	<p>DISCUSS FORMING A FINANCE COMMITTEE TO ASSIST IN FORMULATING THE</p>

<p>Councilmember Wellman would be good candidates from the Council. They both are very numbers orientated, the remaining should be City of Olney citizens. It will be a community effort, discussing the pros and cons. Mayor Rogers then asked for input from the other Councilmembers. Mayor Pro-Tem Parker stated that he felt there should be an "odd" number on the committee, so most likely 5(five) instead of 6(six). He then stated that an outpouring from the community wanting to participate would be great. Have a large list and have to keep the committee to 9(nine). Individuals who have a finance background or banking would be very desirable on the committee. Also needed are individuals who have an appreciation for numbers but don't necessarily work in that field. The committee needs to be diverse in order to not have everyone on the committee agreeing to everything every time. Mayor Pro-Tem Parker feels that those that will ask questions are an asset as well. Total transparency is a large part of this committee. There was a discussion as to how the committee would be identified and selected. It was determined that the committee would need to be approved by Council, but that a Special Called Meeting could be held for that reason, as long as a 72 (seventy- two) hour notice was given for posting of the Agenda. Mayor Rogers suggested putting in the newspaper that there was a chance for interested individuals to possibly be on the committee. The City website was also an option. Several individuals were mentioned by name and Councilmembers were going to reach out to them to see if they were interested. It was decided that the information would be posted, the individuals previously mentioned would be contacted and a meeting would be held on Tuesday, July 6, 2021 to see who and how many had expressed interest. Attorney Branum then asked if this same committee would be the ones that reviewed the lots for bid, that was mentioned earlier in the meeting. Mayor Pro-Tem Parker stated that it potentially could be the same committee. It was reiterated that this committee would be used in a guidance capacity. No Motion was made since this was a discussion of how Council was moving forward to form the Finance Committee.</p>	<p>CITY OF OLNEY 2021-2022 BUDGET</p>
<p>Mr. Welch stated that the City of Olney had received a notification that the City of Wichita Falls was increasing the price to less than 1(one) cent per 1000(thousand) gallons of water. There was no agreement to sign, just a notification. Mayor Rogers asked that a copy of the letter be sent to the Council. No action was taken.</p>	<p>DISCUSS THE WHOLESALE WATER COST INCREASE BY THE CITY OF WICHITA FALLS FOR WATER RECEIVED FROM LAKE KICKAPOO</p>
<p>Mr. Welch stated that Council had approved the project to be taken from Avenue F to Avenue G but the contractor cannot find pipe. The contractor wants to place a manhole, but Mr. Welch and Mr. Blassingame want to delay the project instead of placing a manhole that could possibly create more problems. SDR 26 is what size pipe is needed and it is 36.63/ft. which will be \$27,000.00 (Twenty-Seven Thousand Dollars) plus trucking. Mr. Welch stated that they were looking for guidance from the Council as to how they wanted them to proceed. The original approved cost was \$58,000.00(Fifty- Eight Thousand Dollars) before the pipe shortage and</p>	<p>DISCUSS AND CONSIDER SEWER LINE PROJECT ON SPRING CREEK ROAD</p>

<p>increased cost and involved a CDBG Grant. That contract was taking the project to Avenue F it was approved to proceed to Avenue G but the pipe was not purchased and now is unavailable. The Council asked for clarification as to what was initially approved and what the contract stated. If the contract stated that the contractor would purchase the pipe and was approved for a specific amount there were questions as to whether the City of Olney should pay the cost or if it is on the contractor. The contract needs to be reviewed to see exactly what it states. No action was taken.</p>	
<p>The Council was presented with a price list of what software enhancements were needed and the costs of those items. Mayor Rogers verified that there had been a meeting via phone the week before between representatives from ASYST, Ms. Pagsuberon, Ms. Hourigan and Mayor Pro-Tem Parker. This meeting resulted in the City being assigned a designated support person who is working to take care of the software problems and concerns. Ms. Pagsuberon explained to the Council what we currently have and that the cost is \$7954.00 (Seven Thousand Fifty- Four Dollars) a year. When the meeting took place, ASYST was asked to give the City an overview of what they were able to offer that would be beneficial and alleviate some of the problems. Ms. Pagsuberon briefly explained some of the modules and the positive impact that they could have. In the past a lot of the reporting and Budget preparation has been processed manually and resulted in mistakes and errors being made. There is a module that specifically targets preparing the Budget. There is electronic bank reconciliation that will assist in reconciling the bank statements actually to the G/L, which has been an audit issue in the past. The enhancements not only include software that will enhance our current system but there is also a new system to store our back-ups that should greatly decrease the chance that work will be lost and have to be re-created. This particular piece will allow individual access (signing into) the system that will aid in all transactions and applications being trackable. Ms. Pagsuberon also gave information on another enhancement-EPrint. This particular enhancement will take care of the printing of the water bills once all data entry has been finished. The printing, sorting and mailing is taken care of by ASYST. The cost to purchase the enhancements is \$18,037.00 (Eighteen Thousand Thirty-Seven Dollars) with an annual fee of \$10,334.00 (Ten Thousand Three Hundred Thirty - Four Dollars). Mayor Rogers stated that there were a lot of advantages to the program and the enhancements that we were just recently made aware of. He stated that since the City already has the software he feels that it needs to be utilized to it's full potential. Ms. Pagsuberon made the statement that purchasing the enhancements would allow the chance to experience all that ASYST has to offer. If, the decision is later made to go with another software completely, that would be at least a year or longer from now and all the accounts, files and history would have to be "cleaned up" and correct in order to transfer to a new system. Mayor Pro-Tem Parker asked Mr. Welch if there were any areas in the Administrative Budget where funds could be re-allocated to cover these costs? Mr. Welch stated that he would need to check the line items to see if that was available. Mayor Pro-Tem Parker stated that he feels all are in agreement that this needs to be done but also the question as to how it can be accomplished? Mr. Welch stated that normally there would be funds that could be re-allocated but currently he is</p>	<p>DISCUSS AND CONSIDER ASYST ENHANCEMENTS</p>

<p>aware of line items that are over budget. Mayor Pro-Tem Parker inquired as to what line items? Mr. Welch answered that one was Legal Expense. Mayor Rogers inquired as to the Budget amount which is \$40,000.00 (Forty Thousand Dollars). Mr. Welch stated that the Legal Expense is currently \$82,000.00 (Eighty -Two Thousand Dollars) with three (3) months left in the fiscal year. Mayor Pro-Tem stated that this should be something that was placed on the Agenda previously before the amount exceeded the Budget in this amount. Mr. Welch stated that he would review line by line item to see if the cost of the enhancements could be found in the Budget. Mayor Pro-Tem inquired as to the timeline of payment upon approval. Ms. Pagsuberon stated that it was immediate. Once approved, ASYST would be notified, a contract is sent, licenses issued and the software is made available. EPrinting could take a couple of weeks. Mayor Pro-Tem Parker stated that the training was definitely needed, Report Designer, in order to be able to prepare the G/L reports. Councilmember Simmons commented that we would not need to purchase the Meter Reader module immediately. That would lessen the amount to be spent. Councilmember Wellman asked when the current maintenance agreement with ASYST expired and if the new agreement was purchased would any of those funds be pro-rated. That was not known but could be researched. Ms. Pagsuberon was able to access the Budget and reported that those funds had previously been paid from the Finance Budget and not Administration and that they were previously paid in October, the beginning of the fiscal year. After reviewing the numbers, Mayor Pro-Tem stated that he felt the money was most likely available in the Budget, the funds would possibly just need to be re-allocated. During this discussion it was mentioned by Mayor Pro-Tem Parker that he didn't think that the billing needed to be done through ASYST. He stated that those needed to be correct before being outsourced. Ms. Pagsuberon and Ms. Hourigan stated that there was a huge improvement during the last month on the billing. It was the 28th of the month and the bills were printed and ready to go the Post Office. Mayor Pro-Tem Parker suggested that the research be done to locate the funds and the results be submitted to the meeting that is scheduled to form the Finance Committee. Mayor Rogers stated that the decision would be finalized at the meeting scheduled to be held on July 6, 2021.</p>	
<p>Mayor Pro-Tem Parker stated that this Agenda item needed to be tabled until the Finance Committee was formed. No action was taken.</p>	<p>2020-2021 BUDGET REVIEW</p>
<p>Mayor Rogers reminded everyone of July Fest that was going to be held at the Country Club July 1st. Attorney Branum added that T-shirts advertising the event were for sale at his office for \$20.00 (Twenty Dollars) each. He then gave a rundown of the scheduled guests that were performing at the event. Officer Hudson stated that plans had been submitted by Family Dollar to bring a store to the City of Olney. There had been a string of burglaries in the City. He had travelled to Wichita Falls, was able to assist the Wichita Falls PD, gather some intel that was most likely going to result in an arrest.</p>	<p>DISCUSS OTHER COUNCIL MATTERS- ITEMS OF CONCERN TO MEMBERS OF THE CITY COUNCIL</p>

There being no further business to come before the Council, the Council adjourned by consent at 7:57 P.M.	ADJOURNMENT
ATTEST: _____ Tammy Hourigan, City Secretary	