

October 25, 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, October 25, 2021 at 6:00 P.M. Those present were: Mayor Rue Rogers, Mayor Pro-Tem Tom Parker, Councilmembers Brad Simmons, Terri Wipperman, Harrison Wellman and Chuck Stennett. Staff Present: Interim City Administrator Arpegea Pagsuberon, Police Chief Dan Birbeck, Officer Dustin Hudson, City Secretary Tammy Hourigan, City Attorney Bill Myers 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 6:05 P.M.		CALL TO ORDER
Councilmember Wellman gave the invocation.		INVOCATION
There were no citizens present during the Citizen Comment Period.		CITIZEN COMMENT PERIOD
<p>Mayor Rogers entertained a Motion to accept the Minutes from the Special Called Meeting September 7, 2021 and the Special Called Meeting September 17, 2021. Councilmember Simmons made said Motion and Councilmember Wipperman seconded. Council voted unanimously to approve the Motion.</p>		CONSIDER APPROVAL OF MINUTES FROM PREVIOUS MEETING(S)
<p>The Finance Committee met at 5:00 P.M. prior to the Council Meeting. Dean Hinton with Corlett, Probst and Boyd, the engineering firm that has been working on the Water Treatment Plant Project was present at that meeting to give updates and answer questions pertaining to the building/renovations to the Water Treatment Plant. Mr. Hinton also attended the Council Meeting at 6:00 P.M. to give an update and answer any questions. He stated that the projected costs of the project would be \$12,5-\$13Million Dollars conservatively at today's prices and those prices will do nothing but escalate. The timeframe, if started today would be approximately three years, but there are also delays because there are plans that still have to be drawn up and completed by the engineers before construction can begin. Mayor Rogers had asked the Finance Committee to be prepared with their recommendations for the funding of the project at the next Finance Committee Meeting which will be held Monday, November 8, 2021 at 5:00 P.M. Mayor Rogers commended the Finance Committee on their work that they had done and again stressed the importance of keeping the citizens of Olney up to date on the Water Treatment Plant Project and all developments.</p>		UPDATE FROM FINANCE COMMITTEE ON WATER TREATMENT PLANT RENOVATION PROJECT
<p>There had been a situation in the City Hall during the week before the regular scheduled meeting where an individual had come into the office to settle a past due bill. The bill was significant and was the result of a leak</p>		HEAR AND CONSIDER ACTION TO RESOLVE

<p>earlier in the year. The individual was initially advised of the leak, but did not resolve the problem. Employees from the Public Works Department then went to the area and assisted in locating the leak. There is a formula that is used to assist with large balances as this and a payment plan is agreed upon. The individual came into the offices to make an offer to settle the balance. It was this time that Ms. Pagsuberon was not at liberty to accept the offer without the OK from the City Council. It was decided at the meeting that Ms. Pagsuberon, acting as Interim City Administrator did in fact have the authority to accept a payment plan that she believed to be in the best interest of the City and its' interests. Mayor Rogers made a Motion to allow Arpegea Pagsuberon, Interim City Administrator to accept payment and resolve delinquent accounts on behalf of the City of Olney. Councilmember Wipperman made said Motion. Councilmember Simmons seconded. Council voted unanimously to approve the Motion.</p>	<p>WATER UTILITY RESIDENTIAL ACCOUNT</p>
<p>Justin Calhoun came before the Council to request permission to run a gas line to a structure that he's constructing. The gas line will run through the airport lease property and that has to be approved. The Council asked questions and advised him to make arrangements with the individual(s) that lease the land from the City of Olney as to scheduling and such so that any planted crops would not be disturbed. Mr. Calhoun stated that he would involve everyone associated with the airport as to his plans and everything would be returned to the same state as before. Mayor Rogers entertained a Motion to grant Justin Calhoun permission to add a gas line that will run through the airport farm lease property. Mayor Pro-Tem Parker made said Motion. Councilmember Stennett seconded. Council voted unanimously to approve the Motion.</p>	<p>DISCUSS AND CONSIDER REQUEST BY JUSTIN CALHOUN TO ADD A GAS LINE THAT WILL RUN THROUGH THE AIRPORT FARM LEASE PROPERTY</p>
<p>Jennifer Lane attended the Council Meeting representing Keep Olney Beautiful (K.O.B.). She stated that it was the wish of the organization to use funds that were available to renovate and upgrade the Olney Civic Center. She stated that it would not be able to all be done at one time, but that they were hopeful the renovations could be well underway and the facility looking much better by January when they were planning to host the Chamber of Commerce Banquet. This would eventually include painting, trim, flooring, ceiling, removing the partition that divides the area, remodeling the kitchen area, remodeling the bathrooms, basically a complete facelift for the facility. Ms. Pagsuberon stated that she would look at current reservations and advise Ms. Lane in order to alleviate booking problems during the renovations. Mayor Rogers entertained a Motion to allow Keep Olney Beautiful (K.O. B) to renovate the Olney Civic Center. Councilmember Simmons made said Motion. Councilmember Wellman seconded. Council voted unanimously to approve the Motion.</p>	<p>DISCUSS AND CONSIDER KEEP OLNEY BEAUTIFUL CIVIC CENTER RENOVATION PLAN</p>
<p>The usage of propane within the City Limits of Olney has come up more often since the freeze experienced this past February. People are exploring alternate ways to heat their homes in the event that it happens again. Mayor Pro-Tem Parker had requested that the Atmos Energy Franchise Agreement be reviewed to ensure that it did not state that Atmos had to be the single source of heating fuel. That was not the case. Not only does it not stipulate</p>	<p>DISCUSS AND CONSIDER PROPANE USAGE WITHIN THE CITY LIMITS</p>

<p>that only natural gas can be used in the City Limits, it does not stipulate that Atmos Energy can be the only natural gas delivering source. The Council is aware that there is an Ordinance which needs to be repealed and this can be accomplished with the adoption of a new City Ordinance which will need to be adopted. Officer Hudson made mention that the Ordinance needed to be updated to reference a more current Fire Code than the 2003 one currently referenced. There are a number of issues that need to be considered and referenced. Attorney Branum is aware of the topic and is taking care of ensuring that the Ordinance is properly prepared and covers all areas needed. Mayor Pro-Tem Parker stated that it needed to be addressed and ready for the next scheduled Council Meeting. At this time Officer Hudson brought up the topic of permits and fees needing to be adjusted. This will be discussed at the next Council Meeting. No action was taken at this time.</p>	
<p>Mayor Rogers instructed the Council that it was time for nominating a representative for The Young County Central Appraisal District Board. He stated that it was currently Jake Bailey. He had talked with Mr. Bailey and he'd stated that he would accept the nomination if there was no one else wanting the nomination. Mayor Rogers asked the councilmembers if any of them had anyone else in mind? Mayor Rogers entertained a Motion to nominate Jake Bailey to the Young County Central Appraisal District Board. Councilmember Wellman made said Motion. Mayor Pro-Tem Parker seconded. Council voted unanimously to approve the Motion.</p>	<p>CONSIDER NOMINATIONS TO THE YOUNG CENTRAL APPRAISAL DISTRICT BOARD</p>
<p>Mayor Rogers entertained a Motion to approve the Resolution to formalize the nomination of Jake Bailey to the YCAD Board. Councilmember Wellman made said Motion. Mayor Pro-Tem Parker seconded. Council voted unanimously to approve the Motion.</p>	<p>CONSIDER RESOLUTION TO FORMALIZE NOMINATION OF CANDIDATE TO YCAD BOARD</p>
<p>Ms. Pagsuberon gave the Council information that this is a program that had been previously brought before Council some time in 2019, but apparently the contract was never completed. Since employees have since changed, Ms. Pagsuberon was reacquainting all the councilmembers with the program being offered by Perdue, Brandon, Fielder, Collins and Mott, LLP. The contract states that they will pursue collection of outstanding utility receivables for a fee of 30% of the outstanding debt. They are also collectors for Municipal Court but the collection fee is added to the debt and the Court receives the full amount owed. The utility collections would be structured as the City of Olney receives 70% and Perdue, Brandon, Fielder, Collins and Mott, LLP receives 30%. Councilmember Wellman asked if there was a way that the City of Olney could place in the utility application a clause that would cover this expense if the account went to collection? Attorney Branum advised not to change the contract since it currently does not require that all past due accounts in collection status be sent to them. This is beneficial to the City of Olney considering that a collection letter could be sent to the past due customer by the attorney and possibly alleviating the expense of the 30%. This leaves the option of turning past</p>	<p>CONSIDER APPROVING A CONTINGENT FEE LEGAL SERVICES CONTRACT WITH PERDUE, BRANDON, FIELDER, COLLINS AND MOTT, LLP SAID CONTRACT BEING CALLED FOR THE COLLECTION OF OUTSTANDING UTILITY RECEIVABLES OWED TO THE CITY OF OLNEY. THIS AGENDA ITEM BEING CALLED FOR THE PURPOSE</p>

<p>dues over for collection or taking steps to collect without using the service. Councilmember Wellman inquired as to the amount(s) currently charged for a utility deposit? Residential is \$150.00 and Commercial is \$300.00. At this point there was a discussion as to why the deposit was held until the account either is closed? Mayor Pro-Tem Parker stated that there should be a timeframe agreed upon and if the customer remains in good standing and proves their ability to pay their utility bill, the deposit is applied to the bill. Ms. Pagsuberon stated that she would research to see what was required of a Municipality pertaining to utility deposits and speak with the auditor. Ms. Pagsuberon also stated that there is another program that will be researched TRRA Texas Recovery Revenue Act. This will alert other cities when an individual applies for service and has left owing another City. Mayor Rogers entertained a Motion to approve entering into a contract with Perdue, Brandon, Fielder, Collins and Mott, LLP for the collection of outstanding utility receivables owed to the City of Olney. Councilmember Wipperman made said Motion. Councilmember Stennett seconded. Council voted unanimously to approve the Motion. Mayor Rogers did then mention to look into what needs to be done to get the language added to the utility application pertaining to the additional charges that will be incurred if the account goes to collection.</p>	<p>OF CONSIDERING THE MATTERS LISTED IN TEXAS GOVERNMENT CODE SECTION 2254.1036(A)(1). REQUISITE NOTICE OF THESE ITEMS IS POSTED WITH THIS AGENDA IN ACCORDANCE WITH THAT SECTION.</p>
<p>Ms. Pagsuberon stated that she had researched and looked for the information pertaining to water service outside of the City Limits and annexation requirements. She stated that all the information that she found basically stated that an individual cannot be forced by the city to annex but the individual can request annexation. City Attorney Myers had also reviewed the documents and advised the Council that every instance needed to be addressed. He could find no reason why an individual wishing to acquire water service and willing to pay the higher rate because they reside outside the City Limits should not be allowed to. There are many aspects of this that have never been argued in court. The City will continue to have the requests completed by the individuals and they will be treated on a case by case basis. There was no action taken at this time.</p>	<p>DISCUSS WATER SERVICE OUTSIDE THE CITY LIMITS AND ANNEXATION REQUIREMENTS</p>
<p>Mayor Rogers stated that he had received word from Dr. Roach about the condition of the bathrooms in the concession stand at the baseball field. Last year portables were used and that was not a good solution. Mayor Rogers stated that Dr. Roach thought the school could possibly do a lot of the work but will be considering the expenses involved to get the renovations done since it's owned by the City of Olney and leased by the school. It's a 99- year lease and that lease will be examined to verify who has responsibility for what. Councilmember Simmons asked the status of the survey of lots at the Lake? Ms. Pagsuberon stated that she would reach out to three survey companies to get quotes for having the lake lots surveyed. Officer Hudson stated that he felt the lake lot contracts needed to be reviewed and updated. Mayor Rogers stated that this had been discussed in previous Council Meetings then had been delayed due to working on the Budget. He agreed that it's time to revisit and make some plans. He inquired as to the point person(s) on the lake lot project? Ms. Pagsuberon, Officer Hudson, Legal Counsel and a council member if needed will begin addressing this and gathering information to bring back to</p>	<p>DISCUSS OTHER COUNCIL MATTERS – ITEMS OF CONCERN TO MEMBERS OF THE CITY COUNCIL</p>

<p>Council. Ms. Hourigan stated that there have been inquiries as to paying rental. She stated that she had told the individuals that there will be no “back rent” collected. Once a definite plan is in place, the City of Olney will then begin accepting rent, if that’s the course of action but nothing owed prior. Councilmember Wellman stated that he felt there were a number of items that needed to be addressed from previous Council Meetings. Trash service was one of those items. Mayor Pro-Tem Parker stated that a plan of action needed to be addressed beforehand. City Attorney Myers stated that Attorney Branum has been working on the Lake Lot project for organizational purposes and has found that most tenants do have contracts. Officer Hudson stated that a plan needed to be formulated with who was going to manage and how it was going to be managed to make things better for all since enforcing laws at the Lake are different from enforcing laws within the City Limits. Mayor Pro-Tem Parker mentioned that there is a large development taking place to the west of the Lake Lot Property that could possibly make patrolling and enforcement more difficult. Officer Hudson stated that there will be a Sheriff’s auction in the near future and he believes that there are seven properties located within the City Limits of Olney that will be listed in that auction. He did state that the owners will have until the morning of the auction to pay all the back taxes to prevent the sale of the property. There was a discussion about the difficulty to get dumpsters for the abatements. Mayor Rogers asked for a number of dumpsters that would be needed in order to make plans for the demolitions. Chief Birbeck did mention, since he thought it might be an issue that the demolition taking place in town for the new Family Dollar Store was not an issue of someone not following the sole provider ordinance for waste, but that the company that owned the dumpsters located on the property were actually the company performing the demolition. Chief Birbeck thanked the Council for the approval of the 2021-2022 Budget, which resulted in increases for his officers, with the exception of the School Resource Officer. Chief Birbeck spoke with Dr. Roach and was told it could be added to the next school Budget. Officer Birbeck stated that he’d like for the Council to think about amending the 2021-2022 Budget and take care of the salary increase for the SRO until the new School Budget is approved. He mentioned that he will present it at the next meeting. Chief Birbeck stated that all the parts for the patrol vehicles are coming in and that the vehicles are hopefully nearly ready for delivery. Mayor Rogers thanked the Police Department for a successful National Night Out. Chief Birbeck mentioned how nice the front area of the Civic Center looks since it’s renovation.</p>	
<p>There being no further business to come before the Council, the Council adjourned by consent at 7:50.</p>	<p>ADJOURNMENT</p>
<p>ATTEST:</p>	

Tammy Hourigan, City Secretary	
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