

July 12, 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 12, 2021 at 6:00 P.M. Those present were: Mayor Rue Rogers, Mayor Pro-Tem Tom Parker, Councilmembers Harrison Wellman, Brad Simmons, Terri Wipperman and Chuck Stennett. Staff Present: City Administrator Neal Welch, Assistant City Administrator Arpegea Pagsuberon, Police Officer/Zoning Officer Dustin Hudson, City Secretary Tammy Hourigan, Public Works Michael Jacobi,, City Attorney Bill Myers, 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	
Harrison 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 adopt the revised Minutes from the June 14, 2021 Council Meeting as written. Councilmember Stennett made said Motion and Mayor Pro-Tem Parker seconded. Council voted unanimously to Approve the Motion..</p>	CONSIDER APPROVAL OF MINUTES FROM PREVIOUS MEETING(S)	
<p>Dean Hinton with Corlett, Probst and Boyd Engineering was available to answer any questions that were possibly left unanswered from the last Council Meeting concerning the Spring Creek Project (CDBG Grant Project). It was determined that the Texas Department of Agriculture would not allow a change order, since the \$58,000.00 that was previously approved was over 25 percent of the initial Project Bid. It was Mr. Hinton's recommendation that the addition would have to be re-bid. Mayor Pro-Tem Parker verified that everything being presented was for informational purposes only. It was then stated by Mayor Pro-Tem Parker that there was no extension (since that was the wording on the agenda). Councilmember Wellman then asked if this was referring to the \$2 Million Dollar Sewer Grant? It was explained that this was the Community Block Grant. The City of Olney did not receive the \$2 Million Dollar Grant. It was determined that none of that pertained to this Agenda Item. No Action was Needed. No Action was Taken.</p>	DISCUSS AND CONSIDER THE EXTENSION OF THE 2020-2021 CDBG CONTRACT	
<p>Mr. Welch stated that the Consumer Confidence Report was received and distributed via mail to the Olney residents. Mr. Welch wanted to address it since there is a Public Hearing on the Agenda to discuss the results. Michael Jacobi was present to answer any questions. Mayor Rogers asked if there were any questions? None were expressed.</p>	HEAR AND ACCEPT CONSUMER CONFIDENCE REPORT ON WATER QUALITY	

<p>Mayor Rogers opened the Public Hearing at 6:09 P.M. It was verified that there were no Public Comments or Person(s) in attendance. Mayor Rogers closed the Public Hearing at 6:10 P.M. Mayor Rogers entertained a Motion to Accept the Consumer Confidence Report on Water Quality. Mayor Pro-Tem Parker made said Motion and Councilmember Simmons seconded. Council voted unanimously to Approve the Motion.</p>	<p>PUBLIC HEARING: CONSUMER CONFIDENCE REPORT ON WATER QUALITY</p>
<p>Mr. Welch stated that he had received a request from Jim Hirsch at Air Tractor. Last year the County had seal coated the County Road up to the Airport Property. He was requesting that the City of Olney seal coat the remainder. Mr. Welch stated that the cost would be \$6,000 - \$7,000 and was available in the Budget if the Council agreed to the expense. Mayor Rogers confirmed that the County did not complete the sealing process because they were City of Olney roads. The Project is part of the Ramp Grant which is provided by the State of Texas, Department of Aviation. Mr. Welch stated that he believes the funding comes from the FAA. The funds can be used for anything that needs to be done at the Airport up to a specific amount. The Grant pays half and the City of Olney will pay half. The total amount needed for the Seal Coat is \$15,000 and the Grant will cover half of that amount. Mayor Rogers entertained a Motion to Approve Funds needed to complete the Airport Road seal coat. Councilmember Simmons made said Motion and Councilmember Wipperman seconded. Council voted unanimously to Approve the Motion. Councilmember Wellman then asked if the Budget needed to be amended due to this action? It was determined that it did not. He requested that Airport expenses be made available at the next Council Meeting. Mayor Pro-Tem Parker stated that those items would all be a part of the upcoming Budget Workshop.</p>	<p>DISCUSS AND CONSIDER AIRPORT ROAD SEAL COAT</p>
<p>During the discussion of the Airport Road Seal Coat, Jason and Leta Browning arrived at the Council Meeting. Attorney Branum mentioned that they were there for the Water Quality Report. There was discussion pertaining to exactly what had been received in the mail (Consumer Confidence Report on Water Quality). It was explained by Mayor Rogers, then the need for the samples being taken and what samples were taken was explained by Mr. Jacobi. Mr. Browning then brought up the fact that he had heard that water rates were going to increase \$30-\$50. He was assured that this was not something that had already been approved. It was a part of a discussion that had taken place in the Finance Committee, just prior to the Council Meeting and had been mentioned as a possibility for aiding in covering the cost to construct the Water Treatment Plant. Mayor Rogers explained the importance and the immediate need of the Water Treatment Plant Project. At this point, City Attorney Myers stated that the meeting had strayed off topic and that the Public Hearing needed to be re-opened. Mayor Rogers reopened the Public Hearing at 6:22 P.M. Mr. Brown stated that he didn't think his meter was being read since the consumption seemed to be varying. The meter had just been replaced the prior week. There were some questions about the current reading. Mr. Jacobi addressed some of their concerns and made a plan to look at the meter the following day. Mayor Rogers asked if there were any other concerns that</p>	<p>REOPEN THE PUBLIC HEARING: CONSUMER CONFIDENCE REPORT ON WATER QUALITY</p>

<p>could be addressed and thanked them for being concerned citizens and taking part in the meeting. Mayor Rogers closed the Public Hearing at 6:26 and informed Mr. and Mrs. Brown that they were welcome to stay for the remainder of the meeting.</p>	
<p>Mayor Pro-Tem Parker stated that this agenda item was due to him walking in on a conversation with Officer Hudson. There are no defined property lines. This is resulting in Officer Hudson receiving multiple phone calls daily. He stated that the lake lots fall under the City Ordinance Codes, but there is no way to enforce anything, since there are no definitive property lines and any way of distinguishing who is and is not in compliance. City Attorney Myers stated that in approximately 1980 he suggested, to the City Administrator that the entire lake lot area be surveyed. The city was not interested in pursuing that. City Attorney Myers was asked to put a general lease together and that is what was done. He said that he agreed with everything that Officer Hudson had stated. He then asked what was the amount of revenue generated from the leasing of the lots? There was not a definite amount but it was stated that the lease is now \$500 per year. Mayor Rogers stated that it had increased from \$200 per year a couple of years ago. Officer Hudson stated that there were numerous residences located at the lake and that he was certain there were violations. Permits have never been pulled, permission to build or place a structure is not being requested, all of which is part of the Lease Agreement. Mr. Brown, who was still in attendance at the meeting, stated that he had been to the lake and witnessed violations that were definitely sanitation issues. Mayor Pro-Tem Parker asked City Attorney Myers if he had recollection as to what the Lease Agreement stated pertaining to residential structures? He stated that in the 1960's there was a structure that belonged to the Kelly Family. It was a nice structure with a dock, but other than that, most places were for fishing, camping and recreational purposes. Mayor Pro-Tem Parker stated that he felt recreational purposes was what was needed for the lake to be returned to. There is a problem that Archer City PD has experienced, because there are no 911 addresses that are affiliated with the Lake Lots. Mayor Pro-Tem Parker asked if there was a moratorium that could be placed on the leasing of lake lots until a decision could be made as to how the City of Olney was going to proceed? City Attorney Myers asked what were the terms of the lease? He was told that the lease is annual, but is not defined by the same month for everyone. It currently seems to be determined to begin in whichever Month the initial lease is signed, instead of being, for example, January – December for everyone. Mayor Pro-Tem Parker asked City Attorney Myers what could be done in order for City Hall to have some guidance in the way of leasing or not leasing during the interim. Mayor Rogers entertained a Motion that the City of Olney stop issuing Late Lot Leases. Mayor Pro-Tem Parker, then asked if it could be added that the City will pursue clarification of those lots in existence and create a document to protect and serve the individuals and the rights and responsibilities of the City? Mayor Pro-Tem Parker stated that if it's not put into record that something is going to be done, it will be six months from now, nothing will be done and Officer Hudson will be right back at the Lake because of the same issues. He mentioned that he would assist in any way.</p>	<p>DISCUSS AND CONSIDER ZONING OF LAKE LOTS AND CONTINUANCE OF LEASING</p>

<p>That the problem needs to be moved forward. It's a safety issue. Officer Hudson did suggest inviting all interested parties in for a discussion of the issues prior to any beginning of evictions. Mayor Pro-Tem Parker stated that eviction was not the topic. City Attorney Myers then asked that the term eviction not be used. Officer Hudson stated that there were major problems that needed to be corrected and Mayor Pro-Tem Parker concurred. He stated that what was there (at the lake lot) needs to be documented, then a document needs to be created that allows the individual(s) leasing to be able to have use of what they have leased and protect the City with its actions, whether that be Ordinances or additional Ordinances or applying the existing Ordinances. There has to be structure created that protects those leasing, the City and moves this forward. Mayor Rogers then entertained a Motion to stop issuing Lake Lot Leases and for the City to document what is currently at the lake. Create a document that will aid in regulating and serving the City of Olney and the person(s) living at the Lake. City Attorney Myers then suggested that there be an immediate moratorium on any new lake lots or extensions of lake lots. Mayor Rogers then entertained a Motion that there be an immediate moratorium on any new lake lots or extensions of existing ones. Mayor Pro-Tem Parker made said motion and Councilmember Whipperman seconded. Councilmember Stennett abstained. Council voted to approve the Motion.</p>	
<p>Mayor Rogers stated that Chief Birbeck was out and that the item would be tabled.</p>	<p>EXECUTIVE SESSION: DISCUSS THE EVALUATION AND DUTIES OF CHIEF OF POLICE DAN BIRBECK PURSUANT TO SECTION 551.074(a) OF THE TEXAS GOVERNMENT CODE</p>
<p>None given</p>	<p>MONTHLY DEPARTMENTAL REPORTS</p>
<p>Councilmember Stennett stated that the individuals that were at the previous Council Meeting were inquiring as to whether a decision had been made about the 50th One Arm Dove Hunt being commemorated on a public building (the Civic Center). Mayor Rogers asked City Attorney Myers if he was aware of any violations involved with doing this? He stated that since it was a Non-Profit Organization, he didn't see any problem. Councilmember Stennett then verified that it could be done. It was also mentioned that the murals previously mentioned would be revisited. Mayor Rogers was going to inquire as to whether KOB would be interested in participating. Mayor Pro-Tem Parker took the opportunity to thank each and everyone who was a part of the JulyFest Celebration. There were over 1000 individuals in attendance and it was a great success. Mr. and Mrs. Browning were asking</p>	<p>DISCUSS OTHER COUNCIL MATTERS- ITEMS OF CONCERN TO MEMBERS OF THE CITY COUNCIL</p>

<p>if they would be able to paint the fire hydrant located in the corner of their yard? Officer Hudson stated that there were certain Fire Codes that had to be followed when painting a fire hydrant. Officer Hudson stated that he would get them a copy of the 2003 Fire Code in order to make sure it was in compliance. Mr. and Mrs. Browning stated that they were simply wanting to preserve the historical history of their place and make it appealing. City Attorney Myers stated that he met with the District Attorney and Assistant District Attorney of Young County and that they were singing the praises of Chief Birbeck. Attorney Branum stated that he too was pleased with the turnout for the JulyFest Celebration and how much he appreciated everyone pitching in and making sure that everything was cleaned up in such a timely manner.</p>	
<p>There being no further business to come before the Council, the Council adjourned by consent at 7:57 P.M.</p>	<p>ADJOURNMENT</p>
<p>ATTEST:</p>  <p>_____</p> <p>Tammy Hourigan, City Secretary</p>	