

City of Newark
City Council Minutes
Thursday, December 15, 2011

I. Call to Order

Mayor Matt Newby called the meeting to order 7:05 p.m. Those present were Mayor Matt Newby, Mayor Pro Tem Laura Pixler, Council Member Bob Wells, Council Member Chana Massey, Council Member Doug Anderson, City Administrator Diane Rasor, City Attorney Walt Leonard, Attorney Kevin Curley and TML Attorney Freddie Stark.

II. Invocation - Council Member Anderson delivered the invocation.

III. Citizen Comments - None.

IV. Mayor's Report - None

V. Presentation of New Website

Council Member Wells and Council Member Massey had a lot of input on the site and it looks very good. The website has updated agendas and minutes and will have a link to the City's code after the first of the year.

VI. Consent Agenda - A. Approval of November 10th and 17th Minutes B. Approval of Accounts Payable C. Approval of Financial Data for November-December 2011 D. Approval of Library Staff Report

Council Member Wells moved to approve consent agenda items A, B, C and D; Council Member Massey seconded the motion. All approved. Motion approved.

VII. Regular Meeting

1. Discussion on Public Work's projects: (A) Rogers' Road (B) Wastewater Grant (C) Meters/Meter Boxes (D) Meter Reading (E) Equipment (F) Inventory

Public Works Director Shawn Bartlett stated the Rogers' Road project will be delayed until March or April 2012. The preliminary steps for the paving of Rogers' Road will still continue. Mayor Newby said we need to possibly consider moving the discharge of the sewer plant prior to repaving Rogers' Road since the pipe may need to be laid under the road. Council Member Wells was opposed to this idea stating the pipe could be laid next to the road and he doesn't want the project delayed.

The wastewater improvements project has been approved by the State and work will begin in January. The grant will rehabilitate the Sandy Bass lift station and make improvements to the wastewater treatment plant. These improvements should save the City approximately \$5,000 per year in electricity. The grant will only pay for two new rotors and Council Member Wells'

requested an item be scheduled for next month's meeting to discuss and act on the City paying for a third rotor.

Texas Engineering Extension Service (TEEKs), helped determine the problem with the "racetrack", a holding facility for wastewater where aerators pump oxygen into the wastewater. In the past the sludge was dumped back into the racetrack which resulted in killing the bugs needed to treat the wastewater. Once new rotors are installed and a sludge box is used this problem should be resolved.

Public Works has updated the meter reading route to help with efficiency. They have also begun replacing broken meter boxes and raising the boxes, which will also help with meter reading. This should save time and money since it will not take three days to read meters. The majority of meter boxes in the City are broken and therefore the Public Works' Director spent a substantial amount of money purchasing replacements. This figure will need to be addressed at the next budget workshop.

Mayor Newby and Shawn Bartlett are still researching vehicles to purchase for the public works department. One of their trucks is going to need some work since the rear end was damaged when it tried to haul something too heavy. The estimate is \$685.00 for the repair and possibly \$1,000 for a new door. A trailer will need to be purchased to pull the excavator.

2. Consider and act on the request for relief from the overage and/or reduction of the water bill at 509 A Rogers Road.

Mr. Bernie Christian, 509A Rogers Road, stated he owns a half acre with a mobile home on it that he has leased out and last month a water leak developed on the property. The repair cost him \$475.00. Mr. Christian stated the normal utility bill is \$70.00 and last month it was \$224.00 and asked the council for relief for the amount above the average bill. Council Member Wells stated the City cannot be responsible for the leak on his property. Mr. Christian said his plumber mentioned there may have been a "surge" in the water pressure; however Public Works Director Shawn Bartlett stated the City has not flushed the lines in that area lately and there have not been any repairs on Rogers Road. Mr. Christian was disappointed there is no procedure in place for these issues so citizens do not need to come before the City Council.

3. Consider and act on donating a black & white printer, color laser printer, book drop cart, and a book truck to the Dish Public Library.

Council Member Anderson moved to donate the black & white printer, color laser printer, book drop cart, and a book truck to the Dish Public Library; Mayor Pro Tem Pixler seconded the motion. All approved. Motion passed.

4. Consider and act on approval of the Tocker Foundation Grant Application and authorizing Mayor Newby to sign the application for the Library.

Library Director Megan Suffling explained this is a private grant totaling approximately \$32,000 and there is no match required from the City. The Tocker Grant is used for furniture and library

automation.

Council Member Massey moved to apply for the Tocker Grant and authorize the Mayor to execute same; Council Member Wells seconded the motion. All approved. Motion passed.

5. Consider and act on buying two (2) more additional licenses for the website.

Originally two licenses were purchased for the City Administrator and the Utility Billing Clerk; however it would be prudent if one council member and the librarian had access to the website.

Mayor Pro Tem Pixler moved to purchase the Adobe Contribute for two more licenses; Council Member Anderson seconded the motion. All approved. Motion passed.

6. Consider and act on Resolution No. 267 approving the City of Newark's Investment Policy.

Council Member Wells moved to adopt Resolution No. 267, the City of Newark's Investment Policy; Mayor Pro Tem Pixler. All approved. Motion passed.

7. Consider and act on Resolution No. 268 approving the City of Newark's Procurement Policy.

Council Member Wells moved to adopt Resolution No. 268, the City of Newark's Procurement Policy; Council Member Anderson seconded the motion. All approved. Motion passed.

8. Consider and act on auctioning items with Rene Bates.

There are chairs, shelving, a computer table and the patching machine and possibly items in the old gym that need to be listed in an upcoming auction.

Council Member Massey moved to list these items as stated with Rene Bates; Council Member Wells seconded the motion. All approved. Motion passed.

9. Consider and act on the design of the new city hall.

The original design did not allow for storage and so a new plan was generated to allow the back section of the building that is currently the Council Chambers to be used as storage. Council Member Massey still has concerns on drainage and it was suggested the City Engineer give a recommendation on the issue. The project will consist of two phases; basically completing the front section and then working on the back section.

Council Member Wells moved to adopt the proposed floor plan (attached as Exhibit "A"); Council Member Anderson seconded the motion. All approved. Motion approved.

10. Consider and act on participating in the National Flood Insurance Program.

Need more information; item is postponed until the next meeting.

11. Consider and act on continuing Stage 1 of the City's Drought Contingency Plan.

No action taken on this item.

12. Consider and act on scheduling a workshop on repairing the City's roads.

Council Member Wells moved to schedule a budget and road repair workshop for Thursday, January 12, 7:00 p.m.; Mayor Pro Tem Pixler seconded the motion. All approved. Motion passed.

13. Consider and act on the sign at 202 FM 718.

The building where the sign stands has been abandoned for some time, the sign is crooked and an eyesore on FM 718. Per the City's Ordinance #A225 the City can have the owner repair or remove the sign. The City Administrator was directed to send a code violation letter to the owner to begin the process of having the sign removed.

14. Consider and act on Katrina Ellis's request: (A) To be removed from the City's sewer system and allowed to use a septic tank. (B) To have the City of Newark's old City Hall sign.

Ms. Ellis was not present to present her request. Council Member Wells stated the City's Ordinance A-19 requires any residence within one hundred feet of the City's sewer system to be hooked up to the system.

Council Member Wells moved to file in small claims court for the amount owed on her utility bill and with the Wise County Health Division (of TCEQ); Council Member Massey seconded the complaint. All approved. Motion passed.

15. Consider and act on purchasing a plaque for the old City Hall sign and determining a location to display the sign.

Mayor Pro Tem Pixler suggested displaying the old City Hall sign in the lobby of city hall with a commemorative plaque. No action was taken on the item.

VIII. Executive Session – Texas Govt. Code §551.071. Consultation with Attorney (A) City of Newark vs. Katrina Ellis (B) Amy Cromer vs. City of Newark

The City Council entered into executive session at 8:50 p.m. and returned to regular session at 9:59 p.m.

16. Discussion on Cromer vs. City Newark

Bob Wells explained Amy Cromer filed a whistle blower case against the City in 2010. She filed

for \$86,000 this case settled for \$18,500 by Texas Municipal League (TML). In that case the City filed for summary judgment, and copies of this are available at City Hall, which goes into the details of the case, and tells the City's side of the occurrence.

17. Consider and act on executive session items(s). No action was taken.

18. Adjourn.

The meeting was adjourned at 10:00 p.m.

APPROVED:

Matt Newby, Mayor

Date

ATTEST:

Diane Rasor, City Administrator