

CITY OF WINTERS



CITY COUNCIL REGULAR MEETING MINUTES Monday, February 28, 2022, 6:00 p.m. Council Chambers, City Hall, 310 S Main, Winters, Texas

*** NOTE: D/A on this agenda stands for Discussion/Action.**

Call meeting to order. Mayor Mark Burkhart called the meeting to order at 6:00 p.m.

Quorum check. Mayor, Mark Burkhart
City Attorney, Ken Slimp
Alderman, Clayton Woffenden
Alderman, Elmer Buckelew
Alderwoman, Ursula Estrada
Alderwoman, Carolyn DeNigro
Alderwoman, Sandee Schneider

Prayer. Acting City Secretary, Sheila Lincoln opened in prayer.

Agenda Item # 1: Community input.
There were no comments or input from the community.

Agenda Item # 2: D/A from Julie Keller/ Michael Parker with MBVA Law Firm to adopt Resolution 2022-02 to expedite the process of In-Trust Property.

Michael Parker of MBVA Law Firm addressed the council, stating that he is trying to streamline a bit of the process involved with the sale of in-trust property. In a brief overview Mr. Parker stated his firm is the one who files the lawsuit when there are delinquent property taxes; if taxes aren't paid by the time they go to court, they end up going to District Court and taking a judgment. If still not paid by the time of the next tax sale those properties that were in judgement are then auctioned off at the courthouse on the first Tuesday of the month. Most properties sell at the auction, if not those properties are called "bid-in-trust" the sheriff will sign the property deed and the property is essentially deeded to Runnels County where the county will hold it in trust for the taxes owed against the property. When in-trust properties are offered for sale, they are generally offered below what is owed on the property to generate interest and get it sold and get what they can out of it. When a property is sold then the deed has to be circulated and signed off on by each taxing entity. In allowing the mayor to sign off on the deeds without having to go before the council will save some time in the process. Attorney Ken Slimp suggested only the mayor be able to sign off on them. Alderwoman Sandee Schneider made a motion to approve

and adopt the resolution with correction of person authorized to sign being the mayor only. Alderman Elmer Buckelew seconded the motion, all in favor. Motion carried.

Agenda Item # 3: D/A from Sage Diller from eHT, on rejecting the bid from W & S Construction and reopening bid for the CDBG Sewer System Improvement.

Sage Diller with eHT addressed council stating that on February 16th they opened bids for the CDBG sewer improvement project, the city only received one bid which was considerably higher than what the grant funds allow. Mr. Diller stated that he did reach out to some of the regular contractors for input and they had stated that their plates have been full and that a grant project takes more time than they had available. He states that the funds need to be expended before the end of the year. He proposes to restructure the bid and put it out for advertisement again. At this point and time, he recommends rejecting the bid from W & S. Alderwoman Carolyn DeNigro made a motion to reject the bid and allow eHT to restructure for reopening the bid. Alderman Elmer Buckelew seconded, all in favor. Motion carried.

Agenda Item # 4: D/A f from Sage Diller from eHT, regarding execution of professional service agreement and task orders for ARPA related projects.

Mr. Diller reminded the council that eHT was slated to design projects for the ARPA funding for the city of Winters and presented the professional services agreement for service and design relating to the high service pump and evaluation of filters at the water treatment plant. He asks that the council signs off on Task Order No. 1 & Task Order No. 2 and to consider allowing the mayor to sign off on future task orders without them going before council in an effort to move projects along in a timelier manner. Alderwoman Sandee Schneider made a motion to approve the execution of the professional service agreement for these two task orders only. Alderman Clayton Woffenden seconded the motion, all in favor. Motion carried.

Agenda Item # 5: Discussion from Sage Diller from eHT, regarding the Texas Water Development Board DWSRF and CWSRF applications for financial assistance.

Mr. Diller states that the city has done many of these applications in the past and they are the biggest opportunities in the state of Texas for funding on water and wastewater projects. He states the applications are due on March 1,2022 and there is no commitment from the city upon submission and no fee from eHT for putting the applications together and submitting on the city's behalf. The results of the applications intended use plan will come out mid- summer stating where the city ranks. If there is disadvantage money available and the city accepts there could be a percentage of grant money and a low interest loan on the remainder. Current anticipation is that interest rates would be less than 2%. Mr. Diller states that currently the city is looking at around two and a half million on the water side and two and a half million on the wastewater side. No action on this agenda item.

Agenda Item # 6: D/A on appointing members to the Zoning Board for the city of Winters.

Appointees are:

Mr. Duane Geistmann, Place 1
Ms. Linda Huckaby, Place 2
Mr. Greg Nichols, Place 3
Ms. Patricia Carey, Place 4
Mr. Rene Woffenden, Place 5
Mr. Randall Conner (Alternate)

Mayor Mark Burkhart introduced the zoning board appointees. Mr. Randal Conner addressed the council stating that the zoning board has not met in a good while now. He stated that the current ordinance states there can be no mobile homes in the city; a court case ruling states that you cannot restrict mobile homes from the city entirely but that you should designate an area for such homes. Mr. Conner further states that we have several ordinances that are not enforceable and need to be revised. He states in 1996 the ordinances were adopted for no mobile homes. Alderman Clayton Woffenden stated that he believes that some mobile homes are nicer than some of the homes currently in the city. Mayor Burkhart states that he would like to work with the zoning board to improve current ordinances. Mr. Conner concludes by saying that changes must be made so that ordinances are enforceable and not just in relation to mobile homes but in general. Alderwoman Carolyn DeNigro made a motion to appoint the listed appointees to the zoning board. Alderwoman Ursula Estrada seconded the motion, all in favor. Motion carried.

Agenda Item # 7: D/A regarding Low Income Household Water Assistance Program (LIHWAP) "Water Provider Agreement" with Cornerstone Community Action Agency.

Attorney Ken Slimp disclosed that he sits on the board of the Cornerstone Community Action Agency. Alderman Elmer Buckelew made a motion to approve the Water Provider Agreement with Cornerstone Community Action Agency. Alderwoman Sandee Schneider seconded the motion, all in favor. Motion carried.

Agenda Item # 8: D/A regarding signing of LED Lighting Options from AEP.

AEP representative Blake Burchard called the city to explain that the mercury vapor bulbs in current light poles around the city will be replaced with LED bulbs as the mercury vapor bulbs will soon be obsolete. The cost of replacement is \$137.86 per pole; the city can elect to do all replacements at one time or can do as many or as little as desired. AEP will replace the fixture for free if the photocell goes out. The city has 279 lights currently. Alderwoman Sandee Schneider made a motion to approve the signing of the LED Lighting Options from AEP, starting with replacing the eleven 400-watt mercury vapor in the amount of \$1,516.46. Alderwoman Carolyn DeNigro seconded the motion, all in favor. Motion carried.

Agenda Item # 9: D/A regarding increase of the starting wage for the water department and an increase of pay for existing water department employee (s) excluding water supervisor.

Alderman Sandee Schneider stated that her opinion is that the new starting rate for new hires should be \$12/hr. and \$12.50/hr. for existing water department employees as she researched competitive pay in neighboring towns who start out at more per hour than our current employees make. Alderman Ursula Estrada asked about current pay rate of existing/new hire employees in the water department. Mayor Mark Burkhardt asked about how many certifications could be gained in that department, Water Supervisor, Michael Blackshear stated that one could be certified in both surface water and wastewater and employees are compensated according to current policy. Mayor Burkhardt stated that in the future the council could consider giving raises based on evaluations per individual and not a straight percentage.

Alderman Clayton Woffenden made a motion to increase the starting wage for the water department to \$12/hr. for new hires and to raise existing water department employees, with exception of the water supervisor, to \$12.50/hr. effective immediately. Alderman Ursula Estrada seconded the motion, all in favor. Motion carried.

Agenda Item # 10: D/A for the approval and adoption of Resolution 2022-03 prohibiting the carrying of a handgun into the room or rooms in which any meeting of the city council or any other city board or commission that is subject to chapter 551, Texas Government Code (Open Meetings Act) is meeting.

Alderman Sandee Schneider made a motion to approve and adopt Resolution 2022-03 prohibiting the carrying of a handgun into the room or rooms in which any meeting of the city council or any other city board or commission that is subject to chapter 551, Texas Government Code (Open Meetings Act) is meeting. Alderman Elmer Buckelew seconded the motion, all in favor. Motion Carried.

Agenda Item # 11: Monthly Reports: For January 2022.

- A. City Hall Monthly Report. - Acting City Secretary, Sheila Lincoln and/or Accounts Payable Clerk, Sharon Miller: Acting City Secretary reported that the Fairview Cemetery, a.k.a. The Knights of the Pythian Cemetery will be recognized as a historical cemetery. The VoIP phones have been fully installed and are up and running. The annual audit has been rescheduled to the week of April 11,2022 due to a scheduling conflict.
- B. Street Department Monthly Report- Street Department Supervisor, David Lara: No Report.
- C. Animal Control/Code Enforcement Monthly Report- Johnny Foster: No Report.
- D. Chief of Police Monthly Report- Chief Geyer: Chief Geyer stated the jail is currently closed due to COVID.
- E. Water Works Monthly Report- Michael Blackshear: No Reports.
- F. Municipal Judge Monthly Report- Judge R. Humphrey: R. Humphrey states that from January 1982 through February 2022 the court has collected over 1 million dollars for

tickets, and he is diligently trying to collect all outstanding. Mr. Humphrey acts as the Airport Manager as well and states that the runway lights on the west side have been inoperable for a few months now; he is working with Lynn Smith to find junction boxes and to get the lights fixed.

Agenda Item # 12: Consent Items:

A. Approval of Bills.


Alderman Clayton Woffenden made a motion to approve the bills. Alderwoman Carolyn DeNigro seconded the motion, all in favor. Motion carried.

B. Approval of Minutes from February 15,2022 -Called Meeting.


Alderman Elmer Buckelew made a motion to approve the minutes from February 15, 2022. Alderwoman Sandee Schneider seconded the motion, all in favor. Motion carried.

Agenda Item # 13: Adjourn meeting.

Alderman Clayton Woffenden made a motion to adjourn the meeting. Alderwoman Carolyn DeNigro seconded, all in favor. Motion carried. Meeting adjourned at 7:15 p.m.



Mark Burkhart, Mayor

Attest: 

Sheila Lincoln, Acting City Secretary



Council Meeting Sign In

Date Feb. 28, 2022



Name	Contact Information
Richard DeNigro	
Shawn Miller	
Johnny Foster	CEO
RICHARD HUMPHREY	JUDGE
Duane Geistmann	
Greg Nichols	325-370-4887
Dai...	
Kare Wiffen...	
Julie Keller / Mike Parker / MVBA	MVBA - Abilene
Randall Conner	
Sage Diller	EIT
Linda Stubbly	

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