

**MINUTES OF THE
TOWN COUNCIL
June 8, 2009**

ITEM 1 CALL TO ORDER

Mayor Pro-Tem Gorman called the regular session to order at 6:00 p.m. on Monday, June 8, 2009, in the Vivian Cockburn Municipal Building located at 405 Shaffner Street.

ITEM 2 ROLL CALL

Those present were Council Member Ashman, Council Member Crider, Council Member Wilkinson, Council Member Rouse and Mayor Pro-Tem Gorman.

George Belcheff, Town Engineer and John Boyle Town Attorney were present also.

ITEM 3 INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Police Chief Steve Grube led the invocation and pledge of allegiance to the flag.

ITEM 4 MAYOR'S REPORT

None.

ITEM 5 CITIZEN INPUT

Scott Williams, a citizen of Ponder residing at 407 Madison addressed the Council in reference to a drainage problem in High Meadows North Addition. Mr. Williams is the owner of 407 Madison and stated that there is a pond on the property. Mr. Williams reported that when he purchased the property, the title search and plat that he received did not designate the pond as a detention pond or reflect that this was a drainage easement.

Gary Morris stated that this pond was engineer designed to collect storm water runoff and discharge water through pipes installed in the pond and was designed to prevent a 100 year flood.

Vanessa Kelly, who is Mr. Williams' neighbor to the south, said that water is not going through the drainage easements, just going to her yard and sitting.

Mr. Williams stated that he contacted Gary Morris who relayed to him the original plan for this pond and that it should drain to Robinson Road. He also stated that one of the drains in the pond is plugged and when it is opened it inundates three yards instead of running through the easements. Mr. Williams would like to know whose responsibility it is to maintain the drainage easements.

George Belcheff, Town Engineer stated that the property owner must maintain the correct working of the easement.

Mr. Williams stated that he has come before the Council to ask for help with a solution to this problem. He said that it doesn't seem right that the homeowners would have to bear the cost of re-establishing the drainage easements.

The Homeowner of 403 Madison stated that he put topsoil and landscaping in the area that the Town shows as a drainage easement. He also stated that his paperwork that he received during purchase did not show any easements.

George Belcheff reported that the plat filed at the County shows a 25' drainage easement all the way to Robinson Road and also shows the pond as an easement.

ITEM 6 CONSENT AGENDA

Council Member Ashman moved to approve the May 11, 2009 minutes, the April and May 2009 bill reports and the May financial statement. Motion seconded by Council Member Wilkinson. Ayes: Council Member Ashman, Council Member Wilkinson, Council Member Rouse, Council Member Crider and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

ITEM 7 DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING LAND ACQUISITION FOR THE ELEVATED STORAGE TANK.

Mayor Pro-Tem Gorman moved to adjourn into executive session at 7:10 p.m. to discuss items 7 and 9. Motion seconded by Council Member Crider.

Regular session reconvened at 7:42 p.m.

No action taken on this item.

ITEM 8 DISCUSSION, CONSIDERATION AND ACTION REGARDING WASTEWATER TREATMENT PLAN AND FUTURE WASTE WATER COLLECTION SYSTEM USING STATE REVOLVING FUNDS IN THE FORM OF LOANS AND/OR GRANTS.

Gary Morris reported that these funds are low interest loans and some are grants. Texas Water Development Board notified us of these.

George Belcheff reported to the Council that organizations that get these funds have projects ready to go. As a part of the ARRA of 2009, Towns are encouraged to fill out applications for water and sewer programs. Approximately \$1.4 million total in loans and grants will be awarded, more than likely loans and these funds are for green projects. Replacing manholes, a new trunk line and clarifier are some of the projects listed on the application. Ponder has been ranked in the 2010 portion of the program. Further ranking process and new paperwork is needed. Mr. Belcheff's goal is to put the paperwork in place just in case we are ready for projects in 2010. George is asking that the Council allow him to proceed with the forms for wastewater projects.

Council Member Wilkinson moved to authorize Belcheff and Associates to move ahead with the paperwork necessary for this program. Motion seconded by Council Member Ashman. Ayes: Council Member Ashman, Council Member Wilkinson, Council Member Rouse, Council Member Crider and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

ITEM 9 DISCUSSION, CONSIDERATION AND ACTION REGARDING DRAINAGE ISSUES CAUSED BY THE DETENTION POND LOCATED IN HIGH MEADOWS NORTH.

Mayor Pro-Tem Gorman moved to adjourn into executive session at 7:10 p.m. to discuss items 7 and 9. Motion seconded by Council Member Crider.

Regular session reconvened at 7:42 p.m.

Council Member Wilkinson moved to table this item to discuss with Town Staff regarding a solution. Motion seconded by Council Member Ashman. Ayes: Council Member Ashman, Council Member Wilkinson, Council Member Rouse, Council Member Crider and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

ITEM 10 DISCUSSION, CONSIDERATION AND ACTION REGARDING STRUCTURES LOCATED IN THE HISTORICAL OVERLAY DISTRICT.

Gary Morris reported to the Council that he visited with Ms. Linam and stated that she had a photograph of the Justin State Bank. This bank had the same architect and builder as the Ponder Bank Building. The Justin Bank was moved to a historical park in Dallas and restored to its original state. The color of trim in the photograph was very close to the same color of the trim on the Ponder Bank Building.

Mayor Pro-Tem Gorman moved to take no action on this item. Motion seconded by Council Member Crider. Ayes: Council Member Ashman, Council Member Wilkinson, Council Member Rouse, Council Member Crider and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

ITEM 11 DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING THE PURCHASE OF A NEW TRACTOR, LOADER AND BRUSH HOG.

Gary Morris presented the Council with bids to purchase a new tractor, loader and brush hog. Sheri Clearman stated to the Council that there were excess funds from the previous year budget that could be utilized to purchase the items without any budget impact.

Council Member Wilkinson asked if there would be problems with the audit concerning the General Fund funding the purchase and Water Sewer Fund repaying its part in the following fiscal year. He asked that Carl Deaton be contacted before making the purchase.

John Boyle, Town attorney stated that Water Sewer should make a good faith effort to repay their portion in this fiscal year and if they can't to make provisions in the 2010 budget year to do so.

Mayor Pro-Tem Gorman moved to approve the bid from Ag-Power, Inc. in McKinney, Texas in the amount of \$25,895 and allow for this purchase out of General Fund Reserves and for the Water Sewer Fund to pay their portion of this purchase back to the General Fund in the upcoming fiscal year. Motion seconded by Council Member Ashman. Ayes: Council Member Ashman, Council Member Wilkinson, Council Member Rouse, Council Member Crider and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

ITEM 12 DISCUSSION, CONSIDERATION AND ACTION REGARDING THE PEST CONTROL CONTRACT.

Council Member Wilkinson moved to allow Sheri Clearman to act as she feels necessary concerning the pest control contract. Motion seconded by Council Member Crider. Ayes: Council Member Ashman, Council Member Wilkinson, Council Member Rouse, Council Member Crider and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

ITEM 13 DISCUSSION REGARDING BASKETBALL GOALS AND CHILDREN IN THE STREETS OF STEAMBOAT ESTATES.

Council Member Wilkinson moved to take no action on this item. Motion seconded by Council Member Crider. Ayes: Council Member Ashman, Council Member Wilkinson, Council Member Rouse, Council Member Crider and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

ITEM 14 UPDATE FROM MAYOR VARDELL REGARDING THE PARKING LOT AT THE VET CLINIC.

Council Member Wilkinson moved to table this item until Mayor Vardell was present. Motion seconded by Council Member Ashman. Ayes: Council Member Ashman, Council Member Wilkinson, Council Member Rouse, Council Member Crider and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

ITEM 15 ITEMS TO BE PLACED ON THE NEXT AGENDA.

- Employee insurance
- Library Position
- High Meadows Drainage
- Code Enforcement

ITEM 16 ADJOURN.

Council Member Wilkinson moved to adjourn at 7:45 p.m. Motion seconded by Council Member Rouse. Ayes: Council Member Ashman, Council Member Wilkinson, Council Member Rouse, Council Member Crider and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 5 ayes, 0 nays and 0 abstentions.

APPROVED:

Jeff Vardell, Mayor

Date

ATTEST:

Sheri N. Clearman, City Secretary