



Town Council

Monday, October 16, 2023 at 6:00 PM
102 W. Bailey Street, Ponder, TX 76259

NOTICE

THE TOWN COUNCIL FOR THE TOWN OF PONDER, TEXAS, WILL CONVENE IN REGULAR SESSION AT 6:00 P.M., IN PONDER TOWN HALL, AT 102 W. BAILEY STREET, PONDER.

REGULAR SESSION AGENDA

CALL TO ORDER

ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

OPEN FORUM FOR CITIZEN INPUT (Please limit to 5 minutes per person and if you wish to speak on a particular agenda item, please list the agenda item next to your name.)

This is a time for the public to address the Town Council on any subject. However, the Texas Open Meetings Act prohibits the Town Council from discussing issues which the public has not been given seventy-two (72) hours' notice. Issues raised may be referred to Town Staff for research and possible future action.

CONSENT AGENDA

1. Approval of the September 11, 2023 minutes.

ORAL STAFF REPORTS

ITEMS OF BUSINESS

2. Consider and act on approval of Ordinance 23-16, amending the water rates.

ITEMS FOR THE NEXT AGENDA

ADJOURN

The Town Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code, Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development)

CERTIFICATION

I hereby certify that the above notice was posted on the bulletin board at the Ponder Town Hall at 102 W. Bailey Street, Ponder, Texas on the 13th day of October 2023, at 11:00 a.m.

Sheri Clearman, Town Secretary

If you plan to attend this public meeting and you have a disability that requires special arrangements at the meeting, please contact our office at 940-479-7009. Reasonable accommodations will be made to assist your needs.



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REGULAR SESSION AGENDA

CALL TO ORDER

ROLL CALL

PRESENT

Council Member Ginger Deussen
Council Member Brandy Couch
Mayor Pro-Tem Nick McGregor
Mayor John Bassler
Council Member John Estes

ABSENT

Council Member Lael McWilliams

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bassler led both.

OPEN FORUM FOR CITIZEN INPUT (Please limit to 5 minutes per person and if you wish to speak on a particular agenda item, please list the agenda item next to your name.)

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CONSENT AGENDA

1. **Approval of appointing Brittany Louderback and Brandy Johnson to the Ponder Economic Development Board.**
2. **Approval of the August 14, 2023 Minutes.**
3. **Consider and act on approval of an interlocal agreement between the Town of Ponder and the Denton County District Attorney's Office concerning seizures and forfeitures.**

Motion to approve the consent agenda made by Mayor Pro-Tem McGregor. Motion seconded by Council Member Deussen.

Voting Yea: Council Member Deussen, Council Member Couch, Mayor Pro-Tem McGregor, Council Member Estes

Motion passed with 4 ayes, 0 nays and 0 abstentions.

ORAL STAFF REPORTS

Scott Caster reported that the PD is getting ready for the first home game and homecoming parade and that he would be happy to answer any questions regarding the forfeiture contract.

ITEMS OF BUSINESS

4. **Approval of a Proclamation for the United Way of Denton County**

Motion to approve the United Way Proclamation was made by Mayor Pro-Tem McGregor, Seconded by Council Member Couch.

Voting Yea: Council Member Deussen, Council Member Couch, Mayor Pro-Tem McGregor, Council Member Estes

Motion passed with 4 ayes, 0 nays and 0 abstentions.

Mayor Bassler read the following proclamation aloud.

WHEREAS, United Way of Denton County celebrates 70 years of impact across Denton County in 2023; and
WHEREAS, by working together with supporters and collaborators across Denton County, United Way of Denton County improves access to education, economic mobility, and health & mental health for over 42,000 residents annually.
WHEREAS, United Way of Denton County leads the effort to close gaps and open opportunities for every person in Denton County and works with a network of nonprofits, governments, businesses, and donors to respond to our neighbor's immediate needs and seek out better solutions for larger community-wide issues.
NOW, THEREFORE, we declare **September 2023 LIVE UNITED Month** and proudly join United Way of Denton County in calling on all residents of the Town of Ponder to Give, Advocate, and Volunteer as we LIVE UNITED to build a better Denton County for all of us.
IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Town to be affixed this 11th day of September in the year 2023.

5. **Discussion, consideration and possible action regarding the sale of a lot owned by the Town of Ponder.**

Motion made by Council Member Deussen to keep the property and not to sell in hope to construct a public park there in the future. Motion seconded by Mayor Pro-Tem McGregor.

Voting Yea: Council Member Deussen, Council Member Couch, Mayor Pro-Tem McGregor, Council Member Estes

Motion passed with 4 ayes, 0 nays and 0 abstentions.

6. **Discussion regarding a request from Mr. Tim Sommers regarding a variance to the Zoning Ordinance on property that he owns.**

Motion to discuss made by Mayor Pro-Tem McGregor, Seconded by Council Member Estes.

Voting Yea: Council Member Deussen, Council Member Couch, Mayor Pro-Tem McGregor, Council Member Estes

Mayor Pro-Tem McGregor stated that he is not interested in the subdivision of lots in Old Town at this time and that the Town has an Ordinance and zoning regulations that prohibit building on new lots smaller than one half acre. Council Member Couch agreed.

No action taken.

7. **Discussion, consideration and action regarding an interlocal agreement between the Town of Ponder and Denton County to construct a north south connector road between January Lane and FM 2449.**

Motion to discuss made by Mayor Pro-Tem McGregor, Seconded by Council Member Deussen.

There was brief discussion regarding funding options for the Town's portion of the road. After discussion, Sheri Clearman stated that she would meet with the financial advisor regarding borrowing the funds.

Motion to approve the ILA made by Mayor Pro-Tem McGregor, Seconded by Council Member Estes.

Voting Yea: Council Member Deussen, Council Member Couch, Mayor Pro-Tem McGregor, Council Member Estes

Motion passed with 4 ayes, 0 nays and 0 abstentions.

8. **Consider and act on approval of the FY2023-24 Budget for the Betty Foster Public Library.**

Motion to approve the Betty Foster Public Library budget made by Council Member Deussen, Seconded by Mayor Pro-Tem McGregor.

Voting Yea: Council Member Deussen, Council Member Couch, Mayor Pro-Tem McGregor, Council Member Estes

Motion passed with 4 ayes, 0 nays and 0 abstentions.

9. **Consider and act on approval of Ordinance 23-13, adopting the Fiscal Year 2023-24, General Fund Budget.**

Motion to approve the FY2023-24 General Fund budget made by Council Member Estes, Seconded by Council Member Deussen.

Voting Yea: Council Member Deussen, Council Member Couch, Mayor Pro-Tem McGregor, Council Member Estes

Motion passed with 4 ayes, 0 nays and 0 abstentions.

10. **Consider and act on approval of Ordinance 23-15, adopting the Fiscal Year 2023-24, Water & Sewer Budget.**

Motion to approve the FY2023-24 Water Sewer Budget made by Mayor Pro-Tem McGregor, Seconded by Council Member Couch.

Voting Yea: Council Member Deussen, Council Member Couch, Mayor Pro-Tem McGregor, Council Member Estes

Motion passed with 4 ayes, 0 nays and 0 abstentions.

11. **Consider and act on approval of Ordinance 23-14, adopting an annual Tax Rate for the Town of Ponder.**

Motion to approve Ordinance 23-14, setting the tax rate made by Council Member Estes, Seconded by Council Member Deussen.

Voting Yea: Council Member Deussen, Council Member Couch, Mayor Pro-Tem McGregor, Council Member Estes

Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEMS FOR THE NEXT AGENDA

ADJOURN

Motion to adjourn at 6:45 pm made by Council Member Couch, Seconded by Mayor Pro-Tem McGregor.

Voting Yea: Council Member Deussen, Council Member Couch, Mayor Pro-Tem McGregor, Council Member Estes

Motion passed with 4 ayes, 0 nays and 0 abstentions.

APPROVE:

DATE:

John Bassler, Mayor

ATTEST:

Sheri Clearman, Town Secretary

TOWN OF PONDER**ORDINANCE NO. 23-16**

AN ORDINANCE OF THE TOWN OF PONDER, AMENDING THE TOWN OF PONDER CODE OF ORDINANCES, CHAPTER 36 FEE SCHEDULE, SECTION 36.04 UTILITY RELATED FEES, AMENDING WATER RATES, SEWER RATES, SERVICE CONNECTION FEES, AND OTHER RELATED CHARGES:

WHEREAS, the Town of Ponder, Texas has enacted an Ordinance fixing Water Rates to be charged for water services furnished by the Town; and

WHEREAS, said ordinance has from time to time been amended; and

WHEREAS, the Town Council of the Town of Ponder, Texas has determined that it is necessary and expedient to further amend said Ordinance establishing current water and sewer utility related fees, rates, and charges;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PONDER, TEXAS:

That the Ordinance establishing utility related fees as amended, be further amended and hereafter read as shown in Exhibit A, titled Chapter 36 Fee Schedule, Section 36.04 Utility Related Fees.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PONDER, TEXAS, THIS 16th day of October, 2023.

APPROVED:

John Bassler, Mayor

ATTEST:

Sheri Clearman, Town Secretary

§ 36.04 UTILITY RELATED FEES.

(A) *Establishing water rates.* The monthly water rates to be charged and collected by the Town of Ponder, Texas from all customers obtaining service from the water system of the town within the town limits of the town shall be and are hereby fixed as follows:

(1) *Residential water rate schedule.*

(a) *Residential In-town water.*

<i>Quantity</i>	<i>Per Month</i>
First 1,000 gallons or any part thereof	\$34.65
1,001-2,000 gallons	\$3.70 per 1000 gallons
2,001-10,000 gallons	\$5.20 per 1000 gallons
All over 10,001 gallons	\$6.25 per 1000 gallons

(b) *Residential In-town water only.*

<i>Quantity</i>	<i>Per Month</i>
First 1,000 gallons or any part thereof	\$42.00
1,001-2,000 gallons	\$5.15 per 1000 gallons
2,001-10,000 gallons	\$5.80 per 1000 gallons
All over 10,001 gallons	\$6.25 per 1000 gallons

(2) *Commercial water rate schedule*

(a) *Commercial water – In-town*

<i>Quantity</i>	<i>Per Month</i>
First 1,000 gallons or any part thereof	\$51.45
1,001-2,000 gallons	\$3.90 per 1000 gallons
2,001-10,000 gallons	\$6.20 per 1000 gallons
All over 10,001 gallons	\$7.20 per 1000 gallons

(b) *Commercial water – Out-of-town*

<i>Quantity</i>	<i>Per Month</i>
First 1,000 gallons or any part thereof	\$77.45
1,001-2,000 gallons	\$6.15 per 1000 gallons
2,001-10,000 gallons	\$6.55 per 1000 gallons
All over 10,001 gallons	\$7.60 per 1000 gallons

(3) *Connections.*

<i>Connection fee - Residential (Developed)*</i>	
For each 3/4 inch meter connection	\$800
For each 1 inch meter connection	\$800
For each 2 inch meter connection	\$1,100
<i>Connection fee – Residential (Undeveloped)*</i>	
For each 3/4 inch meter connection	\$1,400 + Street Bore Costs*
For each 1 inch meter connection	\$1,400+ Street Bore Costs
For each 2 inch meter connection	\$1,700 + Street Bore Costs
<i>Connection fee – Commercial (Developed)</i>	
For each 3/4 inch meter connection	\$1,200
For each 1 inch meter connection	\$1,200
For each 2 inch meter connection	\$1,500
<i>Connection fee – Commercial (Undeveloped)</i>	
For each 3/4 inch meter connection	\$1,900 + Street Bore Costs
For each 1 inch meter connection	\$1,900+ Street Bore Costs
For each 2 inch meter connection	\$2,200+ Street Bore Costs
* <i>Additional costs incurred by Town for street crossing (i.e. street bore costs) above connection fee shall be responsibility of customer</i>	
* <i>Developed – water main tap, service line and meter box are in place</i>	
* <i>Undeveloped – water main tap, service line and meter box are not in place or require relocation</i>	

(4) *Late fee.* Delinquent payment charge after tenth of month: \$20

(5) *Service fees.*

Service fee during business hours	\$40
Service fee after business hours	\$60

(6) Meter deposit: \$200.

(2000 Code, § 4.100) (Ord. 240, passed 8-5-1999; Am. Ord. passed 9-9-2002; Am. Ord. 03-34, passed 6-9-2003; Am. Ord. 04-10, passed 3-8-2004; Am. Ord. 05-32 passed 10-10-2005; Am. Ord 06-06, passed 3-27-2006; Am. Ord. 06-24, passed 10-9-2006; Am. Ord 09-08 passed 09-28-2009; Am. Ord 10-12 passed 09-09-10)

Cross-reference:

Water rates, see § 51.02

(7) *Bulk water rate.*

Bulk water rate schedule	Minimum
First 2,000 gallons	\$75
All over 2,000 gallons	\$20.00 per 1000 gallons

(Ord. 02-44, passed 11-11-2002; Am. Ord. 06-24, passed 10-9-2006))

(8) *Fire hydrant.*

Fire hydrant meter deposit	\$2,000
Late Fee	\$40

(Am. Ord. 06-24, passed 10-9-2006)

(B) *Establishing wastewater rates.* The monthly wastewater rates to be charged and collected by the Town of Ponder, Texas from all customers obtaining services from the sanitary system of the town shall be and are hereby fixed as follows:

(1) *Residential wastewater rate schedule.*

<i>Quantity</i>	<i>Per Month</i>
First 1,000 gallons or any part thereof	\$30.45
1,001-2,000 gallons	\$4.85 per 1000 gallons
2,001-10,000 gallons	\$5.20 per 1000 gallons
All over 10,001 gallons (cap at 15,000 gallons)	\$6.00 per 1000 gallons

(2) *Commercial wastewater rate schedule.*

<i>Quantity</i>	<i>Per Month</i>
First 1,000 gallons or any part thereof	\$40.70
1,001-2,000 gallons	\$5.40 per 1000 gallons
2,001-10,000 gallons	\$6.95 per 1000 gallons
All over 10,001 gallons (no cap)	\$7.15 per 1000 gallons

(3) *Connections.*

<i>Connection fee - Residential</i>	
For each connection (Developed)*	\$800
For each connection (Undeveloped)*	\$1,400 + Street Bore Costs*
<i>Connection fee - Commercial</i>	
For each connection (Developed)	\$1,200
For each connection (Undeveloped)	\$1,900 + Street Bore Costs
* Additional costs incurred by Town for street crossing (i.e. street bore costs) above connection fee shall be responsibility of customer	
*Developed – water main tap, service line and meter box are in place	
*Undeveloped – water main tap, service line and meter box are not in place or require relocation	

(2000 Code, § 4.200) (Ord. 240, passed 8-5-1999; Am. Ord. passed 9-9-2002; Am. Ord. 03-34, passed 6-9-2003; Am. Ord. 05-32, passed 10-10-2005; Am. Ord. 06-24, passed 10-9-2006; Am. Ord 09-08 passed 09-28-2009)

Cross-reference:

Sewer rates, see § 51.03

(C) *Establishing water rates for rural customers.* The monthly water rates to be charged and collected by the Town of Ponder, Texas from all rural customers obtaining service from the water system of the town shall be and are hereby fixed as follows:

(1) *Rural water rate schedule.*

<i>Quantity</i>	<i>Per Month</i>
First 1,000 gallons or any part thereof	\$66.80
1,001-2,000 gallons	\$5.15 per 1000 gallons
2,001-10,000 gallons	\$5.60 per 1000 gallons
All over 10,001 gallons	\$6.60 per 1000 gallons

(2) Rural customers are required to pay the minimum whether they use the water or not.

(3) All other requirements same as for the customers within the town limits. (2000 Code, § 4.300) (Ord. 240, passed 8-5-1999; Am. Ord. passed 9-9-2002; Am. Ord. 03-34, passed 6-9-2003; Am. Ord. 05-32, passed 10-10-2005; Am. Ord. 06-24, passed 10-9-2006; Am. Ord 08-22, passed 10-13-2008; Am. Ord 09-08 passed 09-28-2009; Am. Ord 10-12 passed 09-09-10; Am Ord 11-15 passed 09-08-2011)

Cross-reference:

Water rates, rural customers, see § 51.04

(D) *Prorata charges.* A charge, which shall be known as the prorata, shall be applied against the owner of each lot, tract or parcel of land, whose water and sewer lines, constructed after the effective date of this section, and connected with any water or sanitary sewer main of the Town of Ponder, and shall be set at the following rates based on the proportion of the total cost of the water and sewer mains:

(1) Charge of \$12.25 per front foot of the lot, tract or parcel of land to which water connections may be made. If the tract of land lies on both sides of the water line, the front foot charge will be \$24.50. This front foot charge shall be reviewed on an annual basis by the Town Commission, and shall be subject to revision.

(2) Prorata charges for sewer main extension shall be based on actual construction costs, and area of land served by the sewer facilities. The prorata charge for a lot, tract or parcel of land served by the facility will be calculated by dividing the tract of land area (acres) by total land area (acres) served by the sewer facility multiplied by the total construction, engineering, administrative, easement acquisition, and interest costs related to constructing the facility. (2000 Code, § 4.400) (Ord. 153, passed 9-14-1992)

Cross-reference:

Rules for extension, see § 51.15

(E) *Well drilling and operation permit fee.* Every permit application shall be accompanied by a filing fee of \$2,000.

(2000 Code Appendix A, § 4.500) (Ord. 251, passed 9-2-1999; Am. Ord. 00-48, passed 1-4-2001; Am. Ord. passed 2- -2002)

(F) *Establishing additional rates and fees related to water and wastewater.*(1) *Septic tanks.*

Septic tank installation inspection rate schedule	\$260 plus
Septic tank inspection administrative rate	\$240

(2) *Non-compliance, tampering.*

Meter tampering fine/Septic tank non-compliance	First offense	\$250/up to \$2,000
	Second offense	\$500/up to \$2,000
	Third offense	\$750/up tp \$2,000

(3) *Discontinuance of service.* The Town of Ponder, or its designee, shall discontinue service to any person found defrauding the Utilities Department by tampering with any water or wastewater line or meter. Service disconnected for any such reason shall not be restored until the Town of Ponder is satisfied that all loss to the Utilities Department has either been repaid, or is financed for repayment, and that service may be restored without undue risk of further loss through such acts or nonpayment.

(Am. Ord. 06-24, passed 10-9-2006)

Cross-reference:

Oil and gas wells, definitions, see § 50.16

(4) *Unauthorized usage penalty.*

Unauthorized usage penalty	\$100
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(5) *Meter Reading Charge.*

Meter Reading Charge	\$50
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(6) *Meter Testing Charge.*

Meter Testing Charge	\$50
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(7) *Meter inaccessibility Charge.*

Meter inaccessibility Charge	\$50
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(Ord. No. 240, 8-5-1999) (Amended 9-9-02) (Amended 10/10/05) (Amended 03/27/06)
(Amended 10/09/06) (Amended 03-24-2008, Ord 08-09)

