

**MINUTES OF THE
TOWN COUNCIL
June 9, 2011**

ITEM 1 CALL TO ORDER

Mayor Scott McCarty called the meeting to order at 6:00 p.m.

ITEM 2 ROLL CALL

Those present were Mayor Pro-Tem Gorman, Council Member Crider, Council Member Finley, Council Member Ashman and Mayor McCarty.

ITEM 3 INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Council Member Ashman led both.

ITEM 4 OPEN FORUM FOR CITIZEN INPUT

Veronica Kronvall a resident of Remington Park stated that she moved to Ponder 4 years ago because she thought this was a quality community that offered a quality of life for its citizens. She liked the relaxed atmosphere from the chaos of the DFW area. She said that the people who live here depend on the city council to provide services and pass laws that will protect the quality of life. She is shocked to see that two gas wells will be drilled approximately 200 ft from her property. She said that this Council has thrown away any pretense of balancing drilling rights with homeowner rights. She stated that she counts well over 150 homes in Remington Park and over 300 people that make of ¼ of Ponder's population. She asked what the Council was doing to protect their rights. She stated that this City has ordinance to regulate drilling and compared to other's they are very weak and asked how many variances to the ordinance this gas company received to get their permit and asked what City would have such disregard for its homeowners that it would not even enforce its own rules. She believes that this has threatened their quality of life, threatened their health and peace of mind. She reported that Devon Energy had a well explode in Texas two months ago. Ms. Kronvall is asking the Council to do three things, 1: put a stop to this well site; 2: impose a 6 month moratorium on gas well permits; 3: use the six months to examine the drilling ordinance.

Chris Mills, a homeowner in Remington Park on Lonestar Park Lane. She has been there 11 years. Del Mar is right behind her and is where Devon has set up. She is appalled. She is a CPA and worked in the Oil and Gas industry in the past. According to the map posted on Ponders website, the zoning said low density residential. She was promised a bike trail, park, etc. She would like to see additional lights on the street. She stated that the developer purchased some lots on her street and he never even mows them. Asking why did it get zoned residential if you weren't going to respect this. She has been told that with the tanks in back of them, their property values will fall 40%. They will go to the tax office and protest and get it devalued if Devon's money is more valuable than hers. She feels that she has been stabbed for the last 11 years.

Sharon Wilson with Earthworks spoke to the Council. She works with communities that are impacted by the drilling. She stated that with the new technology, they don't have to drill so close in. She is very busy all of the time and has received 6 calls at all hours where emergencies have happened at a drill site. This morning there was an emergency where a pressure valve was going off and methane was spewing into the air and people were sick from it in the Argyle area.

There were no emergency numbers listed to call about this. She stated that Devon knows that this is irresponsible. She named several chemicals that she reported drilling companies use in fracturing. Ms. Wilson left a pamphlet about the effects of drilling on people. Asked that the Council call the former Mayor of Dish and he can give you some ideas of how to keep this from happening. She urges the Council to pass a moratorium on all drilling permits in order to get a real ordinance in place.

Lee McGee of Remington Park stated that when she purchased the last thing she thought would happen was the Devon mafia and all of the trucks would be in her neighborhood. She reported that the Trinity runs 1000 feet below and that is our water supply and that Devon drills right through it. She thinks the fracturing is what is really disturbing. They use chemicals that are harmful and cause nosebleeds, contaminate your water and that Devon poisoned the Dish property with their chemicals. She asked that the Council impose a 6 month moratorium and allow the people to get involved and allow the Council to form a new ordinance. She also asks that separate permits be made for drilling and laying pipe. She would like to do an injunction and suspend the drilling. She believes that the previous Mayor worked for Devon and wants to make sure that this was permitted properly.

Gary McMahan of Remington Park reported that he is worried about his homes value. He was told that there would be a park in their subdivision. This is their life, this is their town and they have three children. He is concerned about the home value and the future of his children. He hopes that the Council will look into this and do something about it.

Royce Clark of Remington Park stated that the drilling is behind his house. His children have been sick for the last six years and is worried if they will get worse. He believed that the notification was late.

Rachelle McMahan of Remington Park reported that she is a wife and a mother of three children that play in the streets of Remington every day. She showed pictures of the well site and stated that she was not notified of this. She believes that ordinances had to be changed and that there should have been public hearings regarding this. The early part of last year, the EPA decided to do a 2 year study on what fracturing does to the water supplies. She would like to see a moratorium to wait on the results. She asked that the Council remember that they had their back when they voted for them, that it is time they have her back.

Wes Howard of Remington Park immediately adjacent to the well site. He passed out photographs of the site from out his window and outside of his home. He invited the Council to his home to look at this. He has looked at the maps and believes that Devon could relocate and be profitable. Mr. Howard stated that he spoke to Gary Sample of Devon Energy and asked if he felt a responsibility to the homeowners he was answered that his responsibility to the shareholders was more important. He said that he would like to see stronger ordinances related to noise and disturbance would like for there to be a curfew on the vehicles at night and would like for the Council to take this seriously. He has also voiced concerns over safety. He asked Mr. Sample if his wife was pregnant would he want her to be this close, he didn't answer very quickly and that was disturbing. Would like to see a possible permanent moratorium on drilling.

Melissa Holt of Remington Park stated that she found out about the well when she heard the bull dozers. She has been a resident of Ponder for 4 years. She stated that Gary Sample of Devon

Energy is very arrogant, would like to see a 90 day moratorium a 1000' setback and wants a meeting to discuss this with the Council Members, City Staff and Homeowners.

Roger Taylor of Remington Park asked WTF! What the Frak! Asked how many of the Council Members live 200' from an industrial operation. He is concerned about what goes into the earth and comes out of the earth. He would like to know what kind of backdoor dealings were going on. There was no notice and no election on this. He would like to know what is being done to protect the interest of the citizens.

Monica Pennington of Remington Park stated that she was not aware of what was going on until speaking to neighbors. She said that she has two children and her child stays at the in home daycare in Ponder in Remington that is close to the site. She works very hard and believes that it is unnecessary that she lose so much sleep. She and her son already have a problem with nose bleeds. She would like to see this stopped for a meeting.

Gilbert Horton of Devon Energy reported that he is here to make himself available for any questions and will try to answer as many as he can. He stated that they are routing traffic away from the subdivision and have put up sound walls. They are temporary. Typically they are 16' but they put them twice that high for this one. They are not meant to eliminate and will still be able to hear as the drilling continues. They also serve as light pollution.

Irene Sandall of Remington Park stated that her backyard is blocked by the wall. She stated that she had an expectation on a Park. She is from Justin and moved from here because her home was shaken by a well. She has nowhere for her children and grandchildren to play that is safe. She is upset because she had no say in this. She believes that she has a right to live in a place that is safe and without this kind of construction. She asked what kind of assurances she has that lightning won't strike this Devon well and then her insurance rates will go up. She invited the Council to BBQ and enjoy the view of the wall.

Mayor McCarty asked Gilbert Horton how close the site was. Mr. Horton replied that it was over 400'. Mayor McCarty asked him about Devon's record on health issues. Mr. Horton replied that there has been a lot of media over health issues and that there is no concern for air quality, no concern for ground water quality, no proven case that fracturing is harmful. He stated that they have drilled in Ponder for over 15 years.

Mayor McCarty asked when Devon was planning on penetrating the ground. Gilbert Horton reported that the well is scheduled for the middle of next week and they will be drilling for about 8-10 days, finished in the early part of July, 3-5 days of fracturing and then clean-up.

Council Member Finley asked if there was some kind of landscaping that Devon could do so that it was not such an eyesore afterward. Mr. Horton stated that Devon tries to restore the land as it was before they began and in some cases try and use a minimal amount of landscaping to make it look natural and fit the character of the land. He said that they are not opposed to anything.

Mayor Pro-Tem stated that Devon drilled out by his house 7 or 8 years ago and hated it at first, it was noisy but then it was gone. He was fortunate to get his mineral rights. He acquired his mineral rights. Has been a pretty good neighbor since they well was completed. Mayor Pro-Tem Gorman is in agreement that a meeting needs to take place to clear some things up. He stated that a couple of days ago was the first he had heard of this permit.

ITEM 5 CONSENT AGENDA

Council Member Ashman moved to approve the May 12, 2011 minutes, the May 25, 2011, the May bill report and the May financial statement. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Council Member Ashman, Council Member Finley and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEM 6 CONSIDER AND ACT ON SCHEDULING A WORKSHOP TO INCLUDE THE TOWN COUNCIL, EDC AND PARK BOARD.

Mayor Pro-Tem Gorman moved to have the City Secretary check with everyone concerned and schedule a workshop. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Council Member Ashman, Council Member Finley and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEM 7 CONSIDER AND ACT ON APPROVAL OF RESOLUTION 11-07, AUTHORIZING SIGNERS TO THE TOWN OF PONDER BANK ACCOUNTS AT THE BANK OF THE WEST.

Mayor Pro-Tem Gorman moved to approve Resolution 11-07. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Council Member Ashman, Council Member Finley and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEM 8 CONSIDER AND ACT ON APPROVAL OF RESOLUTION 11-08, AUTHORIZING SIGNERS TO THE BETTY FOSTER PUBLIC LIBRARY BANK ACCOUNT AT THE BANK OF THE WEST.

Council Member Ashman moved to approve Resolution 11-08. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Council Member Ashman, Council Member Finley and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEM 9 CONSIDER AND ACT ON APPROVAL OF RESOLUTION 11-09, AUTHORIZING SIGNERS TO THE TOWN OF PONDER ACCOUNTS AT TEXPOOL.

Council Member Crider moved to approve Resolution 11-09. Motion seconded by Council Member Ashman. Ayes: Council Member Crider, Council Member Ashman, Council Member Finley and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEM 10 CONSIDER AND ACT ON THE ACCEPTANCE OF THE TOWN OF PONDER CONSUMER CONFIDENCE REPORT.

Mayor Pro-Tem Gorman moved to table this item until the next meeting. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Council Member Ashman, Council Member Finley and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEM 11 DISCUSSION REGARDING THE TWO GAS WELLS THAT WERE PERMITTED AND LOCATED SOUTH OF THE REMINGTON PARK SUBDIVISION.

This item was discussed directly after the consent agenda.

ITEM 12 UPDATE FROM BELCHEFF & ASSOCIATES ON THE ELEVATED TANK PROJECT.

Mike Anderson reported that the water well was complete. The contractor will be performing a flow test on the well next week.

ITEM 13 CONSIDER AND ACT ON ADDITIONAL FUNDING SOURCES FOR THE EDDIES STREET PROJECT AND WELL #7.

Mayor Pro-Tem Gorman moved to apply for a tax note in the amount of \$385,000. Motion seconded by Council Member Ashman. Ayes: Council Member Crider, Council Member Ashman, Council Member Finley and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEM 14 CONSIDER AND ACT ON APPROVAL OF A BID FOR THE EDDIES STREET CONSTRUCTION PROJECT.

Mayor Pro-Tem Gorman moved to award a contract for drainage and paving improvements on Eddies Street to Reliable Paving of Arlington, TX in the amount of \$365,688.80 and to include a contingency fee of \$10,970.66 and to authorize the Mayor to spend that contingency fee as needed on the project and to execute a contract with Alpha testing for a not to exceed amount of \$10,234 for geotechnical testing on this project. Motion seconded by Council Member Ashman. Ayes: Council Member Crider, Council Member Ashman, Council Member Finley and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEM 15 CONSIDER AND ACT ON AUTHORIZING THE EDC TO SPEND UP TO \$3,500 FOR PAYMENT OF A COMMERCIAL VIABILITY STUDY IN THE AREAS BETWEEN DOWNTOWN AND THE EDC PROPERTY LOCATED ON 2449.

Mayor Pro-Tem Gorman moved to approve. Motion seconded by Council Member Crider. Mayor Pro-Tem Gorman withdrew his motion, as did Council Member Crider his second. Mayor Pro-Tem Gorman moved to table this item until clarification from the EDC. Motion seconded by Council Member Crider. Ayes: Council Member Crider, Council Member Ashman, Council Member Finley and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

ITEM 16 CONSIDER AND ACT ON ADOPTING RESOLUTION 11-06, PARK MASTER PLAN.

Council Member Crider moved to approve the Park Master Plan. Motion seconded by Council Member Ashman. Ayes: Council Member Crider, Council Member Ashman and Mayor Pro-Tem Gorman. Nays: Council Member Finley. Abstentions: None. Motion passed with 3 ayes, 1 nay and 0 abstentions.

ITEM 17 ITEMS TO BE PLACED ON THE NEXT AGENDA.

CCR

Gas Wells at Remington

Gas Well Ordinance

ITEM 18 ADJOURN.

Council Member Crider moved to adjourn at 8:30 p.m. Motion seconded by Council Member Ashman. Ayes: Council Member Crider, Council Member Ashman, Council Member Finley

and Mayor Pro-Tem Gorman. Nays: None. Abstentions: None. Motion passed with 4 ayes, 0 nays and 0 abstentions.

APPROVED:

Scott McCarty, Mayor

Date

ATTEST:

Sheri N. Clearman, City Secretary