

City of Midway  
City Council Meeting Minutes  
August 29, 2022

The meeting was called to order at 7:00 p.m. by Mayor Brenda Ford.

The Invocation was given by Councilman John Whitmire, Mayor Brenda Ford led the Pledge.

Those in attendance included Mayor Brenda Ford, City Secretary Debra Newkirk, Council members John Whitmire, Rex Newkirk, Gus Kangos, Brandee Curtis and Marc Nelson. Janet Boone was also in attendance. Operator Wes Savage was not in attendance.

Councilman John Whitmire made the motion to approve the Consent Agenda, Councilman Rex Newkirk made the second and with all present voting in favor the motion carried.

There were no Public Comments at this time.

Guest Speaker for this meeting was Alessandra Gad of the Bojorquez Law Firm. Ms. Gad informed the Council that she would be the City's General Counsel and, if needed, the Prosecutor for Municipal Court. Ms. Gad stated that the firm represents over 50 municipalities across the state and there are several in-house experts to handle questions that go beyond her. The Council was very appreciative of the time she took to come to the Council meeting and wished her safe travels. At this time, Ms. Gad left the meeting.

The first item on the Statutory Agenda was the Request for Donations forms that had been received. These forms were sent to organizations that had requested donations from the City before and the accompanying letter stated that they needed to be returned to be approved and made part of the budget.

- The first form received was from the Son-Shine Outreach Center for the amount of \$250.00 and these monies would be used to purchase school supplies and food and would benefit many of the families in Midway.
- The second through fifth forms all come from the Midway Volunteer Fire Department and total \$5,200 in requested monies.
  - The first request was for \$2500.00 for Add-On money for the State Championship BBQ Cook-off to be held October 7<sup>th</sup> & 8<sup>th</sup>—Council amended the request to \$250.00
  - The second request was for \$2,000.00 for utilities from January to December 2023—Council amended the request to \$1,500.00
  - The third request was for \$500.00 for sponsorship of the Steak Dinner—Council amended the request to \$300.00
  - The last request was for \$200.00 for sponsorship of the Fish Fry, Crawfish Boil and Fireworks—Council did not amend this request
- These requests, upon approval, would change the line item for Donations from \$1,000.00 to \$2,500.00

Gus Kangos made the motion to:

- approve the increase on the line item for Donations from \$1,000.00 to \$2,500.00;
- approve the \$250.00 request to the Son-Shine Outreach Center;
- approve the donations to the Midway Volunteer Fire Department in the amounts of: \$250.00 for the BBQ Cook-off; \$1,500.00 for Utilities for 2023; \$300.00 for the Steak Dinner and \$200.00 for the Fish Fry, Crawfish Boil, and Fireworks.

Brandee Curtis made the second and with all voting in favor the motion carried

The next item before the Council was the renewal of the TML Membership in the amount of \$591.00. Membership with this organization allows access to legal assistance for things such as sample ordinances,

and the ability to ask questions of attorneys without incurring hourly charges. This would leave the City Attorney (The Bojorquez Law Firm) to handle any other legal issues. Brandee Curtis made the motion to approve the membership renewal, Marc Nelson made the second and with all voting unanimously the motion carried.

The next item before the Council was the request to use the firm of Anderson, Marx & Bohl, CPA; to perform an audit for the City. The estimated cost of this audit is between \$15,000 and \$16,000 and is due to the time since the City's last audit. Gus Kangos made the motion to approve using this firm and getting the audit, John Whitmire made the second and with all voting in agreement the motion carried.

The next item before the Council was the question of proceeding with a police department. In order for Midway to have a police department, a Chief would have to be hired and a TCOLE Agency number obtained. The cost for the agency number is \$1,000.00 and Bryan Corb, who had been interviewed for the job of Chief, is still interested. Council was unanimous in the need/want of a police department and in the belief that Mr. Corb can do the job. The questions of the department centered on the funding and getting grants. It was explained to Council that grants for a police department cannot be sought until the Chief and the agency number have been obtained. Brandee Curtis requested that numbers (preliminary budget) for the police/court be put together and maybe presented in a brief workshop before the next Council meeting. Brandee Curtis made the motion to proceed with the police department, Rex Newkirk made the second, and with a vote of 3 in favor and 2 against, the motion passed.

The last item on the Statutory Agenda was the water and sewer rates. As of this Council meeting, the filtration system had not been turned on but it was felt that it would not be long before it was on. With the addition of the line item for the audit, and the increase on Building Supplies—Outbuildings in the Water Department Expenses, the rate study revealed that increasing the base rate from \$30.00 to \$33.00 would be sufficient to start off the next fiscal year. Once the filtration system has been in service for 6 months, the rates can be re-evaluated. On the Sewer Department Expenses, there is the additional line item for the audit and there were increases on other lines including Sewer System Maintenance & Repair and Contract Services. These increases are needed based on the anticipated work to be done on the sewer system. The rates for sewer have not changed very much since the sewer system was brought into service; at the current time the base rate for sewer is \$22.50. Also in place at the present time are Usage Charges, these charges are based on the amount of water that goes through the meter. Currently usage of 0 to 4,000 gallons will see a charge of \$2.00 per thousand gallons; 4,001 to 8,000 will see a charge of \$3.00 per thousand gallons. Since the bulk of sewer customers are within these categories, it is necessary for a slight increase in these usages. The Usage change would occur the 2,001 to 4,000 gallons used with the change being \$2.50 per thousand. At the 6,001 to 8,000 gallons, the usage charge becomes \$3.50 per thousand gallons. The Usage Charges would only be changed effective October 1, 2022. The Base Rate Charges (increase of \$3.00) would be done for Water on October 1, 2022. The Base Rate changes on Sewer would be increased on \$3.00 effective 10/1/22; 1/1/23; 4/1/23; 7/1/23 at which time a rate evaluation would be done to determine if the increases needed to continue on a quarterly basis. The first Base Rate change would take place 10/1/2022 and would see the current Base Rate of \$71.00 increase to \$77.00. It was stated that the City does not currently have specific rates for Commercial (businesses), Institutional (Churches/Community buildings). Rex Newkirk made the motion to approve the changes in the water and sewer rates, Marc Nelson made the second and with all voting in favor the motion passed.

Staff Reports were given at this time. Janet Boone informed the Council that on the 16<sup>th</sup> of August, the City had a TCEQ Inspection on the Water System and there were no dings on the City's records. In the Well Yard, the inspector found the following: a spout on the new ground storage tank was found to be open more than 1/16 of an inch; the meters on the wells had not been calibrated; the secondary containment of the LAS was insufficient. Wes was immediately able to correct the spout; the meters were calibrated and the paperwork on both of them was turned in to the inspector before the deadline date of

August 30<sup>th</sup>. As regards the containment, several things were tried and all were found to be lacking in some way. When it was explained to the inspector that the City would not be using the LAS after the next couple of weeks, the inspector went to his supervisor to further discuss the situation. After visiting with his supervisor, the inspector called Janet and told her that the LAS has to remain on site per the letter from TCEQ. The violation, which is a minor violation and not fine-worthy, would be given a 3 month period to correct. When the 3 months are up an extension would be given for an additional 3 months; by that time the 6 month limit on having the LAS on site will have passed, and the filtration system should be on-line and working well. At this time the violation would be dismissed.

On the Sewer report, Janet reported that Mr. Adams has designed an aeration system based on the information provided to him but that he was checking on the availability of parts. Janet stated that she is hopeful he will be able to come to see the lagoons in September and that she will have numbers for the Council to consider at the next meeting.

For the City Secretary's report, Debra Newkirk reported that Allison Basinger continues to excel at her work and that they are working on an activity report to be able to give to Council on a monthly or quarterly basis to reflect the work that goes on at City Hall. Debra then requested vacation time on Friday, September 2<sup>nd</sup>; Thursday, September 8<sup>th</sup>; and Friday, September 9<sup>th</sup>. Gus Kangos made the motion to approve the requested days off, Brandee Curtis made the second, and Rex Newkirk abstained, and with all others voting in agreement the motion carried.

At this time Gus Kangos made the motion to adjourn, John Whitmire made the second and with all voting in agreement the meeting adjourned at 9:02 p.m.

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Brenda Ford, Mayor



Debra Newkirk, City Secretary