

TOWN OF RANSOM CANYON

CITY COUNCIL MINUTES

APRIL 14, 1992

The regular meeting of the City Council of Ransom Canyon was called to order at 7:00 P.M. by Mayor Lee Kitchens. Erika Hoeve, Charlie Burford, Gene Johnston and Charley McQueen were present, Inez Speed arrived later.

MINUTES: Unanimously approved on Charlie Burford's motion and Erika Hoeve's second.

FINANCIAL REPORT: Unanimously approved on Erika Hoeve's motion and Charlie Burford's second.

COMMITTEE REPORTS: Wayne Gentry reported a request from Mark Lawson to keep a temporary locked trailer on his home construction site until June 15, when he would have a room that could be secured. He has needed a place to secure tools on this construction site. The council expressed general approval of this request, but took no formal action to this end.

Wayne reported that the inspector from TWC that recently conducted the annual sewer inspection had found no defects in our operation.

Wayne reported for Ray Short: 1 accident, 3 arrests, 23 calls, 7 citations, 11 warnings.

Bettye Rogers reported for the library that a group of second graders from Hardwick Elementary had a field trip at our library. Very successful program. Easter egg hunt set for Saturday, April 18, 10:30.

ORDINANCE # 113: Mayor Kitchens read an introduction to the situation. The city ordinance # 46 reads as the Deed Restriction reads regarding roofing regulations. Because the court has ruled that this verbiage is unenforceable, the council would consider amending Ordinance # 46 so that it would not be vague or ambiguous. This Ordinance contains a penalty, and therefore must be published. Some residents were waiting for a new ordinance in order to install asphalt laminate shingle roofs, and therefore they were eager to have the matter settled. Mayor Kitchens read a sample ordinance that would allow these shingles. The proposed ordinance would also state that the penalty clause would not apply at this time, in order to accommodate the citizens who believed this matter was urgent. The council offered their opinions:

Charley McQueen wanted a full explanation justifying the urgency of the proposed ordinance. He wanted to hear from the public about this specific issue, and he wanted the opportunity to express his opinion on the matter of the shingles.

Erika Hoeve had researched through TML lawyers the legalities involved in changing a building code ordinance. She had found that there is no statutory authority for holding an election to change a building code

ordinance for a Type A general law city such as is Ransom Canyon. The ordinance can be changed only by majority vote of the city council. Any Ordinance which contains a penalty clause must be published in the official newspaper. Erika stated that she did not object to the shingles per se, but that she did object to the proposed method of adopting this proposed ordinance, that this was a major change, and that for the sake of harmony, somehow the council should take a survey and/or hold public hearings to get official citizen opinion about whether asphalt laminate shingles, (Timberline, etc.) should be allowed.

Charles Burford stated that he wanted to know what the majority of the Canyon believed, and that he was not ready to vote on either of the proposals.

Inez Speed declined to comment.

Charley McQueen suggested that the May 2 election would tell. He agreed that he desired normal procedure, he desired to strip the urgency factor, that the council had no legal responsibility to the people who had waited a year to roof their homes.

Gene Johnston stated that he wanted the citizens to make this decision.

Lengthy discussion from the floor ensued, with opinions both for and against the issue of asphalt shingles. Some believed that the council had enough time already to make plans to get the public opinion about accepting or rejecting a change in this ordinance.

The June, 1991 survey taken by the POA was presented as evidence that the majority rejected the shingles, but some expressed problems with drawing this conclusion from that survey. Another detailed Ordinance that would not permit the shingles was read by a member of the audience.

Attorney Sims had suggested that the new Ordinance be written from a positive attitude. Sims stated that the city ordinance has not been tested. He suggested that the new wording for the ordinance be specific, and it appeared that the council needed to decide if they were going to allow the shingles or not allow the shingles.

The discussion continued until a break was called at 8:15, then meeting was reconvened at 8:20. Harold Chapman stated that the Deed Restrictions had been written by people from Houston, 25 years ago before the new materials were available. All agreed that this was a divisive issue.

There was much discussion about the pros and cons of the issue. Paul Baumann stated that he had been getting phone calls as the municipal judge, and suggested that the public needed a chance to be informed of all of the issues so that the public could make an informed decision.

One member of the audience suggested that the council review the material that had been prepared by the fire department on this subject.

There was some discussion about the legal restrictions about holding a referendum election. Erika Hoeve explained that per TML, no legal referendum vote could be called for this item. There could be a poll, or a

survey, however.

Erika Hoeve suggested that she would abide by the majority opinion of the results of a survey, taking this tally to indicate the wishes of the majority. Charles Burford and Gene Johnston both agreed to abide by the majority wishes. Charlie McQueen and Inez Speed also agreed to this. John Sims said that no resolution to this effect would be in order because this council could not bind any future council to this action.

The council took no action on this issue, but did agree to meet at a working session at a later date. City staff was directed to continue to deny permits for Timberline roofs. If a roof is installed without a permit, Wayne was ordered to either red tag it, or to issue a cease work request.

ROAD: Charlie Burford reported that he had talked to Mel Pope. The environmental impact study had been accepted; the design calls for a 4-way stop. (This controversy with Buffalo will not cause a delay in the project.) The highway department will proceed with obtaining rights-of-way, to bid in December, with construction in early 1993. We should be alert to an end run from Buffalo.

TREES: Lots of trees. Hundreds of trees. Four Hundred. Planted by Charles Burford, Clara Burford, Wayne and Bennie, Inez, David Peterson, Lee Doss and Freddie Lee Doss. Around the island, and the parking lot, the park, and individuals who have lakeside property. Haskell put some at the chapel.

CABLE TV: on go.

ADJOURN: Charles Burford so moved, Erika Hoeve seconded, all approved.

Melissa Verett