

**RANSOM CANYON CITY COUNCIL MEETING  
JULY 1, 1997  
MINUTES**

This meeting of the Ransom Canyon City Council was called to order at 6:30 P.M. at the Ransom Canyon Fire Station #1 Ridge Road, July 1, 1997. The regular meeting date for this July Council Meeting had been changed at the May City Council meeting, and this change had been confirmed at the June Council Meeting. Mayor Lee Kitchens called the meeting to order. Council members present were: Charley McQueen, David Peterson, Erika Hoeve, Inez Speed and Ken Williams.

After Mayor Kitchens called the meeting to order, the council adjourned into executive session to discuss matters of litigation with the city attorney, John Sims, such executive session authorized by TAX. REV. CIV. STAT. ANN. art 6252-17, sec 2 (subsec.) (Vernon Supp. 1990). The executive session reconvened into open session, and Mayor Kitchens announced that the City Council had instructed the attorney to proceed to defend the city and to take whatever measures were necessary to enforce the city ordinances.

The agenda was adjusted to consider item 7, Harold Chapman's request that the City abandon the easement for Tract "A". This street is in Harold's name, and he intends to assure access for all adjoining property owners. Bernie Gradel stated that at this time the city has no interest in it because it is a private street. Wayne Gentry stated there were three driveways at this time. David Peterson asked if there would be cost to the city. John Sims said there would be none. Erika Hoeve moved to abandon the easement, subject to the utility companies approval. Ken Williams seconded the motion, all were in favor.

The council next considered item # 9 on the agenda, a request for Deed Plat and Restriction approval from Kelly and Susan Heinrich. The plat as presented described their property as Block 20, lot # 138. As part of Block 20, their property, which has a tax tract description of Tract 12 R 2 A, would have the same set back and city Deed Restrictions already in place for Block 20. Block 20 has some lots with no height restrictions. The Heinrichs want a two story home, so by including their tract in with Block 20, they are requesting approval with no height restriction. Allen Butler had submitted a letter stating no objection to their request.

The council had a lengthy discussion about the height restrictions of lake front property, and of canyon rim property, and David Peterson stated that the overall intent of city planning was to preserve sight line access to as much of the canyon as possible. For this reason, different Blocks have different height restrictions; Block 18 spells out 18 feet, Block 20 Garden Homes are 25', Rim Lots are 35'. But mostly, as Erika Hoeve mentioned, all of these home sites being discussed are limited to "one story" or "split-level". This means the house can go downward from street level, but not up (above one story)

Lee Kitchens defined the Heinrich's request for plat approval that would allow a two story home on lake front property. John Sims clarified that if the property was simply included in Block 20, it would not have a height restriction.. Inez Speed asked if any other property owner beside Allen Butler had been contacted. Susan Heinrich answered that no other property owner had been contacted.

Erika Hoeve stated that in this case, the spirit of platting this land should be to continue the policy of one story. Susan Heinrich mentioned the Wentzes house on South Lake Shore that is a two story home. Wayne Gentry explained that the council received a request for a variance in feet, not in stories. The topography of the land at the Wentzes home is deceptive, and so allows for one story above the highest point of the street curb, with the exception of the few feet at the peak of the roof in the center of the home. This was the basis of the footage variance for this particular home.

Ken Williams stated that he wanted to hear from other property owners. Allen Butler stated that these lot owners won't see the lake with even a one story home. David Peterson answered that the council was concerned with the overall view and beauty of the entire canyon.

The council commented that it would be highly desirable to get all four tax tract owners to agree to similar restrictions, so they would only have to deal with this matter once. It was clarified that the Heinrichs were requesting only approval of their tract, and that approval of the Plat included approval of the Deed Restrictions for that Plat.

Erika Hoeve moved to table the issue until the council received further input from surrounding neighbors. No second. John Sims suggested that if they set the height at 25 feet that would be the same as the garden homes adjoining, but that all four need to be the same. Erika commented that approval of one would actually plat all four. All four, at least three tracts, owned by Butler, Heinrich and Chapman, would simplify the process for the council. Erika made the motion again to table until it would be presented again for request for approval, at which time all four could be dealt with at the same time. Inez Speed seconded the motion, all approved.

**MINUTES:** Corrections:

Pg. 5, paragraph 2 line four should read "...we are hiring the applicato to spray ..."

Pg. 5, paragraph 2, line five, first full sentence should read "...have had the fifth."

Pg. 5, paragraph 3, line one should read "David went on to state that the city cannot..."

Pg. 5, last paragraph, line 2. David Peterson requested clarification of his statement about spraying Brookhollow. By stating that the creek is not an open body of water, he intended to convey that the creek would not be directly sprayed because the trees would block the spray

Page 6, third full paragraph should read, "...the city has no control..."

With these corrections, David Peterson moved to approve, Inez Speed seconded, all approved.

**FINANCIAL REPORT:** Power Lift has been paid per the original contract. Erika Hoeve asked why employee medical insurance is high. Melissa answered that payment of this bill includes a monthly prepaid that will be adjusted at year end; that TML traditionally issues an increase after our budget is adopted, and our '96-97 budget increase was short of the actual increase even though the city chose the most economic option, causing all the employees to adjust to a PPO expense; and finally, one employee added dependent coverage at the beginning of this fiscal year, and the employee expense has yet to be recovered. Erika Hoeve noted this money should be recovered.

Inez Speed moved to approve the report, Erika Hoeve seconded, all approved.

**PRELIMINARY BUDGET HEARING:** July 22, a Tuesday, at 7:00 P.M. was set for the second council work session. The Budget was presented, there were no comments.

**ITEM 8 RAND MCPHERSON'S CABOOSE:** Rand McPherson requested again for a permit to move an antique caboose onto his property. No views would be blocked, and it was OK with his neighbors, letters having been submitted previously. It will be landscaped into the home. Ken Williams stated his only problem was with setting a precedent for allowing a structure of that size. Lee Kitchens stated there was a requirement for new materials. Erika Hoeve stated that she did get opinions, and most people she spoke with objected only because it would set a precedent. Inez Speed, David Peterson and Charley McQueen all stated that they were afraid it would cause a problem. Charley McQueen moved to deny the request, Erika Hoeve second, and all voted to deny the request for the caboose.

**WES TEX WASTE SERVICES:** The council refused Wes Tex Waste Services request for the council to sign a form stating that the contract with Fabit/Waste Management was assigned to Wes Tex Waste Services. The city has no written contract other than a month to month verbal contract for waste hauling, so the council questioned the advisability of an assignment of a verbal contract. Mr. Jackie Reed from Wes Tex referenced the last signed contract, which was a 1984 contract with Fabit. Mayor Kitchens suggested that Wes Tex submit a new document, pass it through the city attorney, so that the council would not be signing a blank check. Erika Hoeve suggested John Sims be advised of the city's position.

**CITY HALL PLANS:** Mayor Kitchens stated the plans were in Ron Howard's hands who will come up with alternatives. Inez Speed asked if we were ready for an architect. Lee Kitchens stated close.

**DEPARTMENT REPORTS:** Wayne Gentry reported that a city sewer check valve on South Lake Shore had failed and three houses had flooding problems. One house was equipped with a lift station, Wayne did not know why it failed. The council asked Wayne

to send a letter to homes on South Lake Shore that were in danger of being flooded if this happened again. Erika Hoeve asked if this were our problem, and Wayne answered that the last time this happened, TML advised us that it was not our problem. It was recommended to certain home builders to put in a lift station. All homes below grade are advised to have both check valves and lift stations. Wayne Gentry stated that the city main failed, that it has happened before, and can happen again.

Cost to the homeowner for installation of check valve and lift station is estimated at \$50 for the valve plus labor. An electric lift station would run \$600 -\$700. Wisbys have a lift station and precautions have been taken. They have never had flooding in their home.

Lee Kitchens instructed Wayne Gentry to determine which homes are vulnerable and send them a letter. Erika stated that one particular home had been flooded four times. Charley McQueen clarified that the lift station that went out is one that is set to have new controls installed.

Inez Speed asked Fire Chief Rawls if he had bid data for the city tornado sirens. Wayne will have info by the work session. The council generally believed this was a needed city improvement and wanted good numbers for budgeting purposes.

Erika Hoeve mentioned that the fire department had done excellent work in responding to the fire across the lake on the Canyon Rim that had been started by lightning. They had a two minute response and it took eight minutes to stop the fire.

POA: Allen Butler reported for the July 4th that there would be a parade, no fees, no prizes, just a parade. Lunch is at 1:00, there will be an auction, live entertainment, a boat parade, and Allen asked if the flag issue was just dead. The council responded that they had concerns, so Allen asked if the item could be put back on the August agenda. Lee said OK.

**OPEN FORUM:** Mosquito spraying has begun, and enormous fish stories. Eight stripers,( one 24 lb. 7 oz.) Total weight 141 pounds of fish!

Motion to adjourn from Ken Williams, second from Erika Hoeve, all approved and the meeting adjourned.

Melissa Verett  
City Secretary