

**RANSOM CANYON CITY COUNCIL
AUGUST 9, 1994 COUNCIL MEETING
MINUTES**

The regular meeting of the Ransom Canyon City Council was called to order at 7:00 P.M. by Mayor Lee Kitchens. Council Members present were: Charley McQueen, Inez Speed and Ken William. Erika Hoeve and Charles Burford were absent.

MINUTES OF JULY MEETING: Ken Williams moved to approve, Inez Speed seconded, all approved.

FINANCIAL REPORT: Inez Speed moved to accept, Charley McQueen seconded, all approved.

IV. POA:A. LAKE VIOLATION ENFORCEMENT. Bill Green, president of the Property Owners Association, asked the council to clarify the problem of rule enforcement on the lake. Will the police chief issue citations for lake violations, or for violations of the Water Safety Act, previously adopted by the city. The coast guardsman cannot issue citations. If the offense is a class C misdemeanor, our police can issue citations, per John Sims. Ray Short advised that the violations were primarily Class C. John Sims explained that if the specific articles of the Water Safety Code are incorporated into an ordinance, with regulations, and violations and fines specified, then the city police can issue a citation. Lee Kitchen, asked the council if our city police had the equipment (i.e. a boat), or time to patrol both the streets and the lake. There was some discussion that city police could not enforce POA rules and regulations that were not Class C misdemeanors. John Sims said the problem was manpower.

Goodwin Powell stated that the POA had always self regulated itself with a boat patrol. It had always been successful, and he believed it was still the best way.

However, Ken Williams moved to have the city police enforce the lake violations, via an ordinance to be drafted that would specify Water Safety Act regulations and violations, and corresponding fines. Inez Speed seconded and all approved.

IV. POA: B. LAKE LEVEL Bill Green requested to keep the lake level at the "Top-0-The-Boards". He advised that the lake permit for a lake level at 4" above the sea level of the present permit could be applied for and would probably be permitted. Inez Speed, Charley McQueen and Ken William all had been given the tour by Ron Bornick, and they all thought the "Top-0-the-Board" level was satisfactory. Question from Lee Kitchens, would any homeowner be adversely affected flood-wise.

Pat Cook from the TNRCC (water commission) explained the dramatic level changes that we have recently experienced. There are four water right users in our fork of the Brazos River. 1. Buffalo Lakes 2. Ransom Canyon 3. Mr. Wood, a rancher and 4. R-E. Janes Gravel Co. Buffalo's permit allows them to impound 4,820 acre feet of water. Ransom's permit allows us to impound 560 acre feet.

Pat Cook explained that the City of Lubbock releases water to Buffalo if there is any surplus after they water Burl Huffman complex, the city cemetery and Meadowbrook. Lately there has been no surplus, so Lubbock has not released to Buffalo, who is not required to release to Ransom, and per Pat Cook if Buffalo does not release to Ransom, Ransom does not have to release to the livestock downstream. That's just nature, and we live in an arid climate, and no fault prevails. This problem is now under the investigation of John Montford's office, because there is a legitimate question of Buffalo's requirement to measure incoming water, and impound storm water runoff accordingly. As the law stands at this time, Buffalo can legally impound water, and not release downstream. We are dependent on their good will to cooperate when Pat Cook asks them to release water to us. They do not have to fix their flow valve, and they do not have to siphon over the dam.

Pat Cook stated that he did tell Ransom Canyon they could close their valve. He did authorize flow stoppage. He was not aware of the procedure to request an increase of impounded water.

Bernie Gradel explained that the curb on the dam had been put there to prevent water from flowing or "blowing" over the roadway. This \$ 23,000 repair had been necessitated due to the eroded condition of this roadway, and Bernie stated strongly that even if the lake level was below this level, if it was not at the designed level of the weir, it would indeed "blow" over the roadway, and Ransom would soon look again at another roadway repair. Bernie also stated that the "top-o-the-board" level would not put any homes in immediate flood danger. Martin Harms stated that he had serious concerns about flooding.

The POA and the audience stated that they expect Wayne to daily monitor and adjust the weir to release and impound as necessary. Lee Kitchens asked the POA if they would assume this duty and Bill Green replied that they would . Lee asked John Sims if this was a reasonable solution.

John Sims explained that the permit was in the city's name, and the city would be ultimately responsible, no matter who had the job. The council believed that the present level of the water was reasonable, and Ken Williams moved to officially request a change from the State Water Rights authority. Inez Speed seconded, but much discussion followed. Wayne Gentry asked why file a request to impound 200 more acre feet of water, when the real problem was the accumulated silt on the bottom of the lake?

Bernie Gradel explained that the permit request would be fought by the downstream water rights holders. The problem is sea level, not acre feet which is the permit basis.

The council withdrew its motion. Charley McQueen instead moved for the council and the POA to work out a management plan to maintain as close as is possible the level of 8/9/94, with the intent to keep the lake a constant level. Inez Speed seconded, and Ken Williams agreed, making the motion unanimous.

V. TAX ASSESSOR REPORT. Melissa Verett explained that the value of the 1994 Certified appraisal roll was \$39,259,250. This is 1.5 million over last year, but only \$780,000 in new property. The difference is the 100% effect of all of the partial assessments on the '93 roll. As the Tax Collector, Melissa certified the collection rate to be 100%. The published 1994 effective tax rate is \$.73011 per hundred dollars valuation. The notice and hearing rate is the lower of the effective tax rate plus 3% - \$75201, or the rollback rate - \$.75875.

VI. BUDGET HEARING AND RECORD VOTE FOR PROPOSED TAX RATE> Lee Kitchens explained that last year's tax rate was \$.73992. \$.36725 is required to retire the bond debt for this year. That leaves \$37267 for operating cost.

In the 95-96 fiscal year we will pay off every long term debt. Since 1965 when the development was begun, Ransom Canyon has not been debt free, but the effect on the tax rate for the 96-97 year will be dramatic, and the citizens will have some very important choices to make. The tax rate will drop by half (the half that has been required for bond debt.) The citizens will decide whether to keep a \$37 cent tax rate, or implement some improvements in the canyon such as a new fire engine, a more permanent solution to the silt problem in the lake bed, a satisfactory meeting room, and pay for these improvements as they are made.

The proposed budget had not changed from the budget that was reviewed last month. There were no questions or additional changes proposed at this meeting. The budget will be adopted and the tax rate adopted at the next council meeting,, but the law requires the council to take a record vote to determine if the council expects to need a tax rate higher than the notice and hearing limit. Inez Speed proposed a rate of \$.73992, which is below the limit. Charley McQueen seconded the motion, all approved.

VII. ACTION ITEMS: 1. WEST LAKE SHORE. Wayne Gentry told the council that West Lake Shore needed to be completely rebuilt. In the lifetime of the street, it had been sealcoated once. The development

of the new area had added many new cuts and holes and patches, so the street really is in sad shape. The entire cost will be shared by the developer and Ransom Canyon's part will be \$8,000. This money is in this year's street budget, and the council voted unanimously to allocate the funds on Inez Speed's motion, Charley McQueen's second.

ACTION ITEM A. # 2. GREEN/PHILBRICK FRONTAGE. Wayne explained to the council that this area was not constructed to grade, and because of this, water stands in the street. Bill Green was asking for a drain of some kind. Wayne explained that several other homes along this street had the same problem. When the drives were poured, they went in on a lower grade. Lee Kitchens requested that Bernie Gradel research this problem for a mutual solution. No council action taken.

ACTION ITEM B. COMMITTEE APPOINTMENTS: The council appointed three new committee members, David Williams. Tom Airhart and Sanford Whitaker. Martin Harms had been nominated, but he declined to serve, offering his services as a consultant. Mike Dertien had indicated interest in serving, but because he is a practicing architect, with several of his designs already in the canyon, the council wanted to avoid any possible conflict of interest. This appointment was made on the motion of Inez Speed, second from Ken Williams and all approved.

LIBRARY BOARD; Mary Brown told the council that two new board members, Jean McQueen-and Tami Prichard had agreed to serve. These two new members were accepted with Ken Williams' motion and Inez Speed's second, and Charley McQueen's approval.

C. ORDINANCES: ORDINANCE NO. 125: FENCE: John Sims explained that the fence ordinance needed to be divided into two sections, and the permit fee needed to amend the building code ordinance that lists all projects that required fees. Ken Williams believed that the ordinance should be expanded to include any and all obstructions, such as shrubbery and trees. No action was taken on this ordinance.

ORDINANCE NO. 126: SECOND WATER METERS: This ordinance recognized the action taken by the council in its July meeting which determined that second water meters would be charged a flat \$5.00 rate, with the gallonage added to that of the first meter. Ken Williams so moved, but the chair recognized the lack of any second.

ORDINANCE NO. 127: ROOFING ORDINANCE: This ordinance recognized that manufacturers of architecture shingles are no longer putting weight on their products. The council voted to change the requirements to a 40 year warranty, with no mention of weight. This ordinance passed upon motion by Charley McQueen, second from Inez Speed, and abstention from Ken Williams.

ORDINANCE NO 128: SOIL EROSION PREVENTION: Charley McQueen questioned the carte blanche style of the ordinance. Each property is unique, and he preferred to work it out on an individual basis. He believed each builder would engineer his own lot, and every permit would work with the inspector as befitting each lot. The Ordinance draft was cumbersome. Inez Speed was unfamiliar with the EPA regulations. Ken Williams believed that some enforcement was necessary to prevent having mud all over the street.

Bernie Gradel noted that the EPA restrictions placed on larger developments are very generic and too specific. Charley McQueen voted to table the issue, seconded by Inez Speed. Ken Williams voted not to table the issue. The issue was tabled.

D. ELM BEETLE ERADICATION: Inez Speed explained to the council that the Elm Beetles were harming the trees, and that Buffalo Lakes had aerial sprayed theirs for \$6900. She believed we had a problem and was looking for a solution. The chapel had already sprayed their trees. Several options were discussedthe trees had a four year cycle and would come back next year regardless of spraying or not ... the

time for spraying had passed the beetle is not the problem, a fungus defoliates the trees, but doesn't kill them always, and the spraying would kill beneficial insects. No action was taken by the council.

COMMITTEE REPORTS; These were abbreviated due to the lateness of the hour. Wayne Gentry reported one set of plans at B 5 L 11. Ray Short gave a brief report of his very busy July. There will be a library reception for Mary Brown Monday the 15th.

OPEN FORUM: The Historical Marker ceremony is set for September 2. Mark your calendars. The city got a bill from Fabit for having to take a recycle dumpster to the landfill. There was garbage in the dumpster, and so the material was contaminated. Lee Kitchens noted that regulation of these dumpsters is impossible, and outsiders do dump regular garbage in our dumpsters. If the brown ones are full, they just put their garbage in whatever is handy, frequently the green recyclers. If this happens again, the recycle program should be looked at closely.

ADJOURN TO EXECUTIVE SESSION: The council discussed the upcoming trial with Buffalo Lakes over the unpaid sewer bills. They reconvened, took no action, and adjourned.

Melissa Verett