

TOWN OF RANSOM CANYON
CITY COUNCIL MEETING MARCH 20, 2007
MINUTES

This meeting of the Ransom Canyon City Council Meeting was held on March 20, 2007. Mayor Robert Englund called the meeting to order at 7:00 with a quorum present, made up of Aldermen Ron Cox, Donna Clarke, Kevin Carlson, James Overby and Jack Randorff present. Attorney John Sims was also present.

The Mayor called for a moment of silent meditation.

2. MINUTES. Jack Randorff moved to approve the February minutes as printed, and Donna Clarke seconded the motion. All voted aye and the motion passed.

3. FINANCIAL REPORT. James Overby moved to approve the financial report and the Claims and Demands, and Ron Cox seconded the motion. All voted aye and the motion passed.

4. Request to build a Ham Radio Vertical Antenna: Dr. Robert Boyd was present along with his attorney, Mr. Dulin Elder. Mayor Englund gave him the floor.

Attorney Elder spoke at length about Dr. Boyd's request to build a ham antenna at his new home at 98 South Lake Shore Drive. Mr. Elder commented about the good things that ham operators are able to do in the event of emergency, and he commented on the FCC law, called PRB1, that says that the FCC will preempt a municipality over the installation of a ham antenna. Mr. Elder said that a municipality must reasonably accommodate an applicant. He also said that he believed that Ransom Canyon does not have an applicable antenna ordinance, that the satellite dish ordinance is not applicable to this situation, Ordinance 56 and the amendments are not applicable, and the International Building Code is not applicable.

Attorney Elder said that the Boyds were requesting two antennas. One was a 65-foot antenna made up of a 51-foot tower plus a 14-foot antenna, for a total of 65 feet. The second antenna is 15 feet tall plus a 35-foot vertical extension that will be attached to a building. Antenna #1 will be camouflaged in gray and dark green elements, will be somewhere at the back of the property, will not exceed 18 feet above the curb, in the down position it will be below the tree line, and it will have anti-climbing features. The antenna placement was not indicated by a site plan. The antenna structure did not go through the building committee due to the one-story, 18' limit Deed Restriction that is on the property.

Attorney Elder commented that an antenna is not a "residence." Donna Clarke commented that the intent of the writers of the Deed Restrictions would be an important consideration in this discussion.

Ransom Canyon Attorney John Sims commented that the location of the antennas was not stated, and until that's resolved, both the height and set-backs will remain in question, and the permit process could not go forward.

Attorney Elder did not think that the tower was subject to the Deed Restrictions as a tower, but the Boyds are willing to move it into the trees.

There was some discussion about FCC rulings PRB-1 and PRB4.

Mayor Englund ended discussion and called for a motion, if someone had one, to allow a variance from the Deed Restrictions, and to allow the permit for the antennas. Donna Clarke made a motion that consisted of several provisions.

- Limit the tower to the height of the house,
- Get some assurance of placement,
- Get some assurance of no nuisance,
- Comply with the building code, and
- Comply with health and safety codes. James Overby asked for a height limit, and Donna Clarke amended her motion to specify a height limit of 18 feet, and also control of radio interference.

There was no second to this motion. Motion died for lack of a second.

5. JIM CHILDRESS applied for a ham antenna also. The Building Committee reviewed his plans and referred him on to the city council because they did not feel like this decision should be made by the committee alone, but should be heard in public hearing and should be ruled on by the city council, due to the precedent setting aspect of this item.

The Childress property is not subject to any Deed Restriction referencing height. Jim described his antenna. It is 21 feet when it is nested, and in the "up" position, it is 51 feet. He expects to operate it at 46 or 47 feet. He also is providing childproof safety devices. Jim discussed the changes in ham antennas over the years. His second floor roof is 21 feet and the tower will be somewhat above that. It will withstand 80 mph winds. Donna Clarke said she had concerns with nuisance issues, and also with following the IBC codes.

Donna Clarke made a motion to grant the permit for an antenna not to exceed the height of the house, with a 36 foot roofline. The antenna must provide Building Code compliant plans for safety, guarantee no interference with the neighbors, and comply with the safety issues.

There was no second to this motion. Motion died for lack of a second.

BUILDING REVIEW COMMITTEE. Mayor Englund reported that the committee reviewed the Childress application for an antenna, and also an application for a landscape job.

6. EXECUTIVE SESSION. The Council adjourned into executive session.

7. The Council reconvened into open meeting. Mayor Englund announced that no action was taken in executive session, and no action would be taken subsequent to this executive session.

9. OPERATIONS: Harold Needham reported that there was no sewer line tap for the Sharkey garage, and that if one were made, Sharkey would pay for it. Harold said they would not hook up the water until the sewer was attached.

Valves in the control tanks are leaking and need replacing. He found a replacement transducer. We need backup valves.

10 POLICE REPORT: Wayne Rawls reported that his radar unit is fourteen years old. A new one will cost \$1500. He has this in his budget for small equipment. International Diving Technology has submitted a proposal for repair of the weir, but the fee was unclear whether it was a per-hour or per-job fee. Wayne will get clarification. The estimate was \$940 plus labor at \$240 per hour.

11. FIRE DEPARTMENT. Rand said there was nothing to report except that there will be no more pancake breakfasts until the July 4th BBQ is over.

12. LIBRARY; Kim Copeland reported that the spring is very busy at the library. February is very busy as Arcade Month. The Fund Raiser this year provided some needed money to replace and update the book supply, so the board went to Barnes and Noble for new books. The Easter Egg Hunt will be April 5, and they will be hiding 1300 eggs, with help from the girl scouts.

- Ages up to 10 years old will hunt.
- Ages over 10 will help hide.

Summer reading club theme is SAIL AWAY WITH BOOKS! How perfect is that?

Under OPEN FORUM the Mayor mentioned that the Lubbock/Ransom Canyon and the Ransom Canyon/Roosevelt water contracts are sill being crafted.

With no further business the meeting adjourned.

Melissa Verett