

Minutes August 8, 2006

The August 8, 2006 monthly meeting for the City Council of the Town of Ransom Canyon was called to order by Mayor Robert Englund at 7:00 PM. The Mayor called for a moment of silent meditation. Council present: Ron Cox, James Overby, Jack Randorff and Donna Clarke. Kevin Carlson was absent due to family emergency.

2. MINUTES: Approved on a motion from Donna Clarke, second from Ron Cox. All voted aye.

3. FINANCIALS: Approved on a motion from Jack Randorff, second from Ron Cox. All voted aye.

4. TAX ASSESSOR/COLLECTOR REPORT

A. Values: Lubbock County Chief Appraiser Dave Kimbrough certified the 2006 taxable value at \$92,990,011. This action was accepted by the City Council on a motion from Jack Randorff, second from Ron Cox. All voted aye.

B. The collection rate was certified at 100% by the Tax Assessor/Collector This certification was accepted by a motion from Ron Cox, second from Jack Randorff. All voted aye.

C. Tax Publications. Several Publications were presented to the council.

The calculated 2006 Effective Tax Rate is .60525. The calculated 2006 Rollback rate is .6383. These rates and other related 2006 rates that will be published in the Slatonite were accepted. This action was taken on a motion from James Overby, second from Donna Clarke. All voted aye. Two hearings are required because the proposed tax rate of .63 is higher than the effective tax rate. These two hearings are scheduled for 7:00 PM on September 5 and September 8. Jack Randorff and Donna Clarke commented that the stated publication date for "Notice of Vote on Tax Rate" did not make sense, and they asked Melissa to research these dates for clarification.

5. 2006-2007 Budget Hearing:

5. A. Regarding the salary line items, Donna Clarke commented that the increases were 3% only, with no additional \$50 as printed. It was her understanding that the money saved because of the lowered insurance premiums would be put into the general fund, not distributed to the employees in the form of increases. The council all agreed that this was the plan.

James Overby moved to approve the CIP. Donna Clarke seconded, all approved. Jack Randorff moved to approve the budget as proposed, Ron Cox seconded, all approved.

5.B. Donna Clarke moved to propose a tax rate of 63 cents. James Overby seconded, and all approved.

5.C. Because this rate exceeds the lesser of either the effective tax rate or the rollback rate, the city must hold two hearings. These hearings will be on September 5 and September 8.

5.D. The council agreed that no work session was necessary for August 15.

6. Health Insurance re-rate from TML. Ron Cox made a motion to accept the new rates for insurance coverage from TML. James Overby seconded, and all voted aye. The council briefly discussed the proposal to add retiree coverage. The city would offer the coverage to retirees, at 185% of the employee rate, and the employee would pay this entire premium. With this understanding, James Overby moved to add retiree health insurance coverage, Ron Cox seconded the motion, and all voted aye.

Short and Long term disability will cost the city approximately \$5400 per year for the entire staff. The council agreed that this is a good benefit. Ron Cox moved to add this coverage. Donna Clarke seconded the motion and all approved.

9. Building Committee: Mayor Englund reported on the building projects that had come before the committee this month. One of these items involved Block 18, lots 22 and 23.

BREAK: Mayor Englund called for a 5 minute break.

10. Various Citizen Issues. When the meeting re-convened, Mayor Englund recused himself from the discussion of the next item, which was construction on lots 22 and 23, Block 18. Mayor Pro-Tem Ron Cox took over as the presiding officer.

Construction on Block 18, lots 22 and 23. Dr. Cox announced that several individuals wanted to speak to the council regarding this issue. Dr. Cox ruled that each person would be given ten minutes to speak to the council and present his or her case.

Mr. Duane McQueen made several comments. He attended the Building Review Committee meeting July 24. He is the designer/architect for houses for Larry Hay and for Eva Smith. Sanford Whitaker designed Larry Hay's house. Mr. McQueen complimented the professionalism of the committee.

John Sims asked Mr. McQueen if he was requesting a variance. Dr. Cox asked everyone to have an open mind. Attorney Sims asked Mr. McQueen what he was trying to change. Mr. McQueen explained he did not present plans to the committee. There was some discussion about the front set-back being 25 feet or being 35 feet. Attorney Sims said the setback is 35 feet, and 18 feet in height, and that Mr. McQueen just needed to get back on the building committee agenda.

Donna Clarke had questions about the memo of April 10, 06 that referenced the height as 18 feet from original grade. Donna asked what was original grade, and how would the building be sited.

Jack Randorff commented that the 18 feet started at the point of the beginning of construction, and that this wording was vague. Jack explained the unusual layout of these two lots, and the involvement of the 20 foot sewer line easement. Jack explained that the setbacks were 18 feet high and 35 feet from the front, and that they should go back to the committee.

Attorney Sims said again that if the two parties were not asking for a variance, they needed to go back to the committee.

Mr. Larry Hay spoke to the council for awhile, and Jack asked what he wanted. Larry explained that he wanted a permit.

Mrs. Eva Smith spoke to the council and said that she wanted the same thing that the other parties wanted. She said she was not requesting a variance. Duane McQueen was representing her as her architect, but he had not seen her plans.

Robert Englund addressed the council next. He said the Deed Restrictions are meant to maintain the overall plan of the community.

He said that he and his wife had hired a private attorney to research this issue. He explained that he was making a good faith effort to avoid the appearance of impropriety or abuse of authority. He explained to the council that this was a special circumstance; the Deed Restrictions were vague; and he appealed to the council to intervene. A letter from Attorney Buddy Curry was in the council package. Robert said that unless the homes were placed down on the lower plateau part of the lots in question, the houses would block the view and lower the value of their home. He said that the 35 foot setback did not apply to these lots because these lots are step lots. They come out to a Caprock, and then they drop. He said that their lots have 25,000 feet below and only 1200 feet above. The owners want to build garages and barns on the upper part of their lots, and if they do, the garages will block the Englund's view. He said these were the biggest lots in the canyon. They were meant to build on the lower shelf to preserve the view of the neighbors.

Robert explained that his objection which he stated at the Building Control Committee meeting was to the builder's seeking approval for a site plan without being on the agenda. Robert has had the documents from the attorney for months, but did not give them to the committee, waiting for the proper time, when these homes asked to be on the Committee's agenda.

Robert said, "No Deed Restriction says you can damage a person by taking away their view. There are ways to accommodate the owners of lots 22 and 23." There was some discussion about the promises that were made to both owners of these lots by the realtor who made the sale.

Ron Cox closed the open discussion at this point and announced that the council would recess into executive session. The open meeting recessed.

When the council reconvened into open session, Dr. Cox announced that the council took no action in the executive session. John Sims explained that the two individuals should go back to the Building Control Committee and submit their plans accordingly. Eva Smith asked again about a valid point to start construction. Attorney Sims said the setbacks were 35 feet and 15 feet.

11. Department Reports:

Mayor Englund stepped back to the council table for the rest of the meeting. Harold said all was well.

Rand McPherson also said all was well with zero medical calls and zero fire calls. August 26 is the next pancake breakfast.

Wayne Rawls asked if the council wanted to reapply for another fire protection inspection and ISO rating. The Council thought that would be just fine.

Wayne asked if a council member would review the police manual. Alderman Clarke said she would do this.

Wayne advised the council that officer Vance Schuette was resigning. The Mayor asked if Vance would like to remain as a \$25 paid reserve, with the opportunity to hire on again full time when his construction business was not so busy. Wayne also reported that officer Hill is moving to Lubbock.

Miss Kim reported on a simply splendid Summer Reading Club. They had Krista Kirkland Gerlich, the TTU volleyball girls, the July 4th float, cheerleading camp, Marti Greer taught a mini-triathlon, and Shanna Armstrong from Bike Across America. Over 80 children participated. The new porch is great. Kim stained it herself. The end of year party and cookout were great.

Open Forum: Billy Williams offered to help the fire department with a new air conditioner unit. The meeting room was especially warm this summer evening. Donna Clarke reminded everyone that we need to set a date for Open Meeting Training in mid to late September.

Jack Randorff moved to adjourn. James Overby seconded, all approved and the meeting adjourned.

Melissa Verett