

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, NOVEMBER 30, 2006**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN  
REGULAR SESSION WITH THE FOLLOWING MEMBERS PRESENT:

Dick Downey	Chairman
Kit Shy	Vice-chair
Dale Hoag	Commissioner
Ric Ferron	County Administrator
Debbie Livengood	Clerk to the Board

Also present was Nora Drenner.

Meeting was called to order at 8:50am.

The pledge was recited.

County payroll and accounts payable were approved from the following funds:

County General	\$166,034.05
Road & Bridge	68,525.87
Emergency Service	14,857.17
Social Service	14,836.62
Capital Improvement	26,466.06
Total	\$290,719.77

The sheriff's report for the month of October and November were approved.

Commissioner Downey made a motion seconded by Commissioner Shy to approve the minutes of the October 31<sup>st</sup>, November 6<sup>th</sup>, and 8<sup>th</sup> meetings. Motion carried unanimously.

Commissioner Hoag made a motion seconded by Commissioner Shy to re-appoint Mary Ann Moon and Will Sibbald to the Westcliffe Library Board for another term of office beginning January 1, 2007. Motion carried unanimously.

Dwight and Sue Brothers, along with John Riding, met with the Board concerning County Road 129. Mr. and Mrs. Brothers prior to this meeting presented all of the commissioners with a copy of a letter he had written concerning an action that they took in their meeting on November 16<sup>th</sup> that was rescinding a previous motion giving him permission to install a gate at his expense on County Road 129. Along with that letter, were attached copies of a letter written by Gary Havens when he was the Road & Bridge Supervisor, a copy of minutes from the August 3<sup>rd</sup> 1999, and August 5<sup>th</sup> 2002 minutes, copies of letters he had written to the Board dated September 25, 2000, and a copy of a

letter written to the commissioners from the president of the Macey Creek Ranch II Property Owners Association. There were three issues that the Brother's wanted to address with the Board concerning County Road 129 and the documentation that he provided to the Board.

1. The letter Gary Havens had written, dated May 16<sup>th</sup>, 2005, stated that if a property had access from a subdivision road that was the access that must be used. The letter written stated, "access to lot 1 in the Macey Creek Subdivision cannot be located on County Road 129 and must be located on the subdivision road. We must ask that you no longer use the access located on the county road". Dwight and Sue are questioning why Mr. Riding, who now owns the property with access from the county road as well as the subdivision, is able to use both accesses when the letter restricted use from the county road. The Board explained to Mr. Brothers, that the letter sent out by Mr. Havens was incorrect. They went on to explain that they had never seen this letter until now. The driveway access policy is referring to new applications only. Commissioner Shy also confirmed that if an individual has a county road access, it does not go away just because you also have a subdivision access.
2. Mr. & Mrs. Brothers asked the Board to reconsider a petition that the two of them presented to the Board in 1999 asking the commissioners to consider abandoning a portion of County Road 129 that extends westward from the entryway of the Macey Creek Subdivision. The Board stated that they never received a petition, but rather a request to abandon that portion of the road. The Board informed the Brothers that if they would like them to consider abandoning this portion of County Road 129, they would need to provide the Board with all of the proper documentation.
3. Mr. Brothers, third and final issue for this meeting was that the Board does not make any further decisions or actions regarding County Road 129 while the abandonment reconsideration process is underway. The Board agreed to this request.

John Riding, who owns the property that has the two accesses, stated that the previous owner had not abandoned his access off of County Road 129, but installed a new driveway off of the subdivision road because he could not make sharp enough turns with his trailer from the county road access. Mr. Riding also offered to share the expense of moving the present gate further up the road, and suggested that Mr. Brothers put up a barbwire fence to keep his horses in. When Mr. Brothers installed the gate, he took down the existing fence at the same time, leaving Mr. Riding's fence as the common fence between the two properties.

Commissioner Downey made the comment that if a road is considered to be a county road and there are individuals that want to use the road, they can't deny them use of it. Once a road is established as a public road, just because there is private ownership on both sides of the road does not take away the right for public use.

Commissioner Shy made a motion seconded by Commissioner Hoag that no physical action concerning the gate across County Road 129 is taken for the next ninety days from

this meeting. During this time, Mr. & Mrs. Brothers along with all other interested parties, including Mr. Riding, present to the Board written documentation, at least two weeks in advance so that they may review it before the meeting. During those two weeks the Board has the approval of Mr. and Mrs. Brothers and Mr. Riding, weather permitting to go out and review the premises, with both parties present. If weather does not permit for a review of the property within these two weeks, the time frame may be extended if needed. Motion carried unanimously.

### **OLD BUSINESS**

Road and Bridge Supervisor, Clint Englehart, informed the Board that they had cleaned up in the area where the new tower was construction on Verdemont Road and fixed the damage that was done to the roads.

Jerry Pearl notified the Board that Round Mountain had contacted David Hall and they believe they will be able to take care of the access situation to a parcel of ground west of Highway 69 South known as the "Gallery Parcel". This issue was discussed in the November 8<sup>th</sup>, 2006 meeting.

Being no further business, the Board adjourned at 12:15pm.