

built, the sight distance issues would not be a problem. He said, "We have a wall that was constructed contrary to (planned development) approval." He acknowledged the effect that taking down the wall would have on private property and said that in his experience, commissioners have never required someone to take down landscaping

even though it created some safety issues.

County Engineer André Brackin said he had not heard of any accidents at this intersection, but he felt that it was the cause of a lot of anxiety for residents. He said that even though the analysis utilized different criteria, it came up with the same conclusion, which was to remove the obstruction (the wall). He said that for corrective action, there are only two things that can be done: Move the road or remove the wall. "I'd very much like to see Lake Woodmoor Drive moved," he said, "but the costs would be an order of magnitude higher."

Brackin said he first got involved in this issue after neighbors in the adjacent subdivision complained that construction traffic was using the emergency gate on the east side of Brookmoor Estates. He said he received calls from Brookmoor residents complaining that the sight problems were forcing them to use the emergency access gate rather than the controversial intersection. Brackin said that some corrective action should be taken because the county did not get the right-of-way needed for Lake Woodmoor Drive. He would like to see the road realigned but said the cost would be a "magnitude higher" than the cost of removing this wall.

Latham suggested adding speed bumps to Lake Woodmoor Drive, but Brackin did not see that as a solution because he didn't think speed bumps slow drivers. Commissioner Peggy Littleton suggested that the wall be lowered to 2 or 3 feet to improve the sight visibility. Brackin responded by saying that anything other than the originally approved split-rail fence would be in violation.

Responding to Glenn's question about who would pay for a remedy, Brackin said he expected the developer to pay for most of it and that it's something that needs to be discussed. He said that he could see some minor cost participation by the county but that he certainly did not see "Road and Bridge" shouldering the cost. Glenn said he would like to see the cost comparison between moving the wall or moving the road. He also wanted a timeline for this issue. Latham ordered a break to obtain the timeline information.

After the break, Brackin indicated that the timeline issue had not been resolved and that he had explained to Brennan the criteria that needed to be met. He said that Brennan would need 30 days to acquire that information.

Brackin then indicated that with the extra time, he would have a set of numbers to compare the road solution to the wall solution. Brennan said that he would pay for the analysis but did not state that he would pay for the corrective action. Jeff Zeikus, president of the Brookmoor HOA, said at a special meeting in September that Brennan had agreed to pay for all expenses for this corrective action. ([http://www.ocn.me/v12n10.htm?zoom\\_highlight=brookmoor+estates#brookmoor](http://www.ocn.me/v12n10.htm?zoom_highlight=brookmoor+estates#brookmoor))

During the process of setting a date for the continuance, Commissioner Hisey stated, "I am real reluctant to spend taxpayer dollars to support a private property issue." Glenn requested that Developmental Services and Brennan put together some sort of news release so that the people interested in this situation are informed of the progress.

Brackin then brought up the emergency access gate violation. Glenn said that he would not support the use of an emergency access gate as a "free-flowing intersection." Gebhart said that a demand letter had been sent to the HOA that the emergency lock-only access be implemented by Dec. 10, but that had not been done by Dec. 11. He said the county attorney has been advised and that they are prepared to go forward with legal action after the first of the year.

Brackin also noted that Brennan stated that he would resolve that issue before the first of the year. He asked the developer to notify him in writing when it is completed, at which time the Fire Department and Brackin's department would inspect and verify that it was done.

It should be noted that in October, Our Community News asked Glenn about who would be liable if an automobile accident occurred due to the sight visibility problem. He referred OCN to Amy Folsom of the County Attorney's Office. To date, no answer to this question has been received. This reporter is a resident of Brookmoor Estates.

To hear the complete audio and read written minutes of the BOCC's meeting, visit <http://bcc2.elpasoco.com/bocc/agenda.asp>.

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**Donala Water and Sanitation District, Dec. 6**

**New 2013 rates and budget approved**

By Jim Kendrick

On Dec. 6, the Donala Water and Sanitation District board unanimously approved resolutions for the new 2013 rate structure, 2013 district budget, 2013 appropriation, and 2013 mill levy certification. The board approved a contract with real estate agent Thomas Driemeyer of Keller Williams Top of the Rockies, located in Frisco, to represent the district in the sale of a portion of Donala's Willow Creek Ranch property, which is located near Leadville.

All board members were present for the entire meeting, including all the public hearings conducted during the meeting.

**New rate structure approved**

Board President Bill George asked if there were any citizen comments regarding the new rate structure. There were no public comments for or against the rate increases.

These new rates were discussed at length by District Manager Dana Duthie at the Sept. 20 board meeting. The board unanimously approved the new rates without comment. *For more information on how the rates were determined, see: [www.ocn.me/v12n10.htm#dwsd](http://www.ocn.me/v12n10.htm#dwsd).*

A table that lists the new rates is available at: [www.donalawater.org/newsletters/january-2013.html](http://www.donalawater.org/newsletters/january-2013.html).

**2013 budget and mill levies approved**

George asked if there were any citizen comments regarding the 2013 budget or appropriation resolutions. There

were no public comments. The board unanimously approved each resolution. Total expenditures for 2013 will be \$12.6 million. Total revenues will be \$17.9 million. The total appropriation was \$17.9 million.

The board also unanimously approved both of the district's current mill levies of 21.296 mills and 10.648 mills. The proceeds are used for general operating expenses. There were no public comments regarding either mill levy certification.

**Willow Creek Ranch update**


Duthie gave an update on negotiations with the federal Bureau of Reclamation for storage of Donala's Willow Creek Ranch renewable water rights in the Pueblo Reservoir. He said any further delays by the Bureau of Reclamation may delay the use of any Pueblo Bureau of Water Works water in early 2013.

Duthie then gave a briefing on the reasons for putting up some of the district's 35-acre Willow Creek Ranch for sale.

Donala purchased the ranch in 2008 for both use of its renewable water rights and to ensure unrestricted access to the new infrastructure that would be required to use these water rights. The ranch is one of five lots in the Halfmoon Acres parcel. On Nov. 15, 2011, Water Court Judge Dennis Maes signed a decree approving the district's application to make municipal use of 280 acre-foot per year of stream flows formerly used to irrigate the Willow Creek Ranch. An acre-foot is 326,851 gallons. *For more information see [www.ocn.me/v12n1.htm#dwsd](http://www.ocn.me/v12n1.htm#dwsd).*

Duthie said his major concern is maintaining control of the water on the property for Donala's use and preserving useable access easements for servicing the new measuring, recording, and reporting infrastructure installed throughout the property for this water supply after it is sold. There are numerous additions to the offering documents—amendments and exhibits—for Donala's list of restrictions necessary to maintain its administrative rights. Duthie said he would meet with any prospective

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15713 Split Creek Drive  
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