

# COMMISSIONERS COURT MINUTES

Regular Meeting on June 15, 2009

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H. T. WRIGHT County Judge  
NINA S. SELLS County Clerk

TOM BONN Commissioner Pct 1  
CHARLES BULLOCK Commissioner Pct 2  
NETO MADRIGAL Commissioner Pct 3  
JOE IVAN ROLAND Commissioner Pct 4

## Call to order.

The meeting was called to order at 9:00 A.M.

## A-1

### Discussion/Action regarding annual financial audit for year ending September 30, 2008

Wayne R. Beyer, Certified Public Accountant, presented the Caldwell County, Texas Annual Financial Report for the year ending September 30, 2008. Motion made by Commissioner Bonn, seconded by Commissioner Madrigal, to approve the Caldwell County, Texas Annual Financial Report for the year ending September 30, 2008. Motion carried unanimously.

Commissioners Court recessed the Regular meeting of Commissioners Court and went into a Public Hearing.

## A-2

### 9:15 A.M. Public Hearing concerning the abandonment of CR 220.

The Public Hearing concerning the abandonment of CR 220 was called to order. Commissioner Tom Bonn presented an overview of the controversy concerning CR 220. He stated that the road has been closed to the public but shows on deeds and old maps as a right of way. Fred Wiegand, Jr., one of the adjoining property owners on CR 220, presented information concerning the history of county roads. Adjacent property owners on the opposite of Mr. Wiegand, Fredericka Wiegand Kinnard and Phyllis Wiegand Metcalfe, spoke concerning their request and documentation from family members that CR 220 from the Wiegand property west had been closed and no public access had been allowed since their father purchased the property in 1944. They requested the County abandon CR 220 or Cunningham Road passed the gate to their property. If Ms. Kinnard loses access to the right of way because of the requested abandonment, she stated she can enter her property through Ms. Metcalfe's property. Local resident Grant Rostig stated he felt the County should not abandon the road to allow possible use of the road for emergency use in the future. There were also statements and discussion that a cemetery may be down this road. Local attorney Bill McNeal, who owns property on Cunningham Road with Charlott Stovall, stated he feels the road should be left with whatever rights to the road that are currently there but feels no action by the County would still allow Ms. Kinnard to maintain a fence down the middle of the road. He would like to discuss the matter with Ms. Kinnard's attorney. The City of Lockhart recently annexed this area. The City of Lockhart maintains that if there is a discrepancy in the metes and bounds of the annexation, then they maintain there was still the intent to annex even if there is a discrepancy in the 30 to 40 feet annexed. Caldwell County District Attorney Trey Hicks was present but declined to comment since any action may end up in a court of law and he will only address the issue in executive session. Ms. Kinnard stated the controversy is between the value of the property for selling and the value of the property for preservation. She stated that her family and Ms. Metcalfe's family want to preserve and conserve their land and their brother, Fred, wants the right of way open so he can sell his property for development.

The Public Hearing was closed at 10:20 A.M.

## A-3

### Discussion/Action to determine and consider the abandonment of CR 220.

Motion made by Judge Wright, seconded by Commissioner Madrigal, to table this item till a later time. Motion carried unanimously. Commissioner Bonn stated that his principle concern with this issue was that no landowners be landlocked and all adjacent property owners have access to their property.

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A-4

**Approve Minutes of Previous Meeting.**

Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve the minutes of the Regular meeting on June 8, 2009. Motion carried unanimously.

A-5

**Citizens' Comment: (At This Time Any Person With Business Before the Commissioners Court, Not Scheduled On The Agenda, May Speak To The Commissioners Court. Comments Will Be Limited to Three (3) To Five (5) Minutes Per Person.**

A-6

**Discussion/Action to consider Outdoor Burning Ban for Caldwell County – Judge Wright.**

Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to leave the Outdoor Burning Ban on for Caldwell County. Motion carried unanimously.

A-7

**Discussion/Action concerning report on Eco-Systems Retrofit Device installed in Unit Road Vehicles – Dwight Jeffrey.**

Unit Road Administrator Dwight Jeffrey gave a report on the Eco-Systems Retrofit Device use on county vehicles. Motion made by Judge Wright, seconded by Commissioner Madrigal, to not continue with the Eco-Systems Retrofit Devices. Motion carried unanimously.

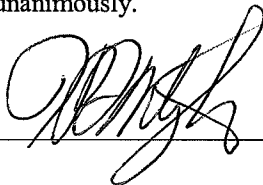
A-8

**Pay Bills.**

Motion made by Commissioner Roland, seconded by Commissioner Madrigal, to approve bills totaling \$110,169.01. Motion carried unanimously.

**Adjourn.**

Motion made by Commissioner Bullock, seconded by Commissioner Roland, to adjourn. Motion carried unanimously.



H. T. Wright, County Judge