



**ELBERT COUNTY, COLORADO**  
**BOARD OF COUNTY COMMISSIONERS MINUTES**  
**Regular Meeting Held at the Fair Grounds Exhibit Building**  
**April 12, 2017 at 9:00 A.M.**

**A. CALL TO ORDER AND ROLL CALL:**

Commissioner Richardson – Here Commissioner Willcox – Here Commissioner Thayer – Here

**B. INVOCATION/PLEDGE OF ALLEGIANCE:** Pastor John Smith, Majestic View Church

**C. APPROVAL OF AGENDA:**

Motion: Approval of Agenda with the Land Use Items moved until after the Board Planning

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

**D. CONSENT AGENDA:**

1. Approval of CDS Mylars as needed
2. Approval of Vouchers as needed

No Items on Consent. No vote was taken.

**E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS**

**F. OPEN PUBLIC COMMENT**

Frank Reeves, Elizabeth, CO

Mr. Reeves commented stated that the Officials should be able to be approachable but should be done with a level of civility that is missing in both national politics and Elbert County Politics.

Marlene Groves, Ridge Road, Kiowa, CO

Ms. Groves commented on communication with the citizens. She would like to see a better follow up. She did commend Commissioner Richardson on his responses she has received from him.

Rick Brown, Forest Ridge, Kiowa, CO

Mr. Brown discussed the new organizational chart and wanted some more information. He had several questions and thought that the Commissioners should have more night meetings. He questioned where the money would come from. He questioned having assistant County Managers and gave anecdotal reports on how other counties are set up.

Commissioner Thayer stated that we use some outside contract work that would offset the cost of bringing a qualified person in house. He thought the titles did not matter, but wanted the functions done.

Paula Wilderman, Silver Fir, Parker, CO

Ms. Wilderman made comments regarding the master plan and invited the Public to the first public meeting coming up on April 26<sup>th</sup>. She stated that the website [elbertcountycompplan.com](http://elbertcountycompplan.com) to learn more about the Comp Plan and to have input into the direction of the County.

## **G. DISCUSSION ITEMS**

1. Presentation by State Engineers Office, Division of Natural Resources, regarding Denver Basin Groundwater (Kevin Rein and Karlyn Armstrong)

Mr. Rein introduced himself and Ms. Armstrong. The presentation today will be on non-tributary ground water in the Denver Basin. Their main responsibility is water administration and allocation. He gave a history of the department and an overview of the area.

Ms. Armstrong outlined the details of the Denver Basin. She gave a history of water law in the State. She explained how they determined the amount of water below a parcel land and how that related to a well drilled on that parcel of land. The amount of water than can be withdrawn is 1% per year. This is how they limit a certain well can pump is calculated. Elbert County has gone further and requires no more than 1/3 % to be pumped per year, which would translate into a 300-year water plan.

Mr. Rein finished up by talking about water rights and water court. Water rights are a property right in Colorado. He discussed the difference between a well permit and a water right. He explained water adjudication.

Commissioner Richardson thanked them for coming out and making the presentation.

Commissioner Thayer asked for clarification and assurance that a person is not using their neighbor's water when the use their well.

Mr. Rein confirmed this that a person can only use what is legally theirs to use.

2. Assessor's office property valuation report (Billie Mills and Michael Akana)  
Billie Mills, Elbert County Assessor, introduced three of her staff in attendance. She pointed out that Mr. Akana, as the Chief Data Analyst will be making the presentation.

Mr. Akana gave a detailed report on the four primary roles of the Assessor's office: Discover Classify, List and Valuation of properties. He discussed factors for the 2017 re-assessment and how property rates are calculated. He stated that they would have a town hall meeting on April 19.



There was a unanimous agreement to take a five-minute break.

**H. ACTION ITEMS**

1. Approval of March 22, 2017 BOCC Meeting Minutes

Motion: Approval of March 22, 2017 BOCC Meeting Minutes

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

2. Approval of March 21, 2017 BOCC Meeting Minutes

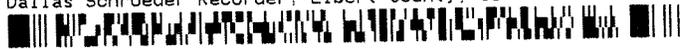
Motion: Approval of March 21, 2017 BOCC Meeting Minutes

	Moved	2nd	Comments
Richardson		x	
Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

3. Bank of the West Contract

Motion: Approval of County Manager to proceed and sign agreement to begin the due diligence phase in pursuing the purchase of the Bank of the West building.

	Moved	2nd	Comments
Richardson		x	
Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		



At the request of Commissioner Thayer, Ed Ehmann, County Manager, outlined the different items that would be included in the due diligence.

Rick Brown, Sherwood Forest, Kiowa

Mr. Brown expressed his confusion in the process. He referred to a prior public comment by Ms. Duvall that alleged the price was too high. He did not understand the need for the building.

Commissioner Thayer assured that if the appraisal was lower than expected that there would be negotiation on the price. He asked the public to wait for the facts on the due diligence.

Marlene Groves, Ridge Road, Kiowa

Ms. Groves asked if there was any ways considered in using the money.

Commissioner Richardson said the simple answer is yes.

**\*\*Note the vote was taken at the end of Public Comment on this item.\*\***

**\*\*Land Use Hearing Moved to end of Agenda, per the motion made at acceptance of Agenda.\*\***

## **I. LAND USE HEARINGS**

- ~~1. Temporary Asphalt Plant for contracted CDOT projects Special Use Review Public Hearing~~
- ~~2. Lion's Gate Special Use Review Public Hearing~~

## **J. BOARD PLANNING**

1. Determination of Tentative Agenda for the April 26, 2017 BOCC Regular Meeting
  - a) Fair - Board Update
  - b) Approval of 4/12/17 BOCC Meeting Minutes
  - c) Public Hearing on Elizabeth Stampede Special Event Permit (Liquor License)
  - d) Public Hearing on Cowboy Up in Kiowa Rodeo Special Event Permit (Liquor License)
  - e) Public Hearing on Elizabeth Rodeo Association Special Event Permit (Liquor License)
  - f) Outline of Process for Minor, Major, and Commercial Applications including all steps in the process.
  - g) Historic Community District proposal (lot lines and mixed use)
  - h) Discussion of Zoning Regulation Amendments (XX changes and MOU changes)
  - i) Appointments Policy
  - j) Strategic Plan and County-wide Organizational Adjustments
  - k) ORR Policy
  - l) Bank of the West Contract
  - m) Roof Repair code update
  
2. Land Use Hearings



**K. LAND USE HEARINGS**

**Motion: Enter into Land Use Hearing**

	Moved	2nd	Comments
Richardson		x	
Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

1. Temporary Asphalt Plant for contracted CDOT projects Special Use Review Public Hearing

Vince Harris from Baseline Corporation made the presentation on Asphalt Plant SUR process. He gave an overview of the process. Planning Commission approved the SUR, with conditions.

Motion: Approval of the Asphalt Plant Special Use Review

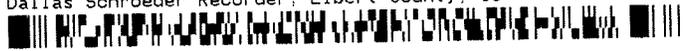
	Moved	2nd	Comments
Richardson		x	One of two projects slated to work on Highway 24 this year.
Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

There was motion for a break for a one-hour lunch break at 11:34 AM. Passed unanimously.

Back in session at 12:42 PM

2. Lion's Gate Special Use Review Public Hearing

Cory Miller from Baseline Corporation made the presentation on the Lions Gate Sanctuary SUR. He presented the high lights from the application. The Planning Commission had mixed feelings. The Planning Commission recommended approval on a 5-3 vote. Staff recommends approval, with conditions, which were then outlined in detail.



Commissioner Thayer informed applicant he was on the Planning Commission during a previous Lions gate SUR and asked the applicant if they felt that was grounds for recusal.

Joan Laub, the applicant, stated that they have no problem with Commissioner Thayer sitting on the Commission today.

Joan Laub, 3641 County Rd 106 and 22111 County Rd 150. Ms. Laub is the applicant and had a presentation prepared to show to the Commissioners, which she did. She stated that she would have Patty Maldonado help at a point in the presentation. The presentation was a summary of the application.

There was an objection raised to Ms. Maldonado presenting on behalf of the applicant that she is a member of the public and should make her comments during the three-minute public comment period.

Commissioner Willcox asked Ms. Maldonado to keep it to three minutes but since this was part of the presentation to the Commissioners, her presentation would be allowed. Ms. Maldonado presented a video of horses close to the Sanctuary animals. She concluded there was no perceived treat by these horses.

Ms. Laub concluded her presentation by stating the reason they do the Sanctuary was that it is a labor of love.

#### Public Comment

Curtis Ingalls, 2599 CR 5, Elbert.

Mr. Ingalls was concerned about the sound and the property values. He shared a personal story about the sound he heard coming from the current Sanctuary and how it affected his decision to buy property far away from the Sanctuary. He felt it would hurt is property values if approved.

Dee Lindsey, 27987 County Rd 13, Elizabeth

Mr. Lindsey stated he wanted to look at facts and to look at the worst-case scenario. He was concerned that these animals were not afraid of animals and could pose a greater problem if they were to get out of the enclosures. He was concerned that the conditions would not always be able be met. He stated this was too dangerous to approve.

Christina Brinkworth, 3633 County Rd 106, Elizabeth

Ms. Brinkworth, stated her property borders the new facility and she wished to speak about safety. She has 6 children and is concerned about the safety of her children riding horses on their own property. She believes they are a danger in a horse community. She would never choose to live by the sanctuary. She asked for the application to be denied.

Chris Burnett 2972 Rock Circle, Elizabeth

Mr. Burnett stated he lives within 2 miles of the proposed new site and spoke to the density of the proposed area. He asked at a previous hearing what had been done to mitigate the flooding and was told is cost too much. There is no cost/benefit documentation to prove this. He disagreed with the conclusion in the video Ms. Maldonado presented.

Kathy Krupa, 26787 County Rd 13,



Ms. Krupa does own the property next door. It is a rental that currently houses several children. When the tenants were informed of the possibility of the move of Lions Gate, they stated they would move if approved. She believes approval would hurt her chances at leasing the house and lower the property value.

Linda Sciacca, 6534 S Datura, Littleton

Ms. Sciacca said both her and her husband are volunteers at Lions Gate. They praised the applicants and the current facility in the way they care for the animals. The animals' only option is to live out their lives at Lions Gate. She stated there is no threat to the community.

Dan Bruno, 11445 W I-70 Frontage Rd in Wheat Ridge.

Mr. Bruno stated he was here at the request of a local resident, whom he assisted in the purchase of a property about four years ago. He is a realtor. He wanted to speak about the property valuations. His professional opinion is that this would be a deterrent to most buyers and would lower the values in the area.

Pamela Steinman, 3643 County Rd 106, Elizabeth

Ms. Steinman stated her property adjoins the proposed new site location. She is concerned of the safety and the disruptive noise. She stated that another sanctuary stated lions roar day and night and neighbors will hear them. She thought this would be detrimental to the health and safety as noted in the regulations. She asked that the SUR to be denied.

Tina Mavor, 27174 County Rd 13

Ms. Mavor stated they have lived their home for 28 years, live next to the proposed property and are opposed to the SUR. She quoted from the regulations about the SUR being in harmony with the area. She presented a diagram of a 2 mile are radius with 87 homes, with only 3 being in favor of the SUR. She asked who would enforce the conditions of approval. She spoke against the SUR.

Jerry Mavor, 27174 County Rd 13

Mr. Mavor stated he sent letters that the SUR was against the current regulations. He was concerned that the Commissioners went to the current facility but did no outreach to the surrounding neighbors to educate. He referenced the prior application and the conclusion was it did not fit into the current location.

Laura Dulce, 3627 Lonesome Rock Rd

Ms. Dulce said she lived across the street from the proposed facility. She challenged some of the statements that some of the applicants made at this hearing and previous hearings. She read from documentation stating that the shortcomings of Lions Gate.

Sally Litwak, 3637 County Rd 106

Ms. Litwak stated she is neighbors to the proposed site, moved in to her home in the early 1970s and is opposed to the application. She is concerned about the safety. She shared several different incidents at various sanctuaries across the country. She gave examples of 10 foot fences not keeping lions secure.

Gary Mitchell, 3623 County Rd 106

Mr. Mitchell said he lives 1000 feet south of the proposed location. He questioned who would be liable if something happens. 90% who live within 2 miles of the location do not want the SUR to pass.



Katheryn Anderson, 3627 Lonesome Rock Rd

Ms. Anderson, said she has lived at this location for 20 years and opposes the SUR that would allow large predators in her neighborhood. She is concerned that the applicants stated last year they wanted to replace these animals when they died. She questioned the desire to spend \$100k if they were not going to add animals.

Cindy Soloway, 3645 County Rd 106

Ms. Soloway she lives at the end of the road where Lions Gate wants to move. She was concerned about security and what procedures were in place. She questioned that CPW assured the safety, but that CPW was only concerned with the animals. She stated certification agencies that stated that open enclosure for a lion should be 16 feet high. She is against the SUR.

Al Litwak, 3637 County Rd 106

Mr. Litwak stated he is against the SUR. He believes the application is against statutes. He stated his reasons why he believes the claims made by the applicant were not accurate. He reminded the Commissioners that the regulations states that SURs are to keep in harmony with the neighborhood.

Linda Williams, 26904 County Rd 13

Ms. Williams said she has lived in the county for a long time. They had a mountain lion for 14 years and followed the regulations with no problems and thought Lions Gate was safer than the Denver Zoo.

Kati Elliott, 26904 County Rd 13

Ms. Elliott lives in the same location as her grandmother, Ms. Williams. She has children, does not have a problem with this SUR, and has seen the precautions that they take to make sure of safety. She acknowledges that if an animal got out it would die, and so the applicants make sure of the safety because dead animals is the last thing they want to see happen.

Matt Lane, 4560 County Rd 114, Elizabeth

Mr. Lane stated he is owner of Lone Star Ranch. He bought his ranch five years ago. He has never met the applicants although his drive is less than 1000 feet away. He is concerned, as the vision has continued to change. He is concerned that they are trying to raise money to pay for the move that they might not be able to continue to pay for Sanctuary.

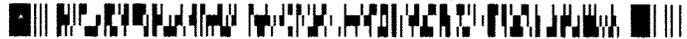
Julie Atkinson, 4702 County Rd 106

Ms. Atkinson stated her property was about 1 mile from the proposed site. She is concerned that the density in a two mile radius of the property is too dense. With the proposed lots factored in, this will bring the total number to over 200 homes within the 2 mile radius. She believes the current location is a much better solution. She believes the property values would be negative affected if the SUR is approved.

Beverly Rampey, 27095 County Rd 13.

Ms. Rampey stated she lives less than a mile from the proposed site. She believes that there are other solutions for Lions Gate. She talked about the sanctuary in Keenesburg as a possible alternate location, and talked about its benefits. She also presented a letter from another Sanctuary stating they would take the animals if Lions Gate closed. She asked the Commissioners to deny the application.

Ed Steinman, 3643 County Rd 106



Mr. Steinman stated that his property adjoins the proposed location. He stated this application is basically the same as was denied previously, only a bigger facility and more animals. He believes the proposed SUR is not compatible with the current regulations. He summarized many points that others had made. He requested the Commissioners vote to deny.

Janelle Schrag, 30206 County Rd 5

Ms. Schrag just purchased and moved to the county. She saw in the Master Plan states that the keeping of exotic pets is a possibility. She stated staff found the SUR would not be in conflict. She said harmony and compatibility was not a problem. She believes the applicant is responsible and cares about safety. The SUR should be granted with great confidence.

Dr. Rose Barr, Vet for the Sanctuary since 2010.

Dr. Barr thanked the Commissioners for visiting the site. She visits 4-6 times a year and has never felt unsafe. She spoke unfavorably against the other sanctuaries. She said the animals were shy so she did not think they would seek out humans if they got out. Other animals, such as porcupines and rabbits are safe around them. She supports the application.

Lana Carr, 5337 Nashua Cir, Parker

Ms. Carr said she knows the applicants personally. They have great compassion and love for their animals. They take the safety and the security of these animals very seriously. She supports the relocation of these animals and would be irresponsible to leave the animals where they are.

Joseph Kiel, 2121 Ridge Plaza Dr

Mr. Kiel identified himself as an attorney. He assists victims of trauma. He has known Dr. Laub for over twenty years. He has volunteered at Lions Gate. Dr. Laub is a psychologist and is a caring person. The motivation is to provide a safe and secure environment. This is not a commercial enterprise for them to make money. This makes the motivation pure.

Cathy Bosier, 6239 E Caley Dr

Ms. Bosier representing Senator Tate. She is here to speak on behalf of Lions Gate. She questioned the desire of Life, Liberty and Pursuit of Happiness. The role of the government is to protect the individual rights. This is issue of property rights. They should have the option to use their property as they see fit.

Diego Herrera, 7429 Shenandoah Dr,

Mr. Herrera stated that rights are important. The applicant is following the rules and doing what is supposed to be done. If that is so, why is there a problem?

Dona Herrera, 7429 Shenandoah Dr.

Ms. Herrera spent 8 hours at the facility to bring their horses to the facility. The horses did not have a problem. She didn't hear any noise while she was there. The horses had no reactions to the animals. She said zoos are less safe and many people visit them all the time. The general public will not be inside the cages.

Anthia Gracie, 11210 E Center Ave, Aurora

Ms. Gracie identified herself as a volunteer at Lions gate and touted the fact the applicants operate the facility without personal gain. She said safety was a primary concern and had a lesson on how to remain safe. She thought the animals were calm and happy, and the cages are clean. She reiterated that this



was a temporary situation as these are elderly animals. The applicants would not put the life of their animals above public safety. She hope the SUR is granted.

End of Public Comment.

Ten minute break declared.

Ms. Laub had a chance to respond to what was said. She thought there was many inaccuracies presented but in the interest of time she thought it best to move onto the questions from the Commissioners.

Commissioner Richardson thought they should make decisions and did not think that other entities should have the final say, as the conditions would necessitate. He asked if Dr. Laub could continue the work if Peter was unable to do the work. She said yes. He asked about the castration of the male animals and Dr.Laub said the two mail lions were not neutered. He also clarified the two male lions were not declawed.

Commissioner Thayer stated he thought precedence is a consideration. He asked how has the denial reason in 2006, which was a density issue change, especially since the area continues to grow. How is this application different than in 2006. Dr. Laub stated that in 2006 they were proposing to start a facility. She didn't think there was a rule on density. This application is about relocating a facility, with a ten year track record and animals to move for there safety. Mr. Winney, co-applicant, stated the big change is that they are not open to public and there is a time limit on these animals and not a permanent situation.

Commissioner Willcox asked if they looked at mitigating the flooding on the property. Dr. Laub stated that they were being pro-active by moving them now. They evaluated the problem over two years and this was the best permanent decision.

Commissioner Willcox asked if he wanted to open a sanctuary what the steps would be. Dr. Laub answered question. She said they have to renew their license every year. Commissioner Willcox asked if a new facility would have the same requirements they have or would it be different. Dr. Laub stated different because of the need to be open to the public. They have to meet same safety requirements.

Commissioner Richardson asked about the flooding in 2015, where were the animals placed. Dr. Laub stated they were moved within the facility. He then asked how many of the agencies they have worked with for the emergency response. Dr. Laub said they will do what is necessary to get the document up to their standards. He asked if they have the money to build the facility. Dr. Laub stated yes, they do. They plan to use some of the current material from the current facility at the new one.

Commissioner Thayer confirmed that some material will be re-used. He asked about the different numbers for the animals in the application. Dr. Laub stated the reason was because some had died. When asked what would happen when all of these animals died, she stated they would tear the facility down. Commissioner Thayer's concern and asked if there would be a new SUR down the road. Dr. Laub says no. The SUR dies with the animals, and the permit dies with the applicants.

Commissioner Thayer has discounted the flooding issue after touring the facility and the reason given does not make sense to him. The lifespan of the animals contributes to his discomfort. He asked what



they would do with the current facility. Dr. Laub she said that they would re-use what they could or sell the rest.

Commissioner Willcox asked when CPW did their last inspection. Dr. Laub said it was last month. Commissioner Willcox expected a more detailed record of inspections. What do the inspections entail? Casey Westbrook does them and sends them up the chain and a copy to them. Commissioner Willcox clarified that CPW authorized the move, not requiring the move. Dr. Laub confirmed. Commissioner Willcox asked what they would have done if they did not have authorization to move. Dr. Laub said she did not know what they would have done, except make do the best they could where they were.

Commissioner Richardson asked if the 10 conditions of approval were acceptable. Dr. Laub said they were. He asked if they would accept another condition of approval that the SUR would terminate if they sold the property. The applicant agreed. There was a discussion on how the shade cloth keeps from blowing away.

Commissioner Thayer asked why they think why this would be compatible with its neighbors. Dr. Laub said they currently have harmony and compatibility. Commissioner asked if the new location, with one access point be less safe than where they currently are located. He believes a dead end private road could be less safe. Dr. Laub thought this was an asset, due to limited traffic and seclusion makes it safer.

Kara Gerczynski from the Elizabeth Fire Department stated their regulations would require the road to be an all-weather service road. The driveway will have to be improved. Judge Adams road should be an all-access roads. She has looked at the emergency plan and she has commented on fire concerns at the facility. The requirements are there as conditions of approval. They will inspect for compliance.

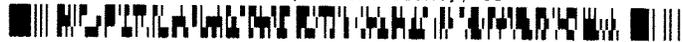
Dr. Laub stated they would have an emergency water source. Commissioner Thayer asked how much water they use. Mr. Winney stated the drink 3-5 gallons a day and the bears about 10 gallons a day.

Commissioner Richardson asked about the nature of the maintenance on Judge Adams Road. Dr. Laub stated that it was maintained internally by the property owners.

Commissioner Willcox asked about their 24-hour monitoring and how they were accomplishing that. Dr. Laub stated they wanted to have cameras that could be accessed by their phones. He was wanting to know what the response time would be. Mr. Winney said it would take him about 3 minutes to be down to the enclosures if the alarm was set off. Mr. Winney he said he could guarantee that they would not have an escape. Commissioner Willcox stated he wasn't sure that the animals would behave the same in a different place. Mr. Winney said they are replicating the same conditions where they currently are.

Commissioner Willcox asked if they have ever been moved before. The answer was that they had been moved internally.

Commissioner Willcox asked Sheriff Heap some questions about the Emergency Operations Plan. Sheriff Heap stated some things were missing. It needs to have a specific format. He listed an extensive list of what should be included. The existing document does not have those things. He then went through the presented document and pointed out some deficiencies.



Motion: Approval of SUR for Lions Gate

	Moved	2nd	Comments
Richardson	x		
Thayer		x	Stated he seconded the motion for purposes of discussion
Willcox			
	AYE	NAY	
Richardson			
Thayer			
Willcox			

Commissioner Richardson stated that early on it seemed simple. He says this as a balance between public safety and private property rights. He is concerned about the emergency plan. The emergency plan has been asked for many times but has not been addressed.

Commissioner Thayer stated that both parties have the right to pursue their rights also. He created list of voting both yes and no. The “no” list was longer than the “yes” list. He stated that some of the conditions were subjective. He is concerned about the precedence and that nothing much has changed since the 2007 application. He believes the sanctuary is where it belongs. He is concerned about the inconsistencies in the application. He is puzzled by the move. He explained several of his objections to the application.

Commissioner Willcox stated he asked a number of questions because the decision would affect many people. He wanted to see more outreach to the new neighbors. He commended what they do. He said that the other Commissioners covered many of his same concerns. He doesn’t think that the know for sure how the animals will react to a move.

Commissioner Richardson withdrew his original motion.

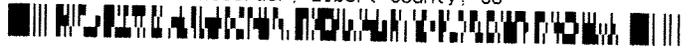
Motion: Denial of Lions Gate SUR

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

Motion: Adjournment at 4:55 PM



	Moved	2nd	Comments
Richardson		x	
Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		



BOARD OF COUNTY COMMISSIONERS  
ELBERT COUNTY, COLORADO

*not present*

CHRIS RICHARDSON, Vice-Chair, COMMISSIONER District 1

DANNY WILLCOX, Chair, COMMISSIONER District 2

GRANT THAYER, COMMISSIONER District 3

ATTEST: Dallas Schroeder

County Clerk

BY:

Clerk to the Board of County Commissioners

