

He said he met with Chairman Tom Allen and Cathy Green for three hours on July 31 “on how to work in tandem, find common ground to protect our town and our citizens.” The standing-room only audience applauded his statement, echoed by Allen: “United we stand, divided we fall, so let’s stand together.”

Allen said that attorney William Louis had been hired by “No Methadone” and advised his group members to “let your legal representative do what we engaged him for. Name calling and threats are counter-productive in achieving the end goals of everyone.”

Shupp said that the Colorado Intergovernmental Risk Sharing Agency (CIRSA) had appointed CIRSA attorney Steven Dawes to represent the town at the Board of Adjustment meeting since a claim had been made with CIRSA, and Dawes would be presenting evidence at the hear-

ing. Louis concurred. The board voted unanimously to approve this request. Dawes’ fee will be covered by the dues that the town pays to CIRSA. Shupp’s role at the hearing on Aug. 10 would be to represent and give advice to the Board of Adjustment members.

Louis raised three points in his public comments. One point was that his open records request filed July 24 to see the Monument Town Planning Department files on Colonial Management Group had not yet been granted, and without access to those records, he could not adequately prepare for the Board of Adjustment hearing on Aug. 10.

Another request by Louis was to propose that an emergency moratorium ordinance be added to the agenda for the next regular Board of Trustees meeting on Aug. 17, or sooner if possible. Louis said this would be a legislative matter for the board,

not a quasi-judicial one, so the trustees would be allowed to do their own outside research. Shupp recommended allowing two weeks for legal research and for CIRSA to weigh in instead of trying to do it sooner. The board consensus was to put the moratorium on the Aug. 17 agenda, and this request was reiterated throughout the meeting by several members of the public as well as Trustee Jeff Bornstein.

Then Louis raised a legal question that generated a long discussion when he advised the trustees that the Board of Adjustment “cannot legally render a vote on this appeal” on Aug. 10 since it only had three members, but state statute C.R.S. 31-23-307 requires four affirmative votes to overturn an administrative decision. Shupp disagreed “vociferously” with Louis’ interpretation of the state statute.

The board voted to hold a special meeting on Friday, Aug. 7 to appoint two new members to serve three-year terms on the Board of Adjustment, if unbiased Monument resident applicants could be found. The two vacancies on the Board of Adjustment have been posted “for years” on the town’s website and periodically in the newspaper, Pamela Smith said, so there were no concerns about adequate notice in posting the positions.

Pamela Smith explained that Pesicka received the first application for the clinic on Oct. 2, 2014, adding, “We ran it by legal as we always would with something questionable, and it is a legal use the way the ordinance is currently written, and I authorized Pesicka to sign off on it based on recommendations from the attorney.”

She said the town did not hear anything else until March 14 or 15 when the owner was refitting it for a clinic. “The drawings that went with that clinic had no indication whatsoever that there were safes or locks or that it was a methadone clinic, just that it was a medical clinic. The board was not informed until the end of June. So no one is being dishonest. They did not know. As soon



**Above:** Protesters from the “No Methadone in Monument” 501(c)3 group waved signs both outside and inside the Aug. 3 Monument Board of Trustees meeting. The group has hired attorney William Louis to represent it at the Aug. 10 Board of Adjustment meeting. Photo by Lisa Hatfield.

as they knew, and as soon as my inspector came in and said, ‘Do you know this is a methadone clinic?’ and I said, ‘No I do not,’ that’s when they were informed. And we were also informed that legally there was nothing to stop it.”

She said it was insulting for Allen to say the board was being dishonest. “It was an administrative process, and the board was not involved.”

Louis then said he was “very concerned,” since according to the town manager, Shupp made a land use decision. “Who made the decision?” Louis asked. “Who do I get to examine at the hearing? Ms. Smith, Mr. Pesicka, or Mr. Shupp?” He continued, “There’s a lot of inconsistencies here, and it needs to come out. Somebody is not telling what happened, but I will get it out in front of the Board of Adjustment.”

Public comments from citizens included:

- Sarah Sampayo asked if Shupp were really representing the town of Monument or protecting the personal liability of the trustees as individuals. Shupp said he was not representing them individually.
- Michael Abair said he did “not agree that our town attorney is on the same team as the rest of us. I suggest the two attorneys get together and work out the best plan for our citizens.”
- Dede Laugesen said that Co-

lonial Management Group was “not incentivized” to really cure people at their clinic since they also own the pharmaceutical company that makes the methadone.

- Anna Walsh cited HB 14-1173 and that when applying for its state business license, one of the eight policies a business must show is proof of a “need for clients.” Tooley and Kaiser explained that Monument is inexplicably considered “south metro” for state licensing purposes. Tooley also said that the state may not use evidence or history from other states to make its determination about granting their license.

**Board of Adjustment members reappointed**

Jeffery Bornstein, Don Smith, and Kathy Spence were reappointed to the Board of Adjustment by a unanimous vote of the trustees. Their terms will run through July 2018.

**New Planning Commission member appointed**

The trustees voted unanimously to appoint Edward Locke to the Monument Planning Commission. Locke has a background in engineering, land use, homebuilding, and different community planning programs.

The meeting adjourned at 8:43 p.m.

Lisa Hatfield can be reached at [lisahatfield@ocn.me](mailto:lisahatfield@ocn.me).

**42nd Arts & Crafts Fair**  
**Palmer Lake Town Hall**  
 28 Valley Crescent St, Palmer Lake, CO 80133

**Friday, October 2, 2015, 9:00 AM - 5:00 PM**  
**Saturday, October 3, 2015 9:00 AM - 5:00 PM**  
**Sunday, October 4, 2015, 10:00 AM - 4:00PM**

**Directions:**  
 from I-25 take exit 161 Monument take HWY 105 to Palmer Lake. Turn left on Lower Glenway & right on Valley Crescent. Or: from HWY 105 Turn left onto Middle Glen Way. Town Hall is next to Fire Station

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Free Admission

**MONUMENT COLORADO**  
 5th Annual **Beer Week**  
 September 2015

**Oktoberfest 12th**  
 Events scheduled all day

**Tap Take Over 13th**  
 Back East Bar and Grill in Monument

**Penrose Private Reserve Release 14th**  
 Imperial Stout 1508 11:00am

**CBS Party 15th**  
 Members vote on a special holiday beer 6:30pm

**Grain Vs Grape 16th**  
 Interactive beer and wine food pairing 6:30pm

**Half Way to St. Patricks Day 17th**  
 Irish Cuisine and Celtic Rock by Stubby Shillelaghs 6:30pm

**America The Pale 18th**  
 Wet Hop Release  
 Fire Ball Firkin by 3 hundred Days of Shine 5:00pm

**Wet Hop Festival and After Party 19th**  
 Smokey the Pig providing Food 5:00pm Music by Tava Blue 7:00pm

**Pikes Peak Brewing Company**  
 1756 Lake Woodmoor Drive  
 Monument CO 80132

*Monument Board of Trustees Special Meeting, Aug. 7*

**Two members chosen for Monument Board of Adjustment**

*By Sue Smith*

A special meeting Aug. 7, the Monument Board of Trustees appointed Shea Medlicott and Robin Yamiolkoski to the Board of Adjustment. This meeting was scheduled to fill the vacancies on the Board of Adjustment that have been posted on the town of Monument website for over a year.

The Board of Adjustment meets as needed when a zoning decision made by staff or the Board of Trustees is questioned or appealed as it has been in the

case of the proposed methadone clinic. Mayor Rafael Dominguez, Mayor Pro-Tem Jeff Kaiser, and Trustees Becky Tooley, Jeff Smith, and John Howe were present at the meeting, and Trustees Jeff Bornstein and Kelly Elliott were excused.

Gary Shupp, the town attorney, reviewed the Board of Adjustment role, rules, and regulations. He emphasized the need for Board of Adjustment members to be “fair and unbiased” and to avoid doing their own independent investigations on a topic.

They should only hear evidence as presented at quasi-judicial hearings when making decisions in case those decisions might be reviewed by district court, Shupp said. See [www.ocn.me/v15n8.htm#mbot0720](http://www.ocn.me/v15n8.htm#mbot0720).

He also explained the role of an alternate member but said the alternate would be chosen at a later date on a case-by-case basis as needed. Kaiser explained how they would use a point system to indicate each trustee’s first, second and third choice of candidates.