

Our Community

Free

Reporting on community issues in Monument, Palmer Lake, and the surrounding Tri-Lakes area.

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The Monument Recall

The following letter by John Heiser appeared in the May 3rd issue of the Tri-Lakes Tribune

The Monument recall petition cites four reasons for the recall and names six people to be recalled. Having attended many Town meetings, I find that much can be learned about this recall by analyzing the reasons given and who is to be recalled.

The first reason given for the recall is mismanagement of resources. Two commonly cited supports for this charge are large severance packages for terminated employees and high legal fees. Many of these severance packages, including Al Sharon's, were signed by former Mayor Si Sibell. Due to its procedural mishandling of the vote on the Transit Mix application, the prior administration handed the current Mayor and Board a lawsuit by Transit Mix. It is very easy to bring a lawsuit but, as Transit Mix has learned in this case, prevailing in court is another matter.

The second reason given for the recall is poor work environment. The prior administration had eight years in office. During that time they recruited many workers who were loyal to their point of view. When the new administration took over, they were faced with outright hostility from some Town employees such as planner Patrick Mulready. Mulready pushed hard for the concrete batch plants and Wal-Mart. Beyond normal attrition, coping with these inherited problems has led to some additional departures.

The third reason given is excessive use of executive sessions. Colorado statutes provide for executive sessions so the Board can receive legal advice and discuss personnel matters. Given the lawsuits against the Town and the personnel issues discussed above, it is no surprise that the Board has required numerous executive sessions. The alternative would have been to reveal legal strategy or bring up potentially embarrassing employee issues in open session.

The fourth reason given for the recall is the firing of Al Sharon. Much has been made of the fact that the Board did not specify the reasons. The Board intentionally did not specify the causes for this action because it would have given Mr. Sharon's lawyer exactly what he wanted for a lawsuit claiming the stated causes were insufficient. Yet if the Board had specified their reasons and the reasons were then used as the basis for a lawsuit, the opponents would have cited the waste of resources. The reality is that the contract signed by former Mayor Si Sibell said specifically that the Chief could be removed with or without specifying the cause. The Board wisely chose the latter to place the Town in an easily supported legal position. Knowing the Mayor and Board members, they would not have taken this action without good reasons.

The recall petition calls for the removal of the Mayor and all of the trustees except Nick Leibovitz. Nick was appointed by the Mayor and Board last June. At that time, the opposition was overheard to say that they "finally got one of ours on the Board." Nick did not attend the meeting where Al Sharon was terminated but he has been on the Board throughout the time of numerous executive sessions and alleged mismanagement of resources and creation of a poor work environment. At the meetings I attended, he generally agreed with the other members of the Board. Yet he alone is spared criticism for the Board's actions.

So is this really about Al Sharon's termination? Definitely not. The recall would remove two trustees, Ed DeLaney and Kristi Schutz, who voted against Al's termination. Interestingly, those same two trustees voted against the Transit Mix concrete batch plant proposal.

While many well-meaning people may have been swept up in the frenzy whipped up over Al Sharon's termination, at its heart, this recall is a thinly veiled attempt to regain power by those voted out of office a year ago because of their arrogant disregard for voters concerns about the proposed concrete batch plants.

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"...this recall is a thinly veiled attempt to regain power by those voted out of office a year ago..."

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The Monument Recall

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If these people and their like-minded friends regain control of Monument, concrete batch plants will be just the beginning of the horrors that will be done in the name of property rights. Wealthy local landowners want a free hand to build whatever will bring them the most money with no regard for the increased infrastructure tax burden or the quality of life concerns of residents.

Unless you share their vision of the destruction of our area to profit a few, I urge you to do everything you can to stop this deceitful recall and support the present Monument Mayor and Board of Trustees.

The Recall Protest Hearing

by George Barnes

On Wednesday, June 6th, a hearing was held in Monument Town Hall to determine whether the recall petitions were properly circulated and whether the recall should go forward to an election. Lawyers representing the current mayor and five trustees presented evidence that called into question some of the motives and methods of several members of the Recall Committee. Counsel for the Recall Committee sought to dismiss any affidavit or petition abnormalities as being inadvertent or well intentioned.

The Hearing Officer, Ms. Karen Goldman, set forth guidelines for the hearing. She noted that because the hearing was only administrative in nature, the rules of Civil Procedure were not applicable in this case. Her role as Hearing Officer required that she determine if the affidavits and petitions were properly obtained, maintained and circulated as prescribed by current Colorado statutes.

Mr. Tim Schutz, counsel representing Trustees DeLaney, Schutz, and Smith, and Ms. Julianne Woldrige, representing Mayor Tenney, and Trustees Morgan and Wilcox, emphasized that they intended to show evidence that the submitted recall petitions were inadmissible due to numerous technical reasons, including illegally obtained signatures and affidavits and petitions that showed signs of tampering. Ms. Woldrige further stressed that although some individuals might challenge this evidence as being inconsequential, the rules for recall of elected officials required such exactness in order to mitigate against completely frivolous and baseless political actions.

The Recall Petition Committee "...provided signatures that were incomplete, incorrectly obtained, and showed signs of manipulation."
- Tim Schutz, Attorney

Counsel for the Recall Committee, Ms. Maureen Juran, replied that she was prepared to acknowledge that a number of the signatures were indeed improperly obtained, but that this did not in itself disallow the legitimacy of the entire affidavit/petition operation.

The testimony of the first witness, Mrs. Mitchell of Monument, showed that she had improperly signed her husband's signature to the original recall petition. The witness stated that because she had power of attorney for her husband, she incorrectly believed she could sign the petition in his name. Ms. Juran, the counsel for the Recall Committee, agreed that this signature was illegally obtained but noted that the witness and a petition circulator had not intended to be deceptive.

The counsels for the Mayor and Trustees called nine additional witnesses to testify. Witness and circulator, Mr. Steve Eubanks, testified that he signed for witness Mr. Hickey because the latter had a visual condition that did not allow him to clearly see what was being signed. Mr. Eubanks also stated that he had briefly separated his affidavit from an attached list of petitions in order to copy them. Upon cross-examination, however, Mr. Eubanks could find no signs of additional staple holes indicating reattachment and was at a loss to explain his contradictory statement.

Subsequently, another witness, Mr. James Hawks, admitted that he had allowed a non-Monument resident to sign the recall petition. He testified that the signer claimed to live in Monument and he didn't notice her Woodmoor address until several of the recall petitions had already been filled out.

Mr. Hawks therefore decided to leave the signature as it was. Even though he knew this signature was false, Mr. Hawks later signed in the presence of a notary that all signatures were proper and legal.

The final two witnesses of the morning were Mr. Shawn Morris and Mrs. Misty Biggs. Mr. Morris, the owner of the Casa Fiesta restaurant in Monument, stated that he had gotten the recall petitions from Mrs. Biggs and had illegally obtained the signatures of others. Mrs. Biggs acknowledged that not only had she given the petitions to Mr. Morris, but that she later testified in front of a notary that all signatures had been obtained by her. There was further evidence presented that showed at least one petition for recall (Mr. Tenney's) had unexplainedly been tampered with. Counsel for the Recall Committee agreed that at least ten signatures had been fraudulently obtained by Mr. Morris and Mrs. Biggs, and agreed to disallow these signatures.

After lunch, Mr. Gordon Harper was called to testify.

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The Recall Protest Hearing

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Mr. Harper noted he became involved with the Recall Committee about three days after the firing of former Chief of Police, Al Sharon. Mr. Harper also stated that he wrote the original recall affidavit and petition.

Mr. Schutz then called witnesses Mr. Frank Orten, Mr. Steven Koops, Mrs. Betty Konarski, Mrs. Pam Johnson, and Mr. Otis Haw. These witnesses discussed how and when they became involved with the Recall Committee. Mrs. Johnson was unable to adequately explain why her affidavits/petitions appeared to have been tampered with. A final witness, Mrs. Dorothy Sibell, had been subpoenaed but was traveling out of the state at the time of the hearing.

During closing arguments Mr. Schutz reasserted that it was a very serious step to unseat elected offices, and that the State has intentionally made it a very deliberate and precise procedure when doing so. The Monument Recall Petition Committee has provided signatures that were incomplete, incorrectly obtained, and showed signs of manipulation. Additionally, some witnesses gave confusing evidence as to the petition packages that were required to be in their custody.

Ms. Woldridge then pointed out that all present recognized the right of a citizen group to petition for recall of elected officials. The discrepancies shown in the day's hearing, though, highlighted the need that this process be held to the strict letter of the law. Whether the presented evidence be evaluated on strictly technical or substantive grounds, it showed numerous and disqualifying inconsistencies ranging from disassembly of petitions to a failure of oaths to be properly administered. Previous State of Colorado court cases have reinforced the importance such inconsistencies have had in determining legal decisions.

The counsel for the Recall Committee, Ms. Juran, concluded the day's proceedings. She argued that although there were admitted discrepancies and mistakes made by some circulators, the errors were not intentional and were not to be considered seriously misleading. The degree to which the State of Colorado should interpret a regulation is vague at times, and is uncertain in these instances. All the mistakes made by the recall committee were minor or open to interpretation.

On Monday, June 11th, Ms. Karen Goldman announced her decision that sufficient valid petition signatures remained and the recall should go forward.

On Monday, June 18th, the Monument Board scheduled the recall election for Tuesday, September 11th.

July 4th Celebration

Courtesy of the Monument Hill Sertoma Club

The Town of Monument celebrates Independence Day each year with several events including a parade that draws 100 to 120 entries. The parade is known as the "biggest small town parade in Colorado"! The theme for the 2001 parade is "Freedom: Born on the 4th of July". The Monument Hill Sertoma Club, whose members have managed the parade for over ten years, sponsors it.

The parade will wind its way through downtown Monument starting with the children's section at 9:30 am, Wednesday, July 4. The main parade starts at 10:00 am. Leading the parade this year will be the 338th U.S. Army Reserve Band from Fort Carson. Various Sertoma and political dignitaries such as Governor Owens, Congressman Hefly and Sheriff Anderson will follow.

The parade is always colorful and full of surprises. The Al Kaly Shriners will be out in full force including their famous 20-mule team, clowns and small car drill teams. The Highlanders Bagpipers, the Lewis-Palmer Marching Band, our own Joe Bohler and the ladies of the Tri-Lakes Women's Club will provide additional musical units. The one-half block long Union Avenue Historic District Train will be up from Pueblo.

All the standby groups are entered such as the Muzzleloaders, the Safeway Buggy Brigade, Cowboy Steve, several riding clubs, a number of car clubs, and all our regional fire departments. Floats, classic cars, individuals, businesses, drill teams, honor guards, scouting groups and many more round out the collection of entrants.

This year there will be two reviewing stands with announcers. Over thirty awards are given to the outstanding entries. The parade lasts approximately an hour and a half and draws an estimated 16,000 spectators. There is no fee for entering and entry forms may be obtained at the Tri-Lakes Chamber of Commerce or from Glenn Scott. Come and help celebrate the adoption of our nation's Declaration of Independence and our freedom!

Other July 4th Events

- **Four Mile Foot Race in Palmer Lake**
8 am, Elem. School. Info: Dave Jones, 488-2374.
- **Monument Street Fair**
9 am - 3 pm, 2nd & Wash. Info: Chamber, 481-3282
- **Palmer Lake Concert and BBQ**
1:30 pm. Call Kaye Book, 488-0105.
- **Palmer Lake Fireworks**
Starts at dusk. Call Town Hall, 481-2953.

Calendar

- **Monument Board of Trustees Meeting**, Mon., July 2nd, 6:30 pm, Monument Town Hall, 166 2nd.
- **Palmer Lake Town Council Workshop**, Thu., July 5th, 7 pm, Palmer Lake Town Hall, 54 Valley Crescent.
- **Monument Planning Commission**, Wed., July 11th, 6:30 pm, Monument Town Hall, 166 2nd St. Items include a hearing on the Catholic Church Parish Education Center.
- **Palmer Lake Planning Commission Workshop**, Wed., July 11th, 7 pm, Palmer Lake Town Hall, 54 Valley Crescent. Items include discussion of the batch plant proposal.
- **Palmer Lake Town Council Meeting**, Thu., July 12th, 7 pm, Palmer Lake Town Hall, 54 Valley Crescent.
- **Baptist Rd. Rural Transportation Authority**, Fri., July 13th, 1:30 pm, Monument Town Hall, 166 2nd.
- **Monument Board of Trustees Meeting**, Mon., July 16th, 6:30 pm, Monument Town Hall, 166 2nd.
- **Palmer Lake Special Joint Meeting of the Planning Commission and Town Council**, Wed., July 18th, 7 pm, Palmer Lake Town Hall, 54 Valley Crescent. Items include discussion of the batch plant proposal.
- **Triview Metropolitan District Board Meeting**, Thu., July 26th, 8:30 am, Dist. Ofc., 174 N. Wash.
- **Friends of Ben Lomond Mountain**, Thu., July 26th, 7 pm, Palmer Lake Town Hall, 54 Valley Crescent. For info, call Sue Buell at 481-2474.

Our Mission

by Faye Elbaum, Publisher, and Jillian Marie, Editor

For much of the past year, some in our community have worked hard to tear down the efforts of the Monument Mayor, Board of Trustees, and others. More recently, this one-sided misrepresentation of events has gotten worse. In the past few months, it appears the principal local newspaper has abandoned all pretense of balanced reporting and joined their ranks. The mission of this newsletter is to bring you facts, issues, and viewpoints all too often ignored or suppressed by the local one-sided media.

A few topics that *Our Community* will be tackling in this and coming issues are the Monument recall election, the status and likely impacts of the proposed Wal-Mart Supercenter, the proposed Palmer Lake concrete batch plant, and the changes to the I-25 interchanges at Highway 105 and Baptist Road. We are here to offer an array of reports on topics affecting the entire Tri-Lakes area.

Our intention is to give you an accurate, alternative source of information to help you reach sound conclusions. We ask that you take the time to go to public meetings and get the facts first-hand.

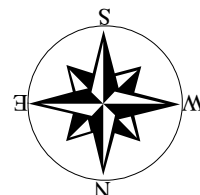
We want to hear from you. This is your community and your voice matters. You can make a difference by working to ensure that we hold on to the things we love about living here.

If you have questions or comments regarding this newsletter, please contact Faye Elbaum, Publisher, at ourcommunity01@hotmail.com or P.O. Box 273, USAF Academy, CO 80908. © Copyright 2001, Our Community

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