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# The Voice of Golden

Vol. 8, No. 8 < Golden, Colorado > November/December 2008

INSIDE – More of the story. The Pickens Plan for Energy, Trust?

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## Do Oath of Office, fiscal responsibility, and civility mean anything in Golden?

If you suddenly became the dictator in Golden, what would your priorities be?

Sidewalks? Lower debt? Control growth? Honesty? Respect for citizens and their rights?

E-mail your thoughts to Rodney:  
[goforgolden0809@yahoo.com](mailto:goforgolden0809@yahoo.com)

Or is it true, as some say, that the people of Golden just don't care about what the city does?

Beware of flying mud and the big lie technique. They are already being exercised by Councilor Bill Fisher. The language he is using sounds very much like City Manager Bestor.

**From the City of Golden web site.  
Council to Evaluate Museum Operations  
Thursday, July 10, 2008**

Did you know that the land and facilities of the Clear Creek History Park, Astor House Museum and the Golden Pioneer Museum are all owned by you - the City of Golden taxpayers? It's true. These incredible community assets are owned by the City. For the past decade, the City has contracted out to two independent nonprofit organizations to operate the facilities. Friends of the Astor House and Clear Creek History Park and the Golden Pioneer Museum Board. The collections are owned by the City, the Golden Landmarks Association, the Daughters of the American Revolution Lookout Mountain Chapter and the two operational boards.

Because the contracts with the nonprofits will be ending at the end of 2008, the Golden City Council directed that an independent audit of the current museum operations be conducted and that a Request for proposals (RFP) for operating the museums be drafted.

The audit report was completed and given to City Staff in July. The current nonprofit operators were given a chance to review the report and comment on its findings before its scheduled presentation to the City Council on Aug. 7.

The RFP, which was released May 12, was drafted so that that proposals could be submitted for operating any combination of one, two or all three museums. Proposals were due July 7. As of press time, Friends of the Astor House and Clear Creek History Park had announced its intention to submit one proposal to operate all three facilities, the City of Golden planned to submit one proposal to operate all three facilities and another to operate just the history park, and the Golden Pioneer Museum was submitting a proposal but it was not know for which facilities. [The pioneer Museum submitted a three part proposal to operate: just the Pioneer Museum, it combined with the History Park or all three.]

Because the City only expected to receive proposals from those three entities, City Council determined that it would be best to select an anonymous board of experts to review and comment on the technical aspect of the proposals. Council hoped to have their comments back in time to have its initial discussion at its Aug. 7 meeting.

Copies of the proposal are listed below and the public is encouraged to review them. Comments on the proposals can be sent to [citycouncil@cityofgolden.net](mailto:citycouncil@cityofgolden.net) or citizens can speak during the public comment period at any regular business meeting. It is anticipated that a City Council will take decisive action regarding the museums before it enters the 2009-2010 budget discussions this fall so that transitions, if any can occur smoothly this winter.

Proposals: City of Golden, Friends of the Astor House, Pioneer Museum

Those proposals were presented at the Aug. 21 City Council meeting (available at [www.cityofgolden.net/channel8](http://www.cityofgolden.net/channel8)) and City Council is scheduled to make a decision about which proposal it will select at its meeting Thursday, Sept. 11.

**From September 11 minutes of City Council meeting**

There needs to be accountability for the museum operations, but the review process was flawed from the beginning. Expectations for performance goals or priorities had not been clearly communicated in the past, so that the operators would know where they were lacking or what to strive for in their operations of the museums.

**Reported by people involved. Absolute accuracy is not claimed.**

The City Council selected the highest bidder. The result is that the Pioneer Museum as it has existed has closed its doors. The city sought and obtained an injunction to prevent artifacts from being removed. It was agreed that persons having items on consignment at the gift shop could take them away. One day last week, a city staff person looked out the window and saw people taking consigned items out of the building. City Manager Bestor was told that antique items were being removed. He called the police and the police surrounded the people removing their consigned items. The gift shop person is the wife of the Lakewood mayor. She was surprised, at best, by this show of force. The police

apologized for the situation. City Manager Bestor did not apologize.

At an earlier court meeting prior to the injunction, City Attorney Williamson told the judge that he had an affidavit stating that the signer had seen two persons carrying boxes out of the museum and putting them in the car. The attorney for the two persons asked if the city had surveillance cameras around the buildings. Williamson answered, "Yes." The other attorney said, "I want to see the tape." Then Mr. Williamson said, " Uh, uh, your honor, I think we need to amend this affidavit. The signer of the affidavit did not personally see this. She heard about it from someone else."

The judge directed City Manager Bestor and a museum person to sit down to divide up the equipment in the museum. The museum person noted that they used to be friends. City Manager Bestor said, "We could be friends again, if you would call off the recall. The person does not even live in Golden.

Friends of the Astor House Museum have already changed the name of the Pioneer Museum to Golden History Museum.

The Pioneer Museum Board is looking for another site to house the Pioneer Museum materials that are not controlled by the City.

The Museum Operations Request for Proposals: The City of Golden is currently accepting proposals from qualified contractors or internal municipal departments to operate and manage three City-owned museums.

This is strange to start with. The "internal municipal departments" presumably prepared the information used by the operation auditors and the RFP itself. Also, has anyone out there who deals or has dealt with RFP's ever heard of having a government department competing with other bidders to do work for the government entity?

The first sentence said, "to operate and manage three City-owned museums." Then it says, "Proposals may offer to operate one, two, or all three of the facilities." This is inconsistent. As it turned out, Astor only submitted a proposal to operate all three. Pioneer submitted three options: (1) Pioneer, (2) Pioneer and the History Park, and (3) all three. The city did not consider the option of Astor operating just Astor or the option of the continuing the arrangement of Astor operating Astor and the History Park with Pioneer operating Pioneer. There is every appearance that the matter was pre-decided. Comments from councilors sounded almost scripted.

The bid from Astor was significantly higher than the bid from Pioneer. That did not seem to be an issue. The City Manager had decided how much money would be available, regardless of the bids. Reportedly he has increased that amount by about \$10,000.

Ethically, bidders and city officers and staff are not supposed to communicate with each other during proposal preparation time. Reportedly Astor was seen in the company of a city official during this time.

The handling of this suggests that there is more to it than meets the eye. The citizens deserve to know the rest of the story.

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# Loans to the Management of the Golden Pioneer Museum

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**From:** Steve Stevens <oldbike2@comcast.net>

**To:** Jacob Smith

**Cc:** Mike Bestor <MBESTOR@cityofgolden.net>, David Williamson <dwilliamson@wandhlaw.com>, Steve Glueck <SGLUECK@cityofgolden.net>, Barbara Mills <b\_mills1@msn.com>, law1 <michael@frontrangelaw.net>, law2 <wrogers@wrhlaw.com>, law3 <jha@grimshawharring.com>, law4 <csb@grimshawharring.com>, law5 <bll@wrhlaw.com>

**Subject:** [goldenco] Loans to the Management of the Golden Pioneer Museum

**Date:** Dec 5, 2008 12:11 PM

**Attachments:** [smost.jpg](#) [unknown-27 KB](#)

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Thanks Jacob! I will trust that this will work, if you say so.

Steve

Hi Mike,

I will plan to pick up the bikes and etc on Tuesday Morning (upcoming) at 10:00 AM. Please do what is needed to make that go smoothly.

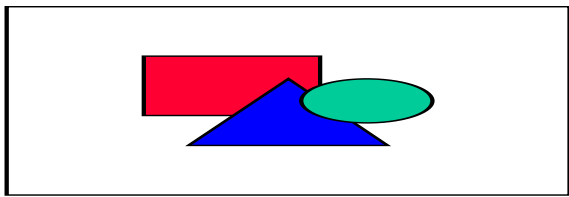
Thanks,

Steve

Golden Oldy Cyclery

[www.goldenoldy.org](http://www.goldenoldy.org)

720-497-1100



"The Sustainable Museum of Sustainable Transportation"

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Jacob Smith wrote:

Hi Steve - I am passing your note on to staff and to the city attorney right now (they are copied). I suggest you make Mike Bestor your point of contact on this unless he assigns someone else. I spoke with Mike tonight about this and he said he would work with you to figure it out.

Best, Jacob

On Thu. Dec 4, 2008 at 5:35 PM, Steve Stevens <[oldbike2@comcast.net](mailto:oldbike2@comcast.net)> wrote:

Hi Jacob,

I will be taking the bikes, etc, - as agreed with the Pioneer Museum when I agreed to leave them after the change was announced. I agreed at that time to have them there until the Candle Light Walk ... so the museum would not look bare at that time.

Whatever you need to do to facilitate my access would be appreciated. I would want to come on Monday or Tuesday. I want to be very clear:

- 1) No one else handles my property!
- 2) I want them before the new regime takes over the GPM !
- 3) I will not interface with Shannon without a sincere honest, admitting apology from her in both writing and verbal face to face. That, plus an agreement to not abuse and lie to me to try to get actions which are without joint benefit, would allow the Peer to Peer relationship between organizations to start to heal and to get a basis for future joint service to the community.
- 4) But that does not mean I am giving my bikes, etc away! It means I will get them before she gets control of them! ... Unless all of these conditions are met in a very expedited fashion. ... by Tuesday Dec 9,2008.
- 5) The City cannot stop me in my just cause .... your lawsuit is against me as well as others who have served the city well. It is wrong!
- 6) It is the City's duty to correct these wrongs! Time is wasting.
- 7) The City has Seized My Property. This is Inappropriate.... and Unkind!
- 8) If you Manipulate this Thru law, That is Immoral! And you who do it are all Immoral!

Regarding your comment:

"I am really sorry that things between you and Shannon are so sour, Steve. I can't do anything to fix that but I really am sorry. You are an incredible asset to the community, and your knowledge of and collection of historic bicycling is second to none."

I would say First:

Thanks for the good words, and Second:

The "Sour" is because I was grossly mistreated by Shannon when I was serving her institution. We had an agreement. They violated the agreement. They lied about their actions. Shannon tried to manipulate me to serve their purpose without allowing my organizational purposes to be achieved. There was no Apology then. There is no apology now. It was ABUSE ... in the way managers abuse. I was not her subject. I represented a peer organization. There was no acknowledgments. There was just further

deception on her part of me and abuse of me. You would be sour also. Shannon has acted in the same fashion as Mr Bush ... total denial and lies. This was an action which was consistent with her treatment of her initial staff. That staff which was loved in Golden all left .... in rapid succession ... after trying to get her to treat them better and trying to get the board to soften her. I do not understand how the decision was to give the business to the highest bidder .... who is the most power hungry. I have heard that she is asking for more now that the award was made. What is happening in Golden ....

If you do not want to answer that last one ... just PLEASE GIVE ME BACK MY BIKES! Before I have to go Cow Towing to Shannon. She would love that and I would die. She is such a .....

So, in Summary, in response to your offer:



Jacob

On Mon, Nov 17, 2008 at 7:14 PM, Steve Stevens <[oldbike2@comcast.net](mailto:oldbike2@comcast.net)> wrote:

Hi Jacob,

For reasons which I previously elaborated, in a letter to Council when the Museum item came up .... in which I did support the Cities Bid ... to run the museums .... Namely the inability for many folks to find cooperation with Shannon on objectives and joint activities. When she took over she lost her whole staff who after an attempt to get her to be reasonable ... they all quit in a short interval. Personally, I was pushed away ... based upon her rejecting what I had done with/for the CCHP and AHM for 5 years before her arrival ... and her deception to get me to do other things for them (be a prop without any chance to teach the children the bike history) without letting me meet my organizations educational objectives ... which was the deal ... and then she became extremely insulting of me and what I am doing as a museum person and educator .... and then the F word started to fly ... in both directions.... She did that better than I. Therefore I have had no relationship with her museums since that time....

Thus .... since I will not have my items in her museum (Yes, she feels ownership and control as a potentate) ... and she now will "lead" the 3rd museum .... as Bush has "Led" our nation ...

For these reasons:

I am attempting to remove my loaned bicycles from GPM. I was going to do it after the announcement ...then in Early Nov ... but the GPM staff asked that I leave them until after the candle light walk. They did not feel that it would be a problem to get them at that time. I agreed. I now understand that you and your staff are saying that:

\* THEY ARE YOURS

or

\* They should be yours

or

\* They will be yours

or

\* I just cannot get them back ...

or

\* You have a court order restraining my Property!

or

\* You have a court order restraining me for retrieving my property.

Well, I hope that you can understand that to tie me back into a relationship which was ABUSIVE on the part of the management of CCHP/AHM toward me ... and insulting ... and manipulative... would be unconscionable.

Please let me know that it is not your intent to do so ... Because the record says otherwise...

Thanks,

Steve

PS: Why was the contract let to

\* THE HIGHEST BIDDER?

\* The bidder who has not maintained reasonable hours on their current facilities?

This seems FISCALLY IRRESPONSIBLE for the city in these hard times!

PPS: Shannon was reported as saying something to the effect that .... "Now Golden's History is totally in the hands of one entity. I run it all." This negates the work and roles of the other cultural entities:

\* The RR Museum

\* The Mountain Museum

\* The Quilt Museum

\* Golden Oldy Cyclery

as well as other city historians.

So another question:

Why was the contract let to the bidder who is insulting to all the other cultural entities in the city? ... at higher cost? ... with a record of having their CCHP closed a vast majority of the time ....?

Inquiring minds want to KNOW?

Owners of Loaned Items Want them RETURNED!

Another Question:

When you put a court order on me .... why not inform me first and try to seek reasonable accommodation?

Thanks for the clarifications...

Steve

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## **Report from Rodney Slaght, Petition Committee Person for Ward 2 and District 1 concerning Go for Golden.**

Go for Golden 0809 is not yet an official committee as no committee forms have been made available from the City Clerk's office. You may have received a letter recently showing it for a return address. That letter provided you with a phone number and an e-mail address. It is interesting that several people called or wrote making a big deal of the fact that there was no person's name on the letter. Stop and think! How many cards have you received from the Golden Good Government League (3GL) over the years, since 1987, and other political committees taking positions on candidates and ballot issues that provided you with no names. It is also interesting that a few of the callers complaining of no name did not leave a name with their message.

**For Information about the General Statement of Grounds on which the recall is sought, go to the City of Golden web site [www.cityofgolden.net](http://www.cityofgolden.net). Read the minutes of the city council meetings held in May through October. The votes taken on the matters listed were all six to one. As the one was Councilor Weaver, she is not considered for recall.**

The recall statute, C.R.S. 31-4-501 et seq, provides that the general statement shall be intended for the information of the electors of the municipality. Such electors shall be the sole and exclusive judges of the legality, reasonableness, and sufficiency of the grounds assigned for recall, and said grounds shall not be open to review.

Send Rodney an e-mail at [goforgolden0809@yahoo.com](mailto:goforgolden0809@yahoo.com)

### **Golden Citizens Fear Retaliation**

**Many citizens in Golden are afraid to speak out about the city as they fear retaliation. Councilors who were or are regularly the one vote in six to one votes have been subject to ethics charges that have been found groundless by the court, the district attorney or special investigators. They have also been the subject of verbal abuse by fellow councilors.**

**Citizens have faced spurious charges in court, been roused out of their homes, had requests for help denied, been verbally attacked in council meetings and in the press, and have been asked when they are leaving town.**

For years the Voice of Golden has received requests from people to publish their letters without a name because they feared retaliation. Another person once declined to sign a petition related to the city because he had a variance request into the city and he was afraid it would be denied if he signed.

A city councilor placed calls to advertisers in the Voice of Golden to discourage them from advertising. The court issued an order prohibiting him from doing that in the future. Another person prepared a negative postcard for the some thirty people in his e-mail group to send to VOG advertisers. The VOG no longer seeks advertisers rather than subject them to this kind of harassment.

A city councilor came up to a person collecting charter amendment signatures at Safeway and loudly called him names.

### **Judy Denison, of all people, should understand Retaliation in Golden**

Judy Denison sends out her Golden Newsletter to about 750 e-mail addresses. In the most recent edition, she referred to the letter sent to Golden citizens about the possible recall of city councilors. She is one who called to find out who wrote it. Although she was not requested to print it in her newsletter, she said, "The letter was not signed, and therefore I will not print it." She sanctimoniously continued, **"I will never print a letter from anyone who hasn't the courage to take responsibility for what they say."**

Judy Denison, of all people, knows about retaliation in Golden. Several years ago, she and her then "housemate." Doug Ohmans, got into a domestic dispute that got "authorities" involved. They called their city councilor for help. He went to the judge's office to simply say they were decent people. The judge's office is not an official hearing place where the councilor was prohibited from speaking. Because this councilor was the one in six to one votes, the city council seized on this to file ethics charges against him. The District Attorney ruled the charges were frivolous and unfounded. Nonetheless, the councilor's name had been besmirched and attorney's fees had to be paid. Is retaliation real in Golden? Yes. It appears that Judy Denison would deprive citizens of their right to freedom of speech when they fear retaliation for exercising that right.

**Veterans, Friends and Family of Veterans - these six council members were ready to welcome Al Jazeera with open arms.** There is a difference between not interfering with entities coming to Golden and putting out the red carpet and providing a full welcome. If this offended you and you wish to express that by assisting in the recall process, send an e-mail to Rodney at [goforgolden0809@yahoo.com](mailto:goforgolden0809@yahoo.com) or leave a message at 303-279-3444.

**"Holiday Lights" - if you were disturbed about the city council's handling of the issue of symbols and decorations during the holiday season, send an e-mail to Rodney [goforgolden0809@yahoo.com](mailto:goforgolden0809@yahoo.com).**

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### **America is addicted to foreign oil.**

It's an addiction that threatens our economy, our environment and our national security. It touches every part of our daily lives and ties our hands as a nation and a people.

The addiction has worsened for decades and now it's reached a point of crisis.

**In 1970, we imported 24% of our oil.  
Today it's nearly 70% and growing.**

As imports grow and world prices rise, the amount of money we send to foreign nations every year is soaring. At current oil prices, we will send \$700 billion dollars out of the country this year alone — that's four times the annual cost of the Iraq war.

Projected over the next 10 years the cost will be \$10 trillion — it will be the greatest transfer of wealth in the history of mankind. America uses a lot of oil. Every day 85 million barrels of oil are produced around the world. And 21 million of those are used here in the United States.

That's 25% of the world's oil demand. Used by just 4% of the world's population.

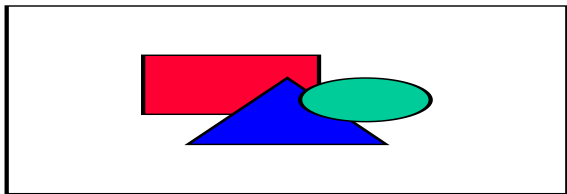
Can't we just produce more oil?

World oil production peaked in 2005. Despite growing demand and an unprecedented increase in prices, oil production has fallen over the last three years. Oil is getting more expensive to produce, harder to find and there just isn't enough of it to keep up with demand.

The simple truth is that cheap and easy oil is gone.

What's the good news?

**The United States is the Saudi Arabia of wind power.**



Studies from around the world show that the Great Plains States are home to the greatest wind energy potential in the world — by far. The Department of Energy reports that 20% of America's electricity can come from wind. North Dakota alone has the potential to provide power for more than a quarter of the country.

Today's wind turbines stand up to 410 feet tall, with blades that stretch 148 feet in length. The blades collect the wind's kinetic energy. In one year, a 3-megawatt wind turbine produces as much energy as 12,000 barrels of imported oil.

Wind power currently accounts for 48 billion kWh of electricity a year in the United States — enough to serve more than 4.5 million households. That is still only about 1% of current demand, but the potential of wind is much greater.

A 2005 [Stanford University study](#) found that there is enough wind power worldwide to satisfy global demand 7 times over — even if only 20% of wind power could be captured.

Building wind facilities in the corridor that stretches from the Texas panhandle to North Dakota could produce 20% of the electricity for the United States at a cost of \$1 trillion. It would take another \$200 billion to build the capacity to transmit that energy to cities and towns.

That's a lot of money, but it's a one-time cost. And compared to the \$700 billion we spend on foreign oil every year, it's a bargain.

**An economic revival for rural America.**

Developing wind power is an investment in rural America.

To witness the economic promise of wind energy, look no further than Sweetwater, Texas.

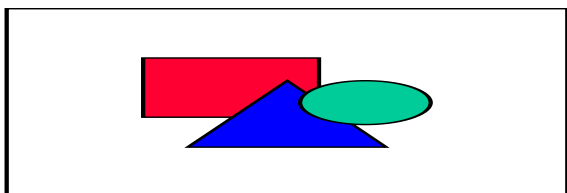
Sweetwater was typical of many small towns in middle-America. With a shortage of good jobs, the youth of Sweetwater were leaving in search of greater opportunities. And the town's population dropped from 12,000 to under 10,000.

When a large wind power facility was built outside of town, Sweetwater experienced a revival. New economic opportunity brought the town back to life and the population has grown back up to 12,000.

In the Texas panhandle, just north of Sweetwater, is the town of Pampa, where T. Boone Pickens' Mesa Power is currently building the largest wind farm in the world.

In addition to creating new construction and maintenance jobs, thousands of Americans will be employed to manufacture the turbines and blades. These are high skill jobs that pay on a scale comparable to aerospace jobs.

Plus, wind turbines don't interfere with farming and grazing, so they don't threaten food production or existing local economies.



**A cheap new replacement for foreign oil.**

The Honda Civic GX Natural Gas Vehicle is the [cleanest internal-combustion vehicle in the world](#) according to the EPA.

Natural gas and bio-fuels are the only domestic energy sources used for transportation.

**Cleaner**

Natural gas is the cleanest transportation fuel available today.

According to the California Energy Commission, critical greenhouse gas emissions from natural gas are 23% lower than diesel and 30% lower than gasoline.

Natural gas vehicles (NGV) are already available and combine top performance with low emissions. The natural gas Honda Civic GX is rated as the cleanest production vehicle in the world.

According to [NGVAmerica](#), there are more than 7 million NGVs in use worldwide, but only 150,000 of those are in the United States.

The EPA estimates that vehicles on the road account for 60% of carbon monoxide pollution and around one-third of hydrocarbon and nitrogen oxide emissions in the United States. As federal and state emissions laws become more stringent, many requirements will be unattainable with conventionally fueled vehicles.

Since natural gas is significantly cleaner than petroleum, NGVs are increasing in popularity. The Ports of Los Angeles and Long Beach recently announced that 16,800 old diesel trucks will be replaced, and half of the new vehicles will run on alternatives such as natural gas.

**Cheaper**

Natural gas is significantly less expensive than gasoline or diesel. In places like Utah and Oklahoma, prices are less than \$1 a gallon. To see fueling stations and costs in your area, check out [cngprices.com](#).

**Domestic**

Natural gas is our country's second largest energy resource and a vital component of our energy supply. 98% of the natural gas used in the United States is from North America. But 70% of our oil is purchased from foreign nations.

Natural gas is one of the cleanest, safest and most useful forms of energy — residentially, commercially and industrially. The natural gas industry has existed in the United States for over 100 years and continues to grow.

Domestic natural gas reserves are twice that of petroleum. And new discoveries of natural gas and ongoing development of renewable biogas are continually adding to existing reserves. While it is a cheap, effective and versatile fuel, less than 1% of natural gas is currently used for transportation.

**The Mechanics**

We currently use natural gas to produce 22% of our electricity. Harnessing the power of wind to generate electricity will give us the flexibility to shift natural gas away from electricity generation and put it to use as a transportation fuel — reducing our dependence on foreign oil by more than one-third.

**How do we get it done?**

The Pickens Plan is a bridge to the future — a blueprint to reduce foreign oil dependence by harnessing domestic energy alternatives, and buy us time to develop even greater new technologies.

Building new wind generation facilities and better utilizing our natural gas resources can replace more than one-third of our foreign oil imports in 10 years. But it will take leadership.

On January 20th, 2009, a new President will take office.

We're organizing behind the Pickens Plan now to ensure our voices will be heard by the next administration.

Together we can raise a call for change and set a new course for America's energy future in the first hundred days of the new presidency — breaking the hammerlock of foreign oil and building a new domestic energy future for America with a focus on sustainability.

You can start changing America's future today by supporting the Pickens Plan. [Join now.](#)

[myenergy@pickensplan.com](mailto:myenergy@pickensplan.com).

Pickens Plan PO Box 12123, Dallas, TX 75225.

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**The Voice of Golden is going on-line.**

**The web site is [www.vogolden.com](http://www.vogolden.com).**

**If you would like to receive a notice that there is new information on the web site, send an e-mail to [moaa@ix.netcom.com](mailto:moaa@ix.netcom.com).**

**Remember, the Voice of Golden will publish your thoughts without giving your name, if you are afraid of retaliation.**

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**Developer Tiberi, Mayor Smith, Planning Commissioner Dale - What do you think is going on here?**

Henry C. Tiberi is a real estate broker doing business as Network Properties LLC, 815 Cheyenne Street, Golden, CO 80401, since November 8, 2004.

He serves on the City of Golden Economic Development Commission and contributed to Smith's campaign.

Between September and November of 2007 he sold property that he owned, located at 601 Cheyenne Street to four parties:

Area	Sq. Ft	Sale Amount	Purchaser
Garden Level	759	\$197,000	Shannon J. Kron
Garden Level	770	\$189,000	James L. and Louanne T. Dale
Second Floor	768+deck	\$195,000	Renee L. and Tyler F. Clark
Second Floor	785+deck	\$190,000	Jacob Smith

At the time of the sale, James Dale was and is on the Golden Planning Commission. At the time of the sale, Jacob Smith was on the city council and a candidate for mayor. After the sale, Louanne T. Dale was appointed by Mayor Smith to the Historic Preservation Board.

Mr. Smith occupies the unit he purchased. The Dales live at 323 Ptarmigan Street in Golden.

Prior to April 24, 2008, the Planning Commission found that a rezoning proposed by Mr. Tiberi was acceptable. There is no indication that Mr. Dale revealed that he had recently purchased a property from Mr. Tiberi for \$8,000 less than another slightly smaller unit on the same level.

On April 24, 2008, City Council minutes show that Mr. Smith voted to approve the rezoning. There is no indication that Mr. Smith revealed that he had recently purchased a property from Mr. Tiberi for \$5,000 less than a slightly smaller adjacent unit sold for.

Mr. Tiberi worked a deal with the city in connection with the property he owns as the southwest corner of Washington Avenue and Iowa Drive such that he can now put more units on the property than he otherwise could have. Further, he maintains a for sale sign on the property that exceeds the acceptable limit for residential areas.

Who knows what more there is.

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**Progressive Majority Using Mayor Smith to further its goals**

2007 was a banner year for Progressive Majority Colorado, as we achieved many of our longstanding goals, including the first Colorado pipeline election when Jacob Smith moved up from Councilman to Mayor.

During Spring Elections, two Progressive Majority recruited and trained candidates **shifted the balance of power of the Fort Collins City Council to a progressive majority!** David Roy easily won re-election with 71% of the vote for District 6 and Lisa Poppaw took the open seat in District 2 by 58 votes to give progressives a 4-3 majority.

In the fall, we flipped two city councils and four mayor's offices from conservative to progressive. Four Progressive Majority candidates - **Bob Murphy, Cindy Baroway, Karen Kellen, and Tom Quinn** - make up the new progressive Lakewood City Council. In Longmont, Sean McCoy helped flip the city council to a 4-2 progressive majority.

Four of our five Fall mayoral candidates were victorious. **Bob Murphy** of Lakewood, **Pat Quinn** of Broomfield, **Jacob Smith** of Golden, and **Eric Drummond** of Manitou Springs all won and are now in prime position to launch progressive initiatives. These are all huge victories and once again demonstrate that **voters identify with progressive values** and want more progressives in power in Colorado.

**Contributions to Smith's Mayoral Campaign were solicited on the Progressive Majority web site.**

Approximate contributions:

Boulder	\$2795	Washington, D.C.	\$250	Glenwood Springs	\$100
Denver	\$3070	Arizona, Chandler	\$100	Florida, Spring Hill	\$25
Arvada	\$150	California, LaJolla	\$500	Kentucky, Berea	\$30
Aspen	\$250	California, San Francisco	\$50	Virginia, Fairfax	\$40
Aurora	\$525	California, San Jose	\$100	Washington, Seattle	\$10
Avon	\$50	Idaho, Bellevue	\$100	New Mexico, Santa Fe	\$30
Brighton	\$50	Kentucky, Berea	\$15	Expenditure:	
Broomfield	\$75	Massachusetts, Needham	\$36	Progressive Majority	
Colorado Springs	\$80	Montana, Missoula	\$75	Consultation	\$224
Dillon	\$50	New Jersey, Garden City	\$250		
Durango	\$30	New Mexico, Pino Altos	\$100		
Englewood	\$125	Oregon, Corvallis	\$25	Is it time to limit contributions to	
Evergreen	\$75	Tennessee, Johnson City	\$50	residents of Golden?	
Ft. Collins	\$120	Utah, Salt Lake City	\$50		
Glenwood Springs	\$100	Virginia, Charlottesville	\$100		
Gunnison	\$100	Vermont, Cornwall	\$50		
Lafayette	\$1000	Washington, Seattle	\$200		
Lakewood	\$200	Washington, Spokane	\$25		
Littleton	\$100	Wyoming, Moose	\$100		
Lyons	\$100				
Norwood	\$10				
Paonia	\$100	<b>2005 Special Election \$2285 includes:</b>			
Parker	\$90	Boulder	\$600		
Salida	\$25	Denver	\$400		
Superior	\$285	Aurora	\$100		
Thornton	\$50	Chatauqua	\$50		
Westminster	\$25	Longmont	\$50		
Wheat Ridge	\$100	Lafayette	\$200		
Windsor	\$25	Lakewood	\$50		

## Jacob Smith's blog

### [Jacob Smith, Director - Center for Native Ecosystems](#)

Hi everyone -

I'm one of those who is just starting to understand the kinds of opportunities that emerging internet and organizing technologies offer non-profits and progressive politics and am thrilled to get to spend a couple of days with other folks who are thinking about and doing so many cool things. I run a great little regional conservation group and am coming partly because I think the things we'll explore at the conference can help my group and our colleagues do a better job of saving critters and special places. I'm intrigued, incidentally, by how few conservation groups are attending, and excited by how markedly diverse the attendee list is. I'm also coming to the conference because I think tech-enabled social change work has a lot to offer progressive electoral politics as well. I started dabbling in electoral politics last year and now serve as a city councilor in my community, and as an elected and a social change advocate I'm really interested in how these technologies carry over from the advocacy side of the fence to the political representation side. Plus, with kudos to the conference organizers, this just feels like the sort of gathering where important things are going to happen.

Tuesday, November 18, 2008 A portion of the draft minutes plus commentary. If you are concerned that the city's sustainability activities will lead to mandates about what you can or cannot do with your property and that does not appeal to you, send an e-mail to Rodney at [goforgolden0809@yahoo.com](mailto:goforgolden0809@yahoo.com)

### **Sustainability**

**PRESENT:**

- Tom Atkins
- Chuck Baroch
- Susan Buhr
- Hillary Mizia
- Scott Morrissey
- Gunter Ritter
- Karen Smith

**STAFF:**

- Theresa Worsham, Sustainability Coordinator
- Denise Hish, Administrative Assistant
- Wendi McLaughlin, Intern
- Jacob Smith, Mayor

**CALL TO ORDER:**

Susan Buhr, Chair, called the meeting to order at 6:35 p.m.

**REGULAR BUSINESS:**

**A. DISCUSSION WITH MAYOR SMITH**

Mayor Smith started by saying that he considers CSAB to be “stewards of the City’s 10-year sustainability goals”. He also stated that the total amount in this budget is \$1.3M in 2009/10 for sustainability. If this board will prioritize and come up with a really good project that makes sense, then CSAB needs to come back to Council and ask for specific dollars. Chuck felt that Council and staff are not

communicating with this Board and not doing the priorities that CSAB wants, like single trash haulers – the City is moving forward and CSAB did not have it as a high priority. Theresa disagreed and said that the trash hauling was a priority for the Waste & Recycling working group and has been on the City radar for over a year. Karen agreed and said that is why this board didn't put it high on the priority because the City was already underway with the project. Karen felt that this Board should be better informed with what the City is doing and feels that we need to Brand the sustainability effort – whether done by staff or by this board. The branding initiative is critical and CSAB needs to write the RFP and publish it now. CSAB needs to get over the feeling that it is this board against the City and work as a united front. Tom felt that Council has initiated programs that it is going to commit significant money to without involving this Board and we are spending significant personal time and effort and he feels that this board has no input on anything and Council doesn't care what we think. Mayor Smith acknowledged Tom's candor. Hillary stated that she agrees with Karen and that communication is key and feels that we are wasting our time if we don't have the communication with staff and Council. How do we plug our 13 priorities into the City priorities? Can we pull a meeting together with Council, this Board, staff and others to have some discussions on how we can communicate?

Policy issues coming up before Council that the Mayor felt this Board may want to participate:

- Fee Waivers Discussion – December 4
- Complete corridors – January 15

Mayor Smith stated that if our revenues look good after first quarter, he commits more funding to this Board. When CSAB creates an RFP together for the branding initiative, return to Council to make the case. Mayor Smith and Theresa will make sure that you know the schedule of things that are going to be discussed in upcoming meetings with Council and you may decide to weigh in. He wants to open communication – maybe one solution would be to ask a liaison from this Board to have a seat at the Study Session to give your collective thoughts on some issues. Next year the City is launching the visioning plan and you may want to strategize with others to show where we want to be in 20 years. Theresa will include Council agenda with packets each month.

### **C. COMMUNICATION - [MAYOR ADMITS OPEN MEETING LAW APPLIES]**

Mayor Smith explained the open meetings law, as did the City Attorney in a prior meeting. He stated that this is far more complicated than it should be, but Council hopes to muddle through it. Council is looking at adopting its own policy as a home-rule city,[SEE BELOW] but could invite potential litigation. Mayor Smith is working with Colorado Municipal League (CML), but no progress at this point. Best and safest option would be to have the Legislature change the Open Meetings Law. Tom asked why the Attorney General can't give us guidelines for the use of email for Boards. Mayor Smith will look into it. Board members can send an email to everyone, but the replies can just be to the sender (not reply to all).

### **THIS IS WHAT THE OPEN MEETING LAW SAYS:**

#### **C.R.S. 24-6-401. Declaration of Policy.**

**It is declared to be a matter of statewide concern and the policy of this state that the formation of public policy is public business and my not be conducted in secret.** [There is no language authorizing home rule cities the power to act.]

### **THIS IS WHAT THE COLORADO COURTS HAVE TO SAY ABOUT STATEWIDE CONCERN**

Whether a matter is of local, state, or mixed concern determines whether state or local legislation controls in that area. In matters of local concern, a home rule ordinance supersedes any conflicting state statute. **In matters of statewide concern, home rule cities are without power to act unless authorized by the constitution or by state statute.** However, where matters are of mixed concern, that is, matters of concern to both home rule cities and the state, home rule ordinances and state statutes may coexist if they do not conflict. **City of Northglenn v. Ibarra**, *supra*.

**The mayor finds the Open Meetings Law "far more complicated that it should be."** The "complication" arises from the fact that, to some extent, there are separate rules for "Local Public bodies" and "State public bodies." For example: (2) (d) (I) Minutes of any meeting of a state public body..." and (2) (d) (II) Minutes of any meeting of a local public body .... This pattern of state then local is followed throughout the statute. It is a very easy matter to go through the statute with a highlighter and mark the word "local" wherever it appears. Mark the word "state" wherever it appears with a different color. Read all sections where the word "local" appears and those where neither "state" nor "local" appears and you have all you need to know. If the city's attorney is not capable of sorting it out for the city councilors, perhaps they should find a different city attorney. The Open Meetings Law has been in effect at least since 1975. Surely that is long enough for someone to understand it.

Section 4 of the OML clearly states that **city council may hold an executive session only at a regular or special meeting.** The Golden Charter describes these two types of meetings. Study sessions are neither. When it was brought to the attention of Council that it should not be holding executive sessions on study session dates, they changed "study sessions" to "regular study sessions" in their council rules and kept on doing it anyway. That looks like they effectively amended the Charter without a vote of the people and continue to violate the Open Meetings Law as well..

### **C.R.S. 31-15-103. Making of ordinances**

**Municipalities shall have the power to make and publish ordinances not inconsistent with the laws of this state, from time to time, or carrying into effect or discharging the powers and duties conferred by this title which are necessary and proper for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof not inconsistent with the laws of this state.**

**A municipal ordinance of a home-rule city that is in clear opposition to the provisions of a general state law is invalid. Hamilton v. City and County of Denver, 176 Colo. 6, 490 P.2d 1289 (1971).**

### **Why is the Golden City Council and its city attorney obsessed with going contrary to state law?**

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#### **It's a done deal!**

Many months ago, citizens planned to attend a Planning Commission meeting to express their feelings about construction of a five story apartment house across Highway 6 from the county administration building. While they were gathered outside the city building waiting for the meeting time, City planning director Steve Glueck came out and told them the apartment building was being taken off the agenda for that night. The meeting was convened. The commissioners made the motion to

take it off the agenda. Some of the citizens were in the area outside the council chambers when the developer came out. They were talking to him rather loudly. He lashed out at them and said, "It's a done deal."

In July of 2008, the city council considered a request to annex some property near Heritage Road and Highway 40. The councilors made critical remarks about the project and then voted to deny the request. Afterward, a citizen who was present spoke to a representative of the proposed project who was shocked at the outcome. He said, "Steve Glueck said it was a done deal."

*You draw your own conclusions.*

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## **Should citizens be able to trust the City Councilors and city staff?**

### **What does the Golden Police Department have to do with trust?**

You may recall that Golden, with a population of about 17,159, (2000 census, now up to about 17,500) has fifty-five (55) employees in its police department. Louisville, Colorado, with a population of about 18,937, has about 42 employees in its police department.

The Golden Police Department is housed in the City administration building at 911 - 10<sup>th</sup> Street. When a department gets bigger, it needs more space. The rest of the city administration also needs more space on its own account. That comes with growth, of course. That's what happens when towns grow. The city has been planning on growing to a population of 40,000 for at least fifteen years. Check Vision 2010 written in 1993.

Have you ever had a "light bulb" moment when things suddenly become clear? The city made quite a deal about the need to move the library to its present location a few years ago. They talked about adding a level to the building and closing the former outdoor pool for more parking space, etc., etc.

As of now, the Pioneer Museum is in the building between the city administration building and the library. The library used to be in the museum building. If the city was to expand its office space, the current museum building is the logical place to go.

### **What does the Golf Course bond vote have to do with trust?**

Do you remember that vote? There were four things on that ballot - the golf course, the swimming facility, a satellite recreation center and open space. Do you remember what happened to the rec center money? There was no new satellite rec center. Rather than return that bond money and reduce the debt, the city used that money on the existing rec center and the Tony Grampasas park.

So - what happened to the \$2 million in open space money? It has never been spent. It just sits there waiting for the people to forget why they voted for it. At least, it seems reasonable to think that people voted for it to have it spent for more open space land.

Have you ever checked to see how much open space land the city has purchased over the past several years? How about none or, at least, almost none. Generally speaking, the city has been spending open space money available to it on facilities such as ball fields instead of buying land.

So - let the imagination run. The city wants the museum building for office space. The city could use the \$2 million toward building a building on the park land to the west of the Golden Hotel parking lot to house a museum instead of buying open space land. Do you think a contemporary building would be appropriate in the Clear Creek History Park? Do you think it is acceptable for the city to use open space money to effectively acquire additional office space in the existing museum building?

### **What does former city councilor Bill McKee have to do with trust?**

The management contract was awarded to the Friends of the Astor House Museum. Bill McKee is the President of the Board of Directors of Friends of the Astor House Museum and Clear Creek History Park. You may recall reports about McKee while he was a city councilor. Then city councilor Brian Starling broke some bones in his face during a fall. About two weeks after he had reconstructive surgery to repair the damage, the city council was walking back to an executive session when McKee came up to him and said, "If you don't stop asking questions, I'm going to kick your face in."

When citizens were collecting signatures at Safeway to put a charter amendment on the ballot, McKee drove up to where a person was signing, stopped and told the person, "You shouldn't sign that." Later, at a city council meeting, McKee launched a verbal attack on the person who had been collecting signatures.

### **What does the city's use of Certificates of Participation (COPS) to fund purchase of land and the building of the shops there and moving them to the north end of town have to do with trust?**

The city apparently believed that the citizens would not vote to put the city in debt an additional twenty five million dollars so they used this scheme to put the city more in debt without a vote.

### **What does eminent domain have to do with trust?**

The city proclaims that, if any private property in Golden is threatened by RTD use of eminent domain, the city will do everything it can to protect the private property. That sounds good, but sadly, the city has no authority or power to do anything in such a case. So to say it will do everything it can is to actually say it will do nothing, because there is nothing it can do.

### **What does the Big Tree Mobile Home Park have to do with trust?**

The city wanted to get rid of this mobile home park as it was old and not attractive. They granted a rezoning to the property owner. All the people living there had to go away and generally had no place to go. Part of the requirement was that certain trees not be cut down. Later, the city tree man "decided" that those trees were diseased or otherwise no good and could be cut down. Pictures of the cores of the trees after they were cut show healthy trees. .

**What do the historic barns at the Boy's School have to do with trust?** The city wanted to destroy the barns. It hired a contractor to do just that on Monday morning. Historic preservation people managed to get a State order to stop the destruction. The City sent the contractor a fax on the weekend advising of the ruling. No other effort was made to contact the local contractor. The equipment operators went to the barns Monday morning with out having seen the fax. The barns were destroyed.

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**What does the old Mitchell School site have to do with trust?** Reportedly, the site and school was sold for \$300,000 with the deal that it not be turned into a charter or alternative school. The city spent over a million dollars to build a new Ford Street bridge. Spent more to demolish the school building and scrape it the property. The 5 acre site whose estimated worth was about \$5 million was given to the developer - free!

**This was written in October of 2003. Sadly, nothing has changed. It could be said that things are worse. Starling's message still has meaning today.**

## **“Go Along Politics” or “GAP”**

by Brian Starling  
Former Golden City Councilor

Most Golden residents would like to believe that everything is OK with Golden politics. As our former Police Chief, Russ Cook, once told me, “you will find it easier to just go along.” I now refer to this type of political approach as “Go Along Politics or GAP”. It may be easier to go along with the current political powers, but it results in “business as usual” politics. This approach does just as its acronym implies; it leaves a gap between the majority of residents, and the powers that run their city. It results in abuses of power to the detriment of the majority of residents, while a minority is empowered and benefits from a sleeping public.

Some of the symptoms of “Go Along Politics” (GAP) by city government include:

- 1) Public demeaning of any opposing views
- 2) Statements that everything is great, don't change anything
- 3) Public vilification of residents rather than their political positions or statements
- 4) Gross distortion of facts, statements and records
- 5) Reappearance and proliferation of malefactors
- 6) Limitation of public access to public information
- 7) “Group Think”- No significant oppositional views on city council, although there is significant public dissent, and little change in issues of public concern.

Over the past two years, I have quietly observed the operation of our city government. I had great hopes that many of the public concerns such as: the Northwest Parkway, poor financial investment decisions by GURA, water problems, representation of residents by city councilors, direction of the City Manager and his Directors activities by city council, public broadcast of city council meetings, and gross opposition by city personnel and city councilors to citizen led initiatives would be rectified or improved. It has been a great disappointment to find that little, if any, changes have actually been made in these issues.

The Northwest Parkway is coming through as led by the City Manager and his directors. GURA is still adversely spending your tax dollars to diminish the small town atmosphere of Golden. The Guanella Reservoir continues to cost millions of additional dollars, due to poor planning. The city water ditch system has been systematically dismantled by the city staff to serve the needs of the new golf course. Residents concerns are routinely diminished in city council meetings unless large oppositional groups demonstrate in city council meetings, as evidenced by opposition to the TV towers and restrictions on low cost housing (manufactured homes). The City Council is led by the City Manager and his staff, rather than vice versa, as evidenced by city council agenda preparations and non-participation or observation of city staff meetings by city councilors. The city council meetings are still not publicly broadcast, although the majority of other surrounding cities broadcast meetings and encourage public participation. The city staff and city councilors are still opposing public initiatives in court, such as the incentive initiatives passed during the last election, and more recently the gross misrepresentation of the titles in the current charter amendments. I attended the “title battle” in court. The ruling actually encourages a city to set any title, even if both parties agree, as they did in this case, that they do not want what is represented in the title to occur. These titles were clearly established to discourage voter approval of the charter amendments.

As for the symptoms of Golden’s “Go Along Politics”, compare the following to the previous list:

- 1) Read the Transcript Newspaper and attend city council meetings: the city staff has referred to concerned citizens as “paranoid”. Several city councilors, city staffers, and public leaders have told concerned citizens to just move out of the city, if they do not like what is happening.
- 2) Read the campaign literature: “Let’s keep it this way”.
- 3) The most recent damning event of vilification was the statement made in city council and in the Transcript Newspaper that inappropriately and maliciously linked concerned citizens to white supremacist hate groups.
- 4) Charter amendment opposition falsely states (a) that all future employees will have to live in Golden and that employee salaries would have to be raised, if the city directors amendment passes, (b) that senior housing will have to be torn down, if the 1% charter amendment passes (c) that we cant afford to loose GURA, by passing the GURA charter amendment. (I fail to see how the city could squander more money with less return, than the millions squandered on the Mitchell Site. GURA provides the easiest access to your tax dollars by the “good old boys”.)
- 5) The former mayor, Jan Schenck, who promoted NIKE on South Table Mtn. behind the backs of residents, was recently appointed by the city council to the GURA Board and indirectly to the Economic Development Commission. (This event alone, is a good reason to pass the GURA amendment.)
- 6) A resident was recently denied access by city employees to recordings of a public city council meeting. This is not only wrong, but is illegal and again points to the need to publicly broadcast all public city council meetings.
- 7) At city council meetings, you will rarely hear the pertinent questions: How much will this cost? Who pays? Who will benefit from this action? Who will be harmed by this action? What are the potential adverse impacts? What is the priority of this action? Items are usually passed as presented by the city staff to the city councilors.

It is obvious that the city council needs “renewal” in thinking, planning and action provided by new individuals, who are not tied to the old ways. This is the type of “urban renewal”, which will reduce the “GAP”.

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You have an opportunity to elect individuals who are not tied to the old ways or who have not already succumbed to the "Go Along" mentality. AND - It doesn't take very long to succumb. The two individuals elected in April have already shown by their votes that they have joined the "Go Along" crowd. There is every evidence that Weaver, Bookmyer, Chesbro, and DesMarteau [the candidates in 2005] have no ties to the old ways or the special interests. They have shown no interest in using the city council as a stepping stone to some other political position. They all have demonstrated honesty and integrity. This can be the time that the City of Golden can truly have the republican form of government it was intended to have, a government that represents the people rather than the special interests.

The only way you can help reduce "Go Along" politics in Golden is to vote. The citizens are the boss. The City Council works for them. They are elected to represent you, not special interests. If you don't vote, you become a "Go Along" citizen. When your mail ballot arrives, vote it and send it back right away before you lose it or forget it!