



GROUND TRUTH

PART ONE

Correcting the Record on *The Gazette's* Gold Hill Mesa Series

- 1. Are Dozens of Gold Hill Mesa Homes Really Sinking and Heaving?** No and they never were. Attached is the list of 24 homes, which was found in the public record.
- 2. A Reckless Disregard for Truth and the Impact on Homeowners?** These 24 homes are not at Gold Hill Mesa. Despite being repeatedly told this fact by officials at the regional building agency that had conducted site visits to the 24 homes, the establishing lead paragraph in *The Gazette's* multi-part frontpage series made this false allegation. In subsequent email correspondence with a concerned homeowner, *The Gazette* admits to publishing this allegation without data to back it up.
- 3. The House at the Center of the Story:** Oddly, *The Gazette* continues to use this home as an example of problems even after *The Gazette* itself reported that the homeowner "loves their home and have seen no evidence of cracking, heaving or flooding".
- 4. Gazette Quotes Soils Experts but Did Not Provide Relevant Evidence:** Before asking them to comment, *The Gazette* reporter failed to tell, or show, experts it quoted that there is counter evidence, of which *The Gazette* had knowledge.
- 5. Drainage: Gazette Quotes Inspector but Did Not Mention Relevant Contradictory Data:** *The Gazette* reporter failed to mention that the PVC piping mentioned by the quoted home inspector had already been inspected and found to be in good condition.
- 6. Whose "Neighbors"?** *The Gazette* focuses on the complaints of a "neighbor" who lives over six-tenths of a mile from Gold Hill's closest entrance, and whose road access has nothing to do with Gold Hill Mesa.

About Gold Hill Mesa: Gold Hill Mesa is the site of the former Golden Cycle Mill. Long undeveloped and a blight on the westside of Colorado Springs, the property has been developed over the past 15 years as a traditional neighborhood development, with careful attention given to both the aesthetic and functional appeal of the community, as well as the particular considerations of constructing at a site with this unique history.

Note: In this document, bolding and underlining is added and used to aid the reader by emphasizing key points.
Updated: November 24, 2019

1 | Are Dozens of Gold Hill Mesa Homes Sinking and Heaving?

The opening paragraph of The Gazette’s August 25th article states that “perhaps dozens of homes in Gold Hill Mesa were slowly sinking, heaving and flooding.”

FACT: It is now clear that the “24 Homes” referenced in the initial Gazette article were not at Gold Hill Mesa. This is the list of homes that were discussed, provided by the Pikes Peak Regional Building Department pursuant to a Colorado Open Records Act request:

Home/Business	Last Name	First Name	Address	Phone	Email	Neighborhood
Home			Zodiac			Skyway
Home			Broadmoor Bluffs			Broadmoor Bluffs
Business						Mountain Shadows
Home			Broadmoor Bluffs			Broadmoor Bluffs
Home			Broadmoor Bluffs			Broadmoor Bluffs
Home			Zodiac			Skyway
Home			Broadmoor Bluffs			Broadmoor Bluffs
Home			Capricorn			Skyway
Home			Broadmoor Bluffs			Broadmoor Bluffs
Home			Zodiac			Skyway
Home			Broadmoor Bluffs			Broadmoor Bluffs
Home			Zodiac			Skyway
Home			Broadmoor Bluffs			Broadmoor Bluffs
Home			Zodiac			Skyway
Home			Zodiac			Skyway
Home			Parkview Blvd			Skyway
Home			Zodiac			Skyway
Home			Zodiac			Skyway
Home			Childe Dr.			Broadmoor
Home			Broadmoor Bluffs			Broadmoor Bluffs
Home			Constellation			Skyway
Home			Zodiac			Skyway
Home			Zodiac			Skyway

Note: Duplicate Address

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Home/Business	Last Name	First Name	Address	Phone	Email	Neighborhood	9/23/2015
Home			Haversham			Skyway	Message
Home			Broadmoor Bluffs			Broadmoor Bluffs	Spoke
Home			Sun Drive			Skyway	Spoke
Home			Broadmoor Bluffs			Broadmoor Bluffs	Message
Home			Zodiac			Skyway	Message
Home			Zodiac			Skyway	
Home			Zodiac			Skyway	Message
Home			Broadmoor Bluffs			Broadmoor Bluffs	Spoke

Row Labels	Count of Home/Business	Sum of 2015 Market Value
Home	25	\$ 9,047,577
Broadmoor	1	\$ 434,156
Broadmoor Bluffs	9	\$ 5,089,111
Skyway	15	\$ 3,524,310
Grand Total	25	\$ 9,047,577

Note redactions to protect the privacy of homeowners while showing the location of the homes.



2 | A Reckless Disregard for Truth and the Impact on Homeowners?

FACT: We now know: (A) that the “dozens of homes” weren’t at Gold Hill Mesa; (B) that Pikes Peak Regional Building Department (PPRBD) officials repeatedly informed *The Gazette* of this fact in advance of its initial article. Nevertheless, *The Gazette* opened its multi-part front-page series of articles about Gold Hill Mesa as follows: “Despite learning more than three years ago that perhaps dozens of homes in Gold Hill Mesa were slowly sinking, heaving and flooding, city planners and regional building staff allowed development to continue uninterrupted, a *Gazette* investigation has found.”

FACT: The following emails between Conrad Swanson, of *The Gazette*, and Greg Dingrando, Public Information Officer for the Pikes Peak Regional Building Department (sourced through the Colorado Open Records Act) show the reporter arguing while being clearly and repeatedly told *by the very agency that had conducted site visits of the 24 sinking homes* (as shown in the table above) that none of these homes were at Gold Hill Mesa.

Excerpts of e-mails discovered in the open records between Pikes Peak Regional Building Department officials and *The Gazette* Reporter, Conrad Swanson:



Aug 9, 2019 at 4:02 PM Greg Dingrando, PPRBD public information officer, states: *“Item 3 on the agenda has 45 homes singled out for landslide and expansive soil issues which were all complaints made to the city. The 24 homes that John mentioned were homes that PPRBD had done site visits on at that time. None of which were at Gold Hill Mesa.”*

Aug 9, 2019 at 4:38 PM, Conrad Swanson argues: *“Yeah I see those 45 homes mentioned up top in the minutes as well under item 3. It’s not reading to me like the minutes are out of order at all. Plus others who were at the meeting are telling me those 24 homes were specifically in Gold Hill Mesa, not the landslide zone.”*

Aug 9, 2019 at 5:07 PM Greg Dingrando counters: *“We would have to respectfully disagree with your other sources. **The “24 homes,” that were mentioned were in the landslide areas like Skyway and Broadmoor Bluffs.**”*

Aug 9, 2019, at 5:15 PM, Conrad Swanson retorts: *“Roger that. I’ll note the disagreement. I guess the point stands either way. **It’s clear multiple homes and subsidence problems were discussed at Gold Hill Mesa....”***

Aug 13, 2019 at 8:22 AM Greg Dingrando clarifies: *“**You say “multiple homes in Gold Hill Mesa.” Are you referencing the “24 homes” mentioned in the geological hazard code meeting minutes that we talked about? If so, then that sentence is inaccurate as those 24 homes were a part of the landslide count and discussion specific to areas like Skyway and Broadmoor Bluffs, NOT in Gold Hill Mesa.**”*

FACT: Following the front page publication of *The Gazette* article, “On Uncertain Ground?”, August 25, 2019, with the leading premise that, “perhaps dozens of homes in Gold Hill Mesa were sinking, heaving, and flooding”, a Gold Hill Mesa resident wrote to *The Gazette* out of concern about her home and community. *The Gazette* editor, apparently by accident, replies and admits that *The Gazette* didn’t have evidence to show that the 24 homes were at Gold Hill Mesa and they were, instead, still looking for evidence.



Excerpts of E-mails Between a Gold Hill Mesa Resident and *The Gazette* Editor and Reporter:

Aug 28, 2019 at 1:11 PM Gold Hill Mesa Resident <Resident name and email address redacted> wrote: "I read your articles about Gold Hill Mesa and as a resident, I would like clarification on several things. **First, what is the location in the development of the 24 homes that are slowly sinking? ...It would be very helpful to see pictures of the damage or at least know what to look for in the future.** The location of six that are excessively impacted is important to know. **For those of us who live in Gold Hill Mesa, it is critical that an investigative report of this nature addresses the basics of where, when, why and how. The omission of those facts is, quite frankly, unsettling.** The "fear factor" regarding the homeowners of those six houses that was cited in the article does not serve the public good and borders on irresponsible reporting. **This is a large development and the homes in question should be narrowed down, possibly without giving specific addresses or residents' names, rather than incite panic...."**

Aug 28, 2019 at 1:24 PM *The Gazette* Editor, apparently intending to email his reporter, instead replies to the Gold Hill Mesa Resident: "*do you mind responding to her? **Basically, we're attempting to access records that will answer all these questions.***"

FACT: In subsequent emails with the same Gold Hill Mesa resident, *The Gazette* reporter then admits that *The Gazette* is "still working" to find the 24 sinking homes. Ironically, the reporter then refers the resident to the same "regional building staff" whose agency had conducted site visits of the 24 sinking homes and who had repeatedly told him were not at Gold Hill Mesa. He also refers the resident to "public records" which confirm what the reporter was told by regional building staff.

Aug 28, 2019 at 3:16 PM Conrad Swanson responds to the Gold Hill Mesa Homeowner: "*Thanks for reaching out. **With the 24 homes, that was a number used by a regional building official, as noted in the story, and I'm still working to access more specific information regarding them.***"

Aug 29, 2019 at 11:23 AM Conrad Swanson writes: "*...I'll tell you I'm still attempting to access records to answer those questions. In the meantime CDPHE, city planners and regional building staff might have more information they'd be able to share with you as well. All of the reports I've mentioned are available in the public records...."*

Aug 29, 2019 at 11:53 AM Gold Hill Mesa Resident <Resident name and email address redacted> replies: "*I am sure you can understand my concern that the information regarding the 24 homes and their location is not readily available. It is the catalyst of the panic caused by your article. Please receive this in the spirit in which it is intended; dropping a bomb like the sinking houses reference in a community where hundreds of people live, and not substantiating the claim, is irresponsible. I urge you to not only send the information to me but to update your original article.*"

3 | The House at the Center of the Story

Aug 25, 2019 *The Gazette* launches a series of front-page articles about Gold Hill Mesa. Key parts of the lead *Gazette* article focused on one particular home. *The Gazette* resurfaced five-year old allegations made by the original owner of that home and quoted extensively from reports contracted for by that homeowner's attorney, which predicted more damage to come. *The Gazette* wrote: "Stauffer predicted that Polmer and Rudge's home would continue to sink and shift."

FACT: Over five years have now passed since allegations of damages were first made by the original owner of the home, yet the subsequent two homeowners report no evidence of shifting or sinking. Indeed, the current owner was quoted by *The Gazette* as follows: "Stephanie Dowd said they love their new home and have seen no evidence of cracking, heaving or flooding."



Oct 6, 2019 *The Gazette* publishes another front-page article with the headline: "Problems detailed at Gold Hill Mesa // Residents of west-side development describe damages to their property on former mill tailings site" with the photo and caption below included with the continuing article:

FACT: What *The Gazette* didn't tell its readers is that this is a photo of the Dowd's garage door. This is the very same location where *The Gazette* itself reported the homeowners, "have seen no evidence of cracking, heaving or flooding."

Text from Gold Hill Mesa homeowner, Ms. Dowd, following *The Gazette's* publication of a photo of her garage door, alleging that it wouldn't shut all the way due to settling:

Nov 9, 2019 Ms. Dowd, surprised and frustrated to see her garage door with a misleading caption, texts to the home's builder: "We open it to keep the garage a little cooler in the summer, and we also keep the windows in the garage cracked a little for the same reason! It helped when we lived in Texas with the heat in our garage there"

4 | Gazette Quotes Soil Experts but Did Not Provide Relevant Data

The Gazette's September 22nd article, "Agency Finds Sinking at Gold Hill Mesa, Calls for More Testing", states: "Independent geological experts from the Colorado School of Mines, the University of Northern Colorado and the New Mexico Bureau of Geology and Mineral Resources that *The Gazette* asked to review the CGS report stand behind Lovekin's <Colorado Geological Survey, or CGS> recommendations."

Gold Hill Neighborhood, through a geotechnical engineer, reached out to each of these experts to see what information they were provided by *The Gazette* before being asked to comment on the CGS report. We were able to reach two of the three. One did not return repeated phone calls or email requests.

FACT: *The Gazette* provided only part of the information relevant to the question it posed to these two independent experts. Specifically, *The Gazette* provided these experts with a colorful Italian satellite image – but not contradictory ground survey information that was available to CGS and had been provided to *The Gazette* by Gold Hill Neighborhood.

Dr. Wendy Zhou, dean of graduate studies and professor of geology and geological engineering at the Colorado School of Mines, was quoted in the September 22nd article as saying: "If I were CGS or any party involved, I would strongly recommend to verify (the study) by a totally different method... and also even go through the houses to see if there are observations of subsidence," Zhou said. "I always believe you have to prove with multiple methods."

We are left to question why, at that point, *The Gazette* reporter did not tell Professor Zhou that multiple methods to verify the satellite study (including both ground survey data and going through houses) had already been done – and that the data from the other methods did not corroborate the Italian satellite report.



5 | Drainage: Gazette Quotes Inspector but Did Not Mention Relevant Contradictory Data

The September 22nd *Gazette* article quotes Walter Clemens of Encompass Home Warranty Inspections as saying, “(Developers and builders) have got to know that the PVC piping around there is moving or breaking...”

FACT: Over six weeks before publishing this, *The Gazette* reporter was told, at least twice, that **Gold Hill Mesa Metropolitan District No. 2 methodically checks the PVC underdrain system and that no breaks had been found.** Further, the reporter failed to take advantage of repeated offers to view the video recordings that confirm the integrity of the PVC piping.

Although we do not yet know if *The Gazette* reporter told Mr. Clemens that this data existed, the following emails from Gold Hill Mesa to *Gazette* Reporter, Conrad Swanson, confirms that *The Gazette* was told that the PVC piping had been inspected and that no breaks were found - well before *The Gazette* published the quote from Mr. Clemens.

E-mail excerpts from Gold Hill Mesa Executive communicating with *Gazette* Reporter, Conrad Swanson:



Aug 7, 2019 at 12:06 PM Stephanie Edwards, VP of Gold Hill Neighborhood, LLC, writes: *"I can tell you that each time this <damp / water in basements> has occurred and been brought to our attention, **Gold Hill Mesa has scoped the underdrain sewer line** to ensure that there isn't a larger problem. Our videos of the underdrain sewer line have been clear – **confirming that the issues were not related to a broader, development issue.** If you're interested in viewing the videos we recorded while scoping the underdrain sewer line, you are welcome to do so. If we can assist you in gathering more information or contacts as you finalize the article, please let me know."*

Aug 13, 2019 at 8:34 PM Stephanie Edwards reiterates: *"Each time this has occurred and been brought to our attention, **Gold Hill Mesa has scoped the underdrain sewer line to ensure that there isn't a larger problem.**" (These videos are available for you to review.) Please let me know if I can be of further assistance in answering your questions."*

FACT: In this matter, *The Gazette's* reporting was misleading despite Gold Hill Neighborhood's repeated emails providing correct information and offering to answer any questions from *The Gazette*.

6 | Whose “Neighbors”?

Oct 6, 2019 – *The Gazette* publishes another front-page article which prominently highlights the complaints of “neighbors” with the headline: “Problems Detailed at Gold Hill Mesa / Residents of West-side Development Describe Damages to their Property on Former Mill Tailings Site”.

The Gazette quotes a resident from a neighborhood that is not contiguous to Gold Hill Mesa and is separated by several blocks of a completely different neighborhood, called Crown Hill Mesa:

“Our properties that lie to the east/southeast of GHM’s iconic smokestack are perpetually subject to the runoff of ‘contaminated’ soils, grease, oils, and any other environmental hazard to Earth’s fragile ecosystem because of the nearly two decades of ongoing construction. Joan Phillips, property owner near Gold Hill Mesa.”

The Gazette’s reporting of Ms. Phillips continued, “The street used to dead end. But since construction began, it’s served as a thoroughfare for heavy machinery and speeding cars, they said.”

FACT: Ms. Phillips lives over 3,200 feet (over six-tenths of a mile) from Gold Hill Mesa’s closest entrance (driving distance, including five 90 degree turns and two stop signs) and over 3,100 feet from Gold Hill Mesa’s “iconic” smokestack (as the crow flies). Several blocks of the Crown Hill Mesa neighborhood (no relation to Gold Hill Mesa) lie in between our neighborhood and Ms. Phillip’s residence.

FACT: Gold Hill Mesa has monitored its own storm water runoff as has the City of Colorado Springs. To the best of our knowledge, there has never been any grease or oils found in our runoff. Further, as a result of the successful development of this community, tailings erosion has been dramatically reduced.

FACT: Gold Hill Mesa had nothing to do with connecting the street in front of Phillips’ home (West Costilla Street) to Crown Hill Mesa (a different development).

FACT: Although Gold Hill Mesa has no way to control driving patterns, by measurement, **getting from 8th Street to Gold Hill Mesa takes significantly longer by driving past Ms. Phillips property on West Costilla Street than by driving on nearby arterials**, such as West Moreno Street. There would be no logical reason for any heavy construction vehicle, or any other traffic associated with Gold Hill Mesa to choose to transit via West Costilla.



The above pages provide some examples of the journalistic deficiencies that have been identified in this series of articles. We will continue to correct the record and address mischaracterizations in *The Gazette's* coverage of our neighborhood by bringing pertinent facts and information to light.

