

# NSN EXPRESS

A PUBLICATION FROM THE OUTLAW CITY OF THE OZARKS  
A No Standing News Special Edition / Fast reading for busy people

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## NSN... And hiding behind door number three.....

The mystery about the Rolla City Council's strange and illegal vote to "seal" the opened Buehler Park bids for an additional 90 days is clearing up. Here is what happened behind the closed door. The Mayor opened the meeting by bullying the council; he ordered them to leave if they couldn't keep their mouths shut about what they were about to hear. If Joe excels at anything as mayor it's threatening and bullying council members and citizens; but that's not news, he does that at every meeting in front of the camera. Most of them meekly put up with it but not all of them. Sometimes Joe, when you threaten people to keep their mouths shut it backfires and they just can't wait to get to a phone.

**Back to the Future.** In order to fully appreciate the current situation we first go back to the Rolla City Council minutes of June 18, 2001. In that closed meeting the mayor told them he had two proposals for the park. One of them was from Frank Snelson. The minutes say: "*Mayor Morgan stated that Mr. Snelson is his partner in Real Estate Research, an appraisal company. Mayor Morgan emphasized that he has nothing to do with the buying and selling of real estate.*" Upon hearing that damning admission and the feeble attempt to distance himself from conflict of interest and a corrupt practice, the council should have walked out of the meeting but they didn't. Knowing that this deal was dirty, even if they couldn't quote the exact law Morgan and Snelson were breaking (City Counselor Lee Bushie was present – why didn't he tell them?), the entire city council become accessories to Morgan's crime. Do they think that because it's not **their** dirty business deal the dirt won't rub off on them? They're wrong. Whether the mayor personally puts any of the sales commission in his own pocket or not is irrelevant. If Joe and Frank are partners and one of them benefits in any way from this collusion, they both benefit. The taint of corrupt practices was on this deal from the

beginning but the council didn't have the guts to say that if it oinked like a pig and stank like a pig they should all stay out of the barnyard.

Up till now we have referred to Frank Snelson as the Mayor's "office mate" because we didn't know exactly what their business relationship was. We couldn't believe that even the Mayor of the Outlaw City of the Ozarks would be either so arrogant or such a bonehead that he would try to personally profit from selling Buehler Park, but the official city minutes of June 18<sup>th</sup> have proved us wrong. What is worse, twelve men and women broke faith with the people they represent and their oath of office. Parks aren't the only things for sale in city hall. Personal integrity is marked down every day.

**SIRLOIN STOCKADE TO MOVE!** On October 15th they got back to the mayor's road kill by opening the bids received on the park. The first was from Linda Novak. Her bid proposed to lease the park for 99 years for \$2,000 a year. The park would be retained as a recreation area just as the covenant in the deed requires. The council didn't give this much attention. The Mayor again pitched partner Frank Snelson's excellent proposal. **Frank and Joe planned to move Sirloin Stockade to Buehler Park.** Now there's a great development boost for the city. An existing business destroys a park so they could move a block and leave behind another empty commercial building - the net gain in jobs and sales taxes - little or nothing. At the same time the council was listening to Joe's bullying, the "secret move" by Sirloin Stockade was being discussed out in the hall by the council audience. So much for Morgan's management methods.

Everyone had expected to see a bid from Buz Harvey and Sean Hogan during this formal bid period since they had submitted an unsolicited proposal for the

park earlier this year, but it didn't happen. Buz told several people he had submitted it to "get things going." We can all thank the civic-minded Buz Harvey for helping stir up this waste of city time and money.

The snag was that Sirloin Stockade wanted access to the park (congestion is a serious problem in that area) and they wanted the city to find a way to let them enter through the Howard Johnson parking lot. Unfortunately, no one could figure out how to deprive HoJo's of their private property and parking spaces so Joe and Frank could earn a commission selling the park to their client. Both bids were rejected by a vote of 12-0. Councilman J.D. Williams then proposed selling just half of it. Destroying half a park made even less sense than selling all of it.

At this point the meeting should have been over, but Joe just couldn't let this great business deal slip through his fingers that easily. In desperation, he proposed "renegotiating" the "Snelson" bid. What was to be renegotiated isn't exactly clear but someone made a motion to rescind the previous 12-0 vote to reject both bids. Councilmen J.D. Williams, Magdits, Stoltz and Barklage were the four who voted to renegotiate, but 8 voted against it so that didn't work either. John Beger was consulted and even he had to admit that any change in the proposal (i.e., selling half a park or "renegotiation") would require going back to square one and letting out advertised bids all over again.

**Rewriting the Sunshine Law.** Mayor Joe, who never hesitates to compound illegalities to get his way, then told the council that Frank and the Sirloin Stockade people wanted to keep their moving plans a secret and so he wanted the council to help him hide the bids and especially the identity of the bidders (and his part in the deal) from the public for another 90 days. If this had been a legitimate closed meeting (it wasn't) and if there had been a vote on a contract to sell the park (there wasn't), the longest the information could have been withheld is 72 hours after the vote to sell the park (but they hadn't). Joe's excuse for inventing a new provision in the Sunshine Law was that they needed to protect the information "in the interest of economic development." Whose economic development interests would be served by another 90 days to give this dog a facelift? Joe and

Frank just didn't want the news to get out and have their hot client lured away by another real estate developer. Someone might already have commercial property to offer Sirloin Stockade that doesn't come with a cloud on the title and the ill will of a lot of steak-eating locals who would never set foot in the new Sirloin Stockade if it were built, so to speak, on the grave of Buehler Park. With Dietzmann\* putting in a Ground Round restaurant just down the road it's not as if they won't have somewhere else to go to get a steak dinner. \*Several months ago the ordinance process to approve Dietzmann's sale to the Ground Round was mysteriously delayed. The mayor blamed Dietzmann but now we wonder if someone was trying to slow down or spoil Dietzmann's deal?

**All in favor of breaking the law say "Aye."** The council voted unanimously to violate the state open records law and close the records for 90 days. So another sorry chapter in the Selling of Buehler Park closes with the mayor trying to make money off selling city property; the city council pretending they don't know they are participating in a sleazy business deal to sell a city park to some sucker (who hasn't seen the deed restriction and wouldn't come within a mile of them if they knew about it), and the invention of an unheard of illegal closed record provision to protect the mayor's sordid little real estate deal. No wonder no one trusts city hall. This should make a juicy bit for the mayoral race.

**Eight is better?** Joe also tried to rush through a vote to reduce the wards from six to four because he thinks he could manipulate eight council members easier than twelve. The council reported that the idea wasn't going over well except in Lou Magdits' ward. He says 90 to 9 of his constituents are all for it. In Ward 6, however, Wiggins and Visnapuu have actually met with their constituents to see what they thought and they didn't think much of the idea. Lou must have run from house to house to get his numbers. Some council members said this shouldn't be done unless it was put to a vote of the people. Well, the Mayor doesn't like letting voters have something to say about anything and he wasn't about to let them have something to say about their representative form of government. (Joe's lack of understanding of American history is monumental; historians everywhere should hang him in effigy.) The Mayor, trying to lay the heavy on the council, brought in ex-Mayor Ferrell and Bill Jenks to endorse his plan. The council was underwhelmed by their

endorsement. We noticed with four council members absent the meeting was exactly what Joe said would be better – a meeting with only 8 council members instead of 12. Funny, it didn't seem to improve the tone of discussion or the quality of their decisions at all.

**The Southside Suckers.** The final blow fell on the Southside residents when the council voted to levy a \$10,000 to \$12,000+ due bill on each of them for the utilities they were told wouldn't cost them anything. They will be "allowed" to pay this lien on their property over the next 20 years. What a great bunch of guys. We wonder why the Southside residents don't employ the remedy that same annexation law (RSMo 71.015) allows: *"Failure to comply in providing services to the said area or to zone in compliance with the plan of annexation (short of an act of God), shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective."* Heaven knows that the city's so-called annexation plan was thoroughly discredited during the Public Service Commission hearing when Watkins the RMU manager admitted they lied. Going back to court with the PSC opinion should be a cakewalk. The least that can happen is, when faced with losing all that land that the real estate speculators have already invested in the Southside, the residents could negotiate their new debts down to something more reasonable.

**Caring about accountability?** Amy Beechner-McCarthy tried to talk to the council to relieve child-care operators of a \$315 license fee to provide day care in their homes. If they do it in a residential area (which is, of course, where they do it) they have to pay \$315 for a variance from the zoning code which was designed that way so they would be a source of city revenue. Beechner-McCarthy pointed out that day care providers only earn about \$2.75 an hour. Magdits accused them of "choosing to make only \$2.75" an hour. Those women must be crazy to "choose" to make \$2.75 an hour changing dirty diapers when they could have "chosen" to run large corporations and make millions. The sensitivity training hasn't been invented that can cure what ails Lou.

Matt Williams almost came up with the correct answer by pointing out that a business is a business and there didn't seem to be any justifiable reason to make an exception, but he ruined it in the next sentence by saying that the purpose of the licensing process was for "neighborhood awareness." Jepsen tried to justify the fee by saying that the ordinance allowed the city to "keep some control" over the number of businesses in residential areas. Jepsen, a member of the P&Z commission, offered this magisterial pronouncement without first reading the ordinance, which doesn't allow the city to limit the number of any type of business; it just lets the city make money from them. Does she imagine the city would ever try to limit the number of gas stations or grocery stores?

Minutes before at the same meeting, the council voted to invest \$14,000 in Richard Cavender's grant for a government run day care center in the Hy Point Industrial Park. Can the nice ladies put 2 and 2 together?

**Caring about accountability?** The State Audit of the Caring Communities program was just released and is worth reading. It is another example of how much tax money can be wasted when people grab up grant money to spend on social experiments just because the state or federal government dangled cash in front of them. Not only was the Children's Trust Fund money embezzled and Caring Community family members treated to weekend vacations while their spouses attended conferences, but in the 21 programs operated in the state – including Rolla's – their entire methodology has been discredited. The Caring Community Method was to declare what the problem was, spend their grant money (mostly on administration) and then write a report declaring they had solved the problem. Caring Communities got their start as one of the ubiquitous "Partnerships" of our public school system. With the uncritical endorsement and involvement of all the right people and organizations in Rolla (and the RDN's constant promotion) this group has eaten through a lot of tax money without anyone daring to ask if what they were doing was just smoke and mirrors or just smoke and mirrors. To demand accountability of such a sacred cow would have been just too NEGATIVE, but we're not talking about small change here. We have one budget for the Rolla Caring Communities

for over \$800,000. The Caring Communities people have now changed their job description. They were so good at this grant stuff that they will now be "Facilitators" to help other people get government grants so they too can pay themselves a salary operating their own smoke and mirrors.

**The Caring Com. audit:**  
<http://www.auditor.state.mo.us/press/2001-107.htm>

**First Amendment still on critical list.** The many hours of meetings by both the city council and school board to whip Channel 16 into line appears to be dying a natural death in both forums. This waste of time and money was never anything but the spiteful retaliation of two elected officials, Charlotte Wiggins

(city council) and Annie Bass (school board) for their self-created public embarrassment by Channel 16 in last April's election. Keith Strassner, co-chair of the "It's Worth It" school levy committee has attended the committee meetings and keeps urging elected officials to wade into what would ultimately be some kind of unenforceable set of rules (if not a lawsuit) to control and restrict Channel 16's programming content. Even the FCC wouldn't touch that one. What we can't figure out is why Keith Strassner keeps carrying water for these two women? Are the girls using this as an audition to run him for a public office? If Strassner doesn't "get" freedom of speech, we don't need him in any public office. We already have plenty of those.

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