

# No Standing News

Since we have no standing, we stand with those left standing

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## THE MORGAN MANIFESTO

Or, How Joe and Karl met and became Comrades

Everyone who believes Joe Morgan took pen in hand and wrote this three part manifesto about government's right to appropriate private property "for the common good" of retailing please stand on one leg and squawk like a chicken. Uh huh, that's what we thought too.

No matter who may have written it for Joe, we're fascinated by what it reveals about the mind of the writer. Since Morgan claims he wrote it and even put his startled deer picture on it we must assume it at least reflects his opinions and attitudes, and what attitudes our Mayor has!

**Small Potatoes - not welcome.** In Part II of Morgan's Manifesto on Property and the New Morgan Capitalism, the rhetorical question he asks and answers is: "**What happens if we don't use TIF?**" The answer (he tells us with great condescension), is the 14-acre area might provide "some small business opportunities for good stores" like The Lord's Library, Auto Zone and Missouri Engineering, but it's clear that in Joe's opinion they're just 'small potatoes' and Joe and the council don't want any more small potatoes. Morgan instructs us that, "*High-profile commercial property is a community asset. The success of the community has made that property valuable. The community deserves an appropriate return.*" See how easily private property becomes in his mind not a possession of the individual, but a thing of value that rightfully belongs to "The Community" or "The People." The People, not the owner, should reap the benefit of government controlled exploitation of this land. He believes The People *deserve* a higher return on the property than might be provided by some 'small potatoes' businesses. In Joe's opinion some mysterious alchemy, which he defines as the "success of the community," entitles The Government, (acting for The People) to take the property away from the owners so The People may receive their due. The private owners who invested, sacrificed or had the good luck or foresight to own the property are only entitled to the minimal compensation condemnation will provide, not a share of its new value as commercial property.

Virtually the same argument *against* private ownership and *for* government controlled central planning can be found in Das Kapital by Karl Marx. We don't, for a moment, imagine Morgan has read Marx but obviously someone has – and they really, really liked it. Now Comrades, do you understand why they love TIF?

**Bring on the Clowns.** In the answer to the next question (that Joe asks Joe) he wraps the state legislature and the Rolla City Council up in the Missouri Constitution and

says they all have a "tremendous and fundamental respect for private property rights." BUT, (you knew there would be a BUT) "*each of these institutions recognizes there are certain efforts deemed of such value to the common good to sacrifice some of those rights.*" Sacrifice our rights for the common good? Yes, that is sometimes necessary but only after we have all agreed that we must have a hospital, a landfill, a sewer line, or some other critical public service, but get real Joe, you're talking about dry goods here. Sacrifice our constitutional rights for *dry goods*?

For Joe to put the Rolla City Council on the same level with the Missouri Constitution is like comparing a clown act to the opera. The council has never given any sign that they have any "fundamental respect" for the Constitution nor that they have even read it. And about the Missouri General Assembly, is he referring to the distinguished body that passed the TIF law in the 80's and in so doing sold us out to developers like Kaplan? Joe goes on to tell us: "*Since 1982, the Missouri Constitution has recognized the economic loss associated with blighted or deteriorated property on a community as meeting the standard for a qualified purpose.*" If true, that's really swell, but we don't have any St. Louis slums here so we don't care. (We find no such acknowledgment in the Mo Constitution; the writer is deliberately confusing the Constitution with the last deadly statutory revision of TIF in 1982.)

The constitutional provision they claim covers their land-grab is found in Art. I Sec. 28, which says something quite different: "*That private property shall not be taken for private use with or without compensation, unless by consent of the owner, except for private ways of necessity, and except for drains and ditches across the lands of others for agricultural and sanitary purposes, in the manner prescribed by law; and that when an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be public shall be judicially determined without regard to any legislative declaration that the use is public.*" We underlined the last part to show that even back in 1875, the Constitutional Convention, in addition to recognizing that at times some sacrifice must be made "for the common good," also recognized that people like Morgan, Butz and Petersen would always find the Kaplan's of this world and when they did the rest of us would need judicial protection from their land lust. Morgan's snobbish claim that corporate "big box retailers" are preferable and superior to "small potatoes" local development and that a clothing store

is as much “in the public interest” as a sewer line is something he’s going to have to prove to a judge.

### Morgan The Liar

Until the third installment of the Morgan Manifesto he was only regurgitating the usual half-truths and evasions of the real TIF issues that we have heard from Kaplan Co. Mostly just more TIF soft-balls, a sugar-coated fact here and there; a lot of smoke about growth and prosperity, job creation and the customary flag waving about how important it is for Rolla to “stay progressive” - as long as they get to decide what is progressive and what is not. He (or they) didn’t ask themselves the real questions about why they won’t compensate the residential owners for the **commercial** not the **residential** value of their property (commercial is now its “highest and best use”) and why they’re robbing taxes from our other public institutions. That’s the one they avoid talking about because there is no legitimate reason for stealing taxes, especially when the headline story in the same edition is about the school board cutting a few million out of the school budget. There is simply no justification for robbing the county, handicapped and schools of taxes voters gave to them so he just avoided that subject entirely. Isn’t it convenient to have a ‘public’ dialogue with yourself?

Then we got to his final manufactured question: **“What is the rumor on other TIF projects?”** Quite a lot of space was used in an attempt to debunk NSN’s December 5th expose´ that they have SEVENTEEN more potential TIF sites waiting in the wings. That’s when the really big lies began. Morgan **Lie #1**. *“Other than [an aborted TIF attempt in the ‘80’s and the current one at Callen’s corner], no other area in Rolla has received serious consideration for TIF.”* No other area has received serious consideration? The Hy 72 Corridor Development Plan is a 36-page bound document with 11 pages of color pull-out maps, photos and charts, it contains seven pages of “Highway 72 Corridor Goals and Policy Guidelines,” it required public hearings by P&Z and the council before they unanimously adopted it as City Ordinance #3449 on May 12, 2001, which made it an official amendment to the Rolla Comprehensive Plan. *That’s not “serious consideration”?* City Ordinance #3449 says this ‘not-serious’ amendment to the Rolla Comprehensive Plan supersedes everything in the old plan that conflicts with it. The council will use it to deny or approve development requests and new TIF projects for years to come. That is not “serious consideration?”

If the Corridor Plan Amendment’s eighteen clearly marked potential TIF eligible zones is not a “serious consideration” of future TIF’s, why on one of seven pages establishing the **“Highway 72 Corridor Goals And Policy Guidelines,”** does it declare, **“the City and RMU should utilize the full range of government powers, e.g., subdivision regulations, eminent domain, special assessment districts, etc.”** and that, **“The City should participate with private redevelopment proposals to finance public infrastructure investments using Tax Increment Financing and other public redevelopment tools.”** The use of condemnation (“the full range of

government powers”) to impose their preferences for land use and the use of TIF to subsidize developers of their choice (“private redevelopment proposals”) are now officially the “Goals of the City of Rolla” clearly stated in this new official city policy. In other words, everything is in place and they can do the next TIF whenever they want.

In **Lie #2**, Morgan says the “rumor” that there are other possible TIF projects is just “confusion” that centers on a “2001 study” on the Hy 72 corridor from Highway 63 east to the city limits and was whipped up by the staff just to “study the impact of widening of Highway 72 from two lanes to five.” The critical Corridor Plan, he says, (now it’s a plan, before it was just a study) only identified “numerous stretches” of “Highway 72 as “preservation” and “redevelopment areas.” These “numerous stretches,” i.e., the EIGHTEEN potential TIF areas, go all the way from Bridge School Road down Hy. 72 to the city limits – approximately four miles. In the Ridgeview Subdivision along the Corridor Plan calls for the *“removal of 17 homes, primarily south of Ridgeview Road, and the clearance of three business properties near the intersection of the extended Highway 72 and Kingshighway to the west.”* Pretty specific for a not-serious little impact study the staff just threw together isn’t it?

**Lie #3.** He says this “study” was ordered by the council in 2001 because the council was “frustrated by the lack of consistency” when too many developers wanted to rezone areas from residential to commercial on renovated Hy 72 for development projects. (They keep shooting their “but for TIF” excuses right in the foot don’t they?) If this study - now a city ordinance - was just an insignificant council pacifier, why does the Corridor Plan say this? *“The Highway 72 Corridor Development Plan has been prepared to address the issues brought forward by these anticipated changes and to provide a framework of goals and policy guidelines for public decision makers.”* (emphasis ours) Notice this Corridor Plan and the new land use policies that affect 10% of all the land in Rolla is for the benefit of “public decision makers”- not for the benefit of the public. The study, by the way began in the fall of 2000, not in 2001 after the council ordered it as Joe claims. He should have looked at the dates on the charts and read the thing before telling this lie.

These pesky developers who were so eager to develop along the highway were merely local people - the ‘small potatoes’ kind. The Big Potato had shown up in 1999 but couldn’t get the choice Dean and Callen properties they wanted so the city devised something to keep Kaplan Co. interested - a little sweetener called the TIF subsidy. There was just one hitch. RSMo 99.810 (the TIF law) requires in part that: **“(2) The redevelopment plan [must conform] to the comprehensive plan for the development of the municipality as a whole.”** Before you start playing TIF you have to have justified the need for TIF in your official city

plan, it can't just be stuck in your city Comprehensive Plan after you start the TIF process. In 1999, there was nothing about TIF, redevelopment areas or conservation areas in the 1996 Comprehensive Plan. There was no time to lose in amending the old Rolla Comprehensive Plan so work started on it before the fall of 2000; it was done and adopted without a single question by the council in May 2001. Now the "need" for TIF would appear to be just a lucky coincidence when Kaplan Co. reappeared as the "sole bidder" on the TIF request for proposals in 2003, exactly what the Corridor Plan called for.

TIF was ideal for all their needs. The city could manipulate the bidding process, shut out all the 'small potato' developers and select their own "preferred developer." The city could take the land away from the owners if they wouldn't cooperate, (but only so The People would get the "return they deserved" of course) and they could use everyone else's taxes to finance their retail gamble. An extra bonus for the city, one that hasn't been talked about, is that TIF law will allow them to unload a lot of city administrative salaries and overhead from their deficit budget for years and years by calling them "TIF expenses." All they had to do to pick this golden plum was stifle the taxing districts that were being robbed with a few meetings to make them think they had something to say about the decision, and keep them from finding out this TIF could be the first of many.

**"Conservation/Preservation" area is not what you think it is.** Morgan says in **Lie #4**, *"The plan identified numerous stretches of Highway 72 as "preservation areas" – areas that should remain residential in character due to adjacent neighborhoods. The plan also identified several areas as "redevelopment areas" – areas that could be zoned commercially due to the condition or adjacent commercial uses."* Morgan The Liar didn't confess that the terms "redevelopment area" and "preservation area" (actually it's "conservation" not "preservation") are not used or defined in the original 1996 Rolla Comprehensive Plan nor are they defined in this official amendment to that city plan - and they must be. This isn't just semantics it's the law. You can't have laws, ordinances or a Comprehensive Plan with amendments such as this one if there is no consistent definition as to what the key technical terms mean and in this one case they left out the definitions altogether. It's particularly suspicious when they change the meanings of commonly understood words such as "conservation" just for this one purpose – that's another thing you can't do. The only place these particular words: "redevelopment" and "conservation areas" are found *and defined is in the TIF law* and in that law they have very different and unique meanings specific only to TIF activities. "Conservation," as we explained in the last NSN issue, doesn't mean "the act of conserving; preservation" as found in any dictionary. In the TIF law, the word "conservation" means your neighborhood is eligible for the TIF bulldozer if 50% the homes are over 35 years old. Does that "conservation" sound like the same "conservation" you learned for your grade school spelling bee? They would like you to assume it means to protect or preserve your neighborhoods but it doesn't.

Morgan uses a line about the intersection being a "unique challenge" to justify this TIF. He says, *"None of the areas identified for redevelopment (the eighteen potential TIF areas that are just a 'rumor') create the unique challenges of highways 72 and 63. It is anticipated that the free market will likely address those areas in due time."* (Bang! He did it again.) If Morgan believes in letting the free market operate we don't need TIF, the antithesis of free-market capitalism, do we? Why will the "free market" be allowed to work on the whole four-mile long Hy 72 Corridor Development Plan but not the intersection? Whatever else he may be Morgan is no free-marketeer. The only "unique challenge" here is the "unique" money to be made out of this prime intersection. When they tell you it's not about the money – it's about the money.

**Morgan The Genial?** Morgan ends his one-sided conversation with this cordial invitation, *"If there are other comments or concerns regarding the TIF project, the city council and administration would be happy to respond."* This sentence alone convinces us someone who didn't know Morgan well helped with his 'Pink Paper.' Morgan is anything but genial, he loathes any comment or question from The People and he's never happy to respond to questions. Morgan The First doesn't acknowledge anyone's right to question him. Just try whispering a comment about TIF to the person sitting next to you during a council meeting and Morgan will bellow that if you move your lips again he'll have the Chief of Police drag you out in handcuffs. That recently happened to Brian DeFriese, former Ward 5 councilman and a candidate again for the Ward 5 seat (the Mayor's worst nightmare) currently held by Jimmy Dale Williams.

**The Battered Bill of Rights.** We're sure Morgan isn't aware - and doesn't care - that the eminent domain provision is part of the Missouri Constitution's **Bill of Rights**. That's the document that many Veterans of Foreign Wars fought, and are still fighting, to preserve for us. Did those who lost their lives and limbs know their sacrifices would be trivialized by the claim that the Bill of Rights sanctions taking private property for the "greater good" of TIF? The "greater good" being, according to the Morgan Manifesto, big box retailing to sell more Made in China T-shirts and tennis shoes.

We ran across a recent survey commissioned by the Foundation for Individual Rights in Education in Philadelphia. They found an "appalling lack of knowledge" of the Bill of Rights. More than two thirds (2/3) of students and administrators in 339 U.S. colleges and universities were unable to remember that freedom of religion was guaranteed by the Bill of Rights. When asked what rights are protected by the First Amendment to the U.S. Constitution, over one fourth (1/4) failed to mention freedom of speech, and over three fourths (3/4) did not name freedom of assembly or the right to petition the government for redress of grievances as part of that amendment. We concur that there is appalling lack of knowledge of the Bill of Rights in government in Rolla but we doubt that reading it would make a difference. Someone who truly understands and values these things

wouldn't have told the lies in Morgan's Manifesto. Respect for the Constitution and respect for one's neighbors has been replaced by something else, something Bush the First called "The New World Order;" something Morgan the First calls "Progress."

**Don't take our word for it.** You can't believe the Morgan Manifesto and we hope you *won't* believe what we say about the Corridor Plan especially if you live in the Highway 72 corridor. For your own protection you should call the City Clerk (308-4005) and order a \$4 copy of the Highway 72 Corridor Development Plan to see for yourself. Also ask for a copy of the city council resolution (another 30¢) that made this "not-serious consideration" public policy Ordinance #3449. None of this information - the corridor maps and new development policies- are available on the city web site because the motto of this administration is: The People Have No Need to Know. Despite their motto they are required by law to provide copies of these public documents within three business days of your request.

**Cutting out unnecessary expenditures?** The news that the USGS is closing makes us wonder about the priorities of the city and the RREC. While they have been busy shoving TIF down our throats, over 150 jobs, about \$6,000,000 a year were going down the drain. Didn't they know or doesn't it matter? Senator Bond was here handshaking at Briggs and Stratton the same week the letter appeared in the paper, did Bond know about the loss of over 150 jobs when he told the

B&S crowd "This whole battle is about jobs"? Did he try to do anything about this economic blow to his district? Did the mayor, the city council, RREC or the Chamber ask the Missouri Congressional Delegation to intervene before it was too late or was city hall too busy with TIF and Chamber Decorators too preoccupied with spending the \$500,000 Bond gave them on cabooses, planter boxes and decorative flags?

In the same week, Butz announced that RREC would take over Rolla's economic development and they've decided their second priority (the first was TIF) is to hire an executive and get him an office and staff for about \$200,000 a year. We shudder at the havoc *two* full-time Petersen's can inflict on the community. Butz says the city will have nothing to do with this except for having a "major financial role in getting the work under way." Providing the money for another developer and having several voting seats on RREC's board in their secret meetings is having "nothing to do with it? The city, Butz says will pay RREC to do marketing, conduct business forums, recruit businesses and perform other growth tasks." Isn't that what the Chamber of Decorators gets \$250,000 a year in city tourism taxes for? Wasn't tourism the last big economic development idea that was going to bring big conventions and mobs of tourists to Rolla? How many times is economic development going to be reinvented, restarted and refunded in Rolla before they figure out that copying the stale ideas other cities have used with little success will never work for Rolla?

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