

# No Standing News

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

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**Press Release:** Warren Dean announced on Thursday, March 4, 2004 that his attorneys are preparing a multiple plaintiff lawsuit against the City of Rolla for what they term are a “bushel Basket” of issues. “The City Council had a chance to kill the TIF on Monday, when it rejected a motion to do so,” Fleming commented. The last straw for property owner Warren Dean was an ordinance passed by the city at the March 1st council meeting which specifically named Dean as the target of its action to enter upon his private property to hunt for what the city alleges is environmental contamination in the fill that has been dumped on the property. The city engineer admitted at the February 23rd council meeting that much of the fill dirt belongs to the city.

## Show Us the Cash-flow!

TIF won't cash-flow • Work starts on Joe's Road without a vote • RMU's makes secret plans, still hiding Rolla's water report but suckers hospital board • Emerson to the rescue? • RDN and cops identify “Persons of Interest” • MSBA plays politics with two local school boards

*“If the city had a horse and it dropped dead, they'd enter it in the Kentucky Derby.” – (comment from a viewer after the March 1, 2004 vote to “modify” the TIF plan.)*

**TIF Project won't Cash-flow.** Without seeing Kaplan's contract we know what is wrong with it: **1.** Kaplan came back with the *real budget* for the project – not the low ball budget he used to bait the TIF hook. The city found out they will have to pay more than \$3.6 million – a whole lot more. **2.** The condemnation price tag is looking a helluva lot more expensive than it did before they roused the ire of the entire Dean clan by announcing they would make “toast” out of Poppa Warren's “butt.” **3.** Kaplan Co. can't produce any of the big high-dollar tenants they claimed they had in their pocket; their cash-cows turned out to be nanny goats and they still don't have signed commitments from them. **4.** The phony cost/benefit analysis they cooked up with a seven-year pay-back of TIF debt has been ‘adjusted’ to a much lower return on investment which means a longer term, more expensive debt service. **5.** Kaplan still can't produce a letter of credit from his bank to finance the \$15.6 million project because of all of the above and because David Wright isn't the Donald Trump of St. Louis; he's just somebody's son-in-law who can't deliver.

All other screw-ups aside this TIF project just won't cash-flow. Kaplan's estimated budget (the one the city thought was real) assumed the whole 14 acres could be purchased for only \$1.4 million. Since the 1.5 acre Callen site sold for over a million, that raises the value of all the property therefore, even in a condemnation, instead of \$1.4 million the 14 acres could cost somewhere between \$5 and \$9 million. That means there have to be a helluva lot more retail sales from businesses on that property to repay the TIF bonds. The higher the project costs the more flip-flops and T-shirts the retailers have to sell to keep the city's TIF debt

paid. That is called a major cash-flow problem. At those land prices, Kaplan would have to put Marshall Fields on that corner to make this project cash-flow. If this carpetbagger from St. Louis underestimated property costs by that much how many of the rest of his budget estimates will turn out to be phony? This is not good enough even for government work.

**Work already started on Joe's Road.** In the Legal Notices last month the city advertised for bids for gravel and other materials to start construction on Joe's Road *before the \$7 million bond issue is submitted to the voters* in April. Why? Because it doesn't matter how the vote comes out, Joe is going to get the road built to his subdivision no matter how you vote. What's the point of being Mayor if you can't have what you want? This is another “No Tax Increase” G.O. bond issue; another “free lunch.” They get you to vote new debt that normally would be added to and paid with your property taxes, but to get you to vote for it they promise it won't be added to your taxes; instead they will pay the bond debt out of “current revenues.” See – no new taxes! The catch is that “current revenues” in this case are the sales taxes for capital improvements you've been paying for years – the ones that pave streets and repair things. The “free lunch” part is that you won't get any more street work for about the next 10 years because your street money – the capital improvement taxes - will be diverted to pay for Joe's Road.

Since Morgan intends to have his road whether voters approve the bonds or not he's already started the road before you express your opinion. Think about it this way,

you're going to lose a decade of city services no matter how the vote turns out – if you vote yes he'll build it and if you vote no he'll build it anyway. Morgan doesn't care what your opinion is so why vote to give him permission to do something he's already doing because he obviously doesn't care if you like it or not?

**RMU's Secret Emergency Plan.** Watkins has put together a *secret* emergency plan that doesn't include the RMU board members. He's keeping the RMU *secret* emergency plan a secret to foil international terrorists who might come here to the Middle of Everywhere and bring city government to its knees by blowing up a discount store. We've never heard of a *secret* emergency plan before. Most emergency plans depend upon lots of people knowing what the plan says they should do in an emergency. If we have an emergency everyone involved in the RMU *Secret* Emergency Plan will have to have a study hall first to read what the *Secret* Emergency Plan says they should do.

When the board asked why they didn't have a role in the *secret* emergency plan, Watkins quickly recovered his fumble by telling them they could spend their time re-establishing a chain-of-command in case "the existing hierarchy is not able to function." Dain Ward then solemnly pronounced the plan to be "well-thought out." What a hoot! They *are* the existing hierarchy and they barely function now, what on earth would happen if they try to re-invent themselves while in panic mode? Watkins could always smear their fingers with honey and hand them each a feather. That would keep them from getting underfoot while he carries out his *secret* emergency plan.

**RMU looking for "better opportunities."** On Friday January 30, 2004, RMU announced that they had hired a consultant to "evaluate" their RFP responses for a long-term agreement for power supply if "better opportunities" than the MoPEP pool are found. They claim they just want to determine if their membership in the MoPEP pool "continues to be the best source for supply." Well, they may pretend they're only shopping prices but it's obvious they are trying to undo the expensive mistake they made three years ago but don't want to admit it. The question is this: Will any of the companies with the best prices want to do business with RMU? They've got a bad reputation in the power industry because they sue anyone at the drop of a hat; their arrogance is well known.

Another we're-going-to-get-rich idea Watkins has come up with is to get into the fiber optic business "to market to outside users." One of the things you don't want to do with new technology is be the last ones to go into competition with everybody else who has already done it. Another "bizzness" idea in our "run government like a bizzness" town. We'd like to know when they will come up with the idea that they should try to keep the power on in Rolla.

**Protecting the nation's supply of dog kibble.** In the same board meeting Watkins reported to the board that no progress "to his liking" had been made on the matter of

providing PCRMC, the county public hospital, with three stand-by generators. The board ordered Watkins to give the hospital until February 24th to agree to their terms or the new generators will go out to Bridge School Road. **Con-Agra** is out on Bridge School Road. It would be tragic indeed if during the next RMU blackout the nation's poodles were deprived of beef-flavored num nums. Watkins demanded the hospital pay \$90,000 a year for 20 years to lease/purchase generators from RMU. The hospital board members were obliging fools and caved in to RMU's demand to be paid for generators the dog food company was going to get for free. The hospital board, who should have been outraged that their sick and dying patients were abandoned by RMU and treated with less importance than Wal-Mart in the last blackout, doesn't really care because the \$1.8 million they will pay RMU for three generators will just go on our hospital bills. In the next power failure patients will only be gasping for oxygen for five hours while the generators are unhooked from MoPEP control and reconfigured to supply the hospital. Are PCRMC's board members aware that the generators will also be used by MoPEP to sell power to other customers and the resulting "MoPEP energy credits," as they're called, will go into RMU's pocket, not theirs? Can they even be sure that when they need the generators MoPEP will let them use them?

**Where is the Rolla water study?** RMU said the water study would be done last summer; then last fall they said they only had a preliminary draft, now they don't talk about it at all. Is this part of the *secret* emergency plan? The city council never asks about it because they're busy chasing TIF down blind alleys. When the council gets back to what they're supposed to do – running the city – maybe they will ask to see the water study to find out when Rolla will run out of water. The only aquifer we have is being drained at an alarmingly rapid rate. In 1960 it passed the point of no return and since then we have been taking out much more water every year than nature can replace. RMU has been drilling and lowering well pumps 200 feet at a time but that can't go on forever either. When is city hall going to pay attention to some basics? Without water not only will they have no new development, but what they have now will leave.

**Emerson to the rescue?** Also neglected while the city council has been distracted with their TIF mess, (this is not a group that is good at multi-tasking) is the imminent closure of USGS. City Hall has done nothing about trying to keep this \$6 million annual budget from leaving town. Finally, the USGS employees had to do what the city and the Chamber of Decorators should have done months ago – their own lobbying. At the employee meeting with **U.S. Representative Jo Ann Emerson** the city and Chamber were conspicuous by their absence. Despite the fact that Emerson is a Republican and gets more face time in the local paper than Adopt a Pup, she doesn't have that much clout in D.C. It will take more than this one member of the Missouri Congressional Delegation to stop the closure of USGS. Before **Congressman Gephardt** lost his bid in the presidential stakes he could have done more with one phone

call than Emerson can accomplish with the “screaming” she says she will do. If the council and the Chamber had been paying attention to city business instead of Kaplan’s business they could have gotten on top of this before they lost Gephardt, the most potent member of Congress we’ve had since Harry Truman.

“**Persons of Interest**”? RDN Ace Reporter and newly appointed Rolla Police Board Member **Bill Morrison**, was invited to a city drug raid on February 20th. Reporter Morrison gave five citizens names in his Sunday front-page report on “Bills Exciting Adventure” as being the targets of the drug raid. Unfortunately, two of the four persons he named as targets - weren’t. In explaining his error in a later edition Morrison tried to excuse his printed libel by explaining that he heard their names during the pre-raid briefing, thus adding police department slander to the list of people who have committed libel and defamation of character. **Police Captain Kears** then made the situation

much worse by explaining that he included the names at the briefing where Ace was an invited guest and taking bad notes because “police had ‘general knowledge’ that they might be at the location” which means.....what exactly?

What was Morrison, a reporter, doing in this briefing? Can we all come to the next one? Did he get to sit in on the pre-raid rally because he also sits on the police promotion board? Was this some kind of new field evaluation Morrison is conducting, whoever kicks down the most doors or is wearing the coolest SWAT fashions gets a raise? We said, when Morgan did it and Morrison accepted it, that appointing a reporter to a city board was a conflict of interest and a very bad idea. This is one example of why it is a very bad idea; there will no doubt be others.

Morrison reported that Police Captain Mark Kears told the cops (and the reporter) during the briefing to “dump the adrenalin.” Good advice, but apparently they dumped it all on Ace.

## Two local school boards dancing to MSBA’s tune

Thanks to **MSBA**, the Missouri School Boards Association, the St. James school board almost hired an alleged sexual predator, **Dennis Heiman** Principal of the Muscatine Iowa High School to replace retiring St. James superintendent **Lonnie Thompson**. Fortunately the board found out about accusations of sexual assault by a 15-year old girl; the current civil suit by another 17-year old and disciplinary actions against Heiman just in time. **Candice Connell**, President of the St. James school board said, “*The MSBA knew it but did not tell us.*” The St. James board had contracted with MSBA to do their superintendent search and submit to them, according to the contract, only candidates that had been “screened” by MSBA. St. James school board members Connell, **Steve Gaunt** and Brad Frasier were opposed to using MSBA to do the search for their new superintendent but other board members out voted them so they put the whole process in MSBA’s hands. Gaunt said he didn’t trust MSBA because they were “partisan and too costly” and subsequent events proved him to be correct – they aren’t worthy of trust. Some St. James board members now want to cut loose from MSBA and after being nearly victimized by their own association, they should. The Rolla “For the Children” School Board, who pay over \$5,000 a year for their MSBA membership, didn’t even protest to the association about this gross breach of ethics which could have resulted in tragedy for children in our county.

**Guilty until lawyered-up.** On February 12, the Rolla school board finally admitted their co-curricular discipline policy stinks but they only made some modest revisions to the MSBA designed zero-tolerance policy. Superintendent Adams then declared that the policy - which the board has been running from since the day they passed it five years ago - is now “done” and won’t be addressed again. Is Adams

new to school administration? Discipline policies are never “done.”

This policy has been the source of many billings by local lawyers on behalf of students and parents who could afford to hire them. Those students who couldn’t afford get lawyered-up and fight this unconstitutional, wholesale violation of civil rights were stuck with 365 day suspensions from all extracurricular activities. Not only is the length of the sentence patently absurd but according to this policy any student could be punished by the school district for anything he did anywhere in school, anywhere out of school, during summer vacation and even if in another state. For instance: The standard of proof for this policy is: if (forbidden activity) is *reported* or *confirmed by a law enforcement agency* or is “*observed*” by school personnel. “Reported” can mean if someone tattles to get even. Even the Juvenile Code has a standard of proof higher than that. The “long arm of the school” in this policy is much too long. Page after page after page of the school disciplinary policies are like that but the only change this board made was to reduce the length for *some* suspensions. The MSBA hard-liners, Bass and Rapier, wouldn’t allow any more tampering with their favorite policy.

Having accomplished next to nothing with this minor change, the issue at the next meeting (the one right after Adams said it was “done” and wouldn’t be addressed again) was a rehash of why the policy doesn’t go into effect next August. Adams asked if teachers and principals were supposed to hand out the old punishment for the next six months while knowing that the board had already changed the policy for the next school year. That was a good question and the MSBA loyalists Bass, Rapier and Hopper answered it by voting yes. Burns and Wilkerson voted no. Wilkerson called it a “draconian policy” which doesn’t begin to describe what’s wrong with it. Blum and Strassner didn’t

show up to vote. So, from now until next August the more fair-minded faculty and cops have an ethical dilemma. Do they nark on a kid, knowing that they will get a year of suspension but just a few months from now the same offense would get a lesser (but not significantly different) punishment, or turn a blind eye until the delayed policy goes into effect? But even that creates yet another ethical dilemma. What if they find out a student smoked a cigarette off school grounds, during summer vacation in Florida the day before the new policy went into effect but the 'crime' wasn't reported until after the effective date? The board forgot to include a statute of limitations in their juvie penal code.

**Phelps County Bar could cure MSBA's Zero-policy syndrome.** The board has a list of these hearings to "clean up" as they put it. It would be a public service if the **Phelps County Bar Association** would set up a **Student Defense Fund** so all students 'convicted' by the school board's Kangaroo Court policy based on 'rumor' and 'hearsay' would have an equal opportunity to have their case represented. It's less a question of providing a benefit to students than an opportunity for the local bar members to try to teach the school board about due process. Local lawyers could go over and over and over the novel concept of due process and some simple evidentiary rules with the board. They say with enough repetition anyone can learn; the Phelps County Bar Association could find out if that is true.

**Rolla goes to Jefferson City.** The 5000 protestors they predicted would show up for the Missouri Kids First protest didn't show up (there were barely 1,500). That was fortunate because Jr. Hi. Principal Steve Laub got there early to find a parking space so legislators wouldn't see one of the 'poor' administrators who came to complain about school funding driving up in a Porsche. MSBA is one of the groups in the Education Roundtable who organized the big rally at the capitol on February 16<sup>th</sup> to demonstrate to the Republican majority that unless they give the schools another \$2 BILLION dollars of the state budget they will, as Rolla Superintendent Terry Adams put it, "drain the lifeblood of our future" ...and it would make supporting a Porsche difficult too.

**Annie goes to Washington.** Annie Bass went to Washington D.C., to the National School Boards Association's 31<sup>st</sup> Annual Federal Relations Network Conference. They've been doing this for 31 years and she's been going to it for nearly that long to, as the brochure put it, help NSBA "maintain a united voice for public education." Both facts go a long way toward explaining what's wrong with education in this country. What was it they were talking about at the board meeting just before Bass left on this all expense paid trip? Wasn't it something about "Carnage" and cutting classes and jobs?

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