

# No Standing News

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

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Serving the Outlaw City of Missouri

## Welcome to the Municipal Follies

**The fountain folly • Council Dog Posse Rides Again! • The Council's "Dangerous" Dog • Gypsy signs and paternity questions • Chamber of Decorators folly costs local merchants • Now who's Stuck on Stupid? • Butz tries to bury Sunshine rules • **SPECIAL from the Editor:** "copfriend 700" threatens witness in a federal case.**

*Errata:* A sharp-eyed reader pointed out that in our last issue we erred in saying that the new soccer fields were surrounded by "large dykes" and commented that if word gets out that we have enough "large dykes" in Rolla to encircle several soccer fields we risk being invaded by drag-queens. We realize our mistake may have caused coronaries among the good citizens of the town and we apologize for the error. We should have said: "the soccer fields are surrounded by small dykes."

*And more Errata:* We renamed Glendon Klossner, "Ken" and incorrectly identified candidate Brady as a (D) when he actually filed as an (R) which evens up the felony stakes race. Summer's over; we'll try to do better.

**The Fountain Folly.** At the August 2<sup>nd</sup> council meeting **Councilmember Charlotte Wiggins** asked why the new fountain at "Rolla's new Front Door" wasn't working – it was ugly she said and there was no water in it. Yes everyone agreed; it was ugly and there was no water in it. **City Engineer Hargis** agreed that it was indeed ugly and it didn't work. Having established the obvious, they asked him why it didn't work. Hargis said it was a do-it-yourself project by his department. He admitted that they knew nothing about recirculating fountains (which can be purchased from Lowe's for a few hundred dollars complete with all the plumbing and pictures on how to install it) and too late, they discovered they had installed the wrong size pipe. They asked what he was going to do about it and he said he had no plans to fix it. That was a stunning answer since it is Hargis' job to fix things that don't work. Hargis said it would cost a lot of money to tear it up to fix the mistake, besides, he said, it would cost \$200 to \$300 a month just to run it. This was news to the council and administration who hadn't given any thought to what operating the thing might cost even though it's their job to pay the bills for things that hopefully, will work.

Upon further questioning Hargis admitted that the ugly fountain, including the ugly landscaping, cost about \$90,000 but he didn't know for sure because he hadn't added up all the "bits and pieces" they had bought to install the fountain that doesn't work. This admission of incompetence and waste of \$90,000 on Rolla's "New Front Door" provoked much giggling from the council. Taxpayers probably won't see the humor in this waste of \$90,000 but their council representatives thought it was a real blast. Someone said they thought RMU was going to pay for the water and electric for them. At the suggestion that the money-gouging municipal utility board would pay for anything the representative of the money-gouging municipal utility board denied that they had ever agreed to eat the bills for the water fountain.

It's no great tragedy that the fountain doesn't work, water wouldn't take the ugly off of it, but why didn't anyone in administration bother to find out before they started building it – just on the off chance that it might work - that it would cost \$3,600 a year to operate? A badly landscaped, dry fountain which urges you to "Discover Downtown Rolla" is fitting somehow. Discover downtown Rolla, get a tattoo, shop for a payday loan, or stand and wait for the water to go on in the ugly fountain.

**Council Dog Posse Rides Again!** At their August 16<sup>th</sup> council meeting, the council - with many weighty decisions on their plate such as how to get water to run, how to bury their dead TIF project and whether to become a Sister City to Dura Palestine, a terrorist stronghold periodically shelled by Israelis – nevertheless found time to sit in judgment on two dogs. People who keep large aggressive breeds in densely populated areas and think their neighbors should put up with their antisocial pets need to have their heads examined. These dogs were tied up with logging chains and padlocks and they had several priors; that alone tells the tale. This time the stir-crazy dogs got loose by digging under the fence, as dogs are prone to do and, for whatever passes for reason their dim doggy minds, attacked several people on the street including the dog catcher. That should have been the end of the dogs and the end of this story but it isn't because sometimes the Rolla City Council is crazier than a bunch of chained-up dogs. They again applied what they think is a solution to the dotting owners of vicious dogs, which is to hold an illegal dog court to declare the dogs "dangerous." But as their ordinance reads (during the trial several council members asked somebody please- tell them what was in their dog ordinance) that's not what they were doing at all. Strictly speaking, they weren't holding a dog trial or a dangerous dog hearing, their ordinance says they were having a dog *appeal* which they also can't have because you can only appeal a trial and there

hadn't been one and this wasn't one either. Their ordinance says after a dog has been "classified" as "dangerous" *by the animal control officer* based upon a *written complaint*; the owner is then notified he has five working days to appeal the "classification" at a special hearing of the city council (something most humans can't get in this town). The dog is then held without bond until the council's *appeal hearing* where the council will decide *again* if the dog is "dangerous."

At this dog trial, like all the ones before it, the twelve Dog Judges listened to stories from the cops and then to **Crystal Fowler** the weeping dog owner and her ...a-h-h something, **Daniel Sharp**. The identity of the dogs was never established – someone said they were Blue Heelers, others said they were Pit Bulls – but there was no DNA evidence so the ethnicity of the perps remains a mystery. Crystal offered the information that they were in fact, "pig dogs" which we trust is their vocation and not a violation of Darwin's theory of evolution. "Baby" as a pup, we were informed by the sobbing Crystal, was so little she could fit into a six-pack and had been nursed back to life after her belly had been ripped open. A visitor from Arizona enlightened us as to the history of the pit bull and described being torn limb from limb by one. Framed pictures of the dogs ("Baby" and his Momma or "Baby" and her son, we're not sure which) were offered as proof that they couldn't have done it (???) and the dog judges soberly viewed this 'evidence.' Several other people "testified" who had absolutely no relevant information about anything. Cops were accused of harassment, dog beating and lying and the dog owners had some difficulty sorting out their marital status. Predictably, the council declared the dog to be officially "dangerous" but unfortunately they failed to lock up the people who testified. All in all it was a complete farce - the only thing missing was Judge Wapner. Watching one of their dog trials is like watching elephants knit.

During council meetings I can usually fight off the temptation to speak but this was too much. After the twelve Dog Supreme Court Justices pronounced the dog to be "Dangerous," I pointed out that the council was a legislative body and had no business acting as a court to hold trials (actually appeals) for dogs. I asked them to change the ordinance and get out of having dog trials.

**Councilman Lou Magdits** rebutted with, "If we can save just one child from being mauled... etc. etc." Lou has a problem with leaving enforcement to the Rolla Municipal Court; he said that what with the lawyers and all they were "too damn slow." We don't disagree but speedy trials for dogs is something he should discuss with real judge instead of trying to be twelve of them. If **Municipal Judge Hickle** doesn't call the Municipal Court into session often enough for Lou and if **City Prosecutor Jeff Stoltz** won't prosecute dogs fast enough there's nothing to keep the council from requiring by ordinance that the court to hear dangerous dog matters within five days after a complaint is filed. The council's solution, an orange collar (which these dogs already had from previous complaints) and an insurance policy, won't keep a dog from attacking someone again just because he's been voted "dangerous" dog of the month by the city council.

Before I could point this out to Lou, **Mayor Morgan** cut me off because he said (as he always says), "I don't want

to get into a discussion here." According to Morgan any discussion of city business at a city council meeting is inappropriate particularly if it is discussion of something that is on the agenda or something that is not on the agenda. Where exactly is the appropriate forum to discuss why the city council doesn't understand that they *do* have the legal authority to pass dog control laws but they *don't* have the legal authority to put them on trial? *This* becomes the forum because Morgan won't let people discuss city business during city council meetings. You'd think Joe would figure that out someday but there doesn't seem to be the slightest possibility.

During each of the doggy trials the council has held since they passed this ordinance, one or the other of their two lawyers, **Beger or Bushie**, have sat dumbly through these vaudeville routines without a word of protest. Beger and Bushie are the two geniuses who aided and abetted the council in creating the ridiculous dog ordinance and let them believe that they could be their own judge and jury. If these two lawyers won't speak up is there no member of the Phelps County Bar Association who will do a little pro bone-o work for the beleaguered canines of Rolla? (Sorry, but that was just irresistible.)

In cooking up this remedy to Rolla's dog problems the council also doesn't seem to realize that they established no time limit for the owner to comply with the warning signs, orange collar and to register a \$100,000 dog liability policy with the city clerk. Some day someone will tell them to stuff it and the council will realize that, unlike a real judge, they have no power to enforce their order. So much for "If we can save just one child from being mauled... etc. etc." According to council logic an orange collar, an insurance policy and a vote of the city council will keep a dangerous dog from biting someone else.

**Councilman Matt Williams** appears to have a nodding acquaintance with the separation of powers doctrine contained in both the United States and Missouri Constitutions. This dangerous information provoked him to declare to his fellow jurists, "We're not judges; we're not juries, there are no rules of evidence and this is all hearsay. It's crazy and I'm not going to participate in this." Matt Williams is the only member of the Rolla City Council who doesn't need to be fitted for a tin foil hat.

**Council has their own "Dangerous" Dog.** We're sure Lou's concern for public safety is genuine in which case we suggest he make a citizens arrest and haul the city's K-9 drug dog before the Council's Canine Court. "**Adolph**" (or whatever his name is) has attacked at least two people we know about and there may be others. One of Adolph's victims was a guy arrested for littering on 6/29/02. The prisoner, according to the lawsuit he filed, specifically asked the cops not to put him in the car with the snarling German Shepherd because, he explained to them, he was afraid of dogs and particularly this dog who had the litterbug confused with a large pork chop. They put him in the car with the dog of course and after Adolph finished chewing on him the litterer had to be taken to the hospital for medical treatment. So when is the city council going to prosecute their "Dangerous Dog"? We need to know because Larry King keeps calling; he can't believe there is

really a town where the legislative body is so harebrained that they convene public meetings to put dogs on trial. Mark Geragos expressed an interest but upon finding out the dogs weren't androgynous pedophiles or gay Nazi's he decided he has enough fruitcake cases.

**Gypsy signs and paternity questions.** The controversy of the so-called gypsy signs continues. With the proliferation of big ugly signs all over town (some for businesses that disappeared years ago) and ugly wires and ugly derelict buildings, some may wonder why all the fuss about a few little ugly signs on wheels? This is another one of those ignore-the-big-problems-pick-on-the-little-ones kind of issues the council can fixate on for years. We don't remember the origin (it isn't worth looking up) but we think the idea came up during that retreat two years ago where the council (and we're not kidding about this) took an imaginary helicopter ride over Rolla. The helicopter was piloted by Puff the Magic Dragon.

Nothing was ever done about all the big ugly signs because the owners threatened to sue, but the little bitty part about getting rid of the gypsy signs persisted and has been chewed on over and over again but the issue only hangs on because gypsy signs are a pet peeve of Councilman **Judy Jepson**. Either the council should be prohibited from having retreats and taking imaginary helicopter rides or Judy shouldn't be allowed to fly.

Any town that has billboards at its entrance asking, "Do you know who your Daddy is?" alerting passers-by that local kiddies are so mystified as to the identity of their fathers that we have to put up billboards to track them down, shouldn't be picky about some little signs announcing bargains on tube sox and guitar picks, but that's the council for you, always grabbing the pointy end of the stick.

**Chamber of Decorators folly costs local merchants.** The retail businesses that pay chamber dues should demand their money back. When the council decided not to participate in the new sales tax holiday for back-to-school shopping they cost local businesses a lot of money but the Chamber of Decorators didn't utter a peep on behalf of their retail members at the time the decision was being discussed. The state sales tax law is a tax on merchants not a tax on shoppers and it has to be paid by merchants even if they don't collect the tax from shoppers. They add it on to the price of what you purchase because they are allowed to pass it on if they can but if they don't retailers have to pay it anyway out of what they charge for the merchandise. Because many other towns in our area did elect to give shoppers the tax break, parents and other shoppers could save a good bit of money by doing their purchasing in nearby towns that were not charging the state and local tax. Because Rolla's city council is greedy and didn't want to give up their share of the sales taxes during those three days they voted not to participate in the tax holiday. In order not to let the seriously big volume of back-to-school retail sales go to their competition, some Rolla merchants selling clothing and school supplies had to forgive Rolla's part of the tax on their own to keep the business in their stores which meant they have to pay the city sales taxes

out of the price of their goods. For this financial loss they can thank their local Chamber of Decorators for not saying a word in their defense when the council voted.

**Ms Kuenzie** and the Chamber board should spend less time on grants, fountains and petunias and more time defending the serious business of some of their members who depend on retail sales and don't have a tax-subsidized salary like hers. The Chamber will rake in about \$360,000 from the Tourist Tax in the next fiscal year without lifting a finger for tourism. Why should they care if a few retailers take a hit?

**Now who's Stuck on Stupid?** According to **Sheriff Blankenship's** announcement on August 1<sup>st</sup>, the Newburg city council is going to PAY the Sheriff \$45,000 to do something the sheriff's department is already PAID to do - patrol the county. In other words Newburg is PAYING extra for a public service they've already PAID county taxes for but haven't been getting.

Does the Newburg precedent mean that the rest of the county's small communities will have to pony up an annual "surcharge" to get the sheriff's attention? Is there a rate chart? How much extra will Edgar Springs, Doolittle or Vida have to pay? How about the ten or twenty thousand people that live outside one of those 4<sup>th</sup> class villages? How much extra do they individually have to grease the Sheriff to get the county patrol he's supposed to be providing?

If Blankenship gets away with this racket, what's next? Will each little municipality have to shell out a little extra to the prosecutor so he will prosecute a few more crimes in Newburg than in Edgar Springs? Slip the Health Department a little extra to reserve flu shots for the folks in Flat? Pass the Judges a plain brown envelope to get your case expedited because the courts are "too damn slow"?

The county commissioner's folly is that they approved this contract without requiring a written estimate of the cost of the demands Newburg put in the contract. Why were they so sloppy and so eager to help the sheriff who has been nothing but a troublemaker and malcontent and has even threatened to sue them? The sheriff's problem is that he couldn't figure out that \$45,000 a year won't begin to cover what Newburg wants but that's no surprise because Blankenship's lack of understanding of public finance and his poor management skills have been repeatedly documented by the state auditor. Blankenship figures this will lock up the Newburg votes and he's probably right about that. The folly we all participate in is that we've become so used to bad service that paying more to get what we've already paid for seems like a reasonable thing to do. We keep paying but we keep accepting excuses - excuses designed around Blankenship's priorities instead of ours. County residents are used to being told that there is no one "available" to come to investigate their break-in or vandalism; they're now paying for a bloated force of 54 people but still no one is "available." Newburg's solution is to make a private arrangement for law enforcement with a public official to get what the rest of us are entitled to - they're co-opting our deputies to be their private security department.

This is what Newburg's contract gives them: **1.** Traffic enforcement before and after all school hours, **2.** A

deputy to serve as the Newburg School Resource Officer during school hours, **3.** Patrols of the city at least 40 hours per week with “special emphasis” on Friday and Saturday nights and, **4.** Enforcement of all Newburg city ordinances. The county must pay for the deputy’s hours, overtime, benefits, gas and maintenance of the City of Newburg’s Jeep out of the \$45,000 a year – an amount that wasn’t enough for Newburg to hire their own town marshal to do all this.

Newburg’s problem is that they’re cheap. They want the privileges of being an independent municipal corporation so they can pass ordinances and control what goes on in their town but they don’t want to pay for the responsibilities that go along with it. Rolla and St. James pay for their own school patrol and ordinance enforcement, why can’t Newburg? Their city council hasn’t been able to keep a town marshal for years because they want 24/7 service but aren’t willing to pay for it.

The contract also says that if the \$45,000 isn’t sufficient to cover what amounts to enough work for three people, the county has to wait a whole year to change the price and then they can’t raise the amount of the contract by more than 5% the next year, that’s only \$2,250 extra. You’ve got to hand it to Newburg and the sheriff they really shucked the commissioners on that one. The rest of us will get less of what we weren’t getting from the sheriff’s department anyway but now the cost overruns of the Newburg contract

will be paid out of something else we won’t be getting. Sugar Tree raids however, are continuing.

**Butz tries to bury Sunshine rules.** City Administrator **Butz** proposed a resolution with “excerpts” from the new changes in the Missouri Open Meeting and Open Records (“Sunshine”) statute. He said the changes in his resolution didn’t *exactly* reflect the actual changes in the law but it came close, sort of, and he thought that would be “sufficient.” He would have gotten away with hiding the new changes in a council resolution where no one looking for this information would see it (particularly not members of the council if they ever were inspired to follow it) instead of amending the council’s Sunshine ordinance to reflect the new provisions as the law requires. But then something extraordinary happened. **Councilman Sibley** had actually read the new law and compared to the Butz “excerpts” (a council member who reads, will wonders never cease?) and he pointed out that the parts Butz had left out could mislead people. **Councilman Wiggins** pointed out that people looking for the updated information would look in the ordinance book in the library or on line but they would be looking at out-dated information if the changes were hidden in a resolution no one knew about. She and Sibley made a motion that Butz take his resolution garbage back and put it all in. The council agreed.

### **Special from the Editor: “copsfriend 700” threatens witness in Federal lawsuit against Sheriff and members of the department**

**The Rolla Daily News**, our local representative of the First Amendment, doesn’t get many letters to the editor these days. They’re pretty rough with people who don’t agree with them; it’s their paper and your “free” speech had better conform to their ideas. However, when the RDN went on-line they opened up a “Guestbook” on their website. The Guestbook has turned into a chat room on local issues where, unlike in their newspaper, anyone can voice their opinions anonymously. On occasion - or so the anonymous writers claim - someone at the RDN deletes a particular e-mail because it contained something offensive to whomever monitors this site at the newspaper.

During the June quarrel between the sheriff and the prosecutor the RDN “Guestbook” was hot with increasingly bitter postings on both sides of the fence from people who felt safe in making claims they didn’t have to prove and which would only be challenged by other nameless writers. One of the most partisan contributors on the sheriff’s behalf signed himself, “Open Your Eyes.” If you clicked on his pseudonym an email could be sent to him (or her) at “copsfriend700.” For those of you who don’t know, 700 is **Police Chief Pikka’s** call number. Those who know the police call numbers (DSN) would assume the writer is either Pikka or a friend of his but we didn’t believe it was Chief Pikka for a minute. Despite the fact that he naively walked into a political feud between the sheriff and the prosecutor, the postings of “copsfriend 700” are not the kind of thing Pikka would stoop to. However, “copsfriend 700” reveals enough detail about what goes on in the sheriff’s office and the courtroom to make it fairly obvious he or she is either wearing a badge or very close to someone who is.

On August 18, 2004, “copsfriend 700,” during another posting in defense of Sheriff Blankenship, complained at length about **Mr. Nash** and NSN’s criticism of the sheriff. After a lengthy warm-up he said: “*Maybe the old guy should learn a little more on his own before he blasts those that will have to dig his butt out of the fire should someone really get so offended about his drivel that they try and silence his babble.*” Someone will “try to silence his babble?” Nash will need someone to “dig his butt out of the fire?” How many people are discussing a fire to silence NSN, or is it just “copsfriend 700”?

In a posting on August 23, “copsfriend 700” complimented the RDN for providing the site, “*I too enjoy the guest book. It allows us to add our comments to news articles and take them one step further. Cudos [sic] to RDN for having such a forum. I got a little carried away with my last posting and believe that it was cut. I don’t mind because this is RDN’s Site and they have a right to protect themselves from liable, [sic] etc. Hopefully this one will post.*” If the RDN monitor deleted the posting after the one suggesting this old guy’s butt would need to be dug out of a fire to silence me, one can only wonder how much worse the deleted threats were.

To their credit, many other writers responded and objected to the threats by “copsfriend.” What they didn’t know but what “copsfriend 700” probably did know, if he is such a “copsfriend,” is that the **Robert Nash he was suggesting needed to**

be silenced is a witness in a Federal civil rights violation case that was brought against the Sheriff and ten members of the department last year. In other words "copsfriend 700" has made a threat against a witness in a federal case. It's ironic, or maybe it's just typical, that the newspaper provided the anonymous forum that someone used to threaten a witness in a case the paper hasn't bothered to cover.

The case, *Weiland v Phelps County et al* was filed in March 17, 2003, and the jury trial has been set for October 4, 2004, a month before the November election. Is it a coincidence that talk of "digging [the witness'] butt out of the fire" to silence "his babble" has come up now? Maybe, but considering the events that gave rise to the case and the fact that the defendants are all carrying guns and badges, the threat from a "copsfriend" has unsavory implications. However, until the trial is over nothing can be said about what occurred.

Threats won't keep me from testifying. In any case every detail is already on a four hour videotaped deposition, but we've reached a low and sorry state in this community when anyone thinks they can do this and get away with it. You have to ask yourself this question: has this kind of intimidation been used before? If it was, how many times did it work?

*Robert W. Nash*

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