

No Standing News

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

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Serving the Outlaw City of Missouri

“WE ARE ONE VOICE WHEN AT WAR...er...WHEN AT VOTES.”

On Thursday, November 18th the school board decided to ask voters to increase their school taxes again next April. The discussion started with the important stuff first; a list of the threats that will be used in the media campaign to panic parents, teachers and uninformed voters. “If they don’t vote to raise the school levy again, we will fire 24 staff members, increase the student/teacher ratios, eliminate bus service within three miles of every school, and (this was **Keith Strassner’s** special contribution) get rid of 9th grade sports and cancel all of the other advanced and enhancement programs parents say they want.” Strassner confidently stated that he thinks “they’ll vote to *fully fund* education.” You can expect to see demands that we “fully fund education” as a campaign theme; as if we’ve only been half funding it up till now. **Annie Bass**, later in the discussion, added with relish that they might also “rescind” the teacher’s raises for the last two years if voters didn’t give them the money. They can’t legally “rescind” anyone’s raise but that doesn’t matter to Bass as long as everyone - especially teachers - believe they will do it.

Having settled the important issue of how to punish teachers, students and parents to get what they want in April, they discussed just how much money to ask voters for to replace the ‘temporary’ 69¢ levy of 18 years ago, the temporary levy which was only supposed to be used to pay off the loan to renovate the high school. Board member **Ralph Wilkerson** again tried to convince his fellow board members that the board should be mindful that they are breaking a promise to the voters and out of respect for what the voters have done for the district for the last 18 years the board should at least ask for only the bare minimum (i.e. 48¢ cents) but not the whole amount. He likened it to a homeowner who, after having paid off his home mortgage as agreed, is told by the bank that they would like to have more money so they want him to continue making monthly payments.

The Board’s Dirty Little Secret. Board member **Dana Rapier** didn’t think much of Wilkerson’s idea that voters were entitled to gratitude and a more moderate request. With classic Dana logic she snapped back, “But *we need* that money, if we hadn’t had it we would have had to raise the levy before now.” Dana conveniently ignored the fact that *they did* ask for the levy to be raised by 80¢ only three years ago. The money Dana ‘needs’ isn’t just the 69¢ tax; she was really referring to the *extra* \$1.3 million dollar a year windfall they have received from the state since 1993 because of the 69¢ they were getting to rebuild the high

school. That’s a dirty little secret they’ve never discussed in public. *In all, they’ve reaped a secret windfall from the state of over \$20- \$30 million dollars and spent it without telling us they had it.* They could have used the state windfall to pay off the mortgage early so we wouldn’t have to pay 69¢ per \$100 every year for the whole 18 years but they didn’t do that, they just kept the secret and spent the money. And you wondered where they came up with the \$4 million they spent to renovate the Taj Mahal on Main Street that mysteriously burned down just before the state audit? Now you know. They got it by hiding the truth and overtaxing us for 18 years.

Bass at War. Before they voted, the red-faced Bass treated everyone to another of her temper tantrums. Bass fits are not unusual but they are always edited out of RDN news coverage to preserve her image. Suspecting that at least Wilkerson and Sooter were going to vote against putting the levy on the April ballot Bass said: “*I think the bigger question here, too, is: If we vote tonight, collectively as a board, whether it’s 7-0, 6-1, 5-2, 4-3—whatever it is—every one of you has to understand that **THE BOARD SPEAKS WITH ONE VOICE.*** (Voice in background: “Well, absolutely.”) *And that means nobody lobbies against it. Even if it doesn’t pass the way **YOU** want it, or the way **YOU** want it, or the way **YOU** want it, [finger stabbing at Wilkerson and Sooter] or the way **I** want it, it still is a **COLLECTIVE BOARD VOICE.*** *And that’s the point that has to be made here tonight. So it means that everybody—if it passes, **EVERYBODY HAS TO BE MARKETING THIS** favorably in the community with the **TALKING POINTS** that allow it to move forward. If it doesn’t pass tonight and everyone is against it, then it’s a mute (sic) point, it’s done, and we don’t do anything. But we have to come together collectively as a board, and that’s going to be the biggest challenge for everybody here. And for the public to understand that this is a board of education representing the district of Rolla. It doesn’t have anything to do with **ME** personally, **YOU** personally, **YOU** personally or anybody else on this board personally. **WE ARE ONE VOICE WHEN AT WAR...er...WHEN AT VOTES.”***

“Speaks with One Voice” remember is Bass code for, “There are no First Amendment rights on MY school board and you WILL tell voters what I put in the official ‘talking points’ whether it’s true or not.” To their credit Wilkerson and Sooter voted no despite her bullying. If you see either of them, don’t ask why they voted against the levy

proposal because they'll be forced to recite her talking points or face the Wrath of Bass at War...er... at Votes.

To hear Bass in full bullying voice go to the NSN web site <<http://www.nostandingnews.com>> and click on the piranha.

After the school board meeting we received this from a couple who relocated here from a big city suburb to get away from what they said was the: *"we know what's best for you" type of city government. "So far," the writer said, "it seems that we've gotten ourselves into a worse situation than the one we left. We watched a school board meeting and almost swallowed our tongues at what we heard. We are sick and tired of governments finding new and creative ways to raise taxes rather than controlling their spending. We are sick and tired of politicians ignoring the people they govern. We are also sick and tired of the citizens who go about their daily lives and let these 'crooks' get away with it. I sincerely hope we haven't made a mistake by moving to Rolla. One or two good elections could help to clean up this mess."*

The five board members who voted for this never expressed any apprehension at the possibility that this time voters might want to see the goods first. They were promised improvements in education "for the children" in return for the 80¢ levy increase in '01 and the \$8.5 million bond issue in '03, but MAP and ACT scores have been getting worse every year. When do we get the educational results they promise before we pay?

The Rape of Buehler Park - again. The discussion at the December 6, council meeting was supposed to be about approving – what should have been - a plain vanilla Request For Proposals to solicit offers to buy Buehler Park but in Butz' hands it morphed into something else. His new version of an RFP would have turned Buehler Park into a mini-TIF. **Councilman Harry Kiefer** was not fooled. He jumped on it immediately and with the help of several other members of the council succeeded in amending the Butz RFP to establish there will be no development giveaways from the city and that they would reject any proposal that fails to respond to the specifics in the RFP particularly the minimum price of \$900,000. Kiefer said he was not willing to "TIF this or provide any type of development assistance." He said emphatically that, "They can bid in this form or don't waste my time. I'm not interested in providing property for speculation." Butz objected to his TIF reference and explained that he had included these unusual provisions because a second development group had just approached him. This mystery group wanted the exclusive option and TIF-like "preferred developer" status Butz said. What he didn't say was that with those advantages the agent could shop the property around to potential buyers to find the largest possible commission for himself. The city would then – according to the Butz plan - enter into negotiations (secretly of course) to provide "development assistance" to the buyer. That's not a land sale that's a TIF-type deal.

The majority of the council agreed with Kiefer but Butz simply ignored their orders. The RFP dated December 8, two days after the council voted not to use a "designated

developer" says, "**City Council and staff will evaluate all submissions leading to the formal selection of one or more parties as "designated developer."** The legal notice published on December 12, 2004, in the paper says the same thing even though the council had expressly forbid Butz to include it.

A Kaplan Co. sighting. Don't be surprised if Kaplan Company and the empty suits who run it wind up being the mystery group who whispered this TIF-like option and "preferred developer" plan in Butz' ear just before the council meeting. David Wright was seen in town the afternoon of December 6th when they took the vote on the RFP. The discredited Wright would only come here for one of three reasons. To pick up the \$100,000 check he claims the city owes him for mucking up their TIF project, to file suit against them to get the \$100,000 he claims they owe him for mucking up their TIF project, or to make a deal with Butz to make Kaplan Co. the "designated developer" for Buehler Park in exchange for not suing the city to get the \$100,000 he claims they owe him for mucking up their TIF project. Is that why Butz defied the council's order, because he had already made a deal with Kaplan?

"Why waste time planning?" The other obvious fly in this ointment was raised by **Councilman Sibley**. Sibley pointed out that the council doesn't have a *plan* for what to do if the park is sold. He also pointed out that they have a brand new \$40,000 park plan that says NOT to sell the park. The public opinion survey taken for the \$40,000 park plan said the public doesn't want the park sold either. **Councilman Wiggins** added that she had already received phone calls asking if the money from the park sale (if sold) would be used for the benefit of the Chamber of Commerce as Mayor Morgan and the council announced they were going to do in 1998. Mayor Morgan ducked the Chamber question but using typical Morgan-think replied, "Why waste time planning?" Councilman J.D. Williams, in typical Williams-think agreed that planning before they had the money in hand would be putting "the cart before the horse." There, in a nutshell is one of Rolla's big problems. The city has no plan; city leaders don't like to plan, they just jump into one disastrous "special project" after another. When they do happen to have a plan such as the new park plan they simply ignore it. "New" projects like the WACO landfill, the porn rezoning, the Rec Center, TIF, the bumpouts on downtown Pine Street, and the fountain that doesn't fount, are never planned as much as they are heedlessly plunged into with rose-colored glasses firmly in place.

Sibley's question indicates that he is thinking about the possible consequences – that's dangerously close to planning. Sibley and Wiggins have raised an important issue. What if they sell the park and then can't agree on what to do with the money? If the council votes to deprives the public of a park they own and have said repeatedly they don't want sold, are they ready to justify their actions with a plan to use the money that will satisfy the public that they are exchanging the park for something of greater value to justify

going against the public will? Or will they wait until after they've done it and find out Morgan and Butz intended to give the money to the Chamber all along?

The RFP has an ethics problem. This RFP, like the last one, does not disclose to potential bidders that the deed has a covenant that prohibits its use for anything other than a park. In fact, the RFP contains this bald-faced lie: "*The Buehler Park tract was transferred to City ownership by the Chamber of Commerce in 1958 for park purposes.*" The rest of the sentence that Butz and Petersen deliberately left out says, "...for park purposes **only and none other...FOREVER.**" They continue: "*By a quit claim deed instrument dated April 14, 1997 the Chamber of Commerce released the 'park' restriction.*" They explain this for the unwary buyer by lying some more: "*In September 1996, Cracker Barrel Restaurants-announced that they had selected Buehler Park as the only acceptable location for their proposed facility in Rolla. A proposal to purchase the tract was accepted by City Council, but terminated by Cracker Barrel as a response to legal challenges raised concerning the City's authority to sell the tract for a use other than as a park. The challenge was set-aside in the City's favor through the Court of Appeals as the citizen's group that attempted to block the original sale "lacked standing" to bring suit.*"

Anyone who has read the Court of Appeals opinion (and council members obviously haven't read it) can see that the Court of Appeals didn't address the covenant question at all. The judges were sidetracked on the issue of whether the group had 'standing' or the right to appeal the lower court's ruling on the injunction. The Appeals Court decided the Buehler Park Group didn't have 'standing' to ask the question about the covenant so they didn't rule on the question of the Chamber's quit-claim dodge. The majority opinion of two of the three Court of Appeals Judges on the 'standing' issue was murky at best but in his dissenting opinion, **Judge Phillip R. Garrison**, the third judge (and the only one to fully address the deed restriction), was unequivocal as to the irrelevance of the Chamber's quit-claim deed. He wrote, "*Consistent with the contractual basis of dedication is the proposition, long accepted by Missouri courts that property dedicated for a particular purpose cannot be diverted to a different purpose.*" That's why it's called a "quit-claim" deed not a "quit-covenant" deed.

Any buyer foolish enough to do business with Rolla's unethical administrators will find himself with property that cannot be used for any commercial purpose. Will the buyer cheerfully pay for another lawsuit to find out if Chamber's belated 1997 quit-claim magically "released" the city from the "park only" restriction in the 1958 deed; or will he prefer to get his money back by suing the liars who committed this real estate fraud?

Some in City Hall may have no problem with the ethics of hiding the defect in this deal from potential buyers but with an election in three months they shouldn't assume that their constituents share their ethical handicap. The bids will be opened *in secret* February 7th.

How do you like donating an extra \$192 a year to RMU?

We understand why, until the raid and seizure a few weeks ago, the Rolla Moose Lodge has had illegal slot machines. It was to pay the new meter fees on their utility bill. Since September RMU has slipped another \$10 monthly fee on your electric bill because you have one of *their* meters. You only have *their* meter so RMU can bill you for the electric you use. That's another \$10 in addition to the \$6 monthly fee they put on your bill last year for having *their* water meter so they can bill you for the water and sewer you use. That's a total of **\$16 a month or \$192 a year**, not for what you use, but just because they have *their* equipment so they find out how much to bill you. That's like a gas station charging an extra fee because you have to use *their* hose to get *their* gasoline in your car. RMU has about 6953 residential electric meters, 5501 residential water meters, 1278 commercial electric (commercial pays \$20 per month) and 809 commercial water meters. Our rough calculation is that they're getting an extra \$1,631,952 a year just by inventing these fees. RMU victims unite! You have nothing to lose but your excessive meter fees.

"Well! Somebody should do something about it!" You no doubt said to yourself when you discovered this latest example of unbridled RMU greed on your utility bill. Just which "somebody" do you expect to do something about this? You think your representatives on the city council are going to represent *your* best interests against RMU? Silly you. What they did was to sneak off to a secret meeting with the utility board on Wednesday, October 13, and get a bigger helping from the RMU trough for themselves (\$610,000) from the new fees you're paying. They all agreed at the meeting that the city should give another \$10,000 of that to the RREC so they can spend \$250,000 a year to hire an economic developer. Does RREC really think businesses are going to flock to a town with the highest sales taxes in the state; where the RMU gougers impose 10% rate hikes without a public hearing and then invent another \$192 a year in phony fees? Well sure, doesn't everyone want to move to a swell place like that?

The cash the mayor and city council got from the meeting was just the annual protection money RMU always gives them to ensure the council won't do anything to help their constituents such as pass an ordinance (which the council does have the authority to do) forbidding RMU to assess the \$192 a year in meter fees or term limit the Grouchy Old Men they keep reappointing to the utility board.

What price apathy? What you have here is a perfect example of how our local government works. Voters don't care who represents them in their ward or who their mayor is don't bother to vote but instead sit around and wait for someone else to "do something" about things like this. So, the councilmen who get elected, mostly by default and apathy, reappoint the same people to the RMU board over and over; those appointees then grease the people who keep reappointing them to stay out of their way so they can raise your electric rates whenever they want and impose fees for having their meters on your property. Without figuring in the

10% rate increase of September 2001, the price of civic apathy in the last two years comes to exactly \$192 for each homeowner. That’s how government works in Rolla.

In “other business” at the RMU/ City Council meeting.

Watkins explained that they have no insurance to cover major equipment damage (wires, poles, etc.) and for this reason they propose RMU build up reserves of at least \$10,000,000. He didn’t explain why they don’t have the same insurance other public entities and utility companies have and we doubt the seven council members at this special joint meeting asked why. (The ones who attended were: **Barklage, Matt Williams, Jim Williams, Magdits, Wiggins, Ruck and Sibley.**) In September 1999, RMU’s “retained earnings” were \$17,465,440 million but now reserves are only \$4 million because they’ve been buying diesel generators they said would give us emergency power and that would also make big profits by selling the extra electric power through their MoPEP consortium. Another expensive, wasteful MoPEP scheme that didn’t work the way Dan Watkins said it would. Because it didn’t work they’re making city residents pay for their mistake in judgment. Watkins also told the council that they want to move the AmerenUE owned bulk station 6-8 miles closer to the city which will cost approximately \$15,000,000. There is no real benefit in having Ameren’s property moved a few miles closer to the city, certainly not \$15 million worth of benefit; that’s why AmerenUE is making them pay to move it. This sounds like something MoPEP wants but not something Rolla needs.

After illuminating presentations for the council by RMU board members and staff about how water flows through pipes and how power works they got to the comedy part. They discussed hiring a public relations person at RMU. RMU is a monopoly run by an oligarchy; they answer to no one and don’t care what anyone thinks so why pay someone to market their image? RMU needs a PR person

like Rolla needs another TIF project. The mayor concluded the meeting by congratulating himself and RMU on “maintaining an effective dialog.” Then he packed up his \$610,000 of “effective dialog” and left.

The PTO arms race. On December 12, the **Mark Twain PTO** announced in the paper that they had completed their fall fundraiser (actually they had five) and had raised a total of **\$14,637** for new playground equipment. They already had lots of playground equipment that had been paid for with years of child labor but it vanished when construction started. Surely it has just been stored somewhere? Surely they didn’t throw it away and now they’re starting all over again? How much playground equipment and at what price do our elementary schools need?

A week later the school board approved payment of a bill on behalf of **Truman** school for **\$11,134.54** to **Midland Fundraising**, another one of those public-spirited businesses that use children to sell their overpriced candles, gift-wrap and stale candy. Here’s a total of \$25,772 identified for PTO fundraising done by children and no one can explain what’s going on certainly not the school board who have taken no interest in the rampant exploitation of children for commercial purposes. Why are the elementary schools in constant fundraising mode for playground equipment? Is this the PTO Mom’s version of an arms race? Our school has more play stuff than your school?

One of the school board’s official “Beliefs” (don’t ask why it’s a ‘belief,’ it’s like a fashion thing) is that students “should be prepared to compete and excel in a global society.” With ACT and MAP scores in free fall and students spending thousands of hours during the school year peddling junk, we think we’re beginning to understand that ‘belief.’ We believe they’re preparing children for careers as door-to-door salesmen to sell cheap Chinese imports and discount cards.

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