

No Standing News

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

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TIF II – Another Morgan Fur Ball

Kevin Guffey, Designated Destroyer of Buehler Park and unsuccessful bidder for the TIF II project, says he is going ahead with developing the Callen property he reportedly bought for \$1.2 million. Guffey may be bluffing to get a bigger buy-out but then again maybe he isn't. They can't stop Guffey from going ahead with developing his own property and the more money he spends the more it will cost to compensate him in a buy-out or condemnation. TIF I was going to be a \$15 million project; TIF II will cost \$19 million – Guffey is part of the reason for the increase. City Hall is trying to replant an already poisoned field and it's going to cost taxpayers \$5 million more than their last crop failure. Guffey doesn't want to be in the TIF II Zone and says he doesn't need or want a subsidy from the city – how refreshing. On October 3, 2005, in closed session of course, the council voted that they “*desired to include the fourteen acres in the redevelopment plan with the City withholding eminent domain authority on the residential properties.*” Everyone voted for it but **Sibley, Hicks** and **Jepsen**. That doesn't mean the council isn't going to use eminent domain on the homeowners it means they hope Sansone doesn't make them do it.

With Guffey's announcement both the “blight” and “but for” excuses for TIF (*but for* TIF this property would never be developed' – a legally required finding for a TIF project to be approved) are crumbling around their ears, but Butz protested the whole 14-acres is still “blighted.” The minute Guffey starts construction his part of it *won't* be “blighted” and the city's entire “but for” excuse also goes down the drain and that **means TIF II has lost both its statutory excuses and is no longer a legitimate TIF project.** These are facts Butz, Morgan and the TIF Commission will ignore but they will not be lost on attorneys protecting their clients from condemnation. With Morgan's ‘leadership’ the city council will just plunge ahead with Morgan's \$19 million half dead TIF thing anyway. TIF II is already on life-support but the council doesn't have the nerve to say it out loud and cut their losses.

Ethics test for the TIF Commission. The TIF II Commission had their first meeting September 15th. Joe tried for months but couldn't find any TIF lovers who would take his appointments for the last two of the six city TIF seats. Finally he filled them with **Ted Day** and **Connie Eggert**. When **Councilman J.D. Williams** asked why they were appointing someone to the TIF Commission (Eggert) who lives in Dent County, Morgan said she represents UMR! When did UMR get a seat on the TIF Commission and why should they have one? UMR, a state institution, has nothing to do with TIF; they pay no taxes of any kind so they have no dog in this fight. The truth is Morgan had so much trouble scraping up TIF II Commissioners that he had to drag in someone *from another county who has no business voting*

on a Rolla TIF project. Two of the Morgan's TIF II Commission appointees, **Bill Marshall** and **Connie Eggert**, are people who don't live or pay taxes in Rolla. Neither have a stake in whether our schools and other taxing entities are robbed of taxes for 23 years – why do they get a vote on our business? At their first TIF Commission meeting they followed the TIF I script by listening to the developer's rose-colored, one-sided pitch. As a PR tool for the city's TIF it was largely wasted because only a few citizens came, the RDN didn't cover it and no council members were interested enough to attend. They had another TIF Commission meeting last Tuesday, October 20th, but no one knew they were having that one either. That's the way **TIF Commission President Tom Thomas** likes to have his TIF meetings.

It will be interesting to see if Morgan's six hand-picked yes-persons and the two yes-persons representing the school district (**Terry Adams** and **Keith Strassner**) are really going to sit there with a straight face and vote that the 14-acres will never be developed *but for* TIF? Are they going to take a public vote declaring that Guffey's planned development is “blighted?” Is the Commission actually going to have the gall to vote to give Sansone a \$19 million public subsidy for building only 2/3 of the original project? Well, it depends on whether they're honest people or if they are willing to lie for future political pay-back. This is what is called a test of personal integrity.

Heil Morgan. Mayor Joe Morgan seems to be determined to finish his miserable eight years as mayor by showing that not only can he repeat his worst mistakes, like selling Buehler Park, TIF II and being ready to condemn property at the drop of a hat, but he continues to prove that he excels at rudeness and trampling the Bill of Rights. As mayor he has had lawyers investigate people who signed petitions; he has deliberately slammed people in doors, (that's slammed a process server IN the door with intent to injure not slammed the door *on* a person) broken laws, bullied people who wanted to speak to the council and bullied council members during their own meetings. Among the things that have reflected poorly on Rolla, our personal favorite was when he publicly accused NSN of “committing literacy.” At the October 3rd council meeting he demonstrated that he intends to leave office as ignorant of the rudiments of civility and democracy as the day he was sworn in.

When I rose to ask a question at the end of the council meeting Morgan, fearing to hear the question he was pretty sure I was going to ask, cut me off with his usual snarling hissy fit and claimed I couldn't speak at an open public meeting at the time and place where it says on every agenda that any citizen can address the council: **“3. Citizen Communication: Any citizen can address the Council on any issue of interest pertaining to the City after the regular**

business meeting is concluded.” This is one of three Morgan Rules *Against* Free Speech instituted during the early part of the Morgan Reign to shut the public out of participation in their own government. Morgan, who can barely read a prepared script to conduct a public hearing, always blows up when he has to deal with anything unexpected. To ask for clarification or accountability from your government is to Morgan an affront to his absolute power.

After he refused to let me ask my questions, **Scott Grahl**, Morgan’s new **Communications Coordinator** said they would change Morgan Rule # 3 Against Free Speech to insert the words “not on the agenda” and he hoped that would “clear up any confusion.” The amended Morgan Rule # 3 Against Free Speech will now say: **“Any citizen can address the Council on any issue of interest pertaining to the City that is not on the agenda after the regular business meeting is concluded.”**

Grahl is new so he may be confused but no one else is. Now under the *amended* Morgan Rules Against Free Speech you can speak to your elected representatives only: 1. During an advertised public hearing, or 2. *Before the meeting* about something that is on the agenda. (This requires you have second sight and know what they’re going to do before they do it and what you will want to know or say about it after they’ve done it) or 3. About something that is *not* on the agenda. If you want to ask a question or comment about what they just did– forget it, you’re not allowed. You’ll have to wait until the next council meeting when it isn’t on the agenda to address the council about what was on the agenda at the *last* meeting.

Short of closing all council meetings – Morgan’s preference - and doing everything in secret, Morgan has managed to repress public speech at public meetings to the maximum extent possible. The only mayoral accomplishment Morgan himself could think of at the Mayor’s Prayer Breakfast was that he was the first mayor to get his hands dirty planting petunias on Pine Street. The petunias died. Now he can add to the dead petunias that he did his best to choke the First Amendment to death while at the same time hiring a “Communications Coordinator” to improve communication with the public who are not allowed to say anything about public business at public meetings. They should name something after Joe...a sewer line, a dumpster?

I can’t help contrasting the ugly tone of city meetings with the atmosphere at county business meetings. Things are far from perfect in the county but when citizens come to speak or make a complaint to the Phelps County Commissioners and County Clerk they are greeted cheerfully, offered a comfortable seat and coffee (wise to decline the coffee). A friendly conversation follows, information is exchanged and a problem is worked out or, as often as not it’s explained why the problem *can’t* be solved. You would think people would go away mad but that seldom happens. In fact, county residents seem to have a very tolerant “we’re all in this together” relationship with their County Clerk and Commissioners. Could it be because citizens are not treated like the enemy? To preserve that relationship the Commissioners turned down sponsorship of Rolla’s EEZ when their people told them they didn’t want to have anything to do with the city’s slash and burn economic development schemes. Some in City Hall make the mistake of looking down their noses at county officials but we notice they don’t need to hire a PR flak

to smooth over their gross rudeness to the public or to ‘spin’ their land and money grabs.

In a recent editorial the new **RDN editor, Janese Heavin** explained her theory of how elected officials – one of “us” when campaigning – become one of “them” after a short period of stroking and indoctrination by staff. Her analysis was dead on accurate. We know that repressing speech is Morgan’s thing but what was the excuse of the other twelve “elected representatives of the people?” The question I tried to ask that Morgan didn’t want anyone to hear was this: “What impact will your 5% tax on utility bills have on people of low and fixed income people and when are you going to vote to put this Hancock tax increase on the ballot?” The thirteen elected officials who had just broken the Hancock Law again also didn’t want to have to answer those questions.

“Picking and choosing” who really runs Rolla. At the September 6th council meeting an upset **Councilman Sibley** voted *not* to go into closed session to discuss TIF II. He asked why the RREC was being informed of the failure of two of their court cases while the council was left in the dark. He was referring to The Southern District Court of Appeals denial of the City of Rolla’s motion to require **Citizens for the Preservation of Buehler Park** post a bond and their other loss in Circuit Court to force **Warren Dean** to let them on his property to test for alleged “weapons of mass contamination.” What was supposed to be super-double city top secret city business, Morgan and Butz had reported promptly to RREC but the council hadn’t been told about the outcome of either case. Sibley said there was no reason to close the meeting since Butz and Petersen had already blabbed it all to the RREC. Morgan stuttered and blustered and they voted to close the meeting anyway. Hiding is a habit.

Butz, Morgan and Petersen have been withholding the minutes of the RREC meetings from the council for two years so the council wouldn’t find out what RREC was planning for the next council puppet show. Did the council really not know who has been sending Petersen out on these TIF and EEZ sales jobs that have made enemies for the council and the City everywhere he goes? Where did they think all these so-called “staff recommendations” originated?

Butz explained to Sibley it was necessary to “pick and choose” what he and Morgan told the council. That’s pathetic and the whole council should be mortified to be treated like dummies...but then they’re the dummies that are letting RREC push them around aren’t they? Sibley is right, there’s no need to have double-super secret meetings about TIF. We all know what the TIF property is and we all know whose money they’re stealing to pay for it, so why do they need to hide in the locker room to talk about it? We have a Google News Alert on Missouri TIF news and daily we read about other cities and their *open TIF discussions*. They discuss and vote on everything in their open council meetings. Only in the Outlaw City of the Ozarks do they have to hide to talk about their grubby little TIF plans. How are they ever going to convince the public that TIF Greed is Good, if they are so ashamed of what they’re doing that they have to do it all behind closed doors?

Butz and Morgan have made the RREC the new puppet masters. They don’t like the democracy thing at all and would rather make city plans in private with a group of hand-picked friends. The only thing that gives the RREC any influence is the

money they're spending (ours) and the fact that the council knuckles under to their so-called 'leadership.' So far RREC leadership consists of a second-rate "hunt with the pack" strategy and stale TIF and EEZ ideas that have collapsed. The only return the council is getting on their RREC investment is they get to be the publicly humiliated puppets of another out-of-control development corporation.

What Hancock violation? After months of nervous discussion the council passed a 5% increase in your RMU electric and water bills for themselves. It required a mighty effort to mug RMU rate payers for a 5% rake-off from their utility bills while calling it a "back-door tax" but pretending to ignore the fact that they were once again breaking the Hancock Law. Since 1980 when the Hancock Amendment was passed the city has raised many "fees." Given City Hall's ethics record, do we believe that none of those "fees" were tax increases and the public should have voted on them?

A few years ago, when told they had just done something illegal, a council member arrogantly replied, "Yeah, so sue us." That's a typical response from many in City Hall. They will do whatever they want and they gamble that no one will stop them. The State of Missouri tried that and had to pay back a billion dollars for pretending they hadn't violated the Hancock Amendment.

The council wasn't honest or ethical enough to put this Hancock violation on the April ballot, and the RMU board – which now includes former **Circuit Judge John Wiggins** – put City Hall's 5% tax on our October utility bills. Collecting an illegal tax for the city makes them an accessory to another violation of the Missouri Constitution in the Outlaw City of the Ozarks.

The "half-assed" developer's fee increase. When **Jim Larson**, representing the **South Central Missouri Builders Association**, protested the increase in contractor's permit fees to cover 40% - 60% of the costs of Petersen's department, **Lou Magdits** asked him why the public should pay the costs of some developer's "half-assed work." The developers, the Mayor pointed out, could just pass the cost along to their customers so what were they squawking about? Magdits complained to Larson that, "general revenue continues to erode" (could that be because they give away 100% of their industrial property taxes along with all their industrial property?) so they have to charge more and higher fees "to keep ourselves whole." He said the time was long past when city services could be free. **Charlotte Wiggins** jumped in to sermonize on the same theme. "We are stewards of public funds" she said. "Shame on us" she argued "if we don't embrace change" by raising fees. Her clincher was, "everybody's doing it." Oh well, if *everybody's* doing it, by all means...

Local contractors are being gouged for more cash to pay for Petersen's department because Petersen claims the review of building plans now cost \$(fill in thousands here according to a formula of Petersen's that would let him automatically increase their fees to cover his costs) more per plan than it did before, and that they have to make many, many trips to inspect construction. Petersen didn't even have to document his claim that it takes employees many more hours to perform these tasks, he just says it's so and the council didn't question him even though they've had many reasons not to trust Petersen's word. Butz backed him

up, also without any offer of proof, so the council never doubted that it was the "half-assed work" of the contractors that caused the increased costs and therefore they deserved another whopping increase in their permit fees.

That is, they believed it until Larson dropped his bombshell and pointed out that their city building inspectors would save a lot of trips and inspections if they would share their secret checklists. Magdits was visibly surprised to learn that codes inspection has been turned into a bureaucratic gotcha game and that contractors are not provided with something as simple as a code standards checklist. Larson explained that when they ask what the code requirements are they're told they're somewhere in Petersen's new International Galactic Code which is hundreds of pages of rules so murky you could lose a Bass boat in it. The council has talked about repealing the code because *they* can't decipher it either. If Magdits would look a little deeper he'd probably find some other things that Petersen hasn't been telling the truth about.

Now that we know why codes inspectors have to (allegedly) make 10-12 trips to inspect one building, perhaps some council oversight could be applied to see if blocking E-bay and Internet game sites would help the codes staff do all that time-consuming paperwork they're burdened with. The council, if they exercised just a little council oversight, might find that the rising costs they're dumping on the contractors are due to the new cars, computers, digital cameras, cell phones, and Bass Pro raincoats Petersen's department is said to enjoy. Are the rising costs in Petersen's department due to excessive spending, inefficient procedures, poor communication, and bad attitude; none of which contractors or homeowners should have to pay for?

If the 'stewards' of our public funds demand that we 'embrace change' and pay their rising 'service availability fees' then 'shame on them' if they can't give us something in return: proof that the bureaucrats they're so reluctant to put to the test are operating with maximum efficiency and not managing their E-bay alerts on the taxpayers time and money.

RREC sticks the city with a new liability. One of the new expenses in the '06 deficit city budget is \$115,000 for **Elizabeth Bax** the new economic development 'expert' who was hired by **RREC, not by the city.** RREC has declared from the beginning (without having any authority to do so) that this ED would be under *their* orders and answerable only to them – not the city. At the private April 8, 2005 RREC meeting they discussed the fact that they were having trouble hiring someone because of the lack of a benefits package. Butz said the only solution was to put the new ED on someone's payroll to ride on their group health insurance and retirement plan. None of the other RREC corporation 'partners' present were dumb enough to put a "ghost" employee on their payroll so of course Butz and Morgan did. At the budget meeting Butz hurriedly noted the budget item of \$115,000 which he said was really the \$115,000 they were contributing to RREC and which RREC would give back to them to pay Bax (she is paid \$65,000 of that) so she could get city benefits. Butz said it was no big deal. The council completely missed the big red liability flag.

It is a very big deal. **Rolla Police Chief Pikka** found out that dog pound volunteers can file workman's comp claims if injured while volunteering and so he has ended the program to

protect the city from liability. The dog lovers didn't like it but was the only prudent thing to do. If Bax is injured on the job, has a long-term illness, is permanently disabled or any number of other bad but realistic scenarios, the city will pay. Can they give orders to Bax or impose any personnel rules on her as they do other employees to reduce their risk? No, because RREC has dictated to the council that she will only take orders from RREC. If she turns out to be lousy the council can't even fire her. Instead of listening to Butz and Morgan the council should be getting their information on employee liability from Chief Pikka.

When did the council vote to allow this dangerously murky employee situation? They didn't allow it so much as they let Butz give them on of his mushy explanations that made it sound like all was well. It isn't because the city has no ordinance establishing her position, describing her duties and establishing her salary and benefit status. That means she is NOT covered by city insurance or anything else. They also did not advertise the position or hire her; all those things are necessary to make her legally a city employee and eligible for all city benefits. It's not surprising that the council have let Butz and Morgan drag them blindly into another high-risk situation. They have been passively letting RREC order them around on TIF and EEZ. They obediently give RREC \$10,000 a year to "hunt with a pack" and a yearly stipend for the next five years that has increased the city's budget deficit. Now their RREC 'business partners' have dumped a high-risk employee arrangement on the city and the council has no idea what they've rubber stamped. When we asked, one council member responded that it's okay because they have the same 'ghost' employee relationship with a county employee who works for the Phelps County Landfill Board and is supervised by Brady Wilson. Oh well, then it must be okay because in Rolla two dumb things always make a right.

Using this Rolla Logic the Chamber of Decorators or any other local non-profit corporation can off-load their executive benefits onto the city's payroll. All they need to do is claim to be performing some kind of economic development activity and the council could take on their liability too. The way this RREC "partnership" is going, who do you think will wind up with their corporate name on the deed to the city's next \$1.5 million industrial park?

"Busy time for Rolla Area Chamber." We were informed by **Steve Sowers** last month that, "It is one busy time of year for the Rolla Area Chamber of Commerce." Steve announced the Chamber of Decorators are busy planning charity golf tournaments, filling "goodie bags" for touring military ladies who will be "touring, shopping, dining and shopping" The Decorators are also planning the ever-popular Annual

Progressive Dinner. All these country club type activities are possible thanks to the to the city's Tourism Tax. However, the Chamber is not just about creating a busy social schedule to replace the dull and aging Oak Meadow Country Club – they also do serious stuff. They had a small business seminar, "Helping Small Businesses Succeed." The seminar was held during lunch and cost \$15 to \$20 to attend. Unfortunately, *real* small businesses owners don't get to have a lunch hour and they can't afford \$20 'doing lunch' seminars. They have save their money to pay the huge hike in their utility bills – rate hikes which the Chamber didn't lift a finger to protest on behalf of the small business owners they claim they represent. Chief Chamber Decorator, **Linda Kuenzie**, gave a presentation to the council in September about their plans for having the Christmas Parade at 3:00 in the afternoon instead of (yawn) whenever they have had it and they had also cancelled the October Craft Fair. The community always enjoyed the event but 'tater boxes and Kettle Korn is not the Decorators idea of chic décor so they killed it. The Chamber of Decorators seems to have achieved closure after their summer of angst searching for the meaning of the word "tourism." Kuenzie didn't report on their plans for hiring a Director of Tourism...or was it a party planner they wanted to hire? After Kuenzie gave her report the council discussed raising the merchant's license fees again to...you know...raise more money because they have this huge **\$2,321,155** "D" budget thing that they don't talk about. Kuenzie just sat there staring off into space with Visions of Sugarplums dancing in her head but didn't say a word. We wonder if it occurred to Kuenzie that as the Chamber representative she was supposed to jump up and protest another City Hall exploitation of local merchants and businesses - their second fee hike in two years.

School district gets poke in the eye. The City of Washington, right down the road from us is thinking about doing a \$140 million TIF project on 135 acres. The school board might vote for it because the developer has offered them *30-acres of land or \$3 million dollars* if they don't want the land, to partially compensate them for the loss of 50% of their property taxes for 23 years. That's at least better than a poke in the eye with a sharp stick which is all the Rolla School District's TIF Commissioners, **Terry Adams** and **Keith Strassner** will get out of TIF. The last time those two voted in favor of having school taxes stolen by the City of Rolla's TIF, Adams began his surrender speech by apologizing for the bad treatment poor John Petersen had suffered at the hands of the outraged public. This time, we hope he and Strassner can manage to give away 23 years of our school taxes without quite so much public belly-crawling.

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