

No Standing News

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

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The EEZelots strike again - Part 1 *All of St. James now is officially "blighted"... Rolla next?*

Rolla and large areas of county land scheduled to be "blighted" in October. Yes Virginia, as unbelievable as it sounds **Elizabeth Bax** and the **Rolla EEZ board** with the votes of our local politicians are about to declare the entire town of Rolla – plus miles of the county around Rolla - a "blighted" area for industrial development! In their third attempt at super-sizing the old Enterprise Zone into an Expanded Enterprise Zone, the EEZ junkies have really come unhinged. They've already blighted the entire town of St. James and county land around St. James with one two-page [EEZ resolution](#). The purpose of an EZ or an EEZ is to give away property taxes, utility rates and other goodies (that the rest of us have to pay for) to anyone who sells Bax on their "exciting" development project. Wonder how all the well-to-do Oaknoll-ers are going to feel about having their swank homes officially declared to be "blighted?"

They've already declared the entire town of St. James and county land around St. James to be a "blighted" EEZ. Look on the [Rolla EEZ map](#) at the two gigantic yellow EEZ blobs they plan to blight next. (You have to squint to find the thin little tan lines of the city on the yellow blob to the left; the part that slops over the city lines is the county.) The yellow blob to the right is bigger than the whole of Rolla and *it is not* St. James. You can see from the [St. James EEZ map](#) that the whole town and the county land around it is already EEZ toast. The law is very clear - you can't have an EEZ unless it is officially made "a blighted area." Here's exactly what the law says: "For purposes of sections 135.950 to 135.970, an area *shall meet the following criteria* in order to qualify as an enhanced enterprise zone: (1) The area *shall be a blighted area*, have pervasive poverty, unemployment and general distress; and...etc. Even so, the law doesn't say you have to blight a whole damn town just to give away some property taxes. There are other ways to give away property taxes. Folks in the big city are going to be laughing their asses off when they find out the hicks in the sticks are so dumb we've blighted both major population centers in our backward little county. We can't find any other place so dim-witted as to blight their entire town.

What is "blight"? The definition of "blight" is from the Public Housing Chapter 99 in Missouri statutes. The definition is purposely broad and vague to allow government to condemn and buy up land on the cheap to make way for urban renewal projects. An official designation of "blight" is a necessary first step to acquire or condemn property for urban renewal and land clearance project areas as well as TIF and EEZ acquisitions. *RSMo. 99.320, (3) "Blighted" shall*

mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities or any combination of these factors are detrimental to safety, health and morals;" Anyone who tries to claim the "blight" label is meaningless or just a formality is either lying or too ignorant to take part in this discussion. It is *not*, as EEZ board member **Don Morris** said, just a "moniker that must be tagged to an area tabbed for an EEZ," and it is *not* just a "misperception" as EEZ board member **Ted Day** tried to claim, and it is *not* just a little "stigma" that we need to "get past" so we can "go forward" as **John Butz** said.

Is this another bailout for land speculators like TIF? So far there's been no explanation from the St. James EEZ board or Bax or the RREC as to *why* they want to turn entire towns into gigantic M-1 zones. This only makes sense if you remember that the RCDC and RREC have habitually worked on behalf of big developers, big corporations and their own interests *not* the interests of taxpayers, homeowners and local small independent businesses.

What **Todd A. Rogers**, an expert in tax giveaway programs, said about TIF is equally true of EEZ, "A **...stronger objection to TIF is that it benefits an already privileged class—private developers—at the public's expense. The most basic concern is that TIF statutes are being used as a tool of the private developer in areas absent of blight.**" Vast areas being blighted in these two EEZones are definitely "absent of blight" so the only logical conclusion is that this will benefit "an already privileged class – private developers – at the public's expense." County and city residents will have to decide before the **October (?)** public hearing on the Rolla EEZ whether their investment in their homes should be sacrificed so our "privileged class" can make a profit off land investments they haven't been able to unload. Like the TIF plan and its 17 secret blighted zones, we are again being kept in the dark about "the real plan" behind the EEZ Plan and who it will really benefit.

If you use the [GIS mapping system](#) to look up who-owns-what in Phelps County, you will see our "privileged classes" have large property investments in and around the fringes of Rolla and outside the city limits. Those investors and speculators want government help and taxpayer subsidies so they can realize a profit from their land speculation. For instance, **Jack Dietzmann** has **industrial land** for sale on Hwy. 72 east of Rolla. To include his land in the EEZ it

would be necessary to include a large chunk of Rolla to connect Hy Point to Dietzmann's property. Then **Dietzmann and Woessner** own lots of land in their infamous Rolla West project they want the city to annex so the city will pay for their roads and overpasses so you have to connect that dot to the others. Then there is the **Twitty industrial land** by the Hy. V overpass and all the **City of Rolla's industrial land** on the east and so on. You can't have an EEZone that looks like a donut so you have to include everything in between these commercial land speculation areas. Is connecting the dots for every land speculator in town the reason why the whole town of Rolla will be swallowed up and blighted? If not, what is their excuse for such foolishness?

Momma, what is that big yellow blob? By the way, the huge yellow blob on the right of the [Rolla EEZ map](#) is [not St. James](#) it's the **Bahr property** plus all the other land in the county that had to be included along with Bahr's property because they have to take whole census blocks not just one persons land. They've eliminated most of the county roads and other map details so no one can tell if they're in the zone or not.

Bax gives her opinions and quotes (unnamed) "legal counsel." Bax reported to the RREC board (RDN 8/14/09) that someone has pointed out the economic folly of designating entire towns as "blighted" EEZ's. She protested that "in her opinion" there will be no erosion of property values when entire towns are declared to be "blighted" and she claimed the "blight" designation was only an itty bitty constitutional technicality to facilitate giving away our property taxes. Naturally our property hazards don't concern Bax - her home is safe in Jefferson City. She has no actual evidence that blighting your house will not affect its sale

value – its just her opinion. For 'proof' she said "there was neither evidence of value erosion as a result of the old Enterprise Zone (EZ) program in place since 1981 – nor was there evidence of forced sales." With the six-figure salary and benefit package Bax is knocking down couldn't she at least have made an effort to know the depressing facts about our EZ history starting with the fact that it has been in place since **1992 not 1981**.

Fact: The first Enterprise Zone, which we were told in 1992 would only be for 17 years, wasn't much larger than RCDC's privately owned industrial park and entire towns were not declared "blighted." **Fact:** Hy Point originally was 120 acres of pasture land (old airport) that belonged to the citizens of Rolla but was given away to the [RCDC for \\$1](#) so naturally land values don't "erode" if they start with \$1. The whole zone and the RCDC-owned B&S building purchased by taxpayers for **\$1,250,000** has been *off the tax rolls* because [RCDC falsely claimed to be tax exempt](#) so no one knows what any of it is really worth. After B&S moved out the RCDC sold the building for over \$1 million and gave not one dime back to the taxpayers who actually owned it. Finally the B&S building is back on the tax rolls thanks to the expose of their decades-long tax fraud. This was great "economic development" they told us. **Fact:** Of course there isn't any "evidence of forced sales" because all land in the Hy Point industrial park is privately owned by the RCDC and always is for sale so eminent domain wasn't necessary. **Fact:** Most if not all of the buildings now in the 1992 EZone have gotten *EZone tax abatement* from the city by just moving to the RCDC industrial park *from somewhere else in town*. This was not what we were told the EZ would do. Her reasoning is false and her research is flawed. Bax is trying to get us to compare apples to coconuts.

Is this Eminent Domain all over again?

Don't be dense, of course it is. Bax may protest all she wants that "eminent domain is *not in* the EEZ law" but that's a bogus argument. Since the 2005 U.S. Supreme Court [2005 Kelo v. City of New London](#) decision it *doesn't have* to be in each development law. **Bax** and **Bonnie Prigge** (MRPC) told the lone protester, **Sheila Wood**, at the Rolla EEZ Aug. 12th board meeting that "eminent domain is not used in an EEZ." If they said it and were ignorant of the *Kelo* decision we'll just call it a whopper. If they said it and knew about *Kelo*, it's a flat out lie. But if they didn't know about the *Kelo* decision what are they doing in this business? They also told Mrs. Wood, "This is just an enticement for businesses. If people want your land they have to negotiate with you." Prigge said. "It's still up to the landowner if they want to sell." What they didn't explain to Mrs. Wood is this: if she *does not* want to sell but some business still wants her land, all they have to do is get the city council or county commission to use a *Kelo*-style condemnation on her already conveniently and officially "blighted" EEZ land. What if city or county government

obligingly condemns someone out of their home but the business and the jobs never materialize? To bad.

In the *Kelo* dissent U. S. Supreme Court Justice **O'Connor** said: "**Any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms.**" There you have it right from the horse's mouth. "*Any property* may now be taken for the benefit of another *private party*..." Bax and Prigge say this can't happen but Justice Sandra Day O'Connor says it can. Who do you believe?

Bax said she also consulted (unnamed) legal counsel "who confirmed her understanding that a blight finding is not related to eminent domain." Will her (unnamed) legal counsel please stand up and repeat the bleeding obvious to all of us at the EEZ hearing? Of course a "blight" finding isn't necessary for government to exercise eminent domain *if they're* doing it only for legitimate public benefit purposes, i.e. to acquire

land for roads, schools, etc. but since 2005 the “blight” label may be very necessary if they’re trying to grab land for so-called economic development and get it on the cheap. An official finding of “blight” at the least makes it easier to kick someone off their property for *an economic development excuse no matter how flimsy*. Furthermore, an official finding of “blight” can make *the final condemnation price tag lower!*

The two tip-offs that this EEZ law is at least ‘preparing the ground’ for condemnation if needed are, 1. the [required designation of “blight”](#) and, 2. the [provision for relocation expenses \(135.960.1. \(6\)\)](#) for “displaced persons.” When you find mandatory “blight” declarations as well as provisions that require, “[A specific plan to provide assistance to any person or business dislocated as a result of activities within the enhanced enterprise zone](#)” for the assistance of “displaced persons,” you have to be a henwit not to get the picture. If everyone sells voluntarily why is it necessary to make provision for “relocation expenses?” Add the *Kelo* smoking gun and the conclusion is bleak for owners who don’t want to sell.

Can Bax put up? Bax went way too far, as she tends to do when backed into a corner, when she said, “There is no authorization under EEZ criteria for eminent domain...” that was just hair-splitting because it *doesn’t need to* be in the

EEZ criteria for the above-described *Kelo* reasons. But then she stuck her other foot in her mouth when she added, “...and cities_and counties are not allowed to bring condemnation actions (a forced purchase) under EEZ law.” Can she prove what she said and show us where it says that or is that what her (unnamed) legal counsel told her? ***NSN tries to always give you links so you can read source material for yourself. We don’t quote (unnamed) “legal counsel” or other fuzzy sources.**

In the August 13, RDN, Rolla EEZ board member **Doug Cresswell** said if the EEZ involved taking land he would not be involved [on the EEZ board]. “If this EEZ had to do with eminent domain, I wouldn’t be here,” Cresswell said. If Cresswell actually reads this law instead of letting the women tell him bedtime stories about what is in it we should see his resignation shortly.... or was that just bluster?

The choice: the “EEZ or nothing.” If you protest the EEZ the EEZelots will try to tar you with the “anti-development” or “anti-progress” brush but the fact is there are much better ways of doing this and better incentive programs but the other ways DON’T require us to give away local taxes or blight whole towns. That’s why the ‘EEZelots’ only tell you about the EEZ program as if your ‘choice’ is the EEZ or nothing.

What is it about ‘NO’ they didn’t understand the first two times we told them to take their EEZ and shove it?

PUBLIC HEARING on County/Rolla EEZ: You’ll only get one shot at this. At the August 26th EEZ board meeting they changed the date to **October 13th**...maybe. We’ll keep you posted.

And why will the Phelps County EEZ hearing be at the Rolla City Hall? They want their hearing in city hall because they hope you loud county people won’t show up on “enemy” turf. The EEZelots figure if they keep shoving this down our throats people will give up and quit coming out to these repetitive public hearings to keep telling the same county commissioners “NO EEZ!” The day people give up and quit showing up is the day they’ll pass it and claim everyone must love the EEZ because no one bothered to come to the hearing.

Talk to the geniuses who are blighting entire towns. Before the one-shot **October 13th (?) EEZ public hearing** you can drop in any Tuesday or Thursday morning at the

courthouse to discuss this with your county commissioners because this can’t be done without their consent. You can call or email them (below) and tell them *county* meetings on *county* issues should be held in the *county* courthouse. All city people are county residents but not all county people are city residents. If Rolla people want to have a public meeting in City Hall on why their whole town is being blighted they certainly can and should or, as county residents, they are welcome to come to the county meeting.

Randy Verkamp will be running for reelection next year and we’re sure he would like for you to call him and tell him what you think of the wisdom of his June 2nd vote to blight the entire town of St. James, how you want him to vote on blighting the entire city of Rolla and large tracts of the county. If you call Verkamp or any other commissioner you should shout into the phone because there is something wrong with their hearing.

To contact your Phelps County Commissioners to give them your opinion of the EEZ...

Randy Verkamp (term ends in 2010)
Presiding Commissioner
randy.verkamp@phelpscounty.org
 phone 573-458-6120
 fax 573-458-6119

Bud Dean
District 2 Commissioner
bud.dean@phelpscounty.org
 phone 573-458-6122
 fax 573-458-6119

Larry Stratman
District 1 Commissioner
larry.stratman@phelpscounty.org
 phone 573-458-6121
 fax 573-458-6119

These are the members of the two EEZ boards who have been told (falsely) that they will have the power to make all the "giveaway" decisions.

Rolla EEZ board members: Doug Cresswell -364-2442, Keith Strassner - 341-3676, Mary Davis - 341-8109, Bill Jenks - 341-3249, Molly Malone - 364-4780, Bud Dean - 364-5866, Ted Day - 341-3479, Don Morris – 364-8682. Don't hesitate to call and let them know how you like their plan to have your home or business declared "blighted."

St. James EEZ board members: Gary Huffman - 573-265-7261, Janice Cunningham 573-265-5605, John Smallwood 573-265-4026, Brad Frazier 573.265.4801 Butch Tucker 573-265-7569, Jackie Rogers 573-265-7229, Larry Stratman 573-364-5174 and Aaron Hunter 573- 265-0925 - They would surely like to hear how thrilled you are that they have already declared your home and your entire community to be "blighted."



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