No Standing News

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

Volume I Number 19

January 6, 1999

COUNCIL CHRONICLES (01-04-1999)

By Lois Ann Marler

BILLBOARD BLUNDER

"We made a mistake," was the response of Ward 2 Councilwoman Susan Eudaly regarding the stop-work order approved at the December 21st workshop for a billboard owned by Lamar Sign Company.

Lamar Eastern District Vice-President Richard Rice was present to defend its company's position. "We thought we were playing by the rules," he stated. Mr. Rice explained that Lamar came to Missouri two years ago to find Missouri as one of the most billboard-cluttered states around. He claimed that Lamar knew nothing of the controversy surrounding their sign, adding that they don't like to create "stirs." "We have a large investment sitting in the ground," he went on, saying the space is worth $104,980.

Mr. Rice continued by saying that Lamar rents the land upon which the sign is being constructed, and that even though government action could release them from liability to their contract holders, there could possibly be litigation over the land lease. (Lamar leases the land on Highway 72 near Carpenter's Hall from an unnamed party).

Building Codes Administrator Mike Gyovai issued a construction permit for Lamar, claiming that the sign was merely a "reconstruction" of an old sign. The mayor and some council members rallied behind Gyovai. Mayor Morgan remarked, "That's what we pay Gyovai for."

Councilwoman Judy Jepsen, however, adamantly defended city codes and pointed out that it is a non-conforming sign.

Mayor Morgan turned to City Counselor John Beger and asked if he wanted to comment. Mr. Beger replied, "Do I have to?" (How much do we pay this guy every month?) Councilman Barklage added that as a life-long businessman, he hated it when a party would back out of a deal, and that Lamar was caught up in "internal bickering."

The council eventually approved lifting the stop-work order to allow Lamar to proceed with construction, with Jepsen being the sole dissenting vote. During discussion, there was an "unofficial exec session." As is common practice with this council, whispering began between officials. (Perhaps they think they are invisible when someone else has the floor). In this case, the "relay" began with City Administrator John Butz and Ward 2 Councilman Ed "Colonel" Owsley. Mr. Butz then began whispering to Morgan, who then in turn whispered to Beger. This is not only rude and unwise, but is inconsistent with Robert's Rules of Order, which the city has adopted as their standard for parliamentary procedure. It is the responsibility of the mayor to end this practice.

Three items later, the council unanimously approved placing a 6-month moratorium on all new off-premise billboard construction until their policy on billboards could be reviewed and brought into compliance with existing state law. Good move council!

REC PLEX UPDATE

In council action, the city authorized the general obligation (G.O.) bond issue to be placed on the April 6th ballot. It will require a 4/7th majority for passage. Usually a G.O. bond requires some sort of tangible backing, like your property. The city is planning to retire the bond indebtedness with the ½ cent sales tax passed in August '98 which went into effect January 1, 1999.

There will be a meeting on Thursday, January 7, 1999 from 7-8 P.M. in the Phelps County Courthouse for anyone interested in gathering more information on the Rec Plex. There are still many unanswered questions remaining, like exactly WHERE the Rec Plex will be built, will our property taxes be raised if the sales tax fails to cover the bond payback, will a plan be available for public inspection prior to the April election, if members will be sharing the indoor pool with the hospital's rehabilitating patients, and many more.

UNANNOUNCED COUNCIL MEETINGS

In the December 28, 1998 RDN, Bill Morrison made a big deal about the "in the office" council meeting idea that never materialized. What he could have reported was the lack of publicity for the December 21st meeting. Perhaps he's like the rest of us, doing good just to keep up with a regular council meeting plus the "mid-month microwave meeting", better know as the workshop.

Negligence in announcing meetings can lead to big headaches down the road. The workshop on December 21st was not on any KTTR news report that I listened to in the days leading up to the meeting. I looked over the RDN from December 17th, 18th, 20th and 21st to find no announcement there, either. Neither was there an agenda posted in the stairwell bulletin board. RSMo Section 610.020 "requires a public governmental body to give notice of the time, date, and place of each meeting and its tentative agenda in a manner reasonably calculated to inform the public of the matters to be discussed….this notice must be given at least 24 hours prior to the meeting, unless for good cause such notice is impossible."

I won't be the one to submit the Sunshine Law violation complaint, informing the Attorney General that Rolla has fumbled again. I would submit them, however, if the city took action on anything during the last workshop that didn't go in my favor. The city voted on at least four issues. Any of those votes could be challenged based on RSMo Section 610.027.4 which states, "The court shall void any action taken in violation of the law if it concludes the public interest in enforcement of the Sunshine Law outweighs the public interest in allowing the action to stand." Fortunately for the city, Lamar Sign Company got its way. (The stop-work order was approved at this unannounced meeting.) Otherwise, Lamar would've jumped at the chance to nullify the council's vote, along with receiving possible civil fines and attorney fees. According to RSMo Section 610.027, the burden of proof would be on the CITY to show that they were in compliance with the law.

(Footnote: The council voted on at least four issues at the December 21st workshop. Mayor Morgan announced at the January 4th meeting that they are "reluctant to vote" at council workshops, and that only "emergency voting" should be conducted at workshops. Oh, really?)

EXECUTIVE SESSION

The council endured a rather lengthy executive session, with Finance Director Dan Murphy and RMU Director Dan Watkins in attendance. Upon completion of the session, City Counselor John Beger announced that they discussed 2, possibly 3 items of potential litigation. He would not specify on any of the issues. Mr. Butz, however, did say that it wasn't "Buehler Park related." The Mayberry case and the Southside Annexation case are still before them, as well as the "new one" from last month. Like I wrote in my last issue, as a taxpayer I'm feeling a little anemic.

CHANGES IN THE PLANNING DEPARTMENT

At the December 21st workshop, the Rolla City Council acted on the advice of City Administrator John Butz and created (in word) a new city department to replace the existing planning department. They approved a motion to advertise for a "Director of Community Development" who would be over the Codes division of the city, as well.

In the ad for the Director of Community Development, the requirements include a bachelor's degree in planning, business or public administration and five years of related experience with three years administrative experience. The beginning salary of 37K-45K is slightly higher that that of a Planning and Zoning Director. The department functions will include neighborhood development, historic preservation, downtown revitalization, planning, zoning enforcement, and economic development. This new director will work closely with Dain Ward, who will be moving into a city hall office this year.

It is important to note that no ordinance has been passed to establish this department, even though the city is seeking an individual to fill the position of director for it. The city has failed in the past to create ordinances for departments/directors. Check out the city web page at: http://www.rollanet.org/~muncourt/ordinances/toc/c2.html. Do you find anything about a "Director of Finance" under article IV? According to Dan Murphy, he is an "immediate supervisor" to our city clerk, Carol Daniels, yet neither he nor his position are mentioned in the administrative portion of the city code.

QUARTERLY NEWSLETTER

Did you city residents receive your Winter 1998 edition of the Municipal Quarterly Report? Mine was hand delivered on December 18th. The fall report was sent via snail mail. The city had a very reliable couple who had been delivering the report for years. They were evidently "phased out" in favor of using city employees to deliver the report with overtime pay. City Administrator John Butz estimates that the city is saving money by using this method. I didn't ask him if these employees are using their own vehicles or city vehicles to deliver the report.

This is an issue that I have been following since March 1998. Discussion from the council at that time, especially from Ward 4 Councilman Lou Magdits, led me to believe that they possibly wanted to phase out the report entirely. Magdits suggested placing the information in the RDN, or possibly on the Rolla Access Channel (Ch.16). In March 1998, the council voted to let the experienced couple do the upcoming report delivery for 12.5¢ per copy. (Remember now, there are car expenses and self-employment taxes to account, along with a deadline for delivery.) It was an $800 job that spanned approximately eight long days.

The city had a good deal going with the reliable couple, whom I have chosen to not name. They were reliable, affordable, and EXPERIENCED. In my never-so-humble opinion, the city fixed something that wasn't broken.

NO PARKING ON PINETREE ROAD

Police Chief Dave Pikka convinced the council for the need to limit parking on the east side of Pinetree Road in front of the Junior High practice field. Evidently, "Johnny's" parents are too lazy to park in the Junior High parking lot and walk up the hill, so they let "Johnny" run across the street for soccer and/or football practice. Parking was already restricted on the west side, nearer the practice field. Pinetree Road is extremely busy, with as many as 9,000 vehicles passing there per day!

Residents in the area were contacted about having their parking restricted and voiced no complaints.

I was disappointed that no one on the council thought to move (sorry, that's "make a motion") to suspend the rules so that the ordinance could go into effect immediately. It reminds me of the issue involving cigarette vending machines, which came before the council in May of 1998. The council failed to suspend the rules in this instance as well. We could be practicing more expediency in protecting our kids.

CANDIDATE FILING

January 26th is the last day to file for city council. To date, no one has filed for the ward six seat.

A CLOSING COMMENT ON NEGATIVISM

I don't mind being called negative. Really. As I read over this report though, the negativism kept reverberating back in my face. I hope that you are not depressed, but rather motivated toward some level of activism. I don't make a habit of slinging quotes around, but one that keeps churning in my head is by John Quincy Adams: "Posterity-you will never know how much it has cost my generation to preserve your freedom. I hope you will make good use of it."

I will write about all the good, lawful practices generating from the leadership of the city of Rolla when they occur. Until that day, I will continue to diligently report the truth from a taxpayer's perspective.

FREE MAYBERRY!!!

Views expressed do not necessarily reflect those of No Standing News, nor of its Editor-in-Chief.

To receive " No Standing News " by e-mail, free of charge, send a message to rwnash@rollanet.org with the word SUBSCRIBE in the Subject line.

To unsubscribe this list, send a message to rwnash@rollanet.org with the word UNSUBSCRIBE in the Subject line.

Editors note: Copies of No Standing News can be obtained from the Rolla Public Library who is a subscriber. Also see our web siteat: http://www.rollanet.org/~rwnash/nsn.html

---

I encourage distribution of " No Standing News ."Please feel free to copy and distribute any issue.