

No Standing News

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

Volume I

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COUNCIL CHRONICLES

4-5-99

By Lois Ann Marler

SOOTER INN LICENSE REVOKED

In spite of a \$15,988.81 payment to the city on 4-2-99, Sooter Inn's license was revoked by an 8-4 vote of the council. According to Finance Director Dan Murphy, Sooter Inn has not been making payments of the motel tax. All other relevant taxes have been paid.

Murphy claims that Sooter Inn has had numerous notifications, yet payments have been sporadic, with none coming in the last six months. A balance of \$22,800.55 from June 1998 has been rapidly growing due to the interest (3% compounded monthly) and penalties applied. In a letter to Robert Sooter dated 3-11-99, Murphy warned that unless his debt was settled by 3-29-99, he would recommend that the council revoke his business license. The letter went on to say, "Additionally, misdemeanor charges may be filed that could contain a fine of \$500 or a three months' imprisonment or both." Murphy also referenced Rolla City Code 37-59. (City code 37-52 through 37-59 pertains to the motel tax in particular.)

During the meeting, Councilman DeFriese asked, "Are we spending more than our 10% to collect this money? Have we become a collection agency for the Chamber of Commerce? Who gets the penalty and interest?"

The day after Mr. Sooter's letter was written, a letter from the Rolla Area Chamber of Commerce was written and sent to Mr. Murphy and City Administrator John Butz. Edward "Buz" Harvey, Chairman of the Board for the Chamber, wrote, "I am concerned that others in the motel industry may observe Mr. Sooter's behavior and may emulate him if the statutes are not enforced firmly and fairly." He went on to request that the City of Rolla "enforce the collection of the outstanding amount by any means up to and including revoking his license to do business." Both letters are available on the NSN web site in the "documents" section:
<http://www.rollanet.org/~rwnash/nsn.html>.

Council members voting against the revocation were Owsley, DeFriese, Sheffield, and Williams. Sooter settled the balance of his \$8,500+ debt to the city the day after his license was revoked.

"FIRE" AT THE FIREHOUSE

As a result of an incident on March 23, 1999, Keith Crowell, Rolla's Fire Chief, has been suspended from his duties for two day without pay. Details of the incident are not available due to its nature; however, it is known that the incident involved the Chief and fire fighter Steve Huffman, with corroboration by at least two witnesses.

The incident happened three days before the fire fighters voted favorably to join the International Association of Fire Fighters (IAFF), and went unreported until three days following the vote. I spoke to IAFF 3905 President Jim Rolufs about the delay in reporting the matter, and he replied

that they failed to report the confrontation immediately because they were all in "shock" about it.

Rolufs would not answer all my questions concerning the event between Crowell and Huffman, but did say that it was "more than verbal." He informed me that he was disturbed over the light discipline for Chief Crowell. He added that this is not the first incidence of abuse/abuse of power by Chief Crowell. When asked if the IAFF would like to see Crowell replaced, Rolufs replied, "We would like to see stronger action taken."

I called Chief Crowell for comment, but said that due to the personnel code, he was not able to divulge any details.

I also contacted City Administrator John Butz, who was the one who administered the discipline. He wrote, "If determined volatile enough (such as Chief Crowell's case) or serious enough I will inform the Council of my decision unless I need to defer to their collective judgement." He added that he tries not to be reactive and overly emotional about administering investigating complaints or administering discipline.

[On March 26, 1999, twenty-two eligible Rolla fire fighters voted 21-1 to accept the terms of their union contract. They are now the "Rolla Professional Fire Fighters Local 3905"]

OUT WITH THE OLD...

The current Health and Rec Center and Outdoor Family Aquatic Center Ad Hoc Committee will soon be replaced by a new one, according to Councilman Lou Magdits, who served as chair for the present committee. Magdits explained that the committee had a 4-5 week delay in schedule due to waiting on the survey to be completed. Another bump in the road, according to Magdits, was due to "confusion in the community" in the past 3-4 weeks, which cost the

committee precious time. He said the committee is now "back on an even keel", with the confusion having dissipated.

Mayor Morgan is expected to have a fresh new list of potential committee members ready for the council's approval at the April 19, 1999 work session, or at the May 3, 1999 council meeting at the latest. Mayor Morgan also announced the resignation of Bettye Sheffield from the present committee, and thanked her for her contributions.

ZONING COMPROMISE

The council unanimously approved a zoning request from Jack Morris for his property, which is located on Highway E. Morris, who is in partnership with Darrell Morgan, plan to construct duplexes or four-plexes on the property, targeting Ft. Leonard Wood residents. Their original request was for R-3 zoning, which would have allowed for apartment building construction.

At the public hearing three weeks ago, Jane Messenger, a nearby property owner, voiced strong opposition to the request, citing several potential pitfalls in rezoning the property from R-1 to R-3. She said that there are confirmed caves underneath her property, which could cause a disaster if an apartment complex were constructed on the Morris property. She also pointed out a parking problem, with the potential for apartment dwellers to park on Highway E. (No sidewalks are required along Highway E since it is not a city street). Other comments from Ms. Messenger included water run-off from cutting down trees, and utility insufficiencies. She also brought the classified section of the local paper with her to show the council the lack of need for more apartments in the Rolla area.

A petition was also submitted to the council on March 12, 1999 containing the signatures of eleven landowners who own property outside the 185 feet boundary of the Morris property, though

Ms. Messenger was the sole petitioner to speak at the March 15, 1999 public hearing.

In addition to the concerns of area residents, UMR has requested that a 900-foot fence be constructed to separate their property from Mr. Morris'. Morris said he doesn't want to pay for the fence. The council scaled down his zoning request from R-3 to R-2, which will allow him to construct duplexes, but not an apartment building. The issue of the fence, however, was not resolved, and will most likely resurface at a future council meeting.

"TURF WAR"

"Turf War" was the term Councilman Brian DeFriese gave to a predicament involving a local contractor and land developer. Mark Tichenor, owner of Martech Construction and Development, called upon the city for help in resolving a dispute he is having with Snelson and Harlan Development Company, Inc. A large hole in the right-of-way remains on the property at 200 Brady Drive, evidently as a result of Snelson-Harlan hauling the dirt away.

Mr. Tichenor contacted Public Works Director Steve Hargis about this problem, but Hargis determined the problem to be strictly between Tichenor and the developers. Hargis explained to the council that this is a "first-time problem." According to Hargis, it is customary for the land developer to level lots and plant grass.

Tichenor told me that it isn't worth taking to small claims court. A truckload of dirt is all that's needed to solve the dispute, at a cost of \$60. A question of "whose dirt actually got hauled away" was brought up since this is a city easement, even though the property owner is responsible for maintenance.

Councilman Jimmy Dale Williams was nearly ready to move for the city to provide Mr. Tichenor with the necessary dirt, yet decided that

the developer should be given another chance to provide it.

COUNCIL TURF WAR

A turf war of another kind occurred at the March 15, 1999 Council Work Session involving Mayor Morgan and Councilman Brian DeFriese. DeFriese was originally on the agenda to address the issue of a \$200,000 RMU donation to the Rolla Technical Institute. When he began speaking, he announced that he had two motions that he wanted to make, and began distributing a packet of information to the council and the press. When Mayor Morgan realized that Mr. DeFriese wanted to discuss more than the RTI donation, he said he was out of order and would not allow him to continue.

DeFriese claimed that his motions were intrinsically related and wanted to be heard, yet the Mayor refused to let him continue.

The packet of information that DeFriese distributed contained a letter suggesting a conflict of interest between RMU and the Rolla Community Development Corporation (RCDC), accusing RMU of funding "pet projects" of RCDC.

The motions that DeFriese attempted to make were also included in the packet. The first motion would have required RMU to disclose all Y2K preparedness plans to the council. The second motion called for a special committee to be formed to investigate any consequences of any decisions made by illegally appointed RMU board members.

BEGER'S OPINION

On a related note, City Counselor John Beger gave his opinion on the legality of RMU appointments of Dain Ward and Bill Jenks III. This question was raised in NSN issues #21 and

#27, along with Councilman Brian DeFriese at the February 17, 1999 council work session.

Beger began by asking, "What is an 'office'?" He defined "office" as a position that is either salaried or outlined in city code. Concerning the Ward appointment to both RMU and the REDC, he said that the REDC was not established by ordinance, rather by a motion in 1992. This position is one of an "advisory" nature, and does not qualify as an official "office". Bill Jenks III, who also held simultaneous positions with the RMU board and the Industrial Development Authority, also qualified as an "advisory" position and not an "office."

Councilman DeFriese disagreed with the opinion of Beger, calling his definition "loose."

No vote was taken to accept the opinion of Beger. Mayor Morgan stated, "In my mind, we have contracted with Mr. Beger to furnish us services and legal opinions. Unless this council tells me otherwise, I'm going with the legal opinion he has given us."

NEW HIGH SCHOOL PEDESTRIAN CROSSING

The council unanimously approved a joint venture with the Rolla Public Schools to construct a pedestrian signal on 10th Street in front of the High School. The city will provide labor for the project, while the school system will pay for materials, with an expected pricetag between \$5,000 to \$6,000.

The intermittent flashing lights will be on the roadside, and will be programmed for operation during heavy use, such as before and after school and during football/basketball games. The location of the crossing will also be moved to a safer place. No attendants will be provided for the crossing.

LIBRARY BOARD APPOINTMENT

The council unanimously approved Max Maupin's nomination to the Library Board. He replaces Sharyn Powell, who resigned from her unexpired term. Maupin's term will expire in May 2000.

STORM STUDY

At the March 15, 1999 Council Work Session, the council heard from Public Works Director Steve Hargis on the UMR flood mitigation project. Preliminary numbers indicate that nearly eight million is needed to alleviate the flooding problems in the city.

Dr. Charles Morris of Hydro-Engineers will conduct a formal plan with firmer cost estimates that can then be submitted to FEMA. New flood boundaries and maps will then be prepared in conjunction with FEMA. The study by Hydro-Engineers will cost taxpayers around \$13,000, and will be completed in approximately six months.

COMMENTARY

As I watched one of our council members attempt to introduce a motion to the council, I couldn't help but think that Mayor Morgan's gavel had turned into a billy club. At the March 15, 1999 council work session, Ward Five Councilman Brian DeFriese had some very valid, timely, and important issues to discuss, yet he was not met with equity by the Mayor. Instead, he was called "out of order", since he had not previously given his motions to the city.

DeFriese' concerns affect every city resident. After distributing his packet of information, he prefaced his first motion by reminding the council of the recent ten-hour city-wide blackout. He was concerned about Y2K preparedness for the city, and is not satisfied with a superficial explanation that "everything will be fine" from RMU. Neither is he one to stand by and let the utility ratepayers continue, month after month, year after year, to be ripped off by RMU. Both

of DeFriese's motions (which were never heard), along with discussion on the \$200,000 donation by RMU to the Rolla Technical Institute had one common thread: RMU.

DeFriese had uttered only a few words of his first motion when the Mayor cut him off. Morgan reminded him that he could only discuss what he had placed on the agenda. For the mayor of ANY town to stifle the motions and open debate of a member of the legislative body is to flex muscles he doesn't have. The mayor, as the executive of the city, is to preside as the chair of the meeting, to act as a referee, if you will. His opinions are to be left at the door.

Mayor Morgan doesn't realize HE is the one who is out of order. He is usurping the privilege of a legislator by denying their right to introduce a motion. In his comment to the council regarding Mr. Beger's "opinion" on RMU board appointments, he didn't ask the council what they wanted to do with the opinion! Instead he said, "In my mind, we have contracted with Mr. Beger to furnish us services and legal opinions. Unless this council tells me otherwise, I'm going with the legal opinion he has given us." It is not the Mayor's prerogative to "go" with anything! He is, in essence, making the legislators' decisions for them. That is the job of the LEGISLATORS, the council. If he has an opinion, he is to step down from the throne and give it.

How ironic that this incident happened just two weeks after Councilman Owsley sent a memorandum to the Mayor and Rolla City Council, suggesting that, "...we recommit ourselves to the proper conduct of decorum in our monthly business meetings." There was no discussion of the memo in the March 1, 1999 council meeting, which was not surprising. It appears that Mr. Owsley's suggestions have fallen on deaf ears.

FREE MAYBERRY NOW!!!

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