

No Standing News

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

Volume I

Number 39

September 10, 1999

NSN NUTSHELL: At the September 7, 1999 Council Meeting, a large crowd shows only to have their faces slapped by our public officials. Note: The third and final broadcast of the meeting will be tonight, 9-10-99 at 8 p.m. on Rolla Television, Channel 16.

Fiscal year 1999-2000 budget is approved after lengthy debate. Specific discussion on need to improve Southview Drive from Winchester to Oxford.

Rec Center Ad Hoc Committee gave final presentation of schematic design to council. Heated debate breaks out between Councilman DeFriese and Mayor Morgan over a letter submitted by Councilwoman Judy Jepsen who was absent and had requested in writing that the letter be read aloud at the council meeting.

Council passes ½ cent recreation tax in violation of both U.S. and Missouri Constitutions!

Mayor blames No Standing News for delay in the settlement between City and retired Judge Joanne Mayberry. Full speech included in report.

COUNCIL CHRONICLES

9-7-99

By Lois Ann Marler

WRAPPING UP THE COMMITTEE

Ward Four Councilman Lou Magdits presented the council with the Rec Center Ad Hoc Committee's recommendation for the recreation center. No graphics of any kind were available for the public.

Some members of the committee gave presentations on specific design components of the proposed center. The "base plan" encompasses 61,000 sq. ft., and includes 3,400 sq. ft of leisure water with an attached 4-lane pool, two gymnasiums, a three-lane elevated walking track, 1,675 sq. ft. of fitness area, and two multi-purpose rooms. No mention of the hospital's involvement and half-million dollar annual rent was made.

After the committee made their presentation, Councilman Brian DeFriese asked to read a memo from Councilwoman Judy Jepsen that she had sent to the council. Mayor Morgan protested, with a fight ensuing. After a member of the audience insisted it be read, Morgan conceded and allowed City Administrator John Butz to read the letter.

Butz read the memo so fast he sounded like a monotone "Chipmunks" recording. Councilwoman Wiggins asked that he slow down. Little of what Butz said was understandable. In her memo, Jepsen questions the authority of the ad hoc committee and stated her opinion that the indoor pool must be a separate body of water apart from the leisure pool area. She added that no legal site for the building has been determined, nor has replacement land been named.

Note: See URL#1

DeFriese continued to raise questions surrounding the rec center. He asked WHERE the facility was to be built. Councilman Magdits told him that "at this time" the location is Ber Juan Park. DeFriese pointed out that core

samples have not been done, nor has required documentation been supplied to the Department of Natural Resources.

DeFriese also asked about the projected financial statements, a youth room and possibility of a skate park. Committee member Dr. Dennis Goodman pointed out that a skate park is a separate issue. Councilman Barklage added that a skate park is not considered "indoor recreation," and thus would not be a part of the project, but is a project that will be addressed in the future.

On a related note, a rec center open house was held on Thursday, September 2, 1999 to reveal what the committee reported on at this council meeting. Rolla Television (Ch. 16) taped the open house but has yet to air it. Upon contacting Rolla T.V. about airing dates for the program, I was told that it would be broadcast "at the discretion of Ken Kwantes." Upon further investigation I learned that the Parks and Recreation Department was the underwriter for the open house. Channel 16 is still waiting to hear from Kwantes, who is editing the tape, before broadcasting the open house.

NO ORDINANCE NEEDED

After it was pointed out to the council at their last meeting the need to have an enabling ordinance for the ½ cent recreation sales tax, the council decided that it wasn't needed for "legal" reasons. They did, however, pass the ordinance for "historical" reasons in order to have a matching set of tax laws for Chapter 37 of the city code. The Rolla City Council, in a truly "historical" fashion, passed the tax **RETROACTIVELY!** The ordinance reads, "That effective January 1, 1999 and continuing for fifteen years..." City Counselor Lee Bushie sat in silence as the council passed this truly historical law. This is precedent setting. The Rolla City Council has achieved a feat even the U. S.

Congress can't perform. More on this in an upcoming issue of NSN.

In nearly the same breath, an ordinance that the council claims IS needed was passed to approve the G.O. bonds for the rec center. George K. Baum Sr. Vice President Greg Bricker told the council that this ordinance was needed to "bind the contract." He and Morgan put on a canned performance in an attempt to disclaim the need for an ordinance to enact the ½ cent sales tax. George K. Baum has nothing to lose in giving "opinions" on the sales tax ordinance. If the tax goes belly-up, they have our homes as collateral.

SOUTHVIEW DRIVE

The council approved, by ordinance, the 21 million-dollar budget. During the budget discussion, Ward One Councilman Rothwell brought up the problem of Southview Drive, particularly from Winchester to Oxford. Citizen Don Smith also addressed the council on this issue. He claims the curb along Winchester has not been cut to accommodate Southview. Cars and busses are jumping the curb to get onto the gravel road.

Mr. Smith was told to come back to next month's meeting when another public hearing would be held on the matter.

MAYBERRY SETTLES? MAYOR ACCUSES NSN OF COMMITTING "LITERACY"

The council discussed the Judge Joanne Mayberry case in executive session. While specific details are not available to the public, City Counselor Lee Bushie told the audience that an agreement has been reached between the attorney's for both parties, which the council approved.

In his usual "I-have-to-have-the-last-word" fashion, Mayor Joe Morgan spewed venom at No

Standing News, blaming it for a one-year delay in the Mayberry settlement. Reading from a prepared statement, he said:

"I've got a statement that I would like to make on this. When I took office about a year and a half ago, this was one of my priorities-to settle this matter. And I think it could have been completed a year ago if this "No Standing News" group had not become involved. They gave a false impression that they could intimidate this city council into a settlement with their "Free Mayberry Now" letters. And this No Standing News tabloid...literacy, I guess you would call it is aggressive. It accesses blame and passes judgment on those in authority by innuendoes and half-truths, and unqualified legal speculation. Their interference in this has cost Mayberry at least a year of her pension in my mind."

The first article to appear in No Standing News concerning Judge Mayberry was released on August 29, 1998 entitled "NO GOOD DEED GOES UNPUNISHED", four months after Morgan's election! A second article also appeared in No Standing News November 9, 1998 entitled "FREE MAYBERRY". This was a reprint of an article about Judge Mayberry published in the Newsletter of the Missouri Municipal Association of Associate Circuit Judges written by Judge Edward D. Calvin. The first "Free Mayberry" postscript appeared on December 17, 1998.

I had a discussion with Joe Morgan after his election. I gave him a list of things that I wanted to see happen in the city. One thing I pointed out to him was the need for the Mayberry litigation to end. He agreed, saying that the city shouldn't have appealed after the circuit ruling. He added, though, that since he and Judge Mayberry were friends, he couldn't say too much. He made a similar statement to NSN's editor-in-chief a few months later. The Chief, R.W. Nash, replied to

Morgan, "With friends like you, who needs enemies?"

COMMENTARY

A citizen's right to speak freely on matters of public policy is one of the founding pillars of American society. Freedom of speech is a treasured right, and one that must be protected. Yet, as I have attested to, (and about 100 people at Tuesday night's council meeting can now verify), little tolerance is found in the halls of Rolla's city government toward freedom of speech and public input. To approach our "civic" leaders, one needs a suit of armor.

During the "Citizens Communication" portion of the September 7, 1999 council meeting, two individuals approached the firing squad with comments on the proposed recreation center.

Bill Brown, local real estate broker, said that the "community" center from 1996 has turned into a "recreation" center-that it is too "sports" oriented. He added that he plans to submit a letter to the council along with several signatures from individuals with like concerns. He complained about the 6 a.m. ad hoc committee meetings, and was outraged at the lack of public notices for meetings. He added that he questioned the methods of gaining public input into the project. Councilman Magdits responded by saying that Brown was "Monday morning quarterbacking."

Brown was met with more criticism by Councilman Barklage who noted the lack of input from the senior citizens. Barklage noted that it was getting "late in the ballgame," and stated, "Where were you?"

Brown's comments were followed by the comments of Meshelle Meiers, who reinforced Brown's claim that questions were not being answered. She said that in some of the earlier meetings, no questions were taken from the floor.

Instead, questions were required to be put in writing.

Magdits, along with a rather hostile Mayor Morgan, said her allegations were not true, that questions had been answered, and that having questions in writing is good so that "meaningless questions" could be eliminated.

"Judge Magdits" comments are typical. He decides if what you have to say is worth asking. Later in the meeting he asked if the "unsigned leaflets" being tossed in yards is a violation of a littering ordinance! (The "unsigned leaflets" he is referring to are probably the ones that have been distributed giving facts about the rec center and expressing opinions related to the rec center).

The attitude of the man who has been the chair for the recreation ad hoc committee is this: I'LL decide if your question is worthy of an answer, and if I don't like your opinion and you toss it in my yard, I'll try to have you arrested.

Too bad Magdits (and some of the rubber-stamping council) don't spend more energy checking into their LACK of codes that will eventually come back to bite them. Instead, this council, led by the mayor, spends their time trying to suppress freedom of speech! They are sending a strong message to the citizenry: If you have an opinion and voice it, you risk not only harassment, embarrassment, and labeling, you risk ARREST!

URL#1
http://www.rollanet.org/~rwnash/Jepsen_ltr.html

IS MAYBERRY FINALLY FREE???

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