

No Standing News

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

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COUNCIL CHRONICLES

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By Lois Ann Marler

THAT POOR OLD ORDINANCE!

Undergoing its second facelift of the year, Section 2-4 of the city code regarding council meetings has been amended again, and not for the better.

Last month some members of the council expressed concern over exactly what council action should be taken at the mid-month Council Work Session. In previous years and administrations, council "Work **Shops**" were used as "hashing out" sessions, with no action taken. Councilwoman Wiggins voiced strong concern over the council not following the intent and letter of the law, adding that since coming on the council, she hasn't seen much "hashing out" in work sessions and has felt pressure to make decisions.

The 'bill' that was placed before them, however, gives the council the same authority to take action as during the 'regular' city council meeting held on the first Monday of the month, in essence sentencing the council to bi-monthly meetings.

The 3-1-99 edition of Council Chronicles <http://www.rollanet.org/~rwnash/NSN_1_26.html> covered this ill-conceived ordinance when it was being passed. This is how it read then. "A special Council Work Session shall also be called

on the third Monday of the month at 6:30 p.m. to discuss pending projects and issues with limited Council action (i.e. public hearings, First and Second Readings of proposed ordinances, routine motions) unless deemed an **emergency** by a majority vote of the Council." The new ordinance says that the mid-month meeting is intended "to discuss pending projects and issues with **appropriate** Council action provided **adequate** notice has been given" (emphasis mine). Even more ambiguous. An enigmatic law plays into the favor of the oligarchs who run the city. They can have their cake and eat it, too. Currently, the only difference between the first and third council meeting of the month is the lack of council prayer, the pledge of allegiance, consent agenda, and citizen communication, which by Morgan's Law is not permitted at the mid-month public council meeting.

Councilman DeFriese told the council before the vote that they could simply pass legislation that would define the term "emergency," and leave section 2-4 alone. His idea was rejected. The council felt sufficient urgency to take the advice of Administrator Butz to suspend the rules, and voted the changes in immediately, giving the city loopholes big enough to drive a truck through. Big rec center contracts are approaching, which are part of the reason for the changes in the ordinance. Months ago when this ordinance was ungoing its first round of surgery, Councilman Magdits reminded the council that several big rec center contracts would be approaching, and did not want to have to wait until the 'regular' council meetings to award them. Has Magdits ever considered what the council did BEFORE it adopted the fast track method of public policy?

CURBSIDE CONTAINERS

Solid Waste Director Brady Wilson presented the council with a bid for new plastic recycling containers, which the council approved. The city will purchase 2,000 containers with a grant from the Department of Natural Resources. Containers will be distributed to households who are already participating in the curbside recycling program. An education program, outlining proper use for best results, will accompany the containers.

Containers will not have lids. Some members of the council expressed reservations about the lack of lids, but Wilson assured them that the lids would not be used enough to justify the extra cost.

RATS! SNAKES! FLEAS! OH, NO!!

Two nuisance abatements were heard from West 1st and South Main Streets. Ralph Allen, neighbor to both properties, testified to being bitten by a copperhead, having battles with fleas and rodent populations as a result of the conditions of the First street property. Piles of junk and an unmowed lawn are the problem, according to Allen.

Allen also complained that the South Main property, which has piles of demolition lumber, creates an eyesore for the neighborhood and inhibits his ability to rent his property next door. The property owner plans to build a house with most of the lumber on the property.

Property owners from both locations were present. They were each shown mercy from the council with regard to the abatement orders, as each promised to abate the nuisances themselves. The 1st Street property owner was given one week to clean up the mess. The property owners on Main Street were given 2 weeks to clean up the unwanted lumber, and 4 weeks to contract with a builder to begin construction of their house with the remaining lumber.

DUMPING IN CITY CREEKS

Discussion of the flood mitigation plan was interrupted by Councilman DeFriese and Rolla Citizen Arlene Dalton with allegations that huge amounts of concrete had been dumped in the creek along Green Acres Park.

Upon questioning, it was discovered that the concrete had come from the outdoor pool renovation by order of Parks Director Ken Kwantes. Kwantes' response to the charges sounded like something out of the "Bill Clinton 'How to Lie Without Really Lying' Handbook." He promised that the concrete would be cleaned up by mid-November, moved out of the creek and used as fill for the proposed bike trail that is to be funded by an ISTEPA grant.

Dalton claims her basement had flooded even BEFORE the dumping began and questioned why they would do such a thing. She presented the council with pictures to support her claims.

(It is important to note that park/creek dumping has been a common practice for years. Ponzer Park, near Hwy O and Sycamore is covered with old fill material. This area was prone to flooding before the dumping began. Ber Juan Park is another hot dumping area, with several new piles near the baseball field, and the old concrete in the creek. Troy Park, near Forum Dr. and Troy Ave. is another new dump area, and Southview Park, tucked behind Hutchinson has ACRES of fill. Not only is it terribly unsightly, it can pose hazards to the environment, as well as being unsafe for children to play around. Kwantes' claim that the newly dumped concrete along Green Acres Park will soon be cleaned up is not believable. He has let our parks go to pot and has earned the new title of "Dumps and Recreation Director." Why is this dumping going on in the creeks of our flood-prone town, especially when there are developers looking for fill materials away from creeks? It is ironic that the codes inspector is nailing residents for having dumps in their own

yard, while city departments dump unsightly, potentially hazardous waste in our creeks and parks!)

LOITERING

Councilman Jimmy Dale Williams voiced concern over a loitering problem that local businesses are having at night. Due to evening parking restrictions on private lots, Rolla's youth are forced to park on the street, especially along the popular "strip." Business owners are apparently fed up with the littering these kids are creating and are even threatening legal action against the city unless action is taken. Chief Pikka will look into the problem and report back to the city. Several possible solutions were suggested, including video surveillance, and restricted evening parking.

PROMISES FOR SOUTHVIEW DRIVE?

Nearly a dozen residents from the Southview Drive area came to the council meeting in hopes of having their road paved from Winchester to Oxford. The cost for a "temporary" road is \$44,000. If they wait for a traditional street with curbing and guttering, they will be waiting until 2005. The council voted for the quick fix for next year, provided adequate funds are available.

MAYBERRY SETTLEMENT NEARLY COMPLETE

In executive session, the council approved the final step in settling the lawsuit over the pension of Judge Joanne Mayberry. City Counselor Lee Bushie revealed after the session that the city would send the final papers to Mayberry's attorney. The city and legal community will split the cost to fund LAGERS (Local Area Government Employees Retirement System), which will provide a \$278.50 monthly pension to the retired judge. Getting to this point took three years and cost many times more than it cost the city to fund her pension.

COMMENTARY: WHO IS WRITING PUBLIC POLICY?

When the council heard from City Administrator John Butz regarding the proposed changes to section 2-4 of the city code, he said "**WE** have proposed an amendment," and "**WE** prepared that in the way of an ordinance." Suspecting that "**WE**" should have actually been "**I**", I asked Butz about exactly who wrote the amendment for the ordinance. He eventually admitted that he had written the changes, then gave them to the council.

What's wrong with that picture you ask? Butz is the city administrator, not a legislator and not a lawyer. Because the city council lacks either aptitude, insight, motivation, or all of the above, they allow a city employee to create public policy and write laws for them. NEVER is a piece of legislation sponsored by a member of the city council--the only persons with the legal authority to introduce proposed laws. It is usually written by Butz or some other department head, and it is introduced by any city employee who reads it to them!

Others cities do things by the book. Rolla could do well to learn from them. Check out the web page for the City of Springfield. <<http://springfield.missouri.org/gov/>>. This is an exemplary city which makes every effort to ensure due process for its citizens. They take a less reckless approach to the reading of a BILL (an ordinance isn't an ordinance until the bill is passed, except in Rolla.) Each bill has a SPONSOR, a member of the council who is well informed on the issue and who makes the initial motion to pass the bill. Suspending the rules is not a common practice in Springfield as it is in Rolla: the public is given an opportunity to learn about a piece of legislation and speak if they choose. The ordinance, when published, carries the date of original passage, the date of all amendments and, where appropriate the state

statute from which their authority derives to have such ordinance.

Springfield also provides an online service request program. You can report drainage problems, ask traffic service questions, request zoning law information, report abandoned vehicles and tall weed violations, and more. Just imagine if Rolla were to set up this service. They would be inundated with reports of infrastructure failure problems as are often hear on the police scanner, not to mention a host of other problems.

Springfield also defines the term "emergency" in their code. Rolla is only bluffing when they say you can't define an emergency until it happens. By avoiding written parameters for emergencies, the council maintains unlimited power, making it easier for them to make up the rules as they go, which was probably their original intent for this ordinance. This microwave process for public policy strips due process from the public. Of course, there are exceptions to the microwave method. If you are Judge Joanne Mayberry, a citizen with persistent flooding problems, the non-compliant sewer treatment facility, or the codebook in disarray, you get placed in the crock pot and are left to slow cook for years and years and years.

Like dumbfounded sheep the council has blindly been led into bi-monthly "regular" meetings They actually had the power before Section 2-4 went into effect in March to take any action at any meeting, but were told they were restricted by this ordinance.

What's to stop them now? Perhaps before the year is out the ordinance undergo another metamorphosis: perhaps the third time will be a charm.

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PLEASE FREE JUDGE MAYBERRY NOW!
