

No Standing News

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

Volume I

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COUNCIL CHRONICLES (11-1-99)

By Lois Ann Marler

CREEK DUMPING UPDATE

Public Works Director Steve Hargis presented the City Council with an update on the dumping of concrete and asphalt in Green Acres Park with pictures of the creek and a history of its condition.

This situation, which now has become a source of embarrassment for the city, has more and more residents from the Green Acres neighborhood voicing their opinions to the full council. Four different households from the neighborhood were at the November 1 meeting to voice their concern. One resident in particular said that they had just bought their house and had moved from another flood-prone area, not realizing that Green Acres has been having flooding problems as well.

Hargis explained the need to obtain a permit from the Corps of Engineers before they could remove any of the concrete, a motion that the council unanimously approved.

Councilman Brian DeFriese hit Hargis hard with questions about the dumping, adding that the rebar had not been removed from the concrete, and when DeFriese was inspecting the creek he gashed his leg on a piece of it. DeFriese continued by asking the only logical question: if a permit is needed to *remove* the dumped concrete,

is a permit needed to dump in the creek in the first place? To that question, Hargis answered, "Yes." Parks and Recreation Director Ken Kwantes, the one who ordered the dumping, said that he was "unaware" of the need to get a permit from the U.S. Corps of Engineers prior to dumping. He said, "The rules have changed over the years." (Will the council remember Kwantes' flippant disregard for rules and regulations at budget time next year when they dole out the pay increases? Doubtful. Just remember, folks: this is the same Ken Kwantes whose judgment is guiding the rec center.)

Hargis said that, "The Corps is aware of our situation," and he claimed the creek should be cleaned out within weeks.

Kudos to the persistent residents of Green Acres! They defended their properties in spite of the cavalier attitudes at city hall. Their willingness to research the problem and blow the whistle to the Corps of Engineers is commendable.

SEMI-ANNUAL REPORT LATE (AGAIN)

Since the State Auditor reprimanded the City of Rolla for failure to publish a semi-annual financial statement as required by law, it has been published, but not in a timely manner. The current report is late, as were the two previous reports. Upon contacting Finance Director Dan Murphy, he explained that the delay was, "...due to short staffing, numerous new projects and having the auditors on site."

It shouldn't take 6-8 weeks after the close of the fiscal year to produce these reports. What is the real problem?

PROCUREMENT POLICY CHANGES

In a 9-1 vote, the council approved revisions to their procurement policies. City Finance Director Dan Murphy presented the changes to the city council for their approval. One change in the new manual allows the City Administrator to approve contracts up to \$10,000 without council consent.

Upon council request, changes in the manual were highlighted for ease in reading. The term "Finance Director" is highlighted eight times. Just to refresh your memory, the council has NEVER passed an ordinance creating the office of Finance Director. There is no ordinance establishing this position which would outline the job description and make the position legitimate. Any officer that is named eight times in the purchasing manual should have a legal job description for the sake of accountability.

REC CENTER LAND CONVERSION

At the October 18, 1999, Council Work Session, the council heard from Kwantes on the necessity of purchasing replacement parkland if the rec center is built in Ber Juan Park. (Ber Juan Park's development was originally funded by a Land and Water Conservation Fund grant, which is managed by DNR's Outdoor Recreation Assistance Program, or "ORAP", and must comply with stipulations connected with the grant). Kwantes and Butz recently met with Chris Buckland, DNR's ORAP administrator. Kwantes said that it looks as if the land conversion process is going to be harder than previously thought.

We reported about the land conversion in NSN Issue #15*. Kwantes waited until after the rec center sales tax passed to announce this land

purchase requirement to the council. I spoke to Buckland about this. He said, "It is a long and drawn out process." He didn't specify on exactly how long the process takes, but the 11 requirements are stringent. Even if DNR gives approval for the city to build in Ber Juan, final approval is controlled by the National Park Service in Washington D. C. Buckland said that both his department and the National Parks Service consider public sentiment. If you would like to contact Buckland, his address is: Chris Buckland, Outdoor Recreation Assistance Program, DNR, P.O. Box 176, Jefferson City, MO 65102.

*NSN #15:

http://www.rollanet.org/~rwnash/NSN_1_15.htm
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ON AGAIN, OFF AGAIN, ON AGAIN...

It was inevitable: the Phelps County Regional Medical Center is back in the Rec Center picture, and should anyone be surprised? Negotiations between the hospital and city came to a screeching halt this past spring when the "CONFIDENTIAL" pro forma for the rec center was leaked to the public, which outlined plans for the rec center to include a "mini-hospital." Public outcry caused a cooling-off period between the hospital and city.

At the November 1 City Council meeting, City Administrator John Butz tested the council waters by bringing up the touchy subject. The previous 7,000 square feet hospital 'wing' outlined in the March '99 pro forma has now been reduced to a 600-900 square feet room, which could be used by the city, seniors, the hospital and County Health Department. Butz said that he has talked to the hospital in recent weeks about the "relationship" of the hospital and city under the roof of the rec center. He emphasized that the council will have the final say on the issue. Councilmen Rothwell and Barklage chimed in agreement that the council already approved

the conceptual base plan for the rec center, which did not include use by the hospital. They emphasized that any hospital-designated space must not infringe on the existing 61,300 square feet base plan, and would have to be built in addition to the approved base plan.

Councilman DeFriese was incensed at the prospect of the hospital coming back into the picture. Mayor Morgan stated that the council gave him, Butz and Councilman Magdits the "right" to negotiate with the hospital. According to the past city council agendas, the only thing the council approved concerning the hospital's involvement in the rec center project was a motion to approve the draft 'Letter of Intent' between the city and hospital, which passed unanimously on 1-4-99. This is another example of Morgan managing the chessboard without the council's knowledge. The burning questions, though, are, "Where is the hospital board in all this?" and "Why have they been silent while these secret "negotiations" took place?"

I contacted Butz about this new prospect and he said, "We have not negotiated any formal relationship or any monetary consideration but I have let the Hospital know that if there is a 'health' presence involving the hospital (even if only for a 'health, education and nutrition' room) the hospital would have to pay the capital cost plus the operating cost of same."

Finalized plans of this hospital/city 'relationship' are due to fall under the council's rubber stamp in the next 2-4 weeks.

CHAMBER TRIES TO JUSTIFY NUMBERS WITH MATH GAME

At the November 1, 1999, City Council meeting, Buz Harvey, of the Rolla Area Chamber of Commerce, addressed the council with the required Tourism quarterly report. The report was placed in council hands just minutes before they were asked to accept its findings. He

highlighted how the Chamber is promoting 'tourism' in Rolla by naming the 1999 Summerfest and Downtown Art & Crafts Festival as tourist attractions. (We seem to recall the Arts & Crafts Festival existed for many years before the Chamber started taking credit for it). In light of the Chamber's contracted service to promote tourism in ROLLA, he defended the Chamber's claim to the number of 'visitors' to the Visitors' Center. He used a mathematical equation in an attempt to prove that traffic gridlock does not exist at their center, which he still claims packs in over 30,000 'visitors' per year. (I do hope Mrs. Bates' 5th grade class, who attended the meeting, was paying attention.) It goes like this: 'Visitors' don't equate with "cars." During the busy summer months, the Visitors' Center averages 14 'visitors' per hour. Each 'visitor' is not the sole person in the vehicle, but are riding in a vehicle with an average of 2.7 passengers. According to Harvey's calculations, that equates to approximately 5 cars per hour, which do not cause a traffic problem at the Visitors' Center.

The Chamber is trying to mystify our minds with mathematics. The facts remain: the Chamber utilizes local tax dollars to promote tourism for BRANSON.

This past summer I visited a bona fide tourist town, Mansfield, Missouri, population 1,400, and toured the homestead of Laura Ingalls Wilder. The tour guide told me that they usually get 50,000 visitors (that's real people, not cars) per year. It was buzzing with activity, and needed a parking lot 3 times the size of the one at our local Visitors' Center. I was also impressed with their Chamber of Commerce Visitors' Center. Instead of incurring a huge building debt on land they don't own and waiting for a city bailout, Mansfield parked a nifty old caboosie by the highway and serve their 'visitors' just as effectively.

OH, BY THE WAY! WE'RE GOING INTO CLOSED SESSION TONIGHT

Morgan waited to announce this one until 45 minutes into the meeting. Not even the council knew they were going into closed session! Councilman DeFriese complained that there was no information provided for them in their packet concerning the closed session. DeFriese asked if notice of the closed session had been posted at least 24 hours previously, which is required under the Sunshine Law. City Administrator John Butz claimed that it had been posted on Friday. This is a gag they pull on the council and the public on a regular basis. They wait until the building is about to close and put a notice on the inside bulletin board and then lock up the building so no one can see it over the weekend.

After the session, City Attorney Lee Bushie (the other city attorney) announced that the city discussed the possibility of purchasing land for park property.

MORE QUESTIONABLE CLOSED MEETINGS???

On 10-18-99, the council held an exec session, citing the "litigation" provision as reason for the closed session. When the session concluded, the city counselor announced, "While in executive session the council was advised of future landfill options for the city which carry certain liability and litigation concerns. The council comments were received. Motion was made and passed to continue exploring the feasibility of purchasing and operating a landfill site outside Phelps County in consortium with other cities."

I contacted John Butz to confirm the presence or absence of a lawsuit, implied or otherwise. He wrote, "There is no pending legal action or claim regarding this matter. We have been approached by a group of public agencies and a consulting firm to inquire into our interest in acquiring and developing an alternative landfill site in this region. The discussion centered on privileged communication between the Council and the City Attorney on the interest of pursuing such a

matter, the legalities of doing so, and the legalities of entering into some kind of consortium of ownership. I probably could have marked the agenda as 'real estate' but there are many more legal ramifications in a landfill operation."

I suppose our state lawmakers were too ignorant to see the need to include "landfill discussion" in their laundry list of provisions for going into closed session. This is hogwash! By using Butz's rationale, the council could discuss EVERYTHING in closed session.

POSTED: NO EAVESDROPPING

At the end of the November 1 council meeting, Mayor Morgan announced that due to an eavesdropping and window-peeking problem during closed session, a bubble zone would be imposed on anyone waiting in the hall during closed session. He said, "If they can't honor council's need for confidentiality when talking about personnel or any other information that fits under the Sunshine Law, then we have to move them down the hall further." The "they's" and "them's" that Joe was referring to is NSN, of course. It seems we have gotten under his skin so much that he is getting paranoid.

ATTENTION RMU RATEPAYERS

Just remember, if your electric services come from Rolla Municipal Utilities, you were overcharged this month for the benefit of RCDC's private industrial park.

COMMENTARY

During a Rolla City Council Closed Session, the audience is asked to leave the council chambers and the doors are closed. The doors are closed so that no one outside the doors can see or hear what is going on inside. The remaining audience has no place to sit except on the floor while they

wait from 30 minutes up to 2 hours for the meeting to resume. This has been a common practice for years, but it is about to change.

Mayor Morgan, in an independent act, has issued a decree that will calm his apparent anxiety about the lurking eyes and ears in the hallway. It's interesting that no previous mayor or council has ever been concerned about this alleged threat to their privacy. That's because it doesn't exist. If it did exist, the door would have been redesigned to inhibit any leakage of their secret meetings long before now.

He has reason to be worried about the eyes outside the door considering how often he and the council have violated the law INSIDE the council chambers. Perhaps he's suffering guilt from breaking the law himself. In light of reports coming from State Auditor Claire McCaskill's office, Rolla's abuse of the Sunshine Law is common practice among various governmental entities. (More about this topic in an upcoming NSN article).

After the awful misfire in September in his clumsy attempt to blame NSN for the delay in Judge Mayberry's pension, we predicted there would be more attacks from Morgan. His whining about needing a "bubble zone" is a product of either fear of NSN or just another example of the pettiness we have seen him exhibit to citizens and even council members. What will his paranoia come up with next?"

FREE JUDGE MAYBERRY NOW!!!

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