

No Standing News

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

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Part Three of: "The End of Democracy as We Know It?"

THE LETTER THAT RESURRECTED THE GREEDY BEAST

At the Monday night meeting on January 3, the council will be severely pressured to reverse their previous decision to let the voters decide the fate of Buehler Park. How did twelve people who hold all the legislative power in the city get stuck in such a mess? It started in December when John Butz got a letter from a local law firm who represent a secret developer who has a secret client who wants to buy Buehler Park using Mike Woessner, owner of Investment Realty, as their agent. The letter was stamped with city hall's big silly CONFIDENTIAL stamp which means absolutely nothing but does bluff some people into thinking that they will be clapped in irons by the stamp police if they spill the beans. Other people seeing this bogus warning can't wait to get to the phone to tell all about it. The letter was in the council's meeting packet but was not discussed in closed session; therefore, it is not confidential at all. It is just another letter and as such is a public document about a very public issue. Someday Butz will catch on that the fastest way to get information circulated in a small town is to use that dumb stamp.

The Mystery Guys. The letter explained that a mystery developer and his mystery client wanted to make an offer to buy Buehler Park but did not want their identities revealed. They feared that if people found out who they are and what they

want to do with Buehler Park, they would wind up being chopped meat like Cracker Barrel. If the council absolutely insisted on knowing to whom they were selling the park (not an unreasonable thing for the council to want to know) the Mystery Guys demanded the council members each sign a confidentiality agreement swearing not to reveal their secret identities until after the deed was done. (Doesn't this sound like something hatched in a schoolyard or the mayor's office - often the same thing.) The law firm, on behalf of the mystery developer and the developer's mystery client, passed on two more demands. One was that only council members who had signed the loyalty oath and were actually present when they took off their masks (figuratively speaking) could be privy to their identities. Presumably any council member who missed the unveiling would be barred from further meetings and made to sit in the hall. They stopped short of demanding a blood oath and no secret decoder rings were required - as far as we know. Then the last condition. The council had to guarantee the commercial rezoning of their choice for the park property. By that, they meant the council would secretly promise their zoning votes in advance and then the Mystery Guys would put in a token zoning request knowing in advance the council had sold out their own due process requirements. Why is commercial zoning so important? It's important because you must have at least C-2 zoning to get a liquor license. Are you beginning to get the picture? This ain't no grits and gravy joint. Gee, they sound like swell guys. We can't wait to have people like that join our community.

So that, readers, is the letter that resurrected the Greedy Beast who is hell-bent on devouring Buehler Park. Morgan and the Chamber of Commerce just won't rest until you give up your park so they can complete the Visitor Center Empire by purchasing the land the Chamber built their building on. They're perfectly willing to put council members through any amount of pain to do it.

Council members should have been insulted at such arrogant demands and outraged by the thinly veiled solicitation of illegal conduct. Instead, they agreed to start the bid process to sell Buehler Park to "someone" while everyone pretended they didn't know the mayor already had a "someone" lined up. The fact that Morgan, Butz and Beger would even pass garbage like this on to the council demonstrates just how far they are willing to go to placate the land-hungry Chamber of Commerce. John Beger who, it is alleged, represents the city, failed to inform the council that they cannot be required to sign any agreement, confidential or otherwise, which might conflict with their oath of office. Suppose for example, they signed this confidentiality agreement and during closed door negotiations discovered that they were being asked to enter into agreements with persons with unsavory reputations or were expected to go along with some illegal activity (we mean something more illegal than has already been proposed). Do they violate the confidentiality agreement and risk a lawsuit to publicly expose the scheme, as their oath requires? Or, because of the agreement do they say nothing, which violates their oath of office, and makes them a partner in the criminal activity? With very rare exceptions elected officials cannot be required to sign any agreement that would compromise their oath of office. The other demand, that only council members who sign the secrecy agreement be told what is going on during subsequent meetings, is equally absurd. That is a violation of every elected officials right to access any and all information having to do with official business whether they were present

when it happened or not. What kind of people make demands like these and why? What kind of business are they in?

Clearly uncomfortable with the tone of this letter on behalf of the Mystery Guys and recognizing the slippery slope the mayor was pushing them toward, council members at the meeting on December 20th, jumped on the suggestion to put the question to the voters. The mayor was livid and threatened to use his veto. For the Monday night council meeting John Butz drew the short straw and has been assigned the task of 'persuading' the council to reverse their referendum decision and put their collective heads back into the Buehler Park noose. If they do this and go back to the bid process they will probably be dealing with the Mystery Guys and their weird demands. On the other hand, if they stick with their decision to let the people vote, they will get hammered by the mayor and the Chamber - or will they? How much of what Buz Harvey has said and done in the name of the Chamber represents a true consensus of the entire chamber membership? Have those members ever voted on any of these tourism schemes? Do they see any measurable impact on their businesses from the tourists and convention business Buz claims to have brought here? Do they honestly feel the citizens of Rolla owe them so much?

The council does have one other option - they can simply do nothing. Doing nothing is often the wisest political decision. In this case, with their own lawyer scheduled to present his oral arguments in a still-active lawsuit the very day after the council meets, refusing to do anything until they are dead certain the case is truly, and finally settled is the most prudent course of action. The mayor and the chamber have deliberately concealed from the council and the public important new information about the status of the appeal and the very real risk (if the Plaintiffs-Respondents are successful) that the original lawsuit could be re-filed, re-tried and could produce a wholly different verdict. By

concealing this information, Morgan & Company have deliberately, and with calculation, hustled the council into approving a sale before the Appeals Court decision is expected. This double-cross of the Legislative Branch of city government by the Executive deserves the strongest condemnation by both the council and the public. What position will the council be in if, in their ignorance, they approve a deal within the next 60 to 90 days and then learn that the Appeals Court has ruled against the city on the bond forfeiture and has permitted new argument to be presented on the original question? What liability will they have exposed themselves to if the court decides that they had no legal right to sell a dedicated public park? If they have already approved the sale of land with a flawed title and enraged the public to boot, they will very likely be hit with lawsuits from all injured parties. This is one time when the council should demand to see and then carefully read the briefs. They will be appalled at how weak their case is.

Going ahead with the referendum will do no harm. Doing nothing until they are certain all court remedies are exhausted will do no harm. Telling the Chamber to get off their backs and pay for their own land will do less harm than some probably think. Doing anything else, particularly anything the mayor and the Chamber advise, is pure folly.

We recommend that the council make haste sl-o-o-o-o-ly and proceed *"in an open and up front manner having learned from past mistakes that public disclosure and honesty is all that is needed to retain the confidence of our constituents."* That's very good advice. Too bad Joe Morgan didn't mean a word of it.

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