

# No Standing News

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

Volume I

Number 14

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## COUNCIL DEBATES FOLLY AT SECRET "PUBLIC" MEETING

**Part 1. The Council dilemma: IF THEY HAD SOME HAM THEY COULD HAVE HAM AND EGGS - if they had some eggs.**

**Part 2. The Council's Only Way Out: A LEGAL PARK BOARD**

### **Part 3. IF WE DON'T HAVE A PARK BOARD -**

**WHY DO WE HAVE SO MANY PARK BOARDS?**

**R**olla's Dirty Little Secret - Ken's Big Lies: Ken Kwantes knows quite well that the city is supposed to have a Park Board and that he should be taking his orders from them. We have proof that he knows. NSN has the lists of so-called **Rolla Park Board Members** that Kwantes has been inventing and reporting to the Missouri Park and Recreation Association (MPRA) for years! That's right, Ken and various city administrations have been secretly reporting to the MPRA the names of nine non-existent Rolla Park Board members! The MPRA is an association of Park and Recreation Boards in the state. This association charges the city annual dues and gives its members information related to parks and recreation management, legislation, grants and so forth. They have meetings and conferences for members so whenever Kwantes goes to one, he spends your tax money for his meeting costs and expenses. The MPRA is quite legitimate - Kwantes and his Secret Park Boards aren't.

The city council was confronted about the fake park boards at the council meeting on Monday night by NSN writer Lois Marler. Kwantes said he had used the names so they would all receive publications from MPRA. The mayor tried to downplay the accusations by saying the board doesn't exist, therefore Kwantes' lies weren't important. He tried to prevent the list from being read, but Councilwoman Jepsen insisted on hearing it. Councilwoman Sheffield was appalled to know that her name was used. She demanded that it be removed and said she had never given permission for her name to be included, nor had she ever received any publications from MPRA.

Councilman Magdits was indignant and accused Marler of "nit-picking." When they get caught they always call it nit-picking. We think it's very important that they have an employee who is so out of control that he can say or do anything without fear of discipline. We think lack of integrity and honesty by city officials can't just be brushed off as nit-picking. Magdits and Morgan both belong to the Richard Nixon school of government: 'When we do it, it's not illegal.'

The names of the people on Kwantes' phony Rolla Park Board are LIES because the city hasn't had a statutory park board for 19 years so it obviously can't have any members. Since 1996, the names on the fake Rolla Park Board have included: Terri Beaugard, Kristy Dilley (Ken's secretary), Steve Hargis, John Hawkins, Ray

Hovellmann, Robin Kordes, Lou Magdits, Gary Miles, Joanie Mullin, Judy Williams, John Butz, Elwyn Wax, Gladys Light, Bob Hosmer, and Monty Jordan. Notice in the legal Park Board statutes RSMo 90.520 in "Council Debates Folly"... Part 2; it says that "no member of the municipal government" is allowed to be a member of the city park board. That's one way you can tell this list is a Kwantes LIE. The names he uses have always included city elected officials or city officers and employees. Even the application for MPRA membership stipulates, "A maximum of nine (9) **lay** park and recreation board/commission members are included in the membership." In the most current list 7 of the 9 members are city officials. Bob Hosmer, who hasn't worked for the city since December 1998, didn't know Ken was using his name. How many other employees, elected officials and citizens are unaware that he has been using their names and reputations to tell an official city lie? How many other lies do we not know about?

Kwantes must be aware that we have been digging up his lies to the MPRA because in the latest '99/00 edition of the MPRA directory he modified the name of the phony Rolla Park Board to the equally phony "Advisory Committee." The names Kwantes is currently using for the false 1999/2000 "Rolla Park 'Advisory' Committee" are: **Joe Morgan, Bettye Sheffield, Don Brown, Lou Magdits, Don Barklage, John Butz, Steve Hargis, Maggie Thomas and Bill Moorkamp.** Those names sound familiar don't they? But that's not the only spurious Park Board/Committee the city has had since our legal park board was illegally dumped in 1981. This is a list of the Rolla Park Boards and Park and Recreation related committees that we've found. There could be more.

1. **Rolla Park Board** established by statute in 1953. In an illegal, and therefore invalid act, the ordinance was repealed in 1981. They may have eliminated the city ordinance but the state statute

requiring Rolla to have a nine-member park board is still there and we still must have one.

## 2. **Kwantes' secret Park Boards aka**

**"Advisory" Park Board:** Invented annually by Ken to lie to the MPRA and hide the fact that Rolla doesn't have a real Park Board that he has to take orders from and answer to. We don't know how many of the last 19 years he has been doing this. We only checked MPRA records going back to 1996-1997 to prove that there is a pattern of behavior by Kwantes that the council should be concerned about. He says it was just to get magazines.

3. **City Council Ad Hoc Park Committee:** In 1997, the city's web page listed these members: Lou Magdits, Robin Kordes, Monty Jordan, and Mark Rolufs.

4. **Citizens Advisory Park Board:** This one was also listed on the city's web page in 1997: Joanie Mullin, Judy Williams, Terri Beaugard, Gary Miles, and John Hawkins. By the fall of 1998 both these committees (#3 and 4) were removed from the web page.

## 5. **Ad Hoc Recreation Development**

**Committee** appointed by Mayor Morgan and approved by the council in 1998. Lou Magdits, Don Barklage and Julie Turley were on this committee, which later was expanded into the more recent "Moorkamp" committees. This committee is the one that has ruined the swimming pool and is about to build an in-town country club with our tax money.

**Robert Who?** We will point out here that when the city council creates any committee it continues to exist as a standing committee unless, in its initial authorization, there was a date given on which it expires. Except for the most recent committee, the AHRDC, we know of no termination date for park board/committees #3 and #4. If there wasn't one, they still exist. There are two overlapping park committees not

counting all of Ken's phony park boards. That's a fact that can't be denied because it's in Roberts Rules of Order, the city's legal rules of procedure. They habitually ignore Robert and all his Rules right along with the Constitution and state laws - but we won't go there right now.

The interesting thing about all these bogus Park "things" that have been created is why they were created. If the city council didn't think it was necessary to have a park board in 1981, why have they periodically found it necessary to invent so many counterfeits since 1981? Well, we think Park Board/Committees #3 and #4 were probably invented to create a legal-ish sounding Park something-or-other to get Moorkamp's recreation ideas rolling. Whatever their purpose, as far as we can tell, they never met and never accomplished anything.

The subject of Rolla's missing statutory Park Board has surfaced now and then since the Buehler Park issue emerged in 1996. On March 11, 1998, City Counselor John Beger gave his written "opinion" on the subject, saying that according to state law, Rolla is not required to have a park board. More recently, Beger's partner, Lee Bushie, has interpreted the same law as he thinks it applies (or doesn't apply) to the sale of Buehler Park. [<url #1 - Beger opinion>](#)

**The Mayor's Raw Nerve:** The latest park board discussion started on January 3, 2000, when Councilman Brian DeFriese said that the provision in the Buehler Park referendum ballot language (Morgan hadn't killed the referendum at that point) that park sale proceeds would go to "parks and park improvements" was superfluous. DeFriese explained that by law the proceeds couldn't go into anything BUT the park fund. DeFriese wasn't disagreeing; just making an observation that the provision wasn't necessary because state law required the money to go there anyway. The Mayor's normally rude and angry reaction to anything DeFriese says was even more extreme this time. Morgan blew his stack

and demanded that DeFriese produce the state law he was referring to as if DeFriese had disagreed with where the money should go. Two weeks later at the January workshop he again spluttered and spewed and demanded that DeFriese produce that particular law. Morgan had a lawyer sitting right next to him. Why did he need DeFriese to look it up? Why did such a simple observation, which wasn't actually in disagreement, upset him so much? Did DeFriese touch a raw nerve, or was the Mayor afraid he was getting close to one. The Mayor then turned to City Counselor Lee Bushie for his "legal opinion" on a question that DeFriese hadn't asked! Bushie replied:

*"Yeah, let me just say I think I did a poor job at last meeting responding to your question. There is that statute, it's a statute, not an ordinance, park boards, and it talks about, there's a levy, that the citizens may tax and then if the park board, voted to appoint, then that money has to go back to the fund. Well, that wouldn't apply if Buehler Park were sold. The facts with Buehler Park don't fit that statute. So to my knowledge...and it's different with Ber Juan cause that's a different process that we're going through there on the 6(f) conversion. There's no state or federal statute or regulation that would apply in the event that the park were sold. So the statement that we're bound to take the proceeds from the sale of Buehler Park and use those for any certain purpose or any certain fund, I don't think it's correct, and I should've said as much to the council."*

What Bushie should have done was better legal research and he should also have stuck to the subject - Ber Juan and the 6(f) conversion had nothing to do with the question - if there was a question. Not only must the proceeds of Buehler Park (if sold) go into the Park Trust Fund (even if they don't like to call it that, that's what it is), but the new sales tax for the recreation projects is also supposed to go into the Park Trust Fund! Both types of revenues can be spent only by a

legal Park Board - a board the state assumes we have. <url #2, url #3 >

We've observed before that these "legal opinions" from the city's lawyers are usually off-the-cuff, poorly researched and never contain supporting citations BUT they are always in the Mayor's favor! Morgan's odds of always getting the opinion he wants from Beger and Bushie are beginning to defy the law of averages. Is this typical of how city attorney's advise their clients? We don't think so.

**More Mud in the Water.** Councilman Rothwell is now proposing that there be two park departments. One will continue to be mismanaged by the overpaid Kwantes and another real recreation director will be hired for the recreation center and outdoor aquatic center. It's likely that each will wind up sooner or later with some kind of board. Add phony park boards #6 and #7 to the above list. There seems to be no limit to the flopping, floundering and maneuvering that the city will go through so the park system can be controlled by reigning political factions instead of a legal board that is accountable to the public.

**Never a Silver Bullet When You Need One.**

For some reason we can't fathom, Ken Kwantes seems to be bullet proof. No matter how bad his performance has been since he was hired 25 years ago to clean out the pool and mow the grass, no matter how he lies, he's still here! Now he is the sixth highest paid official in the city and, by council default and the Mayor's blessing, he will (one way or another) be given the city's largest project and have an assistant who will be more qualified for his job than he is. A powerless board of five "business" people will be appointed to give him advice, which he will ignore. The "aqua center" is DOA and the recreation center is already circling the drain.

Ken's thirteen-page pathetic excuse for a budget and marketing plan for the "Birdbath" from Tuesday, February 22nd, had the council gasping

for air. The only thing the council learned from it is that he thinks coloring contests are marketing and they "discovered" that he's been losing between 30%-50% of what it takes to operate the old pool every year for the last four years. Why were they surprised? They are the ones who have approved his growing deficit budget every year without question. Why did they never investigate WHY it just kept getting bigger and bigger and exactly where the bleeding was coming from? They pay an audit firm every year to audit the city and have never once told their auditors to give his department a special examination so they could find out how much of the \$283,000 annual park subsidy was unavoidable and how much was just due to his bad management. Kwantes does have a few apologists on the council. They tried the absurd claim that he just hadn't raised the pool fees enough in previous years. They argued that if he had raised them a lot every year the new fees wouldn't look so bad by comparison. In other words, we should have been paying jacked-up prices a lot longer so we would be used to it by now! All they succeeded in proving is that they are capable of making up stupid excuses for him and he wasn't capable of running the old pool, either.

**Ken's Little Business.** Ken has been getting away with giving his slippery non-answers to questions about his management as long as he has worked for the city (reason enough to fire him) and it's amazing how he always gets away with it. We found this Rolla Daily News article reporting on a Park Board meeting on October 13, 1981. Some of the board members were trying to pin Kwantes down on why the concession stand at the pool always lost money - remember this was 19 years ago! This and other serious financial and management questions as well as his job description were the bones of contention that ultimately led to council repeal of the Park Board. The following Q & A was part of the RDN article "Kwantes Questioned by Board Members" by Larry Allen. This is typical of the

meaningless and inane answers Kwantes gives to all questions.

"(Park Board member) Moynahan asked Kwantes if there had been a profit at the concession stand. "The profit you see does not add in the front-end costs, Kwantes said. "The problem is the front-end costs are flexible." By front-end costs, Kwantes was referring to wages paid park employees. He said more than one employee worked in the concession stand at any given time. "Did you have a gross profit?" Moynahan asked Kwantes. "Right," Kwantes said. "Last year it was between \$2,500 and \$3000." "You should have a profit after your employees are paid," Moynahan said. Kwantes said there was no way of knowing the amount of the employee cost. "It would be hard to do that without a time and motion study," Kwantes said. Moynahan then asked Kwantes if he could account for all the food sold at the concession stand. "At the end of the day, can you say 50 hamburgers were sold and there is money for 50 hamburgers in there (the cash register)?" Moynahan asked. "It's hard to pin down," Kwantes said. "Ken, would it be feasible to charge one person, salary to concessions each day?" Mrs. Williams asked. "Yes," Kwantes said. "It is feasible."

Today those same problems exist and the questions are still unanswered. If they were asked again, they would get the same no-answer, answers from Kwantes. He needs "a time and motion study" to find out what his labor costs are? It's "hard to pin down" how much money is in the cash drawer at the end of the day? How can anyone keep an employee who gives answers like that? Now the Mayor and Butz are going to hand over this whole project to Kwantes, a department manager who thinks he has to do a time and motion study to figure out labor costs.

### **How Long Will This Just Keep Going**

**Downhill?** The answer is - as long as people let it continue, as long as taxpayers sit at home waiting for someone else to stop it for them. As long as there is no loud and public demand that they stop serving themselves and start serving the public. Silence implies consent and the silence has been deafening for 20 years.

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<url #1 - Beger opinion>

[http://www.rollanet.org/~rwnash/Beger\\_letter\\_Park\\_Board.html](http://www.rollanet.org/~rwnash/Beger_letter_Park_Board.html)

<url #2 RSMo 90.550>

[http://www.rollanet.org/~rwnash/Rsmo\\_90\\_550.html](http://www.rollanet.org/~rwnash/Rsmo_90_550.html)

<url #3 RSMo 644.033.>

[http://www.rollanet.org/~rwnash/Rsmo\\_644\\_033.html](http://www.rollanet.org/~rwnash/Rsmo_644_033.html)

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