

# No Standing News

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

Volume I

Number 66

July 14, 2000

## "BUSINESS MAYOR" SHOOTS HIMSELF IN FOOT - AGAIN

### Then Magdits and Four Councilmen Declare City-wide Garage Sale

**F**amous last words: “All Rolla needs is to be run like a business.” The “business” of selling Buehler Park for commercial exploitation became an official flop at the July 5th council meeting. Joe Morgan, the “Business” Mayor, got only one bid for Buehler Park. What an embarrassing anti-climax after all that bullying, law breaking and wasting staff time and money! It produced just one bid that the council rejected in closed session. The bid was from “Forever Green Services”; Forever Green’s principal is Linda Novak. FGS offered to lease the park to operate it for recreational purposes, which, of course, was absolutely unacceptable, so her offer was rejected. Morgan and Magdits want to destroy Buehler Park for some great commercial enterprise to prove their business prowess and pander to the Chamber; they don’t want to preserve the park for public enjoyment. It’s now clear to everyone except Morgan and Magdits that no one wants to buy the park as much as they want to sell it.

The selling of Buehler Park is over. The only question is how much longer will the council keep letting Morgan and Magdits beat this dead horse? Judging by the next folly at this council meeting, it will be quite a while longer. You didn’t

read or hear about this from the “licensed, recognized media,” KTTR and the RDN, because they left early. We stayed for the full meeting and so did Channel 16.

**Lou’s Big Lie. Councilman Lou Magdits and Mayor Morgan**, faced with eating crow in public, arranged a ploy to save face and keep the door open for what they hope will be a late and illegal bid from their only other live sucker, C.B. Baber & Associates, a developer from Columbia. [A](#) faxed letter from this developer, received on June 19th, **three days after the bidding deadline**, said he might make an offer if the deadline were extended for his convenience. This was like a lifeline to Morgan and Magdits. If they could pretend that the bidding wasn’t really over, despite the fact that all official documents said the bidding was over on June 16th, maybe he would show up later and offer them enough money for the park to justify all the time and money they have wasted. So Edgar Bergen and Charlie McCarthy worked out a plan, complete with a written script. Thus, they managed to turn what would have been merely an embarrassing moment into a public policy nightmare that puts all city assets on the auction block—permanently. Steven King could take lessons from these two.

The “Magdits Plan” was to put everything in the city up for sale, including all public parks, so they could pretend that a belated offer—if it just happened to be for Buehler Park (wink,

wink, nod, nod)—well, that would only be a coincidence, wouldn’t it? That IS throwing out the baby with the bath water! The plan was so lame that the normally arrogant Magdits was visibly nervous about explaining it. Normally, Lou’s demeanor in and out of council is arrogant and condescending. He’s not one of us “idjit hillbillies.”

Lou had his motion written down and was ready to go. As soon as City Counselor Beger announced that the council had voted to reject the only bid they had received, there was an off camera, stage right prompt, “Now?” and the Mayor, with a big smirk on his face, pointed to Magdits and said, “Yes, sir,” cueing Lou that it was time for his performance. This was Lou’s justification for his motion:

Lou Magdits: **“Just to repeat for the public benefit, (Repeat from where? The script conference?) there’s a couple of perceptions that I would like to deal with here regarding Buehler Park. One is that there’s been a “For Sale” sign on it and the council has been actively soliciting a sale, which has been an incorrect perception for quite a long time.”** (Lou, you have only been voting to sell that park for five years, pardon us for being confused. Did the rest of the council know they weren’t “actively soliciting” the sale of the park when they voted in February to actively solicit offers to sell the park?) **“The second misconception I think is that this date that we had set to receive proposals, since it is past and we have**

**not accepted the one that we have, that there is no longer going to be proposals received or evaluated by city council. I think that's incorrect."**

(Well, excu-u-u-u-se us again, Lou! We were laboring under that particular delusion only because the request for proposals said the proposal deadline was June 16th. Was Magdits telling us that we should never believe what the city says even when they put it in writing? Too late, we already figured that out.)

Lou continued: **"I think we have a fiduciary responsibility to evaluate any and all proposals that may come our way, and we're responsible for managing the city's assets and I don't think we can just say, 'don't open them' or 'don't receive them.'"**

Fiduciary responsibility? Councilman Magdits, after masterminding the frittering away of the \$11.7 million recreation tax on something the community doesn't want and can't afford to use has suddenly discovered "fiduciary responsibility"? Good Heavens, what next?

Notice Lou's use of The Big Lie: the technique always employed when they have something really dirty to do. Notice also that this fiasco first had to be blamed on somebody else. WE have had "misconceptions" about selling Buehler Park and WE had "misconceptions" about the bid deadline. After he had set us straight about how WE had everything all wrong, Magdits then made the most bizarre motion we have ever heard – and we have heard more than a few from this bunch.

**The Great Garage Sale Motion.** The motion was this: **"The city council acting in a fiduciary responsibility that city administration receiving any proposals in the future to submit them to the council for review."** Correct the grammar and it still makes no sense but that's what he read off his paper; that's exactly what the Clerk read back to them before they voted and that's what they voted to do. It's now city policy that everything in the city is for sale. No bids, no time limits, no rules – they've

established a permanent garage sale. Now "everything" is for sale—every park, every truck, every copy machine, every asset YOUR taxes have purchased over the years, every piece of public property YOU own, the council can now sell at anytime without notice – even the newly redecorated City Hall. Because of Magdits, Brown, Eudaly, J.D. Williams, M. Williams and the Mayor, the Council are now obliged to vote on every offer they get and they must take offers at any time and without limit because Magdits removed the city's option of setting time limits on receiving offers or even specifying what is and what is not for sale. Lou doesn't know it but cash is also a city asset. If you offer them 25 cents on the dollar for their cash accounts, the council has to vote on it.

**"Come on down, Folks, to Lou and Joe's BIG SALE. We got trucks, We got pencils, We got mowers, We got parks... Every Thing we GOT has Got-ta, Got-ta, Got-ta, Go-o-o-o!"**

For your convenience, we have a form for you to use if you want to participate in the never-ending City of Rolla Garage Sale. Don't delay! The good stuff always goes early.

-----**Form for Making an Offer to Buy a City Asset**-----  
**During the Never Ending City-wide Garage Sale**

**Send to:** John Butz, City Hall, 102 W. 9<sup>th</sup> Street, Rolla, Missouri 65401

**Dear Mr. Butz: I would like to buy a city asset. The city property I would like to buy is:** (Describe item and location if possible. For instance: a public park, Murphy's computer, the city truck Ken Kwantes drives around in even though he also gets a \$250 a month car allowance, a forklift, a filing cabinet in Carol's office, the dispatching equipment, City Hall, etc.)

---

**I am offering \$ \_\_\_\_\_** (fill in amount) **for this city asset.**

**Please let me know when my offer will be on the City Council agenda for the Council to vote on.**

(Include your name and address so they will know where to deliver your stuff.)

---

Magdits' asinine motion was really nothing more than a poorly disguised ploy to keep the door open for the Columbia developer or anyone else who might throw them a rope with lots of cash attached. The reason Lou was so unusually diffident when he made his motion was because he knew that legally he was on very thin ice. It's illegal to take more bids after you have opened the bid or bids you have which were submitted according to your deadline. Magdits was probably nervous because he wasn't sure there were enough gullible twits on the council to get it passed. He was right, there weren't enough on the council – until they added the Mayor.

Councilman Kiefer, not the only council member stunned by the monumental illogic of Magdits' motion, asked, "Any asset?" Having already shoved his foot firmly into his mouth, Magdits now bit down on it. "Absolutely! If someone wants to buy this city hall and lease it back to us—an asset is an asset," he answered. Ward 2 Freshman Councilman Matt Z. Williams seconded Lou's motion. The council voted. Those in favor of selling

"everything" the city owns were: **Brown, J.D. Williams, Eudaly, Magdits and M. Williams.** The grown-ups who voted against his silly motion were: **Visnapuu, Rothwell, Kiefer, DeFrieze and Jepsen.** The absence of **Barklage and Wiggins** produced a 5-to-5 tie, which the Mayor has to break.

**It Depends on What the Definition of "Yes" Is.** We think the Mayor broke the tie in favor of selling "everything" the city owns – selling things taxpayers have paid for is a notion "Morgan the Business Mayor" really likes. But no one can be positive that he actually voted because our Mayor, submersed in his usual parliamentary funk, only said, "Yes...the motion passes." You could assume, and the City Clerk probably will when she types the minutes, that the Mayor was voting "yes" in favor of Magdits' motion, but no one will ever know because he didn't announce that he was casting his vote. He just said "Yes..." We could also assume his "Yes" meant, "Yes, this is going just the way we planned," or "Yes, it's July," or it could have meant, "Yes, I know when to come in out of the rain."

**There Shouldn't Have Been a Tie...** and there wouldn't have been if Councilman Matt Williams had abstained from voting because of his conflict of interest. Did he really not know that his father's law firm was involved in this? Did his new best friends, Morgan and Magdits, not tell him there was an offer for the park from a client of his father's or did Councilman Matt Williams just not care?

In December 1999, City Administrator Butz had received a letter from lawyer John Z. Williams, father of Councilman Matt Z. Williams. That was the letter that started Morgan, Magdits and former Councilman Ed Owsley salivating over selling the park: an issue everyone else thought was dead. Father John Z. Williams represented real estate developer Mike Woessner, who in turn was representing an anonymous client. The anonymous client, Lawyer Williams said, would make an offer to buy the park but the client demanded that the council take an oath to keep his identity a secret – like dealing with a CIA spy. [<url #2>](#) As we pointed out at the time, [<url](#)

3> the council couldn't legally take such an oath and at that time no action was taken on the letter and the offer from the "spook". Before this fish slipped through their fingers, Joe and Lou went to all the trouble to arrange what would look like a legitimate competitive bidding process—without actually being one—so they could reel the spook in. But on June 16<sup>th</sup>, Williams and Woessner's mystery client didn't submit a bid. However, the Williams' offer was not voted on by the council in December, and as far as anyone knows the offer is still on the table, illegal confidentiality oaths and all. If the developer from Columbia can now submit a late bid so can the spook. Young Matt Williams, in voting to reject the bid from FGS and in seconding the motion to extend the bid deadline, is giving every appearance of keeping the door open for his Daddy's client. If the elusive spook submits a bid for Buehler Park at any time during Magdits' never-ending garage sale, the appearance will become fact. Because a member of Williams' family could benefit financially from his official actions, there was a **conflict of interest when he voted** and you don't need a legal magnifying glass to see it. Councilman Williams should have abstained from any vote having to do with Buehler Park. There's an old and very true political saying: **"It is not enough to avoid conflict; one must also avoid the appearance of conflict."**

In Williams' case there is more here than just the appearance of conflict. There is a very live letter from his father making an offer on behalf of a client's client; as far as anyone knows, it has never been withdrawn. If the spook does show up with an offer, Daddy's boy can be removed from office for violating this state law. Not an auspicious beginning for Ed Owsley's young protégé is it? If Councilman Matt Z. Williams can't

be trusted to identify conflict of interest when he sits down with it at the family dinner table, is it too much to ask for him to think for a moment before providing a second for what is surely the dumbest motion ever heard in municipal government anywhere?

So there you have it folks, the five-year attempt to sell a public park that was dedicated as a public park "FOREVER", <url #4> has come to this; five members of the Council: Magdits, Brown, Eudaly, J.D. Williams, Matt Williams and the Mayor have established a new public policy on the sale of all city assets including all the public parks to hide the fact that they are still desperately trying to get one cash offer for Buehler Park – the one Lou says they haven't been trying to sell. The council can no longer decide what is and what is not for sale. Thanks to Magdits, EVERYTHING is for sale. In finally discovering "fiduciary responsibility," Lou Magdits eliminated competitive bidding process in Rolla, at least for selling anything. If Lou makes any more discoveries like this one, the city may have to be disbanded.

So readers, if you see something you like—a park, a chair, a desk, a computer or a backhoe—just make them an offer. Use the form we have provided or make up your own. Thanks to Councilman Magdits' foolishness they MUST put your offer on the very next council agenda and vote on it. If you see your trash being collected with a horse and wagon, you will know Morgan and Magdits got an offer they liked for the garbage truck. You think not? Wait till you see the year-end losses for SplashZone; Rolla cops may be riding bicycles yet.

**P.S. to Ward 4 voters:** Is Lou Magdits really the best you can do? His term ends next April. Filing for council candidates opens in about five months. Surely there is someone

in your ward who can represent you without playing silly buggers all the time!

Views expressed do not necessarily reflect those of No Standing News, nor of its Editor-in-Chief.

To receive " No Standing News " by e-mail, free of charge, send a message to [rwnash@rollanet.org](mailto:rwnash@rollanet.org) with the word SUBSCRIBE in the Subject line.

To unsubscribe this list, send a message to [rwnash@rollanet.org](mailto:rwnash@rollanet.org) with the word UNSUBSCRIBE in the Subject line.

Editors note: Copies of No Standing News can be obtained free from the Rolla Public Library who is a subscriber, and from Mail Boxes Etc Of Rolla Also visit our web site at: <http://www.rollanet.org/~rwnash/nn.html>

I encourage distribution of " No Standing News ."Please feel free to copy and distribute any issue.

-  
<url #1> letter from Columbia developer

[http://www.rollanet.org/~rwnash/C\\_B\\_BABER\\_ASSOC\\_Letter.pdf](http://www.rollanet.org/~rwnash/C_B_BABER_ASSOC_Letter.pdf)

<url #2> Williams/Woessner letter

[http://www.rollanet.org/~rwnash/Williams\\_Woessner\\_Letter.pdf](http://www.rollanet.org/~rwnash/Williams_Woessner_Letter.pdf)

<url #3> NSN article #52

[http://www.rollanet.org/~rwnash/NSN\\_1\\_52.html](http://www.rollanet.org/~rwnash/NSN_1_52.html)

<url #4> Buehler Park deed

[http://www.rollanet.org/~rwnash/BUEHLER\\_PARK\\_WARRANTY\\_DEED.pdf](http://www.rollanet.org/~rwnash/BUEHLER_PARK_WARRANTY_DEED.pdf)