

Trust Issue #5

A weekly series focused on the current issues we are facing as citizens of Crystal City

The mayor and some of the city council members deny that they have been *working in secrecy to bring a smelter*.

The TRUTH is...

The city began **SECRET** plans and negotiations nearly **2 years ago**, and made decisions about our future without proper notification and without public input **for over 16 months**. They only came forward with **these secret plans** when an article in the Leader Newspaper warned of an iron ore smelter. They also acted in violation of the Missouri Sunshine Law.

Missouri's Sunshine Law is a commitment to openness in government and is clearly stated in RSMo Chapter 610:

"It is public policy of this State that meetings, records, votes, actions and deliberations of Public Governmental bodies be open to the public unless other wise provided by law."

The Missouri Sunshine Law governs State and local governmental bodies. Federal agencies are covered by the Freedom of Information Act.

The City Council of the City of Crystal City has violated the Sunshine Law numerous times

06/19/06 Mayor Schilly and Council Members met without public notice in closed session. At this meeting a Confidentiality Non-Disclosure Agreement was signed with James Kennedy of Wings Enterprises.

> **Violation of RSMo 610.020 Notice of Meetings and RSMo 610.021 & RSMo 610.022 Closed Meetings.**

A current lawsuit against the City of Crystal City references four (4) other Closed meeting violations between June 12, 2006 and July 9, 2007. In addition, six (6) more Closed meetings have been held between October 15 and December 18, 2007 in which no minutes have been made available to the public.

HOW THEY ACTED IN SECRECY AND ILLEGALLY

04/11/06 Mayor Schilly contacts PPG regarding purchase of the PPG property.¹

09/26/06 City had appraisal done on PPG property (City Funds Expended)²

12/06/06 Mayor Schilly offered PPG \$1.5 million dollars for property.³

04/01/07 Mayor Schilly offered PPG \$2.2 Million dollars for property.⁴

> **Violations of RSMo 610.021 (2) "any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate."**

No meeting minutes or votes are available of the Council's approval of any of the above actions. **These actions were either done in secret or without the approval of the Council.**

**Don't we deserve city council members who represent the people,
and run the city in an open and respectable manner?**

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ILLEGAL ORDINANCES

- 09/10/07 Ordinance 1458 – Contract to Purchase PPG Property
 09/10/07 Ordinance 1459 – Lease Agreement with Wings Enterprises
 12/10/07 Ordinance 1464 – Amended Lease with Wings Enterprises

> *Violation Missouri Law (RSMo 77.080) requires that "copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the council."*

Since the above ordinances were finalized in Closed Meetings and presented for passage at the end of the Closed Meetings, they were not available to the public prior to approval.

SECRECY ABOUT THE SMELTER

City never intended for the public to know until the property was purchased and lease signed. The City did not want to tell anyone about the Chinese involvement in the Iron Ore Smelter.

- 11/25/06 E-mail: Kennedy (Smelter Developer) to Bob French (Building Commissioner) – identifies Minmetals, **Chinese Company as Primary Financial Partner.**⁵
 06/05/07 E-mail: Kennedy to Bob French – **"The terms will be along the following lines or we will start negotiations with Doe Run."**⁶
 08/30/07 E-mail: Dick Marks (PPG) to Bob French – "If the public knows who he is they are really going to grill him. **Is it the contact from China? Does he speak English well?"**⁷
 08/31/07 E-mail: Bob French to Dick Marks – "The meeting [public meeting held Sept. 5, 2007] will help alleviate most of the fears that people have stirred up. **Our strategy is for the Developer (American Born and Raised) to reveal just enough to put the concerned citizens minds at rest.**"⁸
 09/05/07 Public Meeting: Citizens questioned the mayor and council as to whether or not Chinese were involved. The mayor responded that at this time he cannot answer that. **Kennedy then stood up and said that there was no Chinese involvement with any of this.**⁹

SECRECY ABOUT THE BARGE PORT & RAIL LOOP

City denies knowledge of barge port or rail loop.

- 06/29/06 Memo: Bob French to Mayor Schilly – **"James Kennedy called and invited me to an appointment he has with Chuck Frerker, Corp. of Engineers to discuss site of Barge Port."**¹⁰
 03/02/07 E-mail: PPG to American Milling (builder of barge ports) – "American Milling will make offer on the 130 acres next to the river property once we say we are ready to accept bids."¹¹
 05/22/07 Memo: Bob French to Mayor Schilly – **"Chinese would like to back the barge facility and a fleet of barges ... This means that we need to pursue the Bradley property. Would you like me to contact the Senator's attorney again to discuss the purchase? The principals involved would like a generic letter from us stating that we are in negotiations with PPG and Senator Bradley to acquire properties for this project ... Also, it would state that we have an interest in being the destination for the proposed pipeline ... I asked Mr. Kennedy to draw up a rough draft stating the above. I will go over it and get something on our letterhead if you feel comfortable with it."**¹²
 09/27/07 E-mail: Bob French to PPG asking "If the city could get a letter stating that PPG wants the site to stay Industrial. We could use the letter in our negotiations with Senator Bill Bradley for his property, along with the general public."¹³
 11/12/07 City Council Meeting – **Mayor denies**, then 6 minutes later admits, **existence of Barge Port, Rail Loop Plan, Conveyor Belt to River, and Office Building.**¹⁴

1-14 View this insert online, with clickable links to view these emails, memos and videos in full length. http://www.clearpillar.com/Trust/CCCC_insert_week5.pdf

A Better Future...Our Children Deserve It!

Concerned Citizens
for Crystal City

Visit us at the Festus Airport
every Wed. night at 7 p.m.!

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