

# Trust Issue #9

Keeping you updated on the issues facing the city.

## The TRUTH is... IT'S NOT OVER

On **New Years Eve**, Wednesday, December 31, 2008 the City of Crystal City received an application for a conditional use permit for an iron ore smelter from Wings Enterprises. On the day after New Years, Friday, January 2, 2009 an ad appeared in a legal newspaper, the Countian, which has a circulation of **3 people** in Crystal City. The ad contained a notice for two public hearings. Some city council members were not informed of the permit application and found out about it through this ad a week later. It was apparent that there was a big push to approve this permit before the April 7 election.

In the short two months that followed, the Zoning Commission and City Council had to review the small amount of information that was available about the project and create a list of conditions to protect the citizens of Crystal City. There were literally thousands of pages of questions and information that were provided to the committee and council by concerned citizens. At the public hearings, comments were limited to 5 or 10 minutes per speaker. The developer gave the same one hour long presentation about the project at every hearing and was **never allowed to answer questions** from the public.

In the end, there are still many important questions left unanswered. This city administration pushed for special council meetings to be sure that the council votes would be done by the end of March. On Thursday, March 12, 2009 the vote to approve the conditional use permit ended in a **4 to 4 tie** that was broken by the mayor with a vote to approve.

As a citizen of Crystal City, you now have the most important choice of all to make. On **April 7, 2009 you will have the opportunity to vote** for 4 new council members that stand for **integrity, openness and honesty**, or you can continue with the status quo administration, the one that brought you and continues to support a secretly negotiated smelter.

## CONDITIONAL USE PERMIT

At the City Council Conditional Use Permit hearing, concerns of the citizens were permitted to be heard, but were not answered. One of the concerns expressed was "**why consider a Conditional Use Permit at this time**". After 18 months, Wings Enterprises has shared **NO** financing, has **NO** easements for the Slurry Pipeline, has **NO** operational mine, and has shared **NO** information about the Technology (electric induction) to be used in the Smelter Project.

- When presenting to the City Council, the City Attorney omitted two recommendations from Planning & Zoning without informing anyone. One condition prohibited the use of Coal, and the other prohibited the storage of scrap metal. Just in the last month, Jim Kennedy stated he will "**BURN COAL**" but Alberici Constructors says there will be "**NO COAL**".
- Council Members were given thousands of pages of documentation, and were asked to recommend conditions that same night with no time to review documents or get ANY input from the City Engineer (salary paid for by Wings).
- Council Member Debbie McKenna requested a copy of the financing as stipulated in the Lease and Council Member Dave Picarella said "*I don't trust you...you'll show it to everyone*". Per Missouri law, it is the right of **all** elected officials and the public to see all documents concerning City operations.
- Council Members Dave Picarella, Dan Portell, Ben DeClue and Jason Eisenbeis voted to not allow other council members and the citizens to obtain financial information as required by the lease.
- City attorney stated that the City Engineer could not review and sign off on the final Conditional Use Permit.
- Mayor claims that neighboring citizens do not matter. The Building Commissioner claimed that "per Ordinance" they only have to be concerned with Crystal City. **NO** good neighbor policy, **NO** Twin Cities consideration.
- City Attorney claims they are trying to settle lawsuits, when in fact they are delaying and hindering progress. After six Motions for Documents, the city attorney has told the judge in court that the City has either misplaced or destroyed City records.

# CRYSTAL CITY WAS ONCE A CITY WITH ZONING INTEGRITY

That was before Jim Kennedy contacted Crystal City. The pattern of misgovernment goes back to the early days of the smelter project. Here are some of the more significant occurrences of negligence.

- 06/08/06** Pona & Associates recommended against rezoning until the City updated the City Comprehensive Plan.
- 10/11/06** In Bob French's PPG notes he says that his goals are to "annex any outstanding property that is now or may be used later to complete the process" and to "secure the Bradley property for barge ports".
- 06/25/07** An official Notice of a Public Hearing to review not rezone was in The Countian and the Leader newspapers. **No** P & Z Members or Council Members attended the hearing and there were no minutes. RSMo 89.060 requires that adjoining residents be notified of any proposed zoning changes. **No notifications were sent.**
- 01/09/08** When a City Zoning map was requested, the City Clerk said the City did not have a Zoning map, but Govero Land Service was working on a new one. On January 9, 2008, only five days before passage of Zoning Ordinance #1470, a map became available.
- 01/14/08** At the Council Meeting on this date, the Mayor changed the printed agenda (without a vote of the council) so he could pass **eight major ordinances**. These included the Zoning Ordinance #1470 and Annexation Ordinance #1472. The Zoning Ordinance changed the zoning of the property east of the city (including the backyards of Mississippi Ave. residents and Hugs Farm) and south of the city (along I-55). It also changed the procedures for issuing a Conditional Use Permit. Previously, the Zoning Board of Appeals made the decision for a Conditional Use Permit. Now it is the City Council's decision (conflict of interest because City owns the land).
- 05/15/08** P&Z admitted that Govero Land Services colored the Zoning map incorrectly (their words, not ours). Mr. Govero said Debbie Johns and Bob French approved the changes to the final map (not their job). P&Z Members say they used the "legal description" in the ordinance when making their recommendation to the City Council. **There are NO legal descriptions in the ordinance, nor was a final map attached.**
- 08/18/08** At a Work Session, the P&Z Secretary said, *"I have sat quietly, with my mouth shut, waiting for the elected officials of this city to do the right thing. I challenge anyone to look at the P&Z minutes, and show me where P&Z recommended the zoning changes on the map"* - finally, a person showing some integrity. There is **NO** record of any written or verbal recommendation made by P&Z to the City Council. There is also **NO** mention in any City Council minutes that a recommendation was presented to the Mayor or Council. Council Members Eisenbeis, Picarella, Brown, DeClue and P&Z Chairperson Lonnie Compton say that the main reason for the rezoning of the property was on the recommendation made by James Pona & Assoc. Pona & Assoc. disagree.
- 08/19/08** A group of Mississippi Avenue residents in Crystal City were **forced** to file a lawsuit against the rezoning in an effort to protect their property values and ours. The lawsuit alleges improper procedures used to rezone the properties. The residents first filed an appeal with the Zoning Board of Appeals. After a Closed Meeting with the City Attorney on 03/27/08 (which is illegal per RSMo 89.080), the Board of Appeals said they could not hear the case. The citizens' only choice left was to file a lawsuit.
- 10/09/08** The P&Z Board held a public meeting to listen to the concerns of the public. A local attorney explained why the Hugs Farm property should remain zoned RC (Conservation). He stated if it was to be Industrial, it should be M1 (Light Industrial). M1 zoning gives the city many more controls and protections over the property. With M2 zoning, the only control that the city has is a Conditional Use Permit. Yet, the P&Z Members recommended that the Hugs Farm be zoned M2 by a vote of 6 to 2. At no time did the owner request that his property be changed.
- 10/20/08** A vote on the City Council motion to rezone the Hugs Farm to RC (Conservation) was 5 to 3. A 2/3 vote or a 6 to 2 vote is required of the City Council to **overturn** a P&Z recommendation. Despite a majority vote, this created a continuous Industrial corridor between Herculaneum and the entire riverfront of Crystal City.

The City Comprehensive Plan states that places like the local Catholic high school, hospital and retirement center should have Residential Zoning (RS1 & RS2), but were rezoned to M1 (Light Industrial) by these latest ordinances. To the south of town, the city of Crystal City zoned the first 250 feet back from I-55 as M1 (Heavy Industrial) and the land behind it C-2 (Commercial). This created another Industrial corridor.

## ONE QUESTION

Ask yourself this one question – "Is this what you want for your city"? The Mayor stated in 2007 that you would not have a voice in this matter. Now it's time for you to speak in the only way that you have available – **with your vote!**

***City Elections are Tuesday, April 7  
Please know the facts and vote responsibly.***

# A Better Future...Our Children Deserve It!

We are trying to keep the public updated as to what is going on in our city, but it is expensive with attorney's fees and flyers. If you should wish to contribute to the fight for open and honest government you may contribute online or at:

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