June 27, 2013
Town Hall Meeting called by Mayor Underwood
Magnolia Springs Community Center

Mayor Underwood opened the meeting at 6:30 p.m. and welcomed everyone. He led the Invocation and Pledge.

In attendance were: Council members – Dotty Johnson – Jim May – Bob Holk – Tom Webb and Ben Dykema. Also Town Clerk – Karen Biel

Councilmember May read a statement. See attached.
Mayor Underwood described the reason for the meeting. He stated that he has had enough questions and issues out on the table, some that have already been alluded to. Mayor Underwood wanted to give his impression of where the town is today and how they got there. He described the meeting format.

Items discussed were:

1. Improving communications - Mayor Underwood stated that he would like to see communication improved.
   a. Monthly newsletter – based on the results of the meetings and events of the town.
   b. Video or audio record meeting to put on line
   c. Conduct frequent town hall meetings

2. Information
   a. Recycle station
   b. Yard waste/debris pickup by county
   c. Leaves placed along right-of-way

3. Issues of concern;
   a. Speeding on County Rd 49 and other streets
   b. Safe pedestrian traffic across the bridge
   c. Magnolia Landing
   d. Magnolia School property
   e. Public access to the river
   f. Other issues

4. Communications with council
   a. Written
   b. Email
   c. Telephone
   d. Personal
   e. Council meeting public comment

Mayor Underwood ended by saying that as mayor it is his prerogative to call a meeting and it was not totally endorsed by council. He felt he needed this opportunity to hear the opinions of the citizens and to inform them of what is going on or what is planned for the future.

Councilmember Johnson stated that it is not true that it wasn’t endorsed by the council. The council was not communicated with at all about the meeting. She added that the Mayor first set the meeting for Friday night, June 21st and she did not find out about it till one of her neighbors asked her about it. The mayor explained that he called for an available date for the community center and picked the first one available.

Town Hall meeting ended at 10:00 p.m.
Approved this the 23rd day of July, 2013

[Signature]
Kenneth D. Underwood – Mayor

[Signature]
Karen S. Biel – Town Clerk
Many, if not most of you received a copy of this propaganda leaflet either by email or in your post office box. It was prepared and distributed anonymously to begin with so that the publisher could not be held responsible for the lies that are spread by it. We learned only this morning that the publisher is Rod Koberg who, at the last council meeting, lost a bid to make thousands of dollars by selling a sophisticated interactive video system to the city and who now seems intent on fomenting discord and suspicion among us.

Some of the fluff in the leaflet is true. We are all proud of our volunteer firefighters who have completed the recruit class. We all love a parade. We should all do our part to support our very fine library. These are not the items which Mr. Koberg wanted you to focus on. They are only a medium to carry and cover the real purpose of the leaflet.

About midway down the 3rd page you will see in very large and bold print the phrase “Public Access to the “River” is being eliminated.

Ladies and gentlemen this is a reprehensible and despicable lie. That lie is the main thrust of this propaganda leaflet. Maps are printed with large swaths of river bank painted in red to convince you that public river access has been or is being destroyed, vacated or
otherwise lost. This is a lie. The unspoken innuendo is that your city council is somehow responsible for it.

Koberg either took information from someone who knowingly tried to deceive you or he simply took information and published it without attempting to verify the truthfulness of it. No sources of the information are identified.

He has maligned the reputation of the council members, all of whom voted to decline to purchase his gimmick. We are not the only ones who are damaged by the lies and distortions. You, the citizens have been lied to and brought to a state of anger, discord and frustration as a result of the lies you have been told. It has caused distrust among you and between you and your elected representatives. It has damaged the lives of us all.

I assure you that I and my brothers and sister on the council see that one of our most important responsibilities as council members is protecting our access to the river and the maintenance of our quality of life here.

"Do your own homework." The plats of this town and all of the maps of its parts are on file in the local probate judge’s office. It takes only a moment to discover that most of the representations made on the maps included in this leaflet are absolutely false.

The historical facts are these. In 1894, when Lyman’s addition to Magnolia Springs was first platted, there were areas on the plat which appear to have been
intended as "public areas" along the banks of the river. They no longer exist for at least three reasons. The first and most obvious is the fact that in the last hundred plus years the dirt has eroded into the river. It is no longer above water. The second, and most likely, is that the areas were not properly and legally dedicated as public areas at the time the plat was filed. Thirdly, a few areas shown on the 1927 plat of Magnolia Plaza were vacated by your county commission before we were incorporated. We can't unvacate those.

Many years ago a long time resident filed a suit to ask the court to designate the large swaths shown in red on the maps you see in the leaflet to be "public access." That suit failed. The court determined that the areas were not properly designated in the first place. Those areas in red are not now and have never been "public access" areas.

The most sinister aspect of the leaflet is that you are told that your City Council is voting to eliminate "public access" areas. This also is a blatant, and provable lie. The vote which has sparked this controversy (aside from the vote not to buy Koberg's machine) is the vote taken by your City Council at last month's regular meeting to vacate a portion of Palm street. This street does not provide access to the river. No portion of the vacated land lies on the river. No point of "public access" is involved in that determination. No "public access" is
blocked, restricted or eliminated. If you don’t believe me then go look for yourselves. Wear your hip waders and protective clothing as the area is overgrown and boggy.

We followed the State law with respect to the process of vacation including public notice mailed to the affected property owners, publication of that notice in the newspaper, and public hearings, notice of which were given to anyone who took the time to look. We heard from citizens either in person or in writing who were concerned enough to speak to us. At last month’s regular council meeting we voted 5 to 1 to vacate the property. The vacation is done. The only remaining step is to determine the amount of money to be paid by the abutting owners as a fee for the vacation. That matter will be voted on at our next regular meeting. The only reason it was not voted on at the meeting Tuesday is that the appraisal was not in hand.

We will have a workshop meeting next month on the 9th to which you are all invited, at which the subject of the fee will be discussed. Our regular council meeting is July 23d. The fee will again be discussed and the issue will be decided. You are all invited to that meeting as well, as you are to all of our meetings.

To paraphrase the leaflet “PEOPLE, “Be part of the Honest Majority.” Do your own homework. Attend our meetings. Be a real and knowledgeable part of your city government. Speak your
mind. Get involved.

Finally, we, as a council are criticized and maligned in the leaflet for not communicating with you enough. First I’ll say that all of our meetings are open and you are all invited to attend and to speak if you like. Second, everything we do is posted on our website www.townofmagnoliасprings.org. There you will find the minutes of every meeting held by the council since the incorporation, copies of all ordinances passed and other business conducted, agendas for upcoming meetings and contact information for each member of the council. I call your particular attention to the last of these. Since I became a member of the council in November of last year I have not received a single email or phone call from any of you to ask about or discuss any issue being considered by us.

We can put the information out there, but it is up to you and is indeed your responsibility to use it.