

Anything two people know is not a secret

CHEYENNE HERALD

FREE - TAKE ONE

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Now, that's comical

The mayor's defense for not doing the right thing by buying all of the land Hollywood Video sat on is that the City doesn't "know what it would do with the land" that it doesn't need.

Well, duh!

With each subsequent city attorney, I think they could not do worse. And, each time, I am proven wrong.

To say Dan White is a weakling as an attorney would state the obvious. He is one of those attorneys that the jokes are up made for. Surround a poor attorney with a weak administration (mayor, department heads and city council) and you have a recipe for disaster.

Welcome to Cheyenne.

And what a shock it must have been for City officials to realize that there might be contamination under a site that for a very long time was home to a gas station.

Well, duh!

This group is batting far below the Mendoza Line. In fact, their batting averages for getting things right falls down there with American League pitchers who will have to bat in the World Series. More like .025.

Instead of having their ducks in a row, they make premature announcements only to be embarrassed later when what was announced never comes to fruition.

They were going to build an elevated tunnel from the underused parking garage to the unused Hynds Building and connect it to the hole in the ground that once was home to Mary's Bake Shoppe and Wyoming Home Furniture before the infamous fire of 2004. Wow, that was a long time ago, wasn't it? Of course, it did take the City some time to confiscate what was once Mary's land. You know, the courts and all that. Had Mary Coonts still owned the parcel, she would have caught holy hell for not having done something with it. The City would not have been patient with her, just as they weren't patient with her about the demolition she was working toward.

Had Mary been a foreign corporation like the one that owned the former Hitching Post Inn that also burned down under suspicious circumstances, she would have been shown patience. But, she is a woman and she was *not* a foreign corporation so the City demolished the structure and took the land from her.

Or, had Mary cooperated (see "coalesced") like her neighbor did, the City would not own her narrow parcel of land. So, nearly seven years after the fire, the "hole" that the City proudly owns a portion of remains empty, abandoned and ignored. They can't even build a shielding fence so visitors aren't subjected to the South Bronx vision that is "the hole."

The hole continues to look like the visuals we saw after the U.S. bombed Baghdad and Israel destroyed much of Beirut. And, we weren't even attacked. Except by incompetent City officials who can't buy a clue.

How about the Belvoir? When that 17,000 acres was purchased, the former mayor and his minions had no clue as to what the land could, or would, eventually be used for. Unfortunately, several years later, they still don't. It was never going to be a landfill and Wyoming Department of Environmental Quality advised that mayor and council against buying the land for that purpose.

And, water?

Cheyenne has more water than it needs now or will need twenty to fifty years from now. We are veritably drowning in water. The City has reservoirs that hold multiple years of water supply in storage and have several permitted wells that are not even being used to supply water to city residents. We got water, folks. We got abundant water for as far out as the eye can see.

Finally, the truth has set in. Residents responded to the exaggerated threat of running out of water and then realized that they could do with the forcibly reduced amount of water they were allowed for irrigation and now the BOPU needs more money so will have to raise rates on less usage to make up the shortfall.

Well, duh!

And, how about this Menards fiasco? County Commissioner Gay Woodhouse says that the City knew about the county's ownership claim on the 24 acres of land the City planned to sell without that owner's permission and with no plan to share the proceeds. I believe her. (*In the interest of full disclosure, Gay advertises on these pages. But, we were allies and friends long before she sought and gained elective office. I trusted her when we fought against the City's illegal annexations and I trust her now. So, if she says the City knew about the ownership dispute, I take her at her word.*)

How did the mayor and his incompetent city attorney think they would sneak the sale past the commissioners? A teammate of Hank Aaron once said, "trying to sneak a fastball by Henry is like trying to sneak the sunrise past a rooster." Same here. The commissioners can also see the sunrise. And, they did what they were elected to do. Protect the interests of all Laramie County residents, not just those who reside within the walls of the city. (See the story on page 2.)

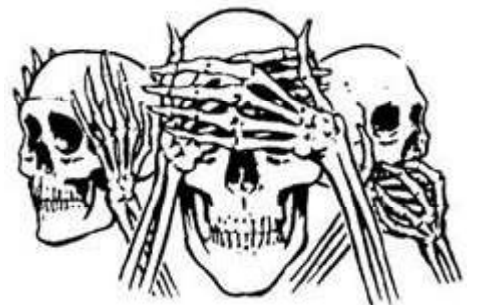
The only legitimate argument against selling the land to Menards should have been that the land was deeded back to the City for recreational purposes, not commercial development. Sure, the City gained approval from the VA to sell it so they could lay their hands on some money to squander on "projects" like infrastructure in a hole without any agreement by a hotel franchisee to construct a building on the site - available infrastructure or not.

Some on the governing body say they believe the land is worth more. Hell, it isn't worth what Menards is willing to pay for it. Take the offer and run, folks. Assuming the County releases its rightful ownership stake so the City can spend all of the money on projects that are not as critical as repair and maintenance on the streets that are in such wretched condition.

In other places, allowing city and neighborhood streets to deteriorate

as far as the current and former mayors have allowed in Cheyenne would get them evicted from office.

Here, voters don't really set priorities or hold elected officials to any standard of performance. Voter apathy is high throughout the nation (or there would be no consideration that Barack Obama could be elected to a second term) and Cheyenne residents are right in that crowd.



See no evil. Hear no evil. Speak no evil.

Elect candidates who are marginally evil? Just kidding, none of ours are evil. Nor corrupt. Just intelligence-challenged and judgment-challenged. No worse.

Our downtown? How embarrassing it has been allowed to become. Even with Ed and Caren Murray having the side of their building at Warren and 17th "muraled," the downtown remains a disaster. "Beautification" is a joke. We were just in a very small city in northern Wisconsin and they had all the light poles on main street enclosed in tall, dry corn stalks. That added a festive and Fall feeling to the community. They looked like they cared about their town/city.

Here, what do we do? Wait for more trees to die and for the flowers in the planters to finally expire. Nothing fresh. Nothing new. Nothing innovative or even noticeable. The Downtown Development Authority has several hundred dollars a year to play with (soon even more because downtown property owners approved an additional ten mill property tax on themselves again) and there is little to show for it.

A guest columnist in the lesser paper recently presented a coherent assessment of the DDA's failure. (Article concludes on page 6.)

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Out of options

David Labon Bush is a Casper man who was convicted of murdering his wife. He was not charged until 15 years after her disappearance. Her body was never found. He was convicted, in my opinion, with perjured testimony (by a DA who was stealing money from his own children) and no direct evidence or DNA.

He was questioned repeatedly and extensively right after he reported his wife missing. He never refused to submit to questioning and he never hesitated to approve searches of his vehicle and house. He took one or more polygraph tests and passed. He never "lawyered" up.

I have read the original trial transcript and the transcript of his appeal to the Wyoming Supreme Court.

The High Court will seldom reverse a jury verdict and didn't in this case. David Bush testified at his own trial. He has always maintained his innocence and has repeatedly pointed to his younger brother as the one who kidnapped and murdered his missing wife. Others, including family members, have also said that the brother confessed to them that he had killed her. A fellow inmate, one convicted of first degree murder committed here in Cheyenne, claimed to be complicit in the kidnapping and disposal of the body.

David Bush has tried to get various and sundry legal groups and media involved in his quest to have a new trial or somehow be exonerated.

Now, if you believe that no innocent person is ever convicted of a crime he/she did not commit, I have to assume you still believe in Santa Claus and the Easter bunny.

Do I believe David Bush is innocent of the crime of which he was convicted 15 years after one had presumably been committed?

I have never said that.

I do not know.

What I do believe, after reading a few thousand pages of transcripts of trials, appeals and witness statements, etc., is that there was not sufficient evidence nor sufficient credible testimony to convict him of a crime for which there was no body. The defense mounted by David Bush was decent and the appeal to the Supreme Court was better. Judge Tom Sullins sat on the case in Natrona County and he would not allow a defense of abalternative suspect to be introduced.

I can understand, and would fully support the exclusion of a "grasping at straws" defense. One using an unnamed, untraceable, unrelated person as the perpetrator. Such was not the case here. David Bush was

prepared to name his own brother, one who was jealous of him and one who was an escapee from the WSP Conservation Farm in Newcastle at the time of the disappearance. He had witnesses ready to testify that they had seen his brother in Casper at the time of the disappearance and that they had seen him at the pickup driven by the missing wife at the time of the disappearance. Even his in-laws, who turned against David Bush later, would have had to testify to being afraid of his brother and that the missing wife feared him. They would have testified that David had finally told his brother, "no more," that he wasn't going to provide him money anymore while he was on the lam nor buy stolen property from him when he came through Casper, usually one step ahead of the law.

One of his brother's fellow inmates wrote a letter detailing what had happened in Casper that early evening and was prepared to show authorities where they had dumped the body in northern New Mexico, a letter of which I have a copy, and implicated himself in capital murder. He had nothing to gain, and nothing to lose. His health was poor and his sentence would not be changed if he were telling the truth - or lying.

The "system" had used that guy as an informant for years. He was in the federal witness protection program in Cheyenne at the time he and another guy committed a murder. He was about to become a paid informant (according to trial testimony) for the Cheyenne Police Department at the time he committed the murder. For years, this Chicago "mobber" was credible and was even paid for his testimony and information. Now, though, he is not.

Two days ago, I received a copy of David Bush's latest appeal. Interestingly, in appeals, if a lower court allowed perjured testimony or ruled incorrectly or improperly, the higher court will usually affirm the mistake. In this case, a mistress of David Bush at the time of his wife's disappearance, all of a sudden, 15 years later, remembered things she had never remembered before. She provided new testimony that hurt David Bush's claim of innocence. Oh, did I mention that she was granted immunity on charges she was facing in exchange for her new memories?

It is interesting that the DA who pursued David Bush while he was committing repeated felonies himself, is now given a second chance. He can once again practice law in Wyoming. Wouldn't it be ironic if he chose to represent David Bush, pro bono, and somehow find a way to gain a new trial for this man? Some who read this will just want it to end. They would rather an innocent man stay in prison and I stop writing about it. I'm not one of those people.

Comical (continued from the front page)

He suggested a referendum be held to determine whether the largely ineffective DDA should be terminated. This is one issue for which I agree that voters should decide but, alas, there is no ambition for a petition drive on the subject nor would this governing body show the initiative to take similar action. We do elect people to represent our interests and I usually oppose the call for an election to decide things like the color of the hallways in City Hall. This is different, though. Great amounts of money will continue to be poured down a sinkhole for time immemorial. Results will be nearly invisible and nonexistent. And that money should be equitably used around the city, not exclusively downtown.

Millions have been spent downtown while the area sank. In the year 2000, indelibly etched in my memory because Jack Spiker was running for mayor and I had a direct role in the election (sorry), only the Hynds Building was "boarded up." Jack made an appearance on radio with Don Pierson and used those words to describe the "vital" condition of the downtown area. He should have known, he had a bedroom store (which remains today but is only about 1/3 of the size it was in 2000) on 17th St. Now, look around. There are more large vacant properties than can be remembered.

The State spent a bunch of money to "beautify the west gateway" into downtown - from the Interstate down W. Lincolnway. As so often happens, there were no plans for maintenance so weeds waste high were allowed to prosper all Summer. That had to be an attractive site to visitors who think the abandoned gas station next to the westside Village Inn adds appeal to the city they are entering. Compared to the rubble allowed to remain after the fire at the Hitch, those tall weeds didn't look too bad.

I must also mention the City's abject failure to deal effectively with the ever-increasing incidents of graffiti. Except for the identification

provided by the Herald on one tagger, has there been an arrest or charges filed against any other?

How about the one(s) who defaced our "Welcome" sign at Central and Yellowstone? Has he(they) been apprehended? That same city attorney asked me to find him some grounds on which to prosecute and to require property owners to clean up their property. That isn't my job but there are plenty of statutory violations when you deface private or public property and, if weeds are a "nuisance," certainly the "f" word on a building wall should be. His ineptness is not going to change unless a new mayor is elected in 2012. Which, owing to voter apathy, may not happen.

Of the failures I've mentioned here, I think the City's inability to apply logic, reason and intelligence to their decisions was brought home with the mayor's comment about what they would (could not) do with the property at 19th/Converse/Pershing if they bought the entire property, not just carve out a corner and leave the Colorado Springs property owner with a parcel he could not use profitably, effectively or even legally. The City has the absolute right to confiscate property but not to leave a property owner with a worthless remainder without just compensation. In the end, if the roundabout proceeds, it will be up to a judge to determine that value, not the mayor and city council members. The question then will be: Who has less experience and poorer judgment? It's a toss-up.

Again, the mayor needs to "find a use for the site" (meaning the whole parcel, not the smaller area they want to confiscate) but doesn't grant the same consideration to the current owner? There is no use for him, either. The City can't stick him what remains after taking the most critical parking space. That would be immoral and several of the council members claim to be moral people.

We shall see.

In Memory
Phyllis Atchison
 April 20, 1923 - November 8, 2004
Inspiration for the Cheyenne Herald
Forever in her debt.
Forever in my memory.

The Cheyenne Herald is the official publication of Cheyenne and Laramie County's intelligent people