

## UNAPPROVED CHESTERFIELD NEWSLETTER 32



**MAY 21, 2013**

**By John Hoffmann**

### **CITY COUNCIL MEETING STARTS ON A HIGH NOTE AND GOES DOWN HILL**

**FROM THERE:** In one of the better photos I have taken recently occurred at the start of the Chesterfield City council meeting on Monday. Mayor Bob Nation read a proclamation for Parkway Central Middle School student Ruimin Wu for being selected to represent Missouri in the Doodle 4 Google contest. Wu's sketch using the Google logo represented a day at the amusement park.



Wu was really enjoying the moment as Mayor Nation read the proclamation, to the point you were actually happy that a kid this happy was the winner.



This is one happy kid!

**MAYOR REAPPOINTS CITY PROSECUTOR FOR ANOTHER FOUR YEARS OF DWIs REDUCED TO PARKING VIOLATIONS:**

Mayor Bob Nation, who tabled the reappointment of city prosecutor Tim Engelmeyer two weeks ago days after our newsletter showed how Engelmeyer routinely reduced serious traffic charges, especially DWIs to Illegal Parking and reduced theft charges involving repeated offenders and members of shoplifting gangs to “littering.”

Nation said how he talked to Engelmeyer and reviewed documents and spoke to others after certain allegations were brought to his attention and feels comfortable in reappointing Engelmeyer to another four-year term.

Councilwoman Nancy Greenwood was the only person who disagreed with the reappointment. She repeated Nation’s statement saying he interviewed people and researched the cases handled by Engelmeyer and was voting no.

**ENGELMEYER CONFIRMS MY CLAIM OF SECRET COURT:** Prior to the vote to reappoint him, Engelmeyer spoke to the council. It seemed to be a mea culpa of sorts. Engelmeyer was nowhere to be seen when his reappointment first came up two weeks earlier.

“What an honor it’s been representing the City of Chesterfield for the last ten years,” he said. “I have really, really enjoyed my time here. I think this is one of the top courts in the area.”

Then Engelmeyer invited all the councilpersons to attend court and “sit where Mr. Heggie (city attorney) is sitting now and observe.” That seat on the dais would be directly next to Judge Rick “Let em Loose” Brunk. Of course Engelmeyer did not suggest councilpersons sit in the first row of the courtroom, because if they did they could not hear anything that is going on. Since Brunk, Engelmeyer and defense attorney stand next to each other and whisper back and forth making it impossible for the public to know what is going on.

<http://chesterfield.patch.com/articles/chesterfield-city-court-features-the-judge-whisperer>

After the meeting I briefly spoke with two councilmen and Mayor Nation. The mayor said he had sat on the dais next to the judge once and heard what was going on. I asked if the public should not have the same opportunity to hear what transpires in an open court.

Mayor Nation said that some of the things discussed might be embarrassing to the defendants.

My response to that is that public humiliation is an important part of the process, but apparently not in Chesterfield, at least not of Chesterfield residents or those defendants who can afford to hire attorneys. If you don't come to court with a lawyer, you have to stand 15 feet away from the dais and everyone can hear what is being said. It is a clear double standard, which is the gold standard in Chesterfield. Engelmeyer does do a great job generating revenue for the city by dropping DWI cases to Illegal Parking but collecting \$500 fines.



City Prosecutor doesn't look nearly as happy as the first person Ruimin Wu, after appearing before the council. Engelmeyer showed up to say how much he "really, really" enjoys being the city prosecutor.

A discussion after the meeting revolved around how the DWI defendants actually have records. I then had to point out that they had records that only the courts and police could see, but the general public, employers and insurance companies could not see, thanks to the deals made by Engelmeyer and accepted by Judge Brunk. .

**DEPARTMENT OF TRANSPORTATION .05% BAC FORGETS ONE THING:** When the National Transportation Safety Board voted to recommend states to lower the BAC level for drunk driving to .05%, they forgot to do one thing...to force states, counties and cities to actually prosecute drunk drivers currently testing above .08%.

In our two special reports on how municipal prosecutors refuse to prosecute drunk drivers (reports can be found on our website) we showed how almost no one gets a public record of conviction.

I mean drunk drivers in accidents and repeat drunk drivers and drunk drivers with blood alcohol levels of .24% and above leave court without a formal DWI conviction on their record. More often than not they pay a \$350 fine for Illegal Parking and receive “no-record” un-supervised probation terms for DWI.

**SPEAKING OF DRUNK DRIVERS:** The Chesterfield resident Roy Garozzo who has been charged with Felony drunk driving recently by the County after seven arrests and convictions, still leaves his house every weekday around 8am and arrives at his office in Town and Country by 8:30. In the afternoon he leaves his office on South Forty Drive and Woods Mill gets into one of his cars and drives back to Chesterfield. His drivers’ license is very REVOKED.

Readers of this newsletter have sent us photos of Roy’s autos at work in Town and Country. We pass along the photos to the cops. So far he has proved too tough to capture. Well for the cops to capture. Readers don’t seem to have a problem finding him.



Roy



Roy's Jeep at work.



Roy driving his BMW off the parking lot!.

**MERCY HOSPITAL PLANS FOR 43 ACRES AT BETWEEN CHESTERFIELD PARKWAY AND SOUTH FORTH ROAD MOVES AHEAD:** In the long term Mercy Health wants to develop a campus for medical treatment involving telecommunications. Big shot specialists in Boston, New York or LA who would never consider moving to St. Louis could do operations here in St. Louis by remote control with cameras. Likewise doctors in St. Louis who would never consider moving to a remote location of some Mercy Hospital out in the sticks would be doing operations by close circuit television from the Chesterfield center.

The proposal so underwhelmed the Planning Commission that it returned a 2-2 tie vote, which was enough to move the matter to the council.

Mercy already has 40 acres and wants to add three more acres. Part of the development would require Mercy to put in a public road through the development. The road would run between a new traffic circle on South Outer Forty Drive to a stoplight on Chesterfield Parkway.

There is still some land east of the development that Councilman Dan Hurt is afraid that if purchased by Mercy in the future could result in extra traffic on the nearby residential Shoettler Valley Road. Hurt wanted to make an amendment to the land use ordinance that would require the entire project be subjected to a new review if Mercy purchased property that adjoined to existing land to the east.

That brought a very sarcastic remark from Hurt's fellow Ward-3 councilman Mike Casey.

"Over the years I'm certain councilman Hurt has had some good ideas. This is not one of them," Casey said. Hurt was part of a reform slate of candidates that defeated council and mayoral candidates supported by Casey. Hurt did not return the insult.

Councilpersons Connie Fults and Elliott Grissom stated they thought it would be unfair to hold Mercy Health to a higher standard than any other person or company that might buy the land.

The amendment failed with only Barry Flachsbart and Nancy Greenwood voting with Hurt.

The project already has two communications towers approved. The new bill had another tower for the three acres being added. Councilwoman Greenwood proposed an amendment to eliminate the third tower. It died when no one offered a second to her motion.

**RUMOR MILL: Art on the move!** (originally appeared in our last Town and Country newsletter)  
We hear that the Art Guild is losing its lease with the City of Clayton and will have to vacate its headquarters in Oak Knoll Park on Big Bend Road and Clayton Road by the end of the year. The problem apparently deals with the Guild's property management or lack thereof.





The Art Guild in Clayton will not have the City of Clayton renew their \$1-a-year lease. Rumor is that the Guild has failed to adequately maintain the building.

**UPSCALE RESELL IT SHOP...ERR I MEAN CONSIGNMENT GALLERY IS COMING TO TOWN:** (a portion of this story originally appeared in the Town and Country Ex-Alderman newsletter) Maureen Strobeck and Barbara Lampe the co-owners of Town and Country's newest business (which is almost in Chesterfield) were at recent Board of Aldermen meeting. They wanted a sign variance so one letter on the sign for the new business can be six inches larger than the code allows. The variance was granted.

Maureen and Barb are owners of a furniture consignment shop named Encore Consignment Gallery. It's in the Lamp and Lantern Shopping center facing Clayton Road where the old Midwest Carpet store was located, next to the Myuseum. The store will have 10,200 square feet of space. The women act as if they are bringing a new idea to the area, but there is a furniture consignment store in the old Lawn and Patio building on Olive in Chesterfield and on Manchester Road in Kirkwood.

"It's a new way to get rid of furniture if you are downsizing or remodeling," said Storbeck. "This concept is huge in California and Arizona where stores are filled with very fine furniture."

"We wanted a more upscale name instead of 'Auntie's Attic' or 'Second Time Around,'" said Strobeck explaining their choice of names. The store's phone number is 636-220-9092.



**IRS AND TEA OR PARTIES:** Now that it has come out that the IRS was going after tax returns that had the words “Tea” or “Tea Party “ or “Patriot” in their name you have to wonder.



This guy has always been a big supporter of tea parties.

Did the IRS go over Unilever (former Lever Brothers of New Jersey) since they own Lipton Tea and are big supporters of tea parties? Did the Patriot League, which included the football and basketball teams of both the Army and Naval military academies get an extra look? Finally here is an issue that the right should jump onto and leave the search for the Kenyan birth certificate back in Hawaii.



**MORE LAYOFFS AT PATCH.COM:** On Friday four more positions at the St. Louis Region of patch.com were eliminated. In February Forbes and other financial publications were reporting that things were bleak at Patch.com as it continued not to make a profit and was bleeding huge sums from AOL’s bottom line. This month a Forbes article quoted an analyst of the cyber industry that patch.com lost another \$100,000,000 in 2012 to match the \$100,000,000 they lost in 2011.

Things don't look good in St. Louis as two management people sent to St. Louis to help the struggling regional editor Kurt Greenbaum right the ship over a year ago were cut loose, including Dan Feldt. It was surprising that Feldt got cut and not Greenbaum, leading some to think that Greenbaum was making the least money.

The other manager cut was Sherry Skalko, who oversaw all Midwest Patch sites.

James Baer the editor of the Ladue and Olivette patch sites was also canned. Baer, an original Patch editor from October of 2010, had featured far more stories about the St. Joseph Academy and MICDS girl's field hockey teams than local politics. While Patch moved further and further away from sports coverage as AOL continued to order more and more layoffs, Baer often had 50% or more rich-kids sports articles on his Patch sites.

Dan Barger, the editor of Fenton-High Ridge site was also canned.

Julie Brown Patton who as editor of the Eureka-Wildwood site covered Rockwood School District news quit in April and was not replaced. Frank Johnson, who is the third Chesterfield Patch editor in three years, was assigned to cover Chesterfield and Eureka-Wildwood plus Rockwood Schools.

The Ballwin-Ellisville site is now on its third editor in less than 10 months. Bryanna Hampton tried to manage Ballwin-Ellisville and Webster Groves. That covers a lot of area. She now does Webster and Kirkwood sites which includes seven different cities. The original Creve Coeur editor, Greg Palermo now also tries to also cover Ballwin and Ellisville. Anyone know a fast way to get from Olive and Spoeede to Manchester and Highway 109?

When launched in St. Louis back in 2010 Patch.com promised total coverage of specifically selected areas. They hired editors for selected coverage communities and the editors then hired freelancers as reporters, photographers and columnists. There were also two regional sports editors. One position was eliminated within three months of the launch and last remaining sports editor was eliminated within a year.

Next the freelance reporters were cut as were the food and lifestyle columnists as patch.com was on the way to losing \$100,000,000 in 2011. The last of the part timers were canned in July of 2012. Editors were instructed to find bloggers who would write for no pay.



By 2013 when editors quit they were not replaced. Existing editors were given more coverage areas. Often only one new article is being posted a day. Often one article would be posted on all local sites, something that was forbidden back in 2010.

Reports out of New York and California claim AOL is trying to turn patch.com into a community bulletin board and a place for unpaid bloggers eliminating journalism.

We predicted the local patch.com sites would be dead by either the end of third quarter (March 31) or the end of the fourth quarter on June 30. We missed on the March 31st guess. With layoffs in May, we now have to admit the end probably won't come until at least the end of the calendar year. But for practical purpose the end of Patch really came in 2012 when they got rid of the reporters and told editors to do everything.

Now instead of reporting all the topics on an agenda of a meeting at city hall Patch will dribble the information out over the next ten days to have something to post.

**A READER FOLLOWING THE COST OF GETTING RECORDS:** A regular newsletter reader was thinking of me having to shell \$315 to get copies of police reports for our article on drunk drivers and thieves getting off without records of convictions in Town and Country and Chesterfield. That is of course unless you consider reduced charges agreed to municipal prosecutors of Illegal parking and Littering as records of convictions.

In Chesterfield they wanted to charge more to simply review records than to obtain copies.

While in Missouri records requests are under the Sunshine law. On the Federal level they fall under the Freedom of Information Act, which allows agencies to waive the fees associated with obtaining records if they are to be disseminated to the general public. After reading an op-ed piece in the Wall Street Journal he thought about me and getting DWI and theft reports and forwarded the piece that appeared on May 15.

## [From the IRS to the EPA?](#)

JASON L. RILEY

Gina McCarthy, President Obama's pick to replace Lisa Jackson as head of the Environmental Protection Agency, is awaiting Senate confirmation. And Republicans have taken heat for asking Ms. McCarthy too many questions about her plans for the EPA. My concern is that they haven't asked her enough questions.

The Washington Examiner reported Tuesday that the EPA under Ms. Jackson has a history of favoring groups that share the agency's political agenda. "Conservative groups seeking information from the Environmental Protection Agency have been routinely hindered by fees normally waived for media and watchdog groups, while fees for more than 90 percent of requests from green groups were waived," according to the report.

Government agencies like the EPA typically waive so-called Freedom of Information Act (FOIA) request fees for groups disseminating information for public benefit, but it's up to the agency to decide whether a fee-waiver is justified. At the EPA, fees were waived for liberal environmental groups like Greenpeace and EarthJustice almost always. Meanwhile, the Competitive Enterprise Institute, a free-market think tank, "had its requests denied 93 percent of the time. One request was denied because CEI failed to express its intent to disseminate the information to the general public. The rest were denied because the agency said CEI 'failed to demonstrate that the release of the information requested significantly increases the public understanding of government operations or activities.'"

This is important because the White House and Democrats have increasingly used regulators at the EPA to advance a green agenda that they can't get through Congress. The Examiner story suggests that the administration is also using agency regulators to tamp down criticism, the kind of activity that's at the heart of the IRS scandal. If the fee waiver is denied, that is usually the end of the FOIA request, since many groups don't have the resources to pay for the documents they are requesting.

"Appointing Ms. Jackson's successor is among the most important personnel moves for President Barack Obama in his second term because the top environmental regulator has broad executive powers in an era of legislative gridlock," wrote The Wall Street Journal in December after Ms. Jackson announced that she was stepping down. "The next EPA leader is likely to write and enforce regulations affecting power plants, factories, and oil and natural-gas drilling rigs across the country. The EPA could look at regulating hydraulic fracturing, or fracking, and is already moving ahead with limits on greenhouse-gas emissions from coal-fired power plants."

Ms. McCarthy worked under Ms. Jackson at the EPA as an assistant administrator, and Republicans have sent her more than 650 questions as part of the confirmation process. Sen. David Vitter of Louisiana, who has led the GOP opposition to her nomination, says that Ms. McCarthy has not been asked specifically about the agency's uneven handling of FOIA requests but that he plans to do so.

"We know the Obama EPA has completely mismanaged FOIA, but granting fee waivers for their friends in the far-left environmental community, while simultaneously blocking conservative-leaning groups from gaining access to information, is really no different than the IRS disaster," Mr. Vitter told me in an email Tuesday.

**WEST COUNTY JOURNAL IS FINALLY BURIED...IT DIED SHORTLY AFTER BEING TAKEN OVER BY LEE ENTERPRISES:** It was good to see that Lee Enterprises finally buried the West County Journal. When the paper was still being delivered occasionally on Wednesdays it had become a joke. It was even a bigger joke when Lee wanted people to subscribe to it. The only bad thing about the closing of the

Journals is that Mary Shapiro is out of a job. She was a very good writer who covered West County cities. Her articles often appeared on the StLToday website.

Here is a letter I wrote the CEO of Lee concerning The Journals back in 2007. If Mary Junck would have killed the papers then they would have saved a huge amount of money. .

John W. Hoffmann  
13309 Manor Hill Road  
Town and Country, Missouri 63131  
(314) 835-0751  
[johnhoffmann@charter.net](mailto:johnhoffmann@charter.net)

October 8, 2007

Ms. Mary Junck, Chairman and CEO  
Lee Enterprises  
201 N. Harrison St.  
Davenport, IA 52801

RE: St. Louis Journal Newspapers

Dear Ms. Junck:

I live in Town and Country, a St. Louis suburb of 10,000 people, where the average home has an annual income in the six figures. It is a place where you are likely to find the homes of potential advertisers and certainly a place where people live who your existing advertisers would like to target.

This letter is a recommendation concerning your Journal papers. Please accept this as feedback from an occasional reader. I moved back to the St. Louis area after a 25-year absence. I have had a 30-year career in public safety for municipal and county governments in Missouri and Maryland. I also have had a 21-year career working in a part time and full time capacity as a magazine news reporter covering the criminal justice issues in the Washington, DC and covering sports for large and small daily newspapers, including papers owned by Capital Cities, Gannett and the Washington Post Company, plus magazines and websites.

My advice to Lee Enterprises is to either sell or shut down the Journal papers without delay and save your company a lot of money. Here is why I offer this advice:

Circulation/Delivery: My copy of the West County Journal sometimes arrives and sometimes doesn't arrive. Sometimes I don't get a paper, but my neighbor does. Some weeks my whole subdivision does not get a paper. This last week a large part of the City of Town and Country did not receive a paper. Some weeks when we do get a paper it arrives on Tuesday night, other weeks it comes on Wednesday morning and other times it comes late on Wednesday evening. People who are not in the habit of getting the paper every week at the same time are not going to be in the habit of reading the paper. Now the people who live in this area and own businesses or have marketing decisions for businesses are not likely to purchase ad space if they know the chances of their ad being delivered to potential customers in a timely manner is "iffy" at best.

Editorial: Your papers list specific coverage areas, but often readers find on the front page, above the fold, news stories or worse...features... from outside the coverage area. Many weeks the only news articles in my edition from my coverage area are written by just one person, the paper's editor. The local coverage is so spotty there is little reason for readers to even check the news section. There are a lot of qualified people you could use to cover specific municipalities as stringers, with no extra employment benefit costs to Lee, to beef up the coverage, but you have not done so. This is especially true since Lee has given buyouts to so many qualified people at the Post-Dispatch.

Also it appears as if none of your papers have an editorial voice concerning local issues. This could be possible because your limited staff does not have a good enough idea as to what is happening in local cities and towns to have an editorial opinion.

Advertising: The times I receive your paper and checked the classified ads, I would have to guess that 50-percent of the classified inches are dedicated to jobs with the Journal, the majority in the advertising department.

If you cannot staff your advertising department, if you cannot provide local news coverage to your target audience and if you cannot deliver your product in a timely manner or at all...why bother to stay in business? It's like owning a boat...the sooner you get rid of it...the sooner you start saving money.

Sincerely,

John Hoffmann



We returned to Ellisville On May 15 to attend the City Council meeting. It is likely to be the last Ellisville City Council I will attend concerning the impeachment of the popular Mayor Adam Paul who was against giving TIFs to developers for Wal Mart.

Special Counsel John Maupin, one of the three attorneys hired to help get rid of the mayor and bill the City of Ellisville hundreds of thousands of dollars for legal services.

**THE BS DETECTOR WAS PEGGED:** When I was a baseball writer on the East Coast, I covered mostly minor league baseball. Dave Collins was a wonderful guy who I thought was a great play by play broadcaster plus Press and PR director. He is still in the minor leagues broadcasting baseball games. Dave's big problem is he never played the big shot role well and was almost too honest for the job of dealing with the press. . But Dave was very smart.

In dealing with me, when I would ask a question about a player move or an upcoming club promotion Dave would often give me a different answer than he would give other writers.

"Your years as a police detective you have a very sensitive bullshit detector. I know if I try to spin something you will find out what is really happening and be sure to tell people how we tried to hide it, so I'm just telling you the complete truth," Dave once told me. (The team Dave worked for later sold to cable giant Comcast and he left. When I would write negatively about problems with promotions or team actions that were upsetting the staff of Baltimore Orioles, Comcast reacted in a different way than Dave did. They revoked my press pass.)



Dave Collins broadcasting a Lancaster (PA) Barnstormers minor league baseball game.

Well the other night after the big vote at the Ellisville City Council meeting while interviewing new councilwoman Cindy Pool after the controversial vote I thought of Dave because my Bullshit detector went off big time.

On the agenda was a resolution to overturn the resolution to impeach popular young Mayor Adam Paul. On one side was Councilman/Mayor Pro-tem Matt Pirrello, who along with city attorney Paul Martin started working on impeaching Mayor Paul within a month of him being sworn in. Roze Acup was on the old board and also voted to impeach Paul. They represented two sure votes to let the impeachment stand.



Here are the three people who began working within weeks of Mayor Adam Paul being sworn in to get rid of him...City Attorney Paul Martin, Councilman Matt Pirrello and City Manager Kevin Bookout.

Newly elected Gary Voss and Mick Cahill ran on platforms of throwing the bums out and overturning Paul's impeachment. Linda Reel was from the former board and all along thought the impeachment of Paul was stupid and voted against it. That was three votes. You needed a majority with a 4-2 vote to pass anything.



These were the three votes for the resolution to overturn the impeachment of Mayor Adam Paul. Mick Cahill, Gary Voss and Linda Reel.



That left Cindy Pool who was newly elected, barely. She won by 23 votes over a person supporting Paul who ran at the last minute as a write-in candidate. Pool had repeatedly said she just wanted this (the impeachment controversy) to end. If she voted for the resolution the whole thing would have ended. The popularly elected mayor would be back in and the city would save thousands in legal fees.

The City Council Chambers were crowded as usual. When they called the roll for the vote, the three votes were recorded to throw out the impeachment. Then Pool voted “No” and a loud audible groan bounced around the room from the crowd.



They don't want you to use camera flashes at the city council meetings. Cindy Pool was so nervous she was moving around all night making it hard to get a clear photo of her.

Instead of ending the impeachment ordeal for the City of Ellisville, Pool continued it and kept three outside attorneys on the city's payroll which will likely cost the city well into six figures. With a 3-3 tie the resolution did not pass.

Immediately after the vote the meeting ended. Andy Banker from KTVI, Stephen Deere of the Post-Dispatch and I began peppering Pool with questions.

Pool told me that she attended the entire three-day impeachment. At first she said she did not think Paul should have been impeached and said she just wished the old council would have let the new council decide the impeachment.

She said she was concerned of setting a precedent of overturning over council's votes. I mentioned to her using that logic the country would still have prohibition and woman would not be allowed to vote.

When I mentioned how the impeachment appeal process was going to cost the city over \$100,000 Pool gave two confusing answers.

“Adam Paul told me he just wanted his seat back and didn’t want any money from the City of Ellisville,” said Pool. I then pointed out the real costs to the taxpayers would be the trio of lawyers billing the city for preparation and court time. That is when Pool came up with another answer trying to deflect the attention from her.

“Well, it wouldn’t cost the city anything if he didn’t appeal it,” she said with a straight face. Andy Banker looked at her and said Paul had promised to appeal the impeachment before it even started.

Banker then asked Pool if she thought Mayor Paul had been treated fairly.

“I think a lot of people have not been treated fairly by the prior council,” she said, but had just voted against trying to correct it.

Earlier Pool told me she did not think Paul should have been impeached. Five minutes later Andy Banker asked, “What is your opinion of the impeachment?”

“I chose not to answer that,” replied Pool.

**BS METER WENT OFF:** Pool said she had three reasons for voting not to overturn the impeachment. Her first reason was because her constituents wanted Ellisville to stop being the laughing stock and for this to end. (Of course as mentioned her vote merely ensure it would continue.)

Next she said she got a lot of emails after an interview appeared in the Ballwin-Ellisville Patch two days earlier.

I piped up, “You mean you decided your vote on an article in the Patch. Don’t you realize nobody reads the Patch anymore?”

Of course this comment immediately brought a howl of protest from the Patch editor present who just had his coverage area more than doubled as the Patch continues to reduce staff before the inevitable end.

Pool continued that she had received a large number of emails from residents urging her to uphold the impeachment. I found this very hard to believe. First I had attended three days of the impeachment hearings, plus four city council meetings and have heard almost no one in favor of the impeachment and as many as 20 on any given night lambasting the council over the impeachment.

Secondly Patch articles about the impeachment often have as many as 20-to-30 reader comments. However all those comments are normally between three or four people arguing among themselves and are no evidence of a groundswell of anything.

Pool never did give a third reason for voting “NO.”

Her statement of receiving a large numbers of emails urging her to uphold the impeachment was beyond hard to believe and certainly did not ring true.

The next day I drove out to the Ellisville City Hall with a Missouri Sunshine Open Records request for the emails received by Cindy Pool for the last week.

Who should I run into in the cramped public area of the city hall? It was Cindy Pool. I turned in my request and Cindy asked if there was anything she could do to help me.

“Sure. You could send me all the emails you received in the last week at your city email address,” I said.

“You can’t see those. They are private,” a clearly upset Pool declared.

I told her I believe I certainly could see those.

She replied she has gotten emails where one resident is complaining about another and it would not be fair for me to see their name. I told her the city could redact the name...it would be fine with me, but emails received at the city’s email server are public records I said. She continued to argue. The city hall employee stopped our discussion and said she would forward my request to the proper person.

I have to wonder why Cindy Pool doesn’t want me to see her emails. I think it is because she did not receive a large number of emails urging her to vote for the impeachment of Adam Paul and in fact will show just the opposite...almost all emails urging her to overturn the impeachment.

When I turned in a similar request to Chesterfield in June of 2012 wanting emails between staff and councilpersons complaining about the coverage they were getting from Jean Whitney, then editor of the Chesterfield Patch and about my columns, I received the emails in a couple of days.

I’m anticipating this taking a long time with Ellisville with excuses why they can’t provide public records.

**First response:** The city is supposed to have 72 hours to respond to and complete records requests. Their first response came 64 hours when I received the following email from city clerk Kate Demeter:

**From:** Kate Demeter [mailto:kate@ellisville.mo.us]  
**Sent:** Monday, May 20, 2013 6:14 AM  
**To:** johnhoffmann@charter.net  
**Subject:** records request

John

I was not in the office Thursday and Friday last week and did not get your records request dated 5/16/13 until this morning.

I will contact Council Member Pool as soon as possible and get back to you.

Kate

**Here was my response:**

**From:** John Hoffmann [mailto:johnhoffmann@charter.net]  
**Sent:** Monday, May 20, 2013 11:20 AM  
**To:** 'Kate Demeter'  
**Subject:** RE: records request

Thanks Kate,

Don't you or Leigh have control and access to emails through the city server? I know the city clerk in Chesterfield does.

John Hoffmann

**And from Demeter:**

**From:** Kate Demeter [mailto:kate@ellisville.mo.us]  
**Sent:** Monday, May 20, 2013 11:54 AM  
**To:** 'John Hoffmann'  
**Subject:** RE: records request

I believe that Chesterfield actually has everything in house.  
We do not have our own server.

**And back from me:**

**From:** John Hoffmann [mailto:johnhoffmann@charter.net]  
**Sent:** Monday, May 20, 2013 1:33 PM  
**To:** 'Kate Demeter'  
**Subject:** RE: records request

Kate,

I think you are right about Chesterfield

But, whether you have your own server or contract a server's use...someone at city hall should be able to review emails received on that server. I can go directly to the Comcast server and review my email account info from anywhere in the world without using my own computer. I have to think you guys and Leigh have the same ability.

Thanks again,

John Hoffmann

## **AND BACK...ELLISVILLE HIDING BEHIND “NOT TECH SAVY” DEFENSE:**

**From:** Kate Demeter [mailto:kate@ellisville.mo.us]  
**Sent:** Monday, May 20, 2013 1:51 PM  
**To:** 'John Hoffmann'  
**Subject:** records request

My understanding is once our internet mail provider forwards any of us an email, they do not keep a copy on their server.

Council Member Pool is required to copy my office if she sends an email to a quorum of the council; she does not have to provide me with copies of her other emails.

I am still waiting to hear from her. She may decide to provide you with “all” emails, but that is up to her.

**POSSIBLE NEW ELLISVILLE CITY HALL:** When I moved back to St. Louis in 2006 after a 26-year absence, I noticed that the motto for Ellisville was “The City of Trails and Parks.” This caused me to laugh since everyone in St. Louis knew the motto should be “Ellisville, The City of Car Dealers.” There were over a dozen dealerships in Ellisville then. Now after the recession and Sansone Development buying the land that four dealerships sat on for a proposed Wal-Mart store the number is down to around eight.

Tri-Star the Mercedes-Benz dealer has a brand new building, but wants to move closer to the 63108 and 63105 zip codes and those rich people in the Central West End and

Clayton. They are building a new complex at the location of the old KTVI Channel 2 building and tower off of Hampton at I-64.

Also on the agenda at the meeting was a \$5.5-million bond issue to buy the Tri-Star Mercedes Benz dealership complex on the west end of Ellisville for \$3.2 million and spend \$2.2 million remodeling it for a new city hall and police facility. The city does desperately need a more spacious and modern City Hall and they would have it moving to a building with 42,000 square feet of space.



**MORE LAWYERS' LETTERS:** Mick Cahill was not impressed with a letter John Hessel, an attorney with Lewis-Rice, who represents the Sansone Group in the Wal Mart development in Ellisville, wrote to the city council members. Cahill told Hessel he felt that the letter was a threat.

"In May of 2012 the city entered into a redevelopment agreement," Hessel said. "The city is obligated to issue TIF notes. Under the law you and the city are obligated to pass the TIF notes. Not doing would and could subject the city and the city council to liability," said a smiling Hessel.

"It seems to me it (the letter) is threatening. It does not sound like advice. It sounds like a threat. I don't like threats," said Cahill. "I'll get my advice some the city attorney and not you," Cahill added.

It is good to see that Lewis-Rice is still in the business of kicking people out of their businesses or homes. Back in 2006 Lewis-Rice partner, attorney and Town and Country mayor Jon Dalton was behind a group of underfunded investors that wanted to snatch the salvage yard business of widow Opal Henderson and use her property for a parking lot for nightclubs they planned to build, but never did.



Dalton actually got Lewis-Rice to represent the St. Louis land Clearance Authority in the eminent domain case to grab Henderson's property. Dalton's group won at first getting the property at a low price, but lost in the courts and had to come up with just under \$1,000,000, which they delayed paying for several years.

Now instead of kicking widows off their business property, Lewis-Rice is helping developers kick long time apartment dwellers out of their homes.

**MORE LAWYERS ON PAYROLL, YIKES!** The City of Ellisville has a city attorney, Paul Martin, who thanks to all the bad publicity over the impeachment and his involvement was just fired by University City as their city attorney. Martin is also paid as the city prosecutor. They also have hired three attorneys to deal with the impeachment, since Martin had to disqualify himself from that issue since he was such an active participant. This trio has already run up a bill in the area of \$100,000.

Lawyer Donald Anderson is paid to be the municipal judge.

Now they want to hire two more part time lawyers, one lawyer to deal with employment law. Another lawyer may be hired to deal with bond issues and the Sansone (Wal-mart) development agreement. That one is needed because City Attorney Paul Martin has received payment from Sansone for some of his work on the original agreement.

The recession or the lack of getting Wal Mart sales tax revenue flowing isn't going to be what does in Ellisville's budget. It will have to reduce city services after paying bills from seven lawyers.

**WHEN THERE IS A SHINE ON YOUR SHOES, THERE'S A MELODY IN YOUR HEART...WHAT A WONDERFUL WAY TO START THE DAY...**Unless there is a #%&@#! tree on your house and you can't open your garage door!



## MUSIC AND FOOD:

**Trumpet Night in Clayton:** What I like about going to Sasha's on DeMun in Clayton on Wednesday nights is that you never know for sure what it will be like at the end of the night. Last Wednesday it was four trumpets and a sax plus keyboard. No for the last number they were not playing Leroy Anderson's Bugler's Holliday or Bugler's Lullaby. See if you can tell which ones are hitting the high notes.



## CARTOONS:





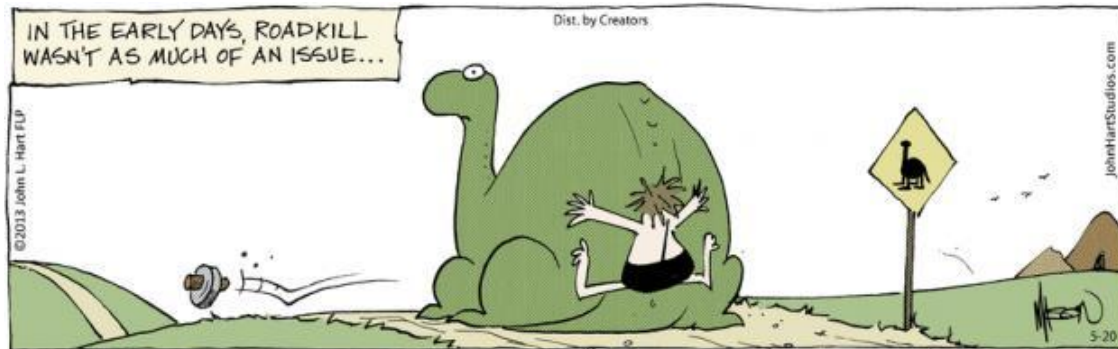
©2013 John L. Hart FLP



Dist. by Creators



JohnHartStudios.com



©2013 John L. Hart FLP

Dist. by Creators

JohnHartStudios.com



©2013 John L. Hart FLP

Dist. by Creators



5-18 JohnHartStudios.com



Steve McWhitty  
BRACKINS

©13 MacNelly-Part. by King Features-SHOWCOMICS.COM



5/11

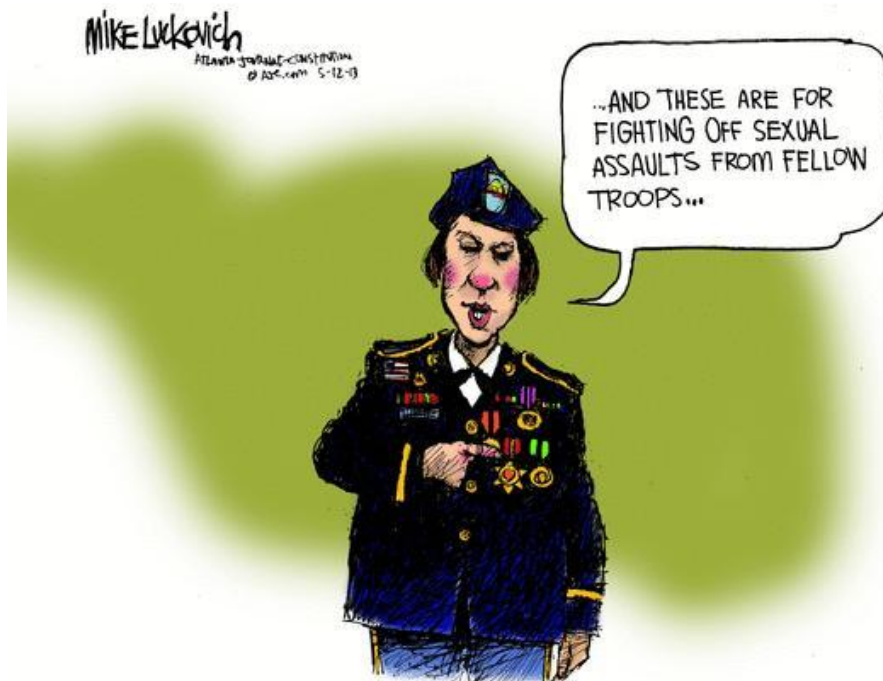






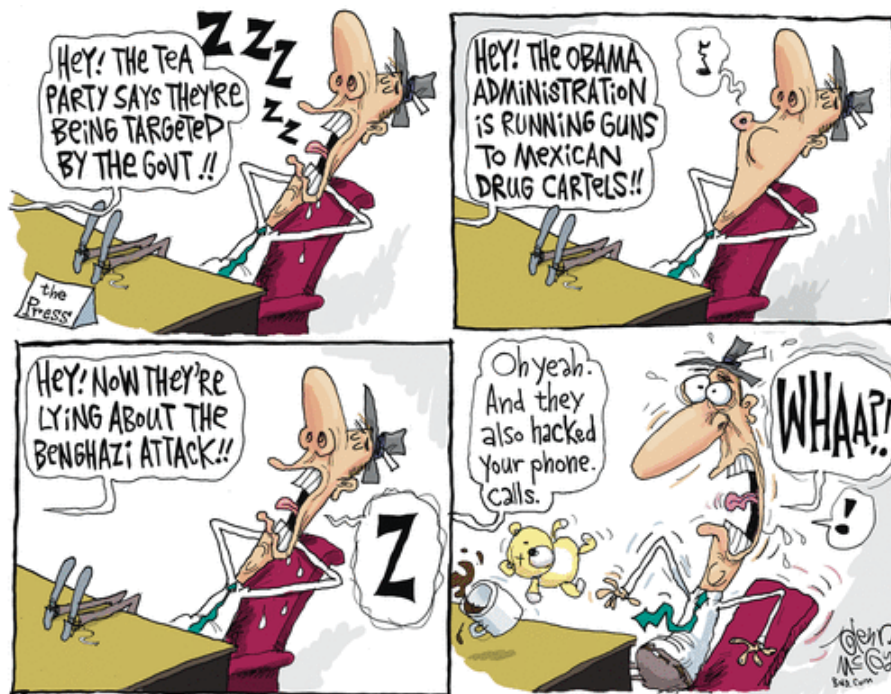
"To add additional seats, we have done away with restrooms and now use these streamlined potty bags, ma'am."





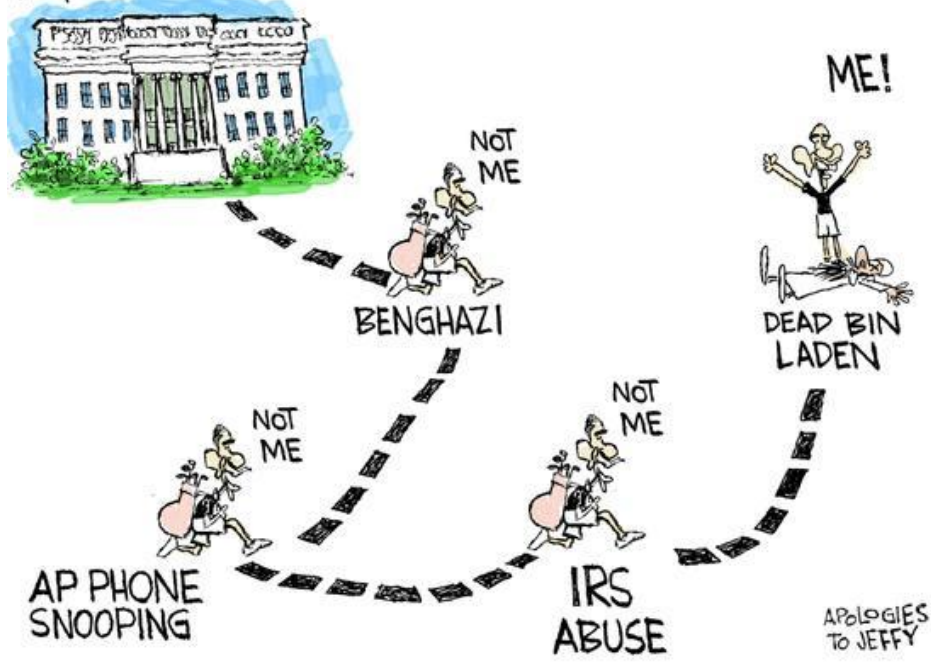







The PRESIDENT DISCOVERS HIS MAGNETIC PERSONALITY IS A MIXED BLESSING:







I voted for Obama because he's black.



**LIBTARDS** by Dixon Diaz

I'm so proud that we have a black President.



Having a black President is real progress.



Having a black President is a victory for diversity.



What about the deficit, unemployment....



...Benghazi, gas prices, immigration crisis...



...Solyndra, lowered national credit rating...



You're just a racist.



(c) 2013 Dixon Diaz except Peanuts characters (c) United Feature Syndicate