

EX ALDERMAN NEWSLETTER 234 AND CHESTERFIELD 179



By John Hoffmann

July 18, 2016

JUNE TOWN AND COUNTRY POLICE ACTIVITY:

The following activity was reported by the police department during the month of June:

Officers responded to a total of 1731 calls for service and wrote a total of 201 reports, including:

102 Vehicle Crashes (3.4 a day)

37 Criminal Reports (1.2 a day)

11 Driving While Intoxicated arrests (1 Felony, 2 Misd, 8 ord) (2.6 a week)

25 Misc Arrests (Traffic charges, Fugitive charges, Failure to appear charges, etc)

236 Traffic citations issued (7.8 a day) (117 speeding 3.9 a day)

In June the department averaged 44 calls or self-initiated events per day.

2016 YTD POLICE STATS:

11,174 Calls for service. This equals on average 61 calls or self-initiated events or actions a day.

2016 Town and County Police Activity Report Jan-June

Officer's responded to a total of 11,174 (average of 61 calls or self-initiated events a day) calls for service and wrote a total of 1,219 reports, including:

558 Vehicle Crashes (3.1 a day)

180 Criminal Reports (0.99 a day)

90 Driving While Intoxicated arrests (9 Felony, 5 Misd, 76 Ord) (3.5 a week)

157 Misc Arrests (Traffic Charges, Fugitive charges, Failure to Appear, etc)

1,902 Traffic citations issued (10.5 a day) (1,151 speeding 6.2 a day)



JUNE DEER REPORT: Deer vs Cars and Trucks:

June was five crashes on the the local Interstate highways and one on an Interstate service road. The deer vs vehicle incidents are at 25 for the first half of 2016. Last year there were 39 in the first six months of the year. Keep in mind the last three months of the year is when deer kills by vehicle skyrocket.

- 06/05/16 8:13 PM EB I-64 west of I-270 (Ward 1)
- 06/06/16 9:21 PM SB I-270 at Clayton Road (Ward1)
- 06/09/16 2:19 AM SB Hwy 141 at I-64 (Ward 4)
- 06/20/16 5:49 AM South Outer 40 Road at Amersham (Ward 1)
- 06/23/16 11:22 PM NB I-270 S of Clayton Road (Ward 1)
- 06/30/16 2:26 AM WB I-64 at Mason Road (Ward 2)



2016 Deer Accident Locations Jan-June

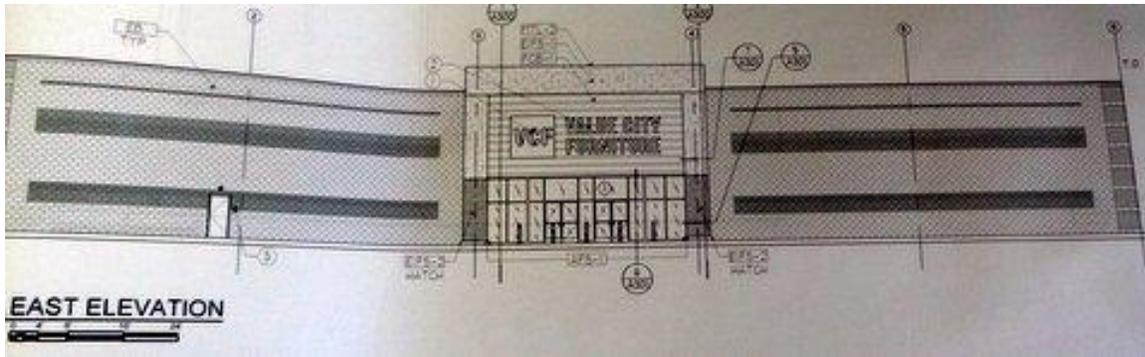
- I-64 Ballas to Mason **4** Wards 1 and 2
- I-64 Mason to Hwy 141 **2** Ward 4
- I-270 South City Limits to North CL **5** Ward 1
- Ballas Road **2** Ward 1
- South Outer Forty Road & Municipal Center Drive to Mason **1** Wards 1 & 2
- Mason Road (Clayton to south city limits) **1** Ward 2
- Clayton Road (Mason to Woods Mill) **2** Ward 3
- Woodsmill Road **2** Wards 3 and 4
- Highway 141 **6** Wards 3 and 4

BALLWIN OFFICER IS PARALYZED FROM THE NECK DOWN: I knew by Saturday morning July 9 that Ballwin Police Officer Michael Flamion was never going to fully recover from being shot twice in the neck. He was paralyzed from the neck down after being shot twice on a traffic stop on Friday morning July 8. That evening State Rep. Sue Allen sent out an email asking for prayers for Flamion "who was paralyzed from the neck down." Later that night I had an email from a Ballwin city official forwarded to me asking for prayers as Officer Flamion was paralyzed from the neck down. On Monday a West County police official told me that a bullet had severed Officer Flamion's spine.



I'm not sure why the local media did nothing with this for days, despite elected and government officials writing about the condition of Officer Flamion. I posted something on my facebook page Monday July 11 asking especially my police "friends" here, in Kansas City and in Maryland, while they were saying prayers for the Dallas officers that they thrown in one toward Officer Flamion's direction as the national media had ignored him.

NEW BUSINESSES COMING TO TOWN: Value City Furniture is not a name you would associate with the swells in Town and Country, but they are coming to town, barely. While Value City Furniture is not a high end dealer, but after moving into the old Sports Authority store in the Manchester Meadows Shopping Center it will surely attract first time homeowners and apartment renters in the unincorporated county, Manchester and Winchester areas. That in turn will produce sales tax for Town and Country. The store is just about 150 feet inside the Town and Country city limits.



ANOTHER PLACE SELLING CALORIES: COMING TO TOWN AND COUNTRY

CROSSING: Einstein Brothers Bagels is leaving the northeast corner of Clayton Road and Woods Mill being replaced by Katie's Pizza (an overpriced Italian eatery). But another breakfast joint will soon be opening up on the southwest corner of Clayton and Woods Mill in the Town and Country Crossing. First Watch, the breakfast and lunch café that opens at 6 o'clock and closes at 2 will be moving into the former location of Klutch Storefront and empty storefront next door. The new addition to the Town and Country Crossing will have doors on the north side facing the pond and on the front and the rear off the parking lot.



BUSINESSES THAT HAVE LEFT TOWN AND COUNTRY FOR CHESTERFIELD:

This is the empty store front west of Mike Duffy's and in front of the Schnuck's store at Clayton and Woods Mill Road is where the Run, Bike and Swim Store had been located.



Here's where they moved to on Clayton Road before Baxter Road between the old Lester's restaurant and Smitty's.



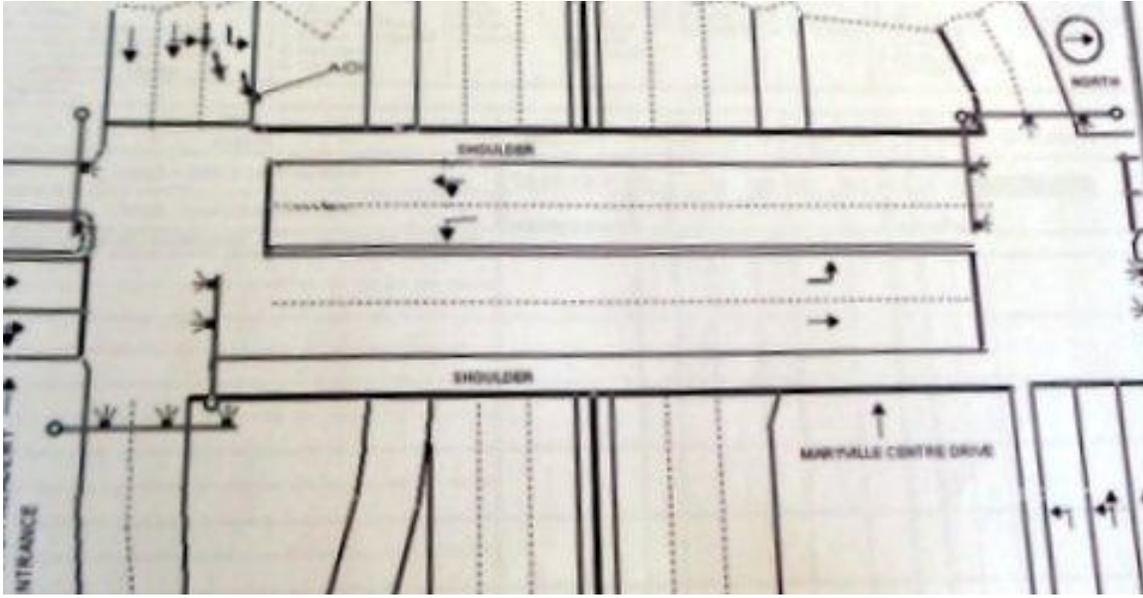
FLEET FEET BEAT FEET FROM TOWN AND COUNTRY: In the same Schnuck's shopping center located on the other side of the building from Duffy's Pub was the Fleet Feet store. It has moved to Chesterfield Valley, next to Lowes.



CHESTERFIELD MAN SUES TOWN AND COUNTRY FOR MOTORCYCLE

ACCIDENT ON A 'DANGEROUS' STATE MODOT ROAD: On June 11, 2011 at 5:35 PM Dennis G. Colbert, 52 of 2123 Brook Hill Ridge Drive, Chesterfield was riding his 2000 Honda Goldwing motorcycle east on the I-64 South Outer Forty Road, a service road to I-64. South Forty Road is a part of the highway system and is controlled, maintained, and owned by the Missouri Department of Transportation (MoDOT). The City of Town and Country has no responsibility over the road, other than to do occasion enforcement and write crash reports.

Colbert drove onto the yellow lane divider 40 feet from the intersection with the Maryville Center Drive, which at the intersection was part of a MoDOT overpass above six lanes of I-64. At the time he drove into a rut that trapped his front tire bringing the motorcycle to an abrupt stop and sending Gilbert over the handle bars and onto the pavement he was on a State of Missouri road approaching another State of Missouri road.



The crash is in the upper left hand corner of the diagram.

Colbert was injured and was taken to the hospital.

Four days before the five-year statute of limitations would have tolled, Colbert filed suit against Missouri Highways and also the City of Town and Country. It was the second defendant that was odd, since it was not a city street that had a rut in it.

In his lawsuit he wants \$25,000 from MoDOT for his injuries. The allegations against Town and Country are the same as those against MoDot. He wants an additional \$25,000 from Town and Country.

He alleges:

- * Town and Country failed to maintain the road in a reasonable and safe condition. (The problem bearing is that it is not Town and Country's street to maintain.)
- * Town and Country failed to barricade or warn of the rut/crack in roadway (again it was not Town and Country's road to set up barriers or warnings.)
- * Town and Country failed to patch the rut/crack in roadway. (Town and Country does not maintain or repair State of Missouri Highways.)

Now paragraph 17 of his lawsuit is the only part that makes any sense, but that is still not much. It reads:

17) Plaintiff was not aware of the rut before encountering it. Defendant (Town and Country) could have known of the dangerous condition. (There is a big difference of

proof between "could have" and actually knew. In a car this crack may have been difficult to see. If you could prove the Town and Country cops on patrol knew about this condition for several days and intentionally did not have MoDOT notified of the danger there could be some liability, but proving it without that proof is something else.)

TOWN AND COUNTRY'S RESPONSE: Lawyers representing the city's insurance carrier denied everything in Count II of the lawsuit involving Town and Country and then added this:

B. Defendant is entitled to Sovereign Immunity as Plaintiff has failed to plead and prove an applicable exception to the application of sovereign immunity, including without limitation, sovereign immunity bars claims regarding failure to barricade and warn. *Boever v. Special School Dist. of St. Louis*, 296 S.W.2d 487 (2009); *Necker ex rel. Necker v. City of Bridgeton*, 938 S.W.2d 651, 655 (Mo. App. E.D. 1997).

C. Any injury or damage, if any, sustained by plaintiff was the direct and proximate result of others, including Plaintiff's own negligence, carelessness and comparative fault in failing to keep a careful lookout, and to observe a condition of property that was open and obvious, failing to exercise the highest degree of care, or to exercise reasonable and ordinary care for his own safety, and thus and thereby, Plaintiff is not entitled to recover from this Defendant. Plaintiff's recovery should be reduced by the percentage of Plaintiff's own negligence and comparative fault contributing thereto. Such negligence, carelessness and comparative fault include the following, without limitation:

1. Plaintiff failed to keep a careful lookout toward the area where he was riding his motorcycle;
2. Plaintiff negligently and carelessly rode his motorcycle in such a manner as to cause himself to fall;
3. Plaintiff negligently and carelessly failed to drive around or over or otherwise avoid any alleged objects or deficiencies in the roadway, if any, including by taking an alternate path in the area where he was riding.

D. Plaintiff assumed the risk of a fall when he chose his path of travel.

E. Plaintiff is barred from recovery against his Defendant as failed to follow the notice requirements as specified in RSMo. § 79.480. Specifically, the City of Town and Country is a Fourth Class City. Notice was not properly given in writing to the Mayor of the City of Town and Country within ninety days of the occurrence for which said damage is claimed, therefore the subject cause of action is barred.

F. Whatever injuries or damages Plaintiffs sustained, if any, have been satisfied and, therefore, Defendant is entitled to a reduction and setoff in this amount from any judgment that may be entered pursuant to RSMo. § 537.060.

G. Plaintiff failed to mitigate his damages including without limitation by failing to follow his won doctor's orders. Further, he failed to engage in economic opportunities despite the ability to do so.

H. Further affirmative defenses may be set forth as is revealed in discovery.

WHEREFORE, having fully answered Plaintiff's Petition, Defendant City of Town and Country moved the Court dismiss Plaintiff's Petition against it, to award its fees and expenses to it, and for such other and further relief as the Court deems proper.

The one thing the city's answer spells out is the duty to keep a lookout. Most people are aware that asphalt pavement does crack and separate and it is really up to a bicyclist or motorcyclists to keep a careful lookout.

DRAG RACERS IN FRONTENAC KILL WIDOW IN FRONT OF KREIS'

RESTAURANT: Scott Bailey, 44, of unincorporated County driving his Mustang and Haven Sooter, 39, formerly of Clayton and now according to arrest records from May of St. Charles (and according to the Post-Dispatch Ladue, MO) was driving his BMW. They were drag racing south on S. Lindbergh Blvd. and had just left Creve Coeur and entered the City of Frontenac when 73-year-old Kay Koutroubis driving her 2004 Toyota SUV was in their way. Koutroubis was headed home to her house on General Grant Court in Crestwood. She would die two days later from internal injuries.

Police found both Bailey and Sooter to be intoxicated. Bailey was arrested and Sooter was sent to the hospital with a police officer to be treated for a broken arm and a concussion.

We found 13 traffic citations issued to Sooter. Most were issued between 1998 to 2001 and most were moving violations reduced to non-moving violations with no-points. He has one lawsuit filed against him involving a personal injury auto accident in 2008. On April 24, 2016 he was arrested for trespassing by a Missouri State Highway Patrol Trooper assigned to the casino in St. Charles.

Bailey, of 11124 Stoney View Lane of Unincorporated St. Louis County filed an appeal of a DOR DWI revocation order for either testing over the limit or refusing to take a breath test on July 11, two days after the deadly crash.

Bailey is a personnel injury lawyer in Clayton. Wrongful death is one of the areas of his practice.

His law firm Bailey Law, LLC had a website of iwasinjuredstl.com that Bailey took off line on Wednesday.



i was injured

Bailey Law LLC
Personal Injury Attorney

Website Directions

Address: 7733 Forsyth Blvd #1100, Clayton, MO 63105
Phone: (314) 296-6078
Hours: Open today · 9AM–5PM ▾

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Reviews
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Scott Bailey 3rd
Principal at Bailey Law, LLC
Saint Louis, Missouri | Law Practice

Previous W. Morris Taylor, P.C., Levine Law, LLC, Pinnacle Management
Education Washington University in St. Louis

Connect Send Scott InMail ▾ 190 connections

<https://www.linkedin.com/in/scott-bailey-8822496a> Contact Info

Background

Experience

Principal
Bailey Law, LLC
January 2014 – Present (2 years 7 months) | 7733 Forsyth Blvd, Suite 1100 Clayton, MO 63105
Bailey Law, LLC is a general civil litigation practice focused primarily on personal injury. Scott represents individuals throughout Missouri for personal injuries, workers compensation and professional negligence.

Attorney
W. Morris Taylor, P.C.
October 2005 – January 2014 (8 years 4 months) | Greater St. Louis Area
Manage a law practice devoted to litigation and civil trial practice, as well as general corporate counseling. Secured millions of dollars on behalf of injured clients and successfully argued before the Court of Appeals. Published in West Reporter for Robinson v. Board of Police Commissioners, 212 S.W.3d 165.

Legal Counsel
Levine Law, LLC
June 2004 – October 2005 (1 year 5 months) | Greater St. Louis Area
Assisted clients with new business ventures and start-ups from incorporation to business planning. Managed a general civil litigation practice.



Scott Bailey mug shot

Bailey wrote in his appeal of his pending license revocation for refusing to take a breath test, that he was not properly arrested. Well, he was properly arrested enough to make it to the police station, get booked, refuse a breath test, have his regular driver's license seized, be issued a temporary paper driver's license and have his mug shot taken.

I feel the Frontenac Police made the same mistake the Brentwood Police made in dealing with the wrong side of McKnight Road crash involving drunk driver N. Scott Rosenblum, well know St. Louis area criminal defense attorney. Rosenblum was drunk and driving his \$150,000 Bentley sports car on the wrong side of the road when he crashed into Ronald Smith's 1992 Toyota pickup truck, that Smith had just borrowed money to buy. It totaled the truck. The cops considered Smith's injuries as minor, but he did go to the hospital. It turned out they were more severe than thought.

When Rosenblum refused to take a breath test the cops did not get a search warrant and have blood drawn. Next Chesterfield's pathetic excuse for a prosecutor, Tim Engelmeyer, was appointed as a "special prosecutor" when the Brentwood PA removed himself from the case. Engelmeyer reduced the charge from DWI to C&I, when in fact Rosenblum if with a court ordered blood test should have been charged with a State DWI-causing Injury.

In Frontenac the officers did not think Mrs. Koutroubis' injuries were that severe. When lawyer Bailey refused to take a breath test they did not get a warrant for a blood test. Two days later Mrs. Koutroubis was dead and one day later Bailey was claiming he was not drunk and not properly arrested.

I drive fairly regularly on the section of South Lindbergh including at 9 o'clock at night. The idea this was adults drag racing in high performance cars on a section of road where every 1/2 mile there are stop lights, with plenty of side streets and businesses is amazing. I know our criminal justice will not do much to these two guys, but it should.

I just hope Mrs. Koutroubis' kids get as much money as possible from these two in a wrongful death lawsuit.

POLICE COMMISSION MOVING FROM "JUST DISCUSSION TO A DRAFT

ORDINANCE" ON GOLF CARTS It was first expected to be "just a discussion" about unlicensed golf carts being given permission to be operated on private subdivision streets that fall under city traffic enforcement. Now the latest agenda of the Tuesday July 19 Police Commission has "draft ordinance Golf Carts" on it. I'm told there are two different groups in Thornhill Estates that want golf carts, while the last true survey of residents three years ago showed the vast majority of residents don't want them.

Apparently three people in the Thornhill subdivision, including the subdivision president Randy Stevens have golf carts and want to use them regardless of clear safety issues in general and the majority of residents' safety concerns.



If you want to speak your mind the meeting starts at 7pm on Tuesday in the main conference room at city hall or you may just want to come for the entertainment value.

STOLEN CAR ALERT: There were three stolen cars in a month and two in two days in Town and Country. Here is the police department's email alert on the thefts:

Since Sunday, July 10 through Tuesday July 12, two vehicles have been stolen and three vehicles have been ransacked with items taken. The frustrating common denominator in all of these incidents is that the vehicles were UNLOCKED and the KEYS WERE LEFT INSIDE. The first incident occurred in the early morning hours of Sunday, 7/10 on Roclare Lane. A Jeep Wrangler was stolen from the resident's driveway. The Jeep was unlocked and the keys were left inside. A neighbor's video surveillance system captured an unidentified vehicle pull up with its lights off, a suspect get out the vehicle, enter the Jeep and drive it across the lawn. Both vehicles then leave the area.

Again in the early morning hours of Tuesday, 7/12 a Chevy Suburban was reported stolen from a driveway in the 800 block of Greenwich Green Lane. The vehicle was unlocked and the keys were left inside. When Officers arrived on scene they saw an abandoned Acura TL with damage to the front end parked near the head of the street. The Acura TL was reported stolen from St. Charles County. Detectives from St. Charles County advised when the Acura was stolen their Officers recovered a stolen vehicle near that scene. They stated that the recovered vehicle had been used in an armed robbery in St. Louis County.

Also on Tuesday three vehicles parked on Rutherford Lane were ransacked. All the vehicles were unlocked. One of the vehicles had the car keys left inside it and the keys along with a laptop computer were stolen.

Since June 19 three vehicles have been stolen from residents' driveways. To date only one has been recovered and it was found in St. Louis City in the 1300 block of Glasgow Drive. It is unknown whether any of the vehicles stolen from Town and Country were used in the commission of any other crimes but it is clear that thieves are targeting the area with the hopes of acquiring vehicles for their use.

There is more West County Stolen Car news in the Chesterfield Police Blotter.

UNAPPROVED CHESTERFIELD NEWSLETTER 179



July 18, 2016

CLARKSON VALLEY MAN PLEADS GUILTY TO CHEATING UNIVERSITY CITY WOMAN. But that is just the tip of the iceberg. The judge gives him a year to make restitution. 69-year-old James Brubaker of 2238 Samuel Stuart Court Court in Clarkson Valley ripped off a University City woman in a home repair scam. The prosecutor's office alleged that he stole \$7,638 for agreeing to do work at her home that he had no intention in completing.

Here are the charges filed against Brubaker.

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI**

-VS-

JAMES CLARK BRUBAKER
2238 SAMUEL STUART COURT
CHESTERFIELD, MO 63005

Aliases:

Defendant

RACE: White SSN: xxx-xx-0813
SEX: Male OCN: 77241831
DOB: 03/22/1947 CASE ID: 189351612
HGT: 6'02" RPT NO: 15-16069
WGT: 225lbs. CT. NO: 15SL-CR05537
P.D.: University City
ORI Number: MO0957300

CHARGES

Count: 01 STEALING OVER \$500 - CLASS C FELONY

INFORMATION

State of Missouri)

County of St. Louis) SS

The Prosecuting Attorney of the County of St. Louis, State of Missouri, charges:

COUNT: 01 STEALING OVER \$500 - CLASS C FELONY

That James Brubaker , in violation of Section 570.030, RSMo, committed the class C felony of stealing by deceit, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that between November 1, 2014 and January 1, 2015, at 924 Blackberry Place, in the County of St. Louis, State of Missouri, the defendant appropriated U.S. currency, of a value of at least five hundred dollars, which property was in the possession of Peggy Wilson, and defendant appropriated such property without the consent of Peggy Wilson and with the purpose to deprive her thereof by deceit in that the defendant represented to Peggy Wilson that his company (Encore Enterprises Inc.) would replace the roof on her house at 924 Blackberry Place, which representations were false and known by defendant to be false, and Peggy Wilson relied on the representations and was thereby induced to part with such property.

1502199.0

What I found interesting is that is that he entered the agreement with the victim fronting for his company, Encore Enterprises, Inc.

Documents with the Missouri Secretary of State's Office show that the Corporation status of Encore Enterprises was revoked by Missouri on 11/26/13. Encore Enterprises, Inc was formed in 1987. Brubaker has always been the sole corporate officer of the closed corporation. Encore originally showed a Bridgeton address and last had an address in Chesterfield at 732 Goddard or Box 921 Chesterfield, 63006.

In 2012 he was using a corporate address of 16640 Chesterfield Grove, Chesterfield, MO 63005.

In 2012 the company address was 1032 N. Lindbergh Blvd. Olivette, Mo 63132. This address dated back over 20 years.



James Brubaker



Brubaker's home hidden in the tress on Samuel Stuart Ct.

Checking under his name we only found a couple of small claims actions. But checking Encore Enterprise we found lots of lawsuits and judgments, most of which have gone unsatisfied.

- 09/02/93 John T. Smith v Encore Enterprises Small Claims Court
- 12/13/94 Randy Mueller v Encore Enterprises, Inc.
- 08/27/96 Ronald Moore v Encore Enterprises. Inc.
- 11/14/00 Missouri Sports Radio v Encore Enterprises judgment \$6,457 not paid
- 12/02/01 Traco Inc v Encore Enterprises, Inc. Mechanics, Inc. Lien
- 04/16/02 Barbara Copeland v Encore Enterprises, Inc. judgment \$5,500 not paid
- 09/05/03 Barron & Assoc v Encore Enterprises, Inc. judgment \$766 Paid
- 12/04/03 Direct Electric v Encore Enterprise, Inc.
- 12/06/03 Texas Aluminum, Inc. v Encore Enterprises, Inc. judgment \$5,389 not paid
- 06/25/04 Ronald Staton v Encore Enterprises, Inc.
- 07/14/04 Kenneth Drones v Encore Enterprises, Inc. judgment \$2,695 not paid
- 03/23/06 Briggs v Encore Enterprises, Inc.
- 04/05/06 HGD, Inc. v Encore Enterprises, Inc.
- 06/28/06 Monica Dallas v Encore Enterprises, Inc.
- 09/27/06 Joshua Halsey v Encore Enterprises, Inc.
- 12/12/06 Soft-Lite, LLC v Encore Enterprises, Inc. judgment \$2,243 not paid
- 05/31/07 Roofing Supply Group v Encore Enterprises Small Claims Court
- 06/08/07 Soft-Lite, LLC v Encore Enterprises judgment \$2,243 not paid
- 11/07/07 Robert John Diebel v Encore Enterprise, Inc.
- 10/21/08 Capital One v Encore Enterprises judgment Structure Settlement approved
- 08/20/09 Pramco CV8, LLC v Encore Enterprises, Inc. judgment \$43,358 not paid
- 11/18/09 Lima Contracting, LLC v Encore Enterprises, Inc. judgment \$1,284 not paid

03/04/10 Joseph Ferris v encore Enterprises, Inc.
07/21/10 Edwin Piromusuk v Encore Enterprises, Inc.
10/04/10 Capital One v Encore Enterprises, Inc. judgment \$42,723 not paid
01/11/12 Marvin Clark v Encore Enterprises, Inc. judgment \$830 not paid
01/12/12 Acuity Insurance Co v Encore Enterprises, Inc judgment \$4,500 paid
08/31/15 Lansing Building Products v Encore Enterprises judgment \$3,833 not paid
10/30/14 MacArthur Co. v Encore Enterprises, Inc. judgment \$20,366

Brubaker has another company, Encore Better Homes, Inc. That company was also incorporated in 1987 and lost its corporation status when it was yanked by the Secretary of State's Office in 2013. It has had two lawsuits against it.

02/28/91 James Hobbs v Encore Better Homes
11/21/01 State of Missouri v Encore Better Homes, Inc. Taxes consent judgment

In 21 years Brubaker's closed corporation companies have been sued 32 times and has well over \$100,000 in unsatisfied judgments.

The Better Business Bureau claims Encore Enterprises is out of business. They have had 12 complaints with the first being in 1987.

CHESTERFIELD SPENT NINE YEARS TRYING TO GET CONTRACTOR TO COMPLETE WORK. COURT FINDS GREATER MISSOURI BUILDERS GUILTY OF CODE VIOLATIONS NINE YEARS LATER: Here is the letter sent to the subdivision builder six years after the city began to put them on notice for failing to comply with the building code.

June 20, 2013

Re: Bond No. SV6997 and Letter of Credit 1832- Brunhaven Development

To Whom It May Concern:

As you know, Letter of Credit Number 1832 submitted by you to the City of Chesterfield guaranteed completion of certain subdivision improvements for the above referenced development. The date to complete these improvements has passed and under the terms and conditions of the Letter of Credit Number 1832 you are required to transmit the funds by wire transfer to the City of Chesterfield.

Despite numerous conversations with you regarding the outstanding required punch list items, the work is still not completed as of the date of this letter. Therefore the City of Chesterfield hereby demanding payment immediately and funds shall be transferred to the City of

Chesterfield the account listed in Letter of Credit Number 1832. In addition, we are also hereby calling on the Lake Protection Bond which is Bond Number SV6997 as that work related to the lake has not been completed as required and guaranteed,

Should you have any questions regarding this matter please do not hesitate to contact this office at 636-537-4 745.

Sincerely,

Aimee E. Nassif, Planning and Development Services Director

cc: Mike Geisel, Director of Public Services
Klm Streicher, Civil Engineer
John Huskey, Senior Engineering Construction Inspector

That letter came 22 days after Missouri Builders were cited on May 29, 2013. However the city had been on Greater Missouri Builders since 2007 for failing to follow building code and agreements.

The plans for the Brunhaven Development were originally approved in 2006 and the City found deficiencies of work not being done starting in 2007. Between 2007 and 2013 the City found 54 serious deficiencies with the project.

The Brunhaven Development was a new home subdivision build off of Olive Blvd. McBride and Sons eventually took over the home construction by Greater Missouri Builders but Greater Missouri was still responsible for the infrastructure

OUTCOME: The citation for "Failure to Construct a Development in Accordance with City Code" was written on 05/19/13. Three years later on May 5, 2016 Greater Missouri Builders admitted guilt and was fined \$1,000 by Judge Joseph Dueker in the County Associate Circuit Court. However, Dueker stayed the fine.

Clearly the city has spent more than \$1,000 to get compliance from Greater Missouri Builders, but will not see any of that recouped when Judge stayed the fine. Here is what city Planning Director Aimee Nassif sent concerning if all the problems had been resolved:

This originated from work that was the obligation of Greater MO Builder's to perform; not McBride. When McBride took over the project and completed the construction of the remaining lots, there were outstanding items left to be performed that GMB still had to do. Everything was eventually completed except for the work required with the lake protection bond.

Aimee

The storm water retention pond that the City is calling a lake has not been fixed but all the defects, including sanitary sewer, streets, sidewalks, handicapped access to sidewalks, grading and other storm water issues have been fixed.

Mike Geisel Director of Services and Co-Interim City Administrator said the city is still litigating with the bond surety.

ONE CANDIDATE RUNNING IN THE AUGUST PRIMARY TO REPLACE CHEATER AND LIAR DON GOSEN AS STATE REP HAS NEVER VOTED IN A PRIMARY ELECTION:

State Rep. Don Gosen was forced to resign after he lied to a young woman in Jefferson City at the beginning of the 2016 Missouri Legislative Session convincing her he was divorced. They began an affair. When she started making wedding plans, Gosen broke things off since he was married with three daughters.

The girlfriend then then tried to win him back by driving to her divorced former boyfriend's house in Ballwin, wearing just some sexy boots and an overcoat. When she rang the door bell it was answered by Mrs. Gosen. She was pissed enough that she went to a political news website editor and the threat was to publish the story unless Gosen resigned. He immediately resigned and then the story made its way to me.

Now there are four people running in the Republican primary to replace Gosen.

A check of the four candidates' voting records show that one, **Joy Krieger** who lives in Ellisville rarely ever votes and has never voted in a primary election in the last 16 years. She has also only voted twice in municipal, school board and fire district elections, despite heated campaigns for the Ellisville City Council and the Rockwood School Board. Here is her voting record since 1999:

Joy Krieger
534 Triton Way Dr.
Ellisville, MO. 63011

Elections Voted: 04/05/2016 03/15/2016 11/04/2014 11/06/2012 11/02/2010
11/04/2008 02/05/2008 11/07/2006 11/02/2004 11/05/2002
11/07/2000 03/07/2000 04/06/1999

Anne Gassel of Ballwin has not missed a November general election or an August primary vote, but has not voted in four April municipal election since 2004.

Bruce DeGroot of Chesterfield has a very good voting record having missed just one August primary vote but has missed four municipal votes in 16 years. DeGroot has depended on municipal votes recently as he is serving his second term on the Chesterfield City Council.

There is one candidate with a perfect voting record and that is **Noreen McCann** of Chesterfield who has voted in every election in the last 17 years.

BRUCE DEGROOT ENDORSED BY GROUP THAT DOESN'T EXIST: Chesterfield City Councilman Bruce DeGroot recently sent out a campaign flier with two bold blocks outlined in red. One said "Endorsed by Missouri Right to Life." Well it turns out that all four Republican candidates are endorsed by Missouri Right to Life. The other red block announces "Only Candidate Endorsed by Missourians for Life."

That would be great with one little exception. We could not find Missourians for Life. In fact we found evidence that the group does not exist. We Googled the name and came up with 10 groups that were pro-life but none were Missourians for Life.

Next I checked the Missouri Secretary of State files for current non-profits, corporations, LLCs, or fictitious names registered with the office.

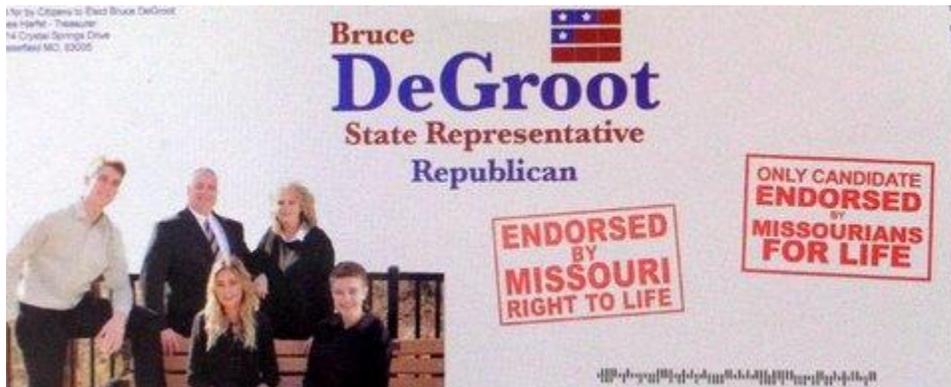
There I found the former Missourians for Life, but no current one. Here is what I found:

Search Results as of 7/11/2016 11:41 PM

Business Name	Charter No.	Type	Status	Created	Registered Agent Name
MISSOURIANS FOR LIFE	N00771863	Nonprofit Corporation (Domestic)	Admin Dissolved - Nonprofit	10/19/2006	McDonald, William
Missourians for Life	X00906283	Fictitious Name (Domestic)	Fictitious Expired	7/9/2008	
Missourians for Life & Health		Name Reservation (None)	Inactive	12/17/2004	

Administrative - Judicial Actions	Administrative Dissolution Notification for failure to file a registration report	12/27/2007	12/27/2007
Administrative - Judicial Actions	Fictitious Name Expiration	7/24/2013	7/24/2013

The first group of Missourians for Life was formed in Springfield, MO and ceased to exist on December 27, 2007. The second was merely a fictitious name filed by someone in St. Charles and that expired on 07/24/13. So I'm not sure how DeGroot can be endorsed by Missourians for Life when according to records there is no Missourians For Life and the last group with that actual real name ceased to exist eight years ago.



POLICE BLOTTER: Here are last week's Chesterfield's crimes and police calls.

CHESTERFIELD POLICE DEPARTMENT Media Report July 6, 2016 - July 12, 2016

Time of Occurrence	Generic Address	Business/Location Name	Incident Type
07/12/2016, 0000	1X WHITE PLAINS DR		Assault Common - Actual Assault Brief Narrative Description: Unknown subject dragged victim for a short distance in a car causing minor injuries.
07/03/2016, 0900 - 07/04/2016,	1700 5 MCBRIDE AND SON CENTER DR	Hampton Inn	Larceny over \$500 Person Brief Narrative Description: Unknown subject took laptop computer from hotel room.
07/12/2016, 1110	3XX THF BLVD	Home Depot	Drugs Possession - Felony Brief Narrative Description: 58 yo male in possession of prescription medication without a prescription after being stopped for a traffic violation.
06/27/2016, 0800 - 07/01/2016,	1700 17XXX HILLCREST MEADOW DR		Larceny over \$500 from Residence Brief Narrative Description: Unknown subject took money, jewelry, and medication from victim's residence.
06/28/2016, 1200	15XXX ISLEVIEW DR		Fraud Identity Theft

Brief Narrative Description: Unknown subject used victim's information to open up credit card account.

07/12/2016, 1654 4X CHESTERFIELD MALL Chesterfield Mall **Drugs Paraphernalia**

Brief Narrative Description: 18 yo male in possession of marijuana paraphernalia after being stopped for a suspicious person investigation.

07/12/2016, 1842 4X THF BLVD Ulta **Robbery Strong-Arm**

Brief Narrative Description: Unknown subject filled perfume up in a bag and attempted to leave store without paying. After being stopped by store manager, manager was struck in groin and suspect left store. Manager suffered minor injuries.

07/12/2016, 1835 1XX THF BLVD Office Max **Larceny under \$500 Shoplifting**

Brief Narrative Description: 28 yo female took misc. merchandise from two stores and left stores without paying.

07/12/2016, 1940 18XXX OUTLET BLVD Adidas **Larceny over \$500 Shoplifting**

Brief Narrative Description: Unknown subjects grabbed clothing and ran out of store without paying.

07/12/2016, 2010 17XXX NORTH OUTER 40 RD Ralph Lauren **Larceny over \$500**

Shoplifting

Brief Narrative Description: Unknown subjects grabbed clothing and ran out of store without paying.

07/12/2016, 2047 18XXX OUTLET BLVD Tommy Hilfiger **Larceny over \$500 Shoplifting**

Brief Narrative Description: Unknown subjects grabbed clothing and ran out of store without paying.

07/11/2016, 0039 07/11/2016, 0039 14XXX LADUE RD **Drugs Possession - Misdemeanor**

Brief Narrative Description: 30 yo male in possession of marijuana and paraphernalia after being stopped for traffic.

07/11/2016, 1203 17XXX NORTH OUTER 40 RD Kid's Footlocker **Larceny over \$500**

Shoplifting

Brief Narrative Description: Unknown subject concealed clothing and left store without paying.

07/11/2016, 0516 17XX CLARKSON RD Mobil **Fraud Credit Card**

Brief Narrative Description: Unknown subject used victim's stolen credit card for purchase.

07/11/2016, 1601 15XXX OLIVE BLVD Waterway **Larceny under \$500 Gas Drive Off**

Brief Narrative Description: Unknown subject pumped gasoline and drove out of gas station without paying.

07/11/2016, 1200-1400 5 MCBRIDE AND SON CENTER DR Hampton Inn **Stolen Vehicle Automobile**

Brief Narrative Description: Unknown subject took victim's vehicle while she was at work. Keys taken from employee breakroom.

07/11/2016, 2000-2016 12XX WHITE RD **Assault Common - Actual Assault**

Brief Narrative Description: 44 yo male pushed victim after argument causing minor injuries.

07/11/2016, 2239 N WOODS MILL RD & OLIVE BLVD & WOODS MILL RD 7-11 **Drugs**

Paraphernalia

Brief Narrative Description: 17 yo male and 18 and 17 yo females in possession of marijuana paraphernalia after suspicious vehicle check.

07/09/2016, 2000-07/10/2016, 1000 14XX WESTMEADE DR **Stolen Vehicle Automobile**

Brief Narrative Description: Unknown subject took victim's vehicle which was parked in apartment parking lot.

07/10/2016, 1530-1600 16XXX SWINGLEY RIDGE RD Doubletree **Larceny under \$500**

Business

Brief Narrative Description: Unknown subject took toiletry items from storage room.

07/09/2016, 1400-1430 3XX S WOODS MILL RD Brooking Park **Assault Common - Actual**

Assault

Brief Narrative Description: 42 yo male pushed and grabbed at victim after argument causing minor injuries.

07/09/2016, 0058 BROADMOOR DR & HIGHLAND PARK DR **Drugs Paraphernalia**

Brief Narrative Description: 23 yo male in possession of marijuana paraphernalia after suspicious vehicle check.

04/01/2016, 1200-07/09/2016, 0900 16XXX BENTON TAYLOR DR **Burglary Residential - Garage**

Brief Narrative Description: Unknown subject entered open garage and took golf clubs and equipment.

07/08/2016, 1923 1XX THF BLVD Best Buy **Larceny over \$500 Shoplifting**

Brief Narrative Description: Unknown subject took two gaming systems and walked out of store without paying.

07/09/2016, 1619 17XXX NORTH OUTER 40 RD Sunglass Hut **Larceny under \$500 Shoplifting**

Brief Narrative Description: Unknown subject concealed sunglasses and left store without paying.

07/04/2016, 1200 19XX YORK RIDGE CT **Fraud Identity Theft**

Brief Narrative Description: Unknown subject used victim's information to request replacement debit cards.

07/07/2016, 2200-07/08/2016, 0600 13XXX LADUE FARM RD **Larceny under \$500 from Auto**

Brief Narrative Description: Unknown subject entered victim's unlocked vehicle and took loose change.

07/07/2016, 1930-07/08/2016, 0650 15XXX ELK RIDGE LN **Stolen Vehicle Automobile**

Brief Narrative Description: Unknown subject stole victim's vehicle. Later recovered wrecked in St. Louis City.

03/13/2016, 1725 2XX THF BLVD Lowe's **Fraud Credit Card**

Brief Narrative Description: 35 yo female used business credit card without permission.

07/08/2016, 0953 15XXX BLACK BIRCH DR **Recovered Auto Stolen Elsewhere**

Brief Narrative Description: Stolen vehicle from Jennings was recovered parked in apartment parking lot.

07/08/2016, 1104 WESTCHESTER MANOR LN & WILD HORSE CREEK RD **Drugs Paraphernalia**

Brief Narrative Description: 24 yo male in possession of marijuana paraphernalia after being stopped for a traffic violation.

10/01/2015, 0000-10/31/2015, 2359 8XX FOXSPRINGS DR **Fraud Identity Theft**

Brief Narrative Description: Unknown subject used victim's information to open up loan account.

07/03/2016, 0700 14XXX TEALCREST DR **Larceny over \$500 from Residence**

Brief Narrative Description: Unknown subject took clock from victim's residence.

07/08/2016, 2145 2XX CHESTERFIELD MALL Chesterfield Mall **Drugs Possession - Felony**

Brief Narrative Description: 21 yo male in possession of narcotic medication after suspicious vehicle check.

06/15/2016, 0800-07/08/2016, 0800 2XX THF BLVD World Market Supply **Larceny over \$500 Employer**

Brief Narrative Description: 34 yo male conducted fraudulent returns for cash and gave away merchandise while working for employer.

07/06/2016, 1556 1XX THF BLVD Walmart **Larceny under \$500 Shoplifting**

Brief Narrative Description: Unknown subject pushed out grocery cart full of groceries without paying.

07/06/2016, 2004 2XX THF BLVD Lowe's **Larceny under \$500 Shoplifting**
Brief Narrative Description: 36 yo male concealed copper wire and left store without paying.

05/09/2016, 1405 2XX THF BLVD Lowe's **Larceny under \$500 Shoplifting**
Brief Narrative Description: 47 yo male switched price tags on items and purchased lesser valued item before leaving the store.

07/05/2016, 2200-07/06/2016, 0530 15XXX WOODLET WAY CT **Larceny over \$500 from Auto**

Brief Narrative Description: 21 and 18 yo males and 42 yo female took tools from unlocked vehicle.

06/08/2016, 0000-06/14/2016, 2359 10XX E CHESTERFIELD PKY Spring Hill Suites **Fraud Credit Card**

Brief Narrative Description: 51 yo male used victim's credit card without permission.

07/06/2016, 1415 15XXX HIGHCROFT DR **Harassment/Threat Phone**
Brief Narrative Description: Unknown subject threatened victim over the phone.

07/03/2016, 0800 2XX AMBRIDGE CT 305 **Fraud Identity Theft**
Brief Narrative Description: Unknown subject used victim's information to open up credit card account.

07/06/2016, 1958 2XX THF BLVD Lowe's **Possession of Stolen Property Other**
Brief Narrative Description: 23 yo female in possession of stolen hardware items and narcotic paraphernalia after being stopped for a traffic violation. 32 and 23 yo male passengers also in possession of narcotic paraphernalia.

05/29/2016, 1532 -07/07/2016, 1200 1 5XXX SILVERWOOD CT **Harassment/Threat Texting**
Brief Narrative Description: 14 yo female sending threatening text messages to victim.

Crime Notes Two things we noticed in the world of retail thefts this week. All the shoplifting theft reports were taken at either the outlet malls or Chesterfield Commons and none from the major department stores in Chesterfield Mall.

Also it appears as if the Lowes Store had security officers there most of the week as they were responsible for three sets of arrests. July 12 was the busiest day that saw four retail theft incidents and a shoplifting turn into a robbery when a suspect fought and injured the manager of the Ultra Store in Chesterfield Commons when confronted while exiting the store with stolen items.

There were three stolen cars last week. January through May there were only six stolen cars.

Ironic: On July 8 at 9:53 in the morning in the 15000 block of Black Birch a stolen car out of Jennings, Missouri was recovered. Let's face it that is a complete opposite. Normally you would expect a stolen auto from Chesterfield to be recovered in Jennings.

If you noted the crime description of Stealing Over \$500 from a Motor Vehicle, where 21-year-old, 18-year-old males and a 42-year-old women stole tools from an unlocked vehicle, so did I. The age discrepancy interested me so I filed a Sunshine Law request to find out who had been arrested. It turns out the so far only the 18-year has been arrested. Here is what the Chesterfield Police forwarded to that showed the Ballwin Police had caught the one suspect.

Nicholas Ferguson age 18, Ballwin resident, was arrested on 7/12/16 at 1135AM at Ballwin PD for Stealing O/500. He was released pending application of warrants (State). The other two suspects have not yet been arrested.



Nicholas Ferguson

I'M GUESSING THE SECRET EXECUTIVE SESSION MEETING BEFORE MONDAY NIGHTS COUNCIL MEETING WAS GOING TO BE IN VIOLATION OF THE SUNSHINE LAW. Let the sunshine in...no wait quick pull the blinds.

Chesterfield has announced a closed executive session before the July 18 meeting. However the reason given is not a true exception to the Sunshine Law , so I sent an email and found out. You don't have to file a records request with me, I have posted here. However city officials never tell the public. They told me, but not you.

EXECUTIVE SESSION 7/18/16

CITY OF CHESTERFIELD - PUBLIC NOTICE EXECUTIVE SESSION (CLOSED MEETING) MONDAY, JULY 18, 2016

An Executive Session (closed meeting) 610.021(1) & (2) has been scheduled to take place immediately following the AGENDA REVIEW MEETING, on JULY 18, 2016, which, itself, is scheduled to begin at 5:30pm. The purpose of this meeting is to provide the opportunity for confidential communication by/among the City's elected officials, their Interim City Attorney

and appropriate City Staff. Any/all questions, in advance of this meeting, should be directed to the undersigned.

Michael O. Geisel

From: John Hoffmann [mailto:johnhoffmann@charter.net]
Sent: Thursday, July 14, 2016 4:04 PM
To: 'Mike Geisel'
Cc: 'Chris Graville'
Subject: question

The posting said to direct all questions to you, otherwise I would not be bothering you.

The Executive Session on Monday, while advice of attorney is an exception to the Sunshine Law, what it the prime reason for the "confidential communications among the City's Elected officials, interim city attorney and appropriate staff." That statement is very broad and vague and does not cover the spirit of the Sunshine Law.

Is it about:

1) Real Estate purchases contracts 2) Personnel Matters 3) Law Suits - litigation 4) Mental or physical health concerns of a known person 5) Labor negotiations ?

John Hoffmann

Here is the response to my inquiry:

From: Mike Geisel [mailto:mgeisel@chesterfield.mo.us]
Sent: Thursday, July 14, 2016 7:34 PM
To: John Hoffmann
Cc: Chris Graville
Subject: RE: question

There are three topical areas we will be discussing:

Sales tax litigation

River Valley Drive, litigation and real estate

Real estate, leases and contracts.

So my question is twofold; if those are the reasons why were they not listed in the original announcement of the Executive Session secret closed meeting which is more in align with the State Sunshine law.

Secondly if the Doorack empty lot lease of \$85,000 a year was going to be discussed, why would that be in Closed Secret Session. (The third item, I'm betting is the Doorack property.) The lease was signed in 2009. It is not in negotiations. It is a done deal that was hidden from the citizens by the then city administrator and the City Council and was not even accurately reported in the minutes of meetings. The City Council of 2009 made a terrible and costly mistake. That should be discussed in public and not a secret meeting.

SHUFFLE OF THE MONARCH BOARD OF DIRECTORS: At the June 1 meeting of the Monarch Board of Directors there was a change. The three member board voted to make Rick Gans Board President. Robin Harris had been president since Jane Cunningham's election in 2013, when the pro-taxpayer faction took control from the pro-union group.

When Robin Harris was reelected the in 2015, the last remaining pro-union member Steven Swyers resigned and Cunningham and Harris voted to appoint former board member Gans, who had served 12 years.

Harris, a senior pilot with Delta Airlines, proposed the changed.

"Rick has been a board president for a long time in the past. Because I travel there are times it is good to have the board president available if things come up. Since Rick has a business in town he is available," said Harris.

Harris takes over Gans' position as "treasurer" which he held for a number of years and Cunningham continues as "secretary."



Gans



Harris



Cunningham

BUSINESS: KinderCare CLOSED: The KinderCare at 14733 Clayton Road in Chesterfield is now closed with a notice in the door for customers or deliveries to go to the KinderCare to the east at Village Green Drive and Clayton Road.



The Chesterfield Planning Department reports they have received no plans or applications for the site but have received some inquiries from similar education groups about the property.

GRAND OPENING FOR JEWELRY & GIFT STORE: The "Grand Opening" banner on the Baxter Bend center is for "Fancy That" a jewelry and gift store located between Papa Bear Popcorn and Pi Pizza. I would normally give them eight months, but this strip center is interesting. Smitty's Bar and Grill is a blue plate special place that had been wildly popular for quarter of a century. There is an inexpensive dry cleaners but a high end specialty chocolate shop in the strip center.



REAL ESTATE: Missouri Baptist Hospital is selling off the houses. Ten years ago Missouri Baptist Hospital began buying the houses on Glenmaro Lane that runs off of Clayton Road just before the I-270 overpass. Missouri Baptist had bought up property behind the street that abutted hospital property. It was pretty much understood a decade ago that Missouri Baptist was interested sometime in the future putting an entrance to the Hospital off of Clayton Road.

MoBapt was renting out the houses. The first problems involved two property owners that would not sell to them. That was followed by MoBapt agreeing to use the property directly behind the street as a park to meet green space requirements before they added buildings on the hospital complex. Here are some of the houses now for sale as is or for teardown new homes. The big drawback for buyers is that some of the houses are directly next to I-270 with no sound walls.





RESTAURANTS: Jimmy Cristo, the manager and part owner of Jimmy's on the Park on DeMun in Clayton that closed in January has a new gig.



Like Jimmy's on the Park, Mile 277, on Watson Road and Lindbergh in front of the Holiday Inn, closed in January. The owners of Mile 277 blamed their demise on Ballpark Village 20 miles away in downtown St. Louis stealing their customers.

The new restaurant will be the Twisted Tree. We understand it will be another upscale steakhouse. Cristo was hired over a month ago as the manager and has been active in preparing the facility for its opening later this month or in August. Now an upscale \$50- to-\$60 an entrée restaurant attached to a "Holiday might seem to be a bit contrary. This should be quite a change. Mile 277 was known for waitresses with lots of cleavage, beer buckets, "Biker Night" and KSHE promotions plus big screen TVs everywhere. Jimmy's was known for jazz trios, Sunday bunches and very good bartenders.



Former patron at the Mile 277

NEW BARTENDER: Two weeks ago we discovered that Gary is the new bartender at Sasha's in Clayton. As with most Wine Bars and Tapas, the mixed drinks and beer are normally cheaper than the wine. Gary comes not from a wine background, but a bartender, mixologist background. Customers and staff were commenting on how good his mixed drinks were.

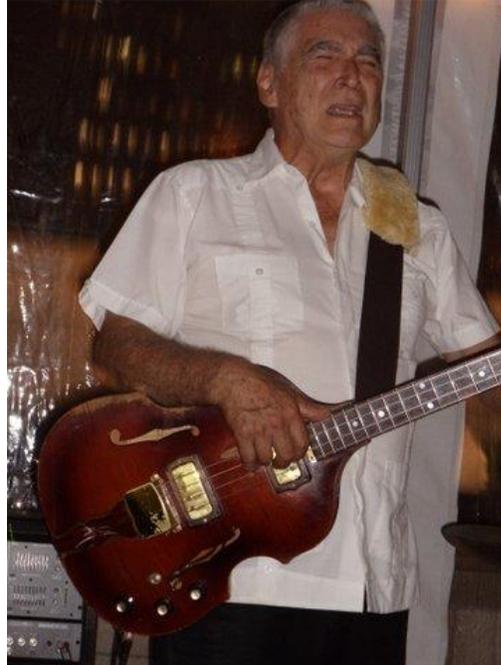


MUSIC: OBIT: I was very sorry to see in midweek that bass player Dave Troncoso had died after a battle with cancer. I have to admit I should have been asking about

since I had not seen him for a while. He was of lot of fun to listen to and to sit at a table in a club and talk with.

He was a regular with the Dean Christopher stage shows and Dean would always feature Dave at least once in a performance, because as Dave did a solo, his eyes would close and he clearly was somewhere else. Dave was the only St. Louis bass player whose solos I enjoyed, partly because he only did one a set and not one on every song.

10-years ago Dave had a great trio that featured a vibe player. You could see them around town in restaurants and clubs. That same trio did the Sunday brunch at the Adam's Mark downtown for a couple of years. Dave would often refer to himself as his comic alias, Biff Cavalaro.



Dave on the bass guitar at a Summer in Clayton Friday afternoon series with Dean Christopher doing vocals.

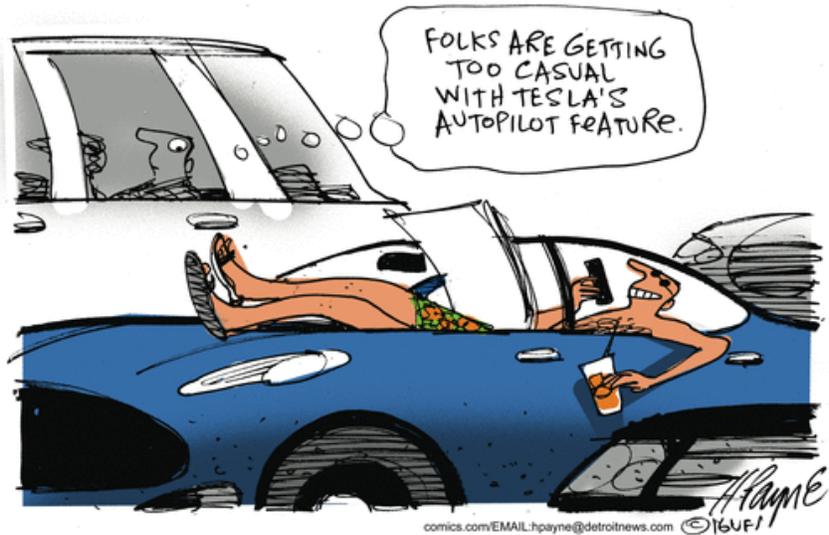
FROM SASHA'S: The Summer Winds sometime blow in musicians for our Wednesday night stop of Sasha's in Clayton. Three weeks ago it was two sax players and a trombone player sitting in. Last week it was just the two in the sketch who are there every week. This week a trumpet player and sax player joined them.



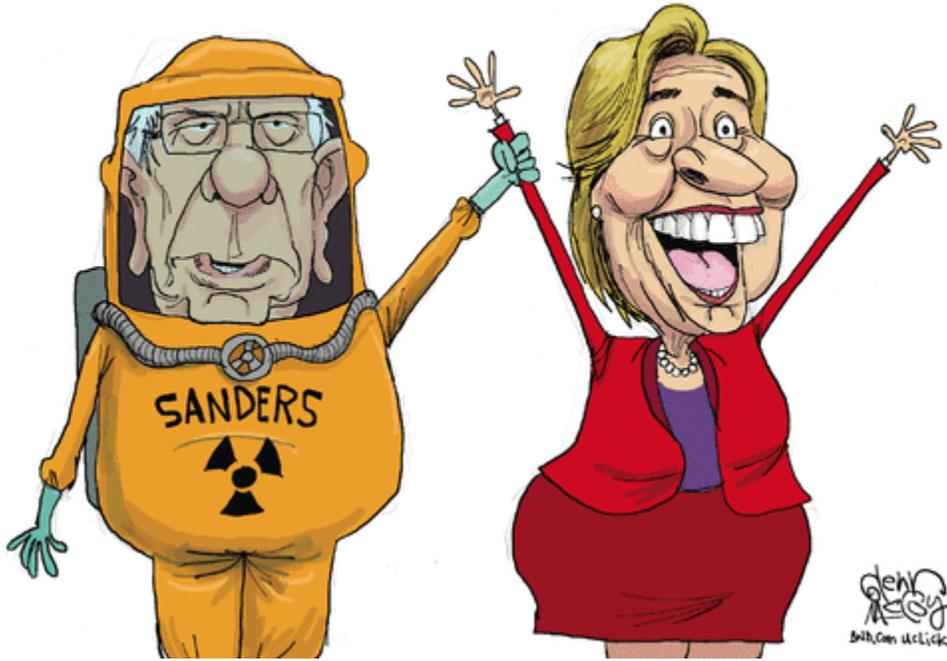
CARTOONS: This week I tried to find more Trump cartoons to balance out the heavy number of Hilary cartoons last week. However, for another week Hillary was the winner.



Forgot the politics, I just liked the rhyme

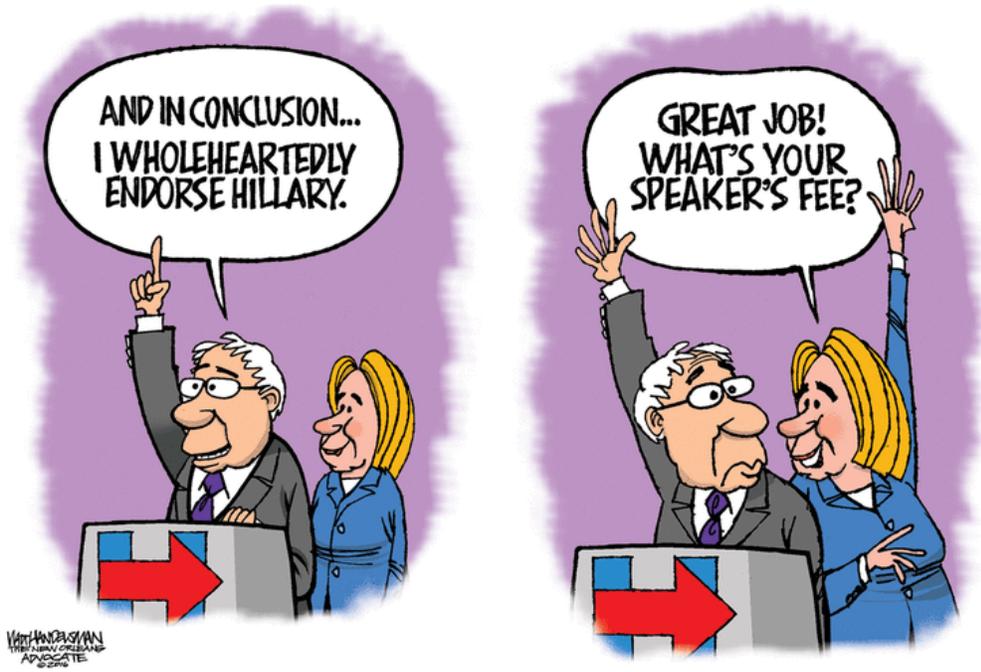
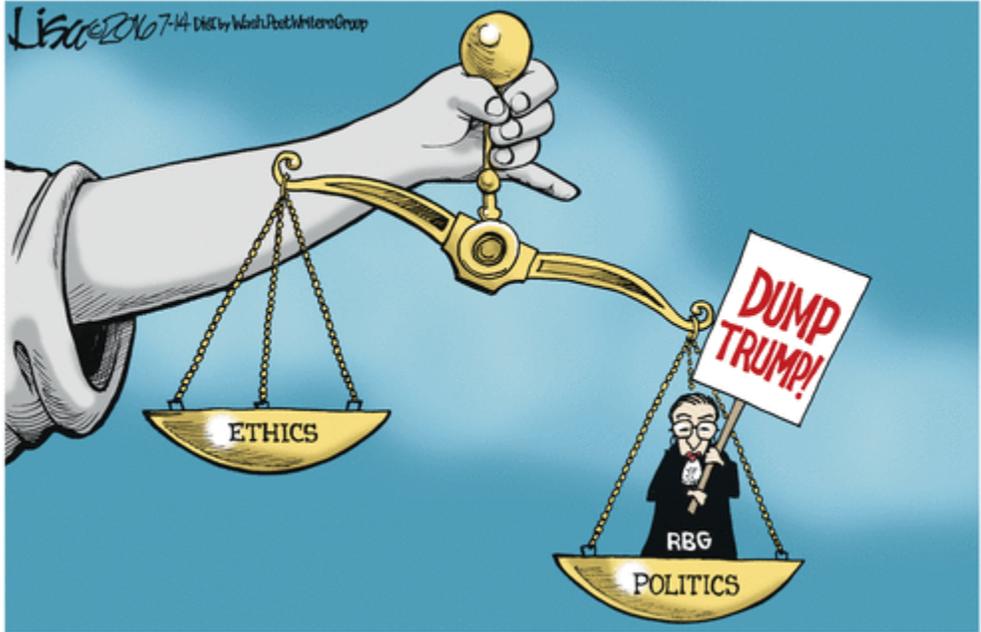


The endorsement



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FAILURE
TO OBEY...
MAKING FALSE
STATEMENTS...
WANTON
DISREGARD...
CARELESS AND
RECKLESS...
THAT DOES IT!
I'M GIVING YOU
A WARNING..

