

EX ALDERMAN NEWSLETTER 123



April 7, 2014

By John Hoffmann

COST OF CITY NEWSLETTER IS GOING UP WHEN THE MAYOR TAKES UP THE FIRST SIX PAGES: I hear from people and candidates going door to door tell me the same thing...residents notice and comment on the self serving comments and all the space used up in the city newsletters by Mayor Jon Dalton. In the latest newsletter out in March Dalton used the first six pages telling people what a great job he is doing and lying about the budget.

A check of city records show that the Spring 2014 newsletter hit a record high mark, costing \$7,388. That is a 15% increase from the Fall 2013 newsletter (\$6,401). It was 7% more than was spent on the Summer 2013 newsletter (\$6,896). The current newsletter was 10.5% more expensive than the Spring 2013 edition (\$6,686).

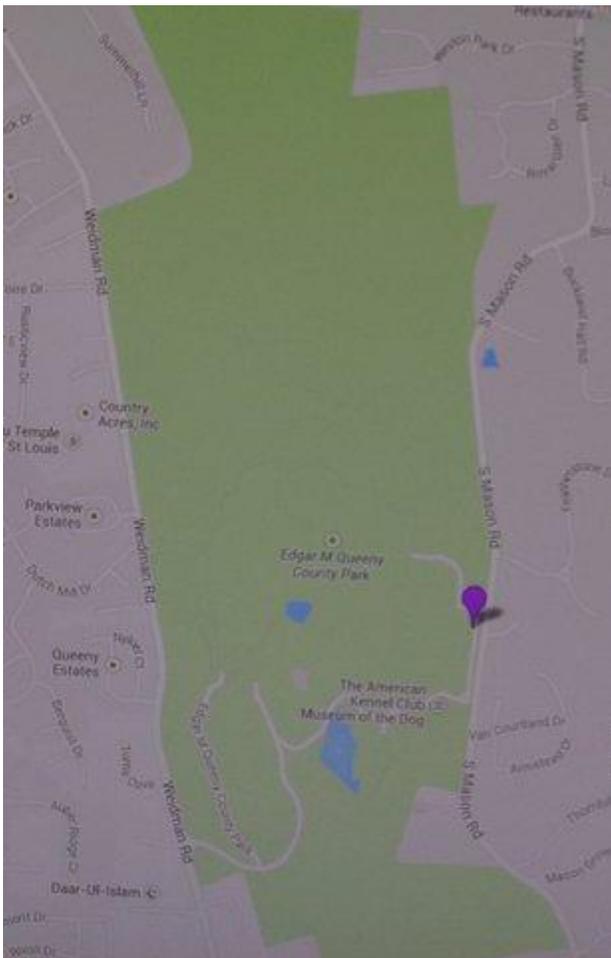
Since the mayor can't seem to control his verbiage, perhaps the Board of Alderman needs to do it for him, by restricting him to no more than two or three pages for the mayor per newsletter.

DOG PARK BLUES AND DOG PARK SHUFFLE: The latest on the Dog Park at Queeny Park had me wondering if some people had thought their position against the location of the dog park through thoroughly.

A few residents attended the Board of Alderman meeting on March 24 and many more were at the public forum held earlier on March 3, at the Dog Museum in Queeny Park.

Of course residents with property next to Queeny Park don't want the 7-acre dog park next to or close to their property line.

I love the people, especially from Van Courtland subdivision, located across the street from the park's entrance saying how much they favor the dog park, but it should be put in the center of the park or on the Weidman Road Side.



The center of park is located down two steep hills from both the Mason Road and Weidman Road sides of the park.

I hate to break the news to these NIMBY people. Old people like to own dogs. I'm sure many of these older folks would love to give their dogs lots of exercise, but due various ailments are unable to. You have to have a dog park close enough for people with handicap license plates to park their car and get their pet to the dog park. Putting it in the middle of the park surrounded by steep hills would make that impossible and cruel.

The most parking is available on the Weidman Road since that is where the Recreational Complex is located. However the AKC Museum of the Dog is located on the Mason Road side. The County Parks Department wants the dog park behind the AKC Museum. This could result in the need to pave some of the park for more parking spaces. However Queeny Park consists of 569 acres so the impact would be minimal. They plan to add 47 parking spaces, 12 paved and the other 35 spaces using grass pavers



The AKC Museum of the Dog.

The next meeting was held on Wednesday March 25 in Clayton by the County Parks staff to listen to people from Town and Country government reference the dog park. From what I hear from people attending the meeting, the dog park behind the Dog Museum is a done deal. The point the County Parks officials made was Queeny was the lone park that staff felt was appropriate for a large scale Dog Park.

This is a County Park located in unincorporated St. Louis County, serving all the County residents and while they might be a little sensitive to T&C residents wishes... "little" is the operative word.

On this issue County government has been very transparent. Here is a memo about the meeting that is already posted online.

PROPOSED PLANS FOR DOG PARK IN QUEENY PARK

On March 26, 2014 a group of Town & Country aldermen and staff came to meet with St. Louis County Parks requesting changes to the proposed Dog Park plans at Queeny Park. This memo serves as a summary of the meeting outcomes.

1. St. Louis County has increased the set back to Mason Road from 75 feet to 130 feet. This new boundary along Mason Road is approximately 200 feet from the residents across Mason Road.

2. The Dog Park set back from the park's south boundary line is increased from approximately 75 feet to approximately 150 feet. The distance from the Dog Park to the houses on the south border ranges from 200 to 230 feet.
3. Trees/shrubs will be planted as buffers along the Mason Road side as well as the southeast corner of the Dog Park to obscure the view of the fence. A more attractive fence option than coated chain link will be installed on the Mason Road side. St. Louis County park staff is researching the cost to replace the entire fence with an Omega Fence system.
4. Approximately 10-12 parking spaces will be added by expanding the existing parking lot of 66 spaces. Approximately 35 spaces will be added as paver parking in the grassy area north of the Mason entrance.
5. Parking for horse trailers will be moved to the Weidman Road side of the park. Signage to that affect will be added to the Mason Rd. side.
6. Parking for the dog park will also be made available and posted on the Weidman Road side. A ¼ mile trail leads from Weidman Road parking to the dog park and they will sign the path for the dog park.
7. There will be daily clean up of waste to reduce the likelihood of an odor problem.
8. County Highway Department will be consulted for a traffic count of Mason Road and will be asked to identify the level of traffic the road can safely accommodate. The Park Department will install a traffic counter to the road leading into the Mason Road parking lot to monitor the volume of traffic
9. The residents to the south with horses will still be able to access the horse trails from their property.

MAYOR TRIED TO STEER WHO ATTENDED THE MEETING. There has to be a posting in advance if an elected body meets while reaching a quorum, otherwise the elected officials are violating Missouri law.

Since two-thirds of Queeny Park is bordered by homes and subdivisions in Ward 2 and Ward 3 all four of the alderpersons from the two wards were going to attend. That would mean any more would reach the quorum level.

Mayor/Cigarette Lobbyist Jon Dalton then suggested that only one alderperson from each ward go to the meeting, so both Ward-1 alderpersons could go, Lynn Wright, the chairman of the T&C Parks Commission and Skip Mange go to the meeting. Mange a former County Councilman might made a little sense. Lynn Wright made no sense at

all. The County Parks doesn't really give a rat's ass about what the T&C Parks have to say, plus more often than not Lynn gets that far away look in her eyes at these types of meetings. City Administrator Gary Hoelzer and parks Director Anne Nixon did attend.

"That's fine if you want to take my place going door to door and telling people about this," said Chuck Lenz to Dalton. Lenz is running for reelection and still has doors to knock on off of Mason Road.

"I'm going if nothing else as a resident who lives next to Queeny," said Ward-3 Alderwoman Gussie Crawford, who has a tough time getting out of her driveway on Weidman Road when there are major events at Queeny.

City officials could have posted a notice about the meeting at city hall 48 hours in advance that it would be held at the County Parks office in Clayton, then all the alderpersons could go if they wanted too. However, I don't think the County Parks Staff really wanted to hold a public meeting.



Dalton suggesting that some aldermen not go to a meeting with the County Parks Department.

PARK CLOSED ALL DAY AND NO OFFICER BOTHERED TO PATROL A PARK, A SERVICE ROAD OR THREE SUBDIVISIONS: Here was an amazing sight to me, a retired guy who used to run a police department in a very wealthy area. On Thursday March 27 at 3:55pm my wife and I pulled up to the entrance to Drace Park to find that the gates were still closed, padlocked shut. An officer on the midnight shift before going off duty is supposed to unlock the gates.

But what is really amazing is that the park is on Cedar Valley Drive which is a service road to I-270. Finding the park still locked at 4pm, tells me that for 10 hours not one officer or police supervisor drove down Cedar Valley to check on a city park, three

subdivisions or to look at a section of I-270. Officers are expected to drive down every street in their patrol area at least once a shift.

Not only did this lack of duty keep this park closed to residents all day long, it kept the postal carriers from pulling in and using the park bathrooms, smokers who work at Missouri Baptist Hospital who are not allowed to smoke anywhere on campus from driving over and smoking in their cars and finally married people having affairs and meeting their "special friends" at the park.

"No excuse" was the response from Police Chief Pat Kranz. It is not like this was the first time this has happened. In January of 2013 it happened twice in 14 days.



MANS COMMITS SUICIDE AT DRACE PARK: A Town and Country resident from Ward-1 shot and killed himself just before noon on Monday January 13 while sitting in his parked car on the lot at Drace Park. A Country Life Acres resident was at the park and heard a gunshot and called police.

The victim was found in a white Ford Escape parked on the main parking lot of the park. The man was still alive when police arrived with a gunshot wound to his head. He was taken by fire district ambulance to Mercy Hospital where he later died that day.

FOLLOW THE MONEY: Town and Country Election

WARD 2: Chuck Lenz: Lenz, other than being in the all out sign war, appears to be running a regular local campaign. In the month of March Chuck collected \$900. Three hundred was from people giving \$100 or less that do not have to be listed by name on ethics reports. He only had three contributions above \$100. There was \$200 from his neighbor and longtime member of the city finance commission, Oz Conrad. He received \$150 from Stephen Hamilton in the Thornhill Estates subdivision . His largest contribution came from Paul Griesedick who lives off of Conway Road in Ward-4.

Amy Anderson: Anderson already had \$4,009 on hand by the end of February including \$3,000 that she donated to her campaign.

In the month of March she collected \$2,695. Most of the money Anderson collected was from people giving less than \$100. She pulled in the \$1,425 from people giving less than \$100. The new donations included \$100 from Deer whacko and tattooed lipped Mariette Palmer, \$200 from another well known deer advocate Susan Feigenbaum, \$250 from her campaign treasurer and neighbor Peter Switzer, Plus \$250 donations from Brian and Lindsey Butler of Kings Glen and Krause Steven of Royal Glen Drive. She received two \$200 donations from Ellwood Towle who lives at Dry Ridge and Clayton Road and Robert Merenda who lives on Fairfield Oaks in Ward-4.

WARD-4 Phil Behnen CONFLICT OF INTEREST ALERT! The incumbent Phil Behnen did not accept a contribution from anyone in his ward. He did not "give" his campaign \$500, but "loaned" \$500 to himself. His biggest contributor whose last name is not Behnen is quite a conflict of interest. Behnen who is the chair of the Architectural Review Board, which okays new home designs from individuals and from home builders, accepted \$500 from McBride and Sons builders.



Phil's other two contributors were Ward-3 Alderman and official windbag for Town and Country government, Fred Meyland-Smith who gave \$200 and Matthew Behlmann a resident of Wildwood gave another \$200.

We heard that Phil was finally out knocking on doors 10 days before the election with some alderpersons from other wards. This caused one Linda Rallo supporter to quip, "Too bad Phil couldn't find anyone from Ward-4 to go with him."

Linda Rallo: The challenger's money flow was cut in two-thirds from the end of February report according to the finance report covering March. Her first finance report showed she received \$4,350 by February 22. Her "8-day before election report" showed she received \$1,475.

Rallo's biggest contributor in March was Al Politowski of Mason Estates Court, who gave her \$500. Politowski was against the rezoning of the Mason Road and I-64 property from residential to a special medical district allowing BJC to build a pediatric facility. Her second largest contributor was former Alderman Kevin Backman who gave her \$250. The wife of former alderman Larry Satz gave her \$100.

While most current alderpersons support Behnen, it appears as if at least a couple former aldermen would like to see him replaced.

THE SIGN WARS CONTINUE: I had to laugh when I saw Amy Anderson one week before the election putting signs in two of my neighbors' yard. I live at the top of a horse shoe "U" meaning we get no traffic passed our house. Anderson put signs in the yard of two neighbors; houses which are actually on a cul-de-sac off the "U" street.

She wasted two more signs on a corner house which is basically at a dead end.

I guess this might be a good location if the mail carrier, the UPS driver and the guys who drive the Meridian trash trucks were voters in Town and Country. Otherwise this spring in my neighborhood is getting cluttered up for little reason.

Amy appears to be more obsessed with signs than Lenz. She spent \$601 on signs on March 14 with Speedy Signs in lake City, Florida. That order was not enough and she dropped another \$537 for more signs with Mark's Quick Printing in overland, MO.

AT LAST: Five days before Election Day Ward-4 incumbent Phil Behnen started putting up campaign signs, including at two properties where either the board of aldermen or the Architectural Review Board that Behnen chairs approved projects at.

SIGNS DESPITE NO OPPOSITION: Gussie Crawford is running unopposed for reelection. However she has put out a couple dozen signs and sent out a letter to every voting household in her ward.

Gussie said she did not want voters to think she was taking them for granted just because she was running unopposed. She said she was sending out the mailer to let them know why she voted the way she did on several issues.



A week after Gussie put her signs up, Skip Mange decided he should too. Two of the yards that sported Mange signs included the rear of Mayor/Cigarette Lobbyist's Jon Dalton's home that abuts Clayton Road and John Diehl's house on Clayton Road. Two excellent reasons to never vote for Mange.

SIGN COMPLAINTS: Former alderwoman and deer lover Barbara Ann Hughes inquired if all the candidates with signs up had posted the \$50 deposit with the city that ensues they pick up their signs immediately after the election.

Back in 2010 Barbara filed a complaint with me for having two signs in a yard. The city did nothing because there were numerous state and federal court cases saying how cities could not legislate against churches or citizens rights of free speech that were not commercial. The city attorney advised city hall not to enforce this section of the sign ordinance.

However, Hughes' complaint did get two candidates to come to city hall and post the sign deposit. Since political speech is protected, who is to say that someone doesn't want to leave their candidate's sign up after the election to make a statement?

This city sign ordinance discriminates against local candidates: The city sign ordinance requiring a deposit only applies to people running for alderperson or mayor. It does not apply to any other candidate. As we have all seen in the past it is the signs for state representatives, state senate, school board or community college boards that end up staying up long after the election. Why does my neighbor who runs for alderman have to pay a sign deposit but the Todd Akin, the Romney or McCain campaigns (I would have mentioned the Obama campaign, but I don't recall ever seeing an Obama sign in Town and Country) don't have to pay.



He didn't have to pay a deposit to put up signs in Town and Country.

CONTRASTS: I find the Chuck Lenz and Amy Anderson race full of contrasts. Anderson is a Christian Scientist, a church that does not believe in medicine, doctors or hospitals. Lenz is a retired pharmaceutical sales executive. His wife just retired as an administrator at St. Luke's Hospital.

A number of Anderson's supporters including other members of the Christian Science Church while not believing in medicine (including polio vaccines...Jonas who?) see no problem in using drugs to knock out a deer and then perform a \$1,200 hysterectomy.

PHIL BEHNEN TOWN AND COUNTRY LAWMAKER HAVING PROBLEMS

FOLLOWING THE LAW: This isn't a huge deal, but all the other candidates have to follow election laws and someone who has been in office since 2006 ought to know the election laws. Apparently Phil Behnen doesn't.

Linda Rallo is the first opposition Phil has ever had. He sent out a mailer that arrived at houses in Ward 4 on Thursday. The photo of Phil was apparently taken the week he graduated from college.

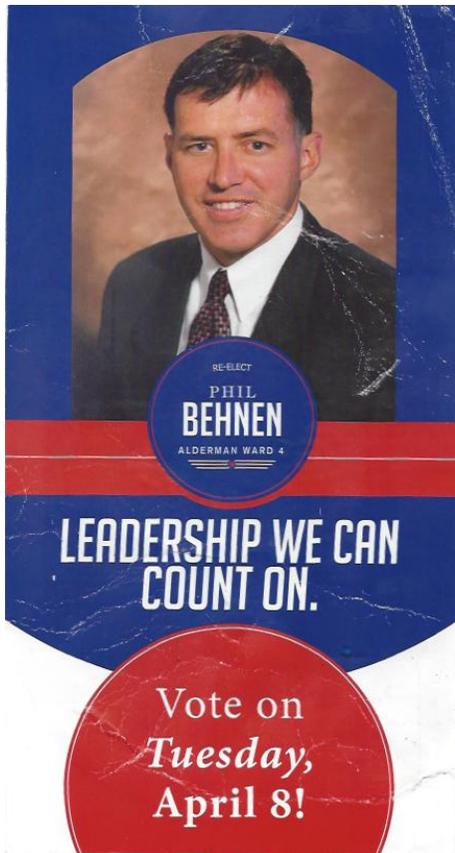


Photo of Phil on Mailer received on April 3, 2014. Photo of Phil earlier this year.

However, the big thing missing on his postcard to voters was who paid for it and if it was paid for by Phil's committee it needed the name of the committee's treasurer. That is the Missouri Law enforced by the Missouri Ethics Commission. The treasurer of Phil's campaign committee happens to be Phil Behnen. Phil's Thursday postcard was followed by one on Friday that also violated Missouri campaign laws by not identifying who paid for it.

I have a problem with a lawmaker who can't obey the law and maybe a bigger problem with a CPA who is a treasurer and doesn't follow the rules. "Leadership you can count on" should include leadership that knows the law and follows it.

FRED MEYLAND-SMITH'S WAR ON SIGNS: As we reported last week Ward-3 Alderman Fred Meyland-Smith once again has gone to war against an unsuspecting local business. This time it was the Cedars of Town and Country that clearly needed some additional signage. Fred claimed that since Cedars listed Assisted Living, Nursing Care and Alzheimer Care it was not a sign but instead the same as an advertising billboard.

While I was on Clayton Road last Sunday I saw three signs in Fred's ward that should be high on Meyland-Smith's hit list.



I mean look at this! The Phillips 66 station is advertising car washes and auto repair. Behind that is the Heartland sign that actually has the word "Mortgage" on it. Nothing more than a blatant advertisement according to Meyland-Smith.



Here is another business in Fred's ward. Damn if it isn't an advertisement too. The sign actually has the words, "Retirement Center" on it. Whole Foods has the word "Foods" on its sign and they sell foods don't they?

AM I GETTING OLD OR THE LATEST ART SHOW IS A LITTLE OVER THE TOP? On Friday March 28 there was an art show at the Longview Farmhouse

featuring work from Maryville University students. I realize that art is all in the eye of the beholder. My eyes must be terribly old and out of focus, because this was not the art I was expecting at a city facility located in park. In case you were unable to attend here is some of the art work...much of it was poster art.



I'm happy that Mayor Jon Dalton was able to spend \$1.5 million on the Longview Farmhouse glass doublewide trailer addition without ever doing a use study on who would use it. Now we know Dalton's Arts Commission has a place to display posters of cross-dressers...or transsexuals (I'm not sure which), a woman in bondage and a young girl posing as a slut. The three below I simply cannot figure out what the message is.



After viewing the above poster art I found the following painting of a desolate warehouse district on a winter day almost refreshing and uplifting.



UNAPPROVED CHESTERFIELD NEWSLETTER 68



April 7, 2014

By John Hoffmann

THE RACES: Follow the Money:

Ward I Barry Flachsbart: The longtime councilman is basically financing his campaign. In his "8-Day Before Election" finance report Flachsbart gave his campaign \$1,050. He also accepted \$100 from people giving \$100 or less. His expense report shows that he spent \$1,452 with Mark's Quick Printing in Overland to print and mail postcards.

Ben Keathley: In February Keathley had just one contribution and it was from Devi States at an address belonging to a restaurant in the Grove District on Manchester Avenue in the City of St. Louis. In March he claimed two new contributions with only one of them from someone in Chesterfield. He received \$250 from Lewis Keathley of Ferguson and \$200 from David Wrobel of 110 Shady Valley Drive in Chesterfield. He listed no expenditures but we saw at list professionally produced campaign sign for Keathley on March 30 in the River Bend subdivision.

Ward 2 Elliot Grissom: Prior to March Grissom collected \$3,100 from 36 different people ranging in amounts from \$25 to \$300 almost all from Chesterfield residents.

One of Grissom's early contributors was former Mayor Bruce Geiger. Geiger pushed for special taxing district status for the outlet malls which put added sales taxes into developers' pockets and Grissom voted for the deals.

In March Grissom raised another \$4,700. Most contributions were between \$25 and \$100. The biggest contributor was Grissom himself who gave his campaign \$4,200. Instead of supporting any local St. Louis area businesses to produce yard signs, Grissom spent \$572 with a company in Davenport, Iowa.

Tom Northcott: The man who was not registered to vote in St. Louis County when he filed to run did not file a 40-Day Committee report. Northcott finally filed a campaign committee report on March 31, which is at least 16 days late. Northcott claimed he had \$854 in expenses for March, but does not list those expenses. That is a violation of Ethics Rules and Regulations.

He also claims he gave \$394 to the campaign and had \$100 still in the bank at the end of the reporting period. The math does not add up. For a guy who is a director of sales with a degree in business and economics his candidate expense report doesn't make much sense.

Ward 3: Mike Casey: Incumbent Casey did not file a 40-day before election report. He did file an 8-day before election report. It showed only one contribution. That was \$200 from former councilman Randy Logan. Logan and Casey both were big supporters of taking sales tax money out of your pocket and putting sales tax money into the pockets of outlet mall developers. Logan was turned out of office by Dan Hurt last April.

The odd thing about Casey's report with the Ethics Commission was he claimed a \$1,400.69 credit card expense. I somehow doubt Casey's committee, "The Committee to elect Mike Casey" has a credit card. I have a feeling that Casey used his own credit card which means he should have shown the \$1,400 as a loan to his campaign or a contribution.

Andy Kazen: Other than \$300 in contributions under \$100, Kazen is financing his race against Mike Casey himself. Kazen appears to be running behind a bit. We did not see any Kazen signs while we were driving around the other day,. However he spent \$669 on signs on March 25. He also spent \$738 to print and mail postcards.

WARD 4: Connie Fults: Connie gave her campaign committee \$1,004 and loaned her campaign another \$500. Her next largest contributor for the month of March was former Mayor Bruce Geiger's \$150 check. All of the candidates endorsed by Geiger in 2013 lost. Fults spent \$500 on door hangers on March 24. Perhaps she had some the last time she ran. If not, that is a little late in a campaign to start hitting doors in a ward the size of Chesterfield's Ward 4.

John Gazzoli: John Gazzoli had almost 10 times the amount of money raised in March compared to Fults. He collected \$3,250. He spent \$2,349 so far.

His contributors include:

\$200 Chuck Thal 14830 Brook Hill
\$100 Terri Brennan 16639 Caulks Creek
\$100 Andy Sears 16915 Pacland Ridge
\$200 Jim Liebe 582 Goddard
\$1,000 John D. Hogan 1126 SW 52nd Cape Coral Fl.
\$500 Robert Clausen 16901 Pacland Ridge
\$200 Michael Fogarty 16900 Pacland Ridge
\$200 Ted Liebig 1818 Edison Ave
\$500 William Shannahan Crane 1515 Pacland Ridge
\$250 Himself (John Gazzoli 16916 Pacland Ridge

Fults voted to change zoning from 1-acre residential to allow a homebuilder to construct houses on smaller lots near Pacland Ridge and Pacland Court. This is the reason Fultz has a challenger and why much of his contributions are coming from one street.

THE SIGN WARS CHESTERFIELD STYLE: 10 days before the Chesterfield municipal election we spent a Sunday afternoon driving around town looking for campaign signs.

Ward 1: Barry Flachsbart: We found no signs for incumbent Flachsbart. He later told us he was running a little behind in his campaign and would get some signs up.

Ben Keathley: We found only one sign up for his challenger, young Ben Keathley. The sign was in the River Bend subdivision.



We have to wonder what Keathley's strategy is. He did not provide the League of Women Voters/Post-Dispatch with a candidate profile for their Voters' Guide. Barry is past 70 so we wonder if Keathley didn't file thinking that maybe Flachsbart's time might come before election day opening the way for him to win. However, other than breaking the occasional ankle on ice while campaigning (happened in 2012) Flachsbart seems to be in pretty good shape.

Ward 2 Elliott Grissom: Grissom another pro "tax the consumer to pay the developer to build" guy had signs out. The 67-year-old incumbent did not have any subdivisions we visited saturated, but had a few signs out on major roads.



Tom Northcott: We did not spot one Northcott sign. Northcott is the guy who was not registered to vote in Chesterfield or even St. Louis County and while being a subdivision trustee he has never voted in a St. Louis County election in last 14 years.

He did however have a good statement in the Voter's Guide while taking a shot at the pro-developer faction of the city council.

"I and many other residents are fed up with a city seemingly more worried about another mall or office building than ensuring our property values reach their maximum potential."

WARD 3 Mike Casey: We only found a few Mike Casey signs in our drive. We did find one at the corner of Clayton and Schoettler Road where the new McBride and Sons Schoettler Grove subdivision just got approved by the city council including a yes vote from Casey. In fact Casey had voted for the project when it failed over the lack of funding to maintain a cemetery on the property.



ANDY KAZEN: We did not see any signs for Andy on our drive around town.

WARD 4 Connie Fults: There is a bit of a sign war in Ward 4. Incumbent Connie Fults has signs out in force. Connie has always been a big promoter for development as long as the new businesses aren't open after 10pm. She voted to put new sales taxes in developers' pockets.



John Gazzoli: Our Sunday drive seemed to show that perhaps challenger Gazzoli has Fults beat in the number of signs. But a lot of the Gazzoli signs appeared to be on public right of way space.



This Gazzoli was on public right of way at an intersection and not associated with a nearby house. Gazzoli lists his 39 years as an attorney as a qualification for office. Of course some people would consider that 39 reasons not to vote for him.

CLARKSON VALLEY MAYOR TAKES A SHOT AT CHESTERFIELD

MAYOR: During the April 1 Clarkson Valley Board of Aldermen meeting Mayor Scott Douglass read from a Chesterfield newsletter where Chesterfield Mayor Bob Nation

asked residents to contact their state lawmakers urging them to vote for a bill (HB 2034) that would do away with the sales tax pool over a 10-year period.



Clarkson Valley Mayor Scott Douglass

Douglass showed displeasure in reporting Mayor Nation's newsletter comments. Chesterfield only keeps 46% of the municipal sales taxes they generate and the rest goes to the Pool, shared by a number of cities. Clarkson Valley, a city of wealthy residents generates almost no sales tax revenue but gets quite a bit from the sales tax pool. Clarkson Valley depends on the sales tax pool to provide services with a \$815,000 budget for 2014.

At the meeting it seemed as if money is tight for Clarkson Valley. Another Alderman was upset that there were 347 active arrest warrants for people who have not appeared in court to answer traffic citations. He suggested that the city consider hiring a collection agent. He said the original traffic fines and the failure to appear fine means the city has \$347,000 going uncollected.

Unfortunately you can't collect fines until a judge finds the person guilty and issues a fine. They could pay one of the County Police officers on contract to police Clarkson Valley overtime to track down the people with the warrants, instead of waiting for another police agency to stop them and run a computer check and find the clarkson Vlaeey warrant.

The problem with that is if the person arrested cannot post a bond Clarkson Valley has to pay the County Jail to house them. The judge will then normally credit them with time served...so the city loses money instead of collecting it. If it is a non-jailable offense such as "speeding" you fine them and give them another court date to pay. If they show up and say they don't have any money you continue the case time and time again.

SOLAR PANELS: The Battle of Solar may be over for now in Clarkson Valley and then again it might not. The Board of Aldermen of Clarkson Valley passed a resolution on Monday night allowing James and Frances Babb to have a ground and roof array of 100 solar panels. Something that they have had for 1-1/2 years now without a permit.

Clarkson Valley had no ordinance dealing with solar panels until the Babbs wanted to install them. The P&Z Board recommended that the board of aldermen approve the solar panels. The city suddenly passed an ordinance banning them and also turned down the Babbs' request.

The Babbs' then sued in Cole County Circuit Court in Jefferson City claiming the city could not pass laws in conflict with the Missouri Public Service Commission rules. The Babbs won. They immediately installed the solar panels without a special use permit from Clarkson Valley. The court ordered Clarkson Valley to issue a special use permit.



The city appealed. Since the case was heard in Jefferson City the appeal went to the Missouri Court of Appeals Western District in Kansas City. Clarkson Valley lost the appeal, but they still didn't issue the special use permit even though the solar panels were already in place.

The Babbs asked the Cole County Court to hold the City of Clarkson Valley and their Homeowners Association (which has also not given the Babbs approval for the solar panels) in contempt and to issue contempt citations. That would mean the Court could fine the City of Clarkson Valley daily for not complying. The contempt of court hearing is set for April 15. The Babbs are actively serving subpoenas on the city council and their HOA trustees.

On Monday night April 1 the only "new business" on the city council's agenda was a resolution issuing a permit for the Babbs' solar panels. It passed 5-0. When you read the resolution (below) it seems as if Clarkson Valley has fallen on its sword and laid out every detailed showing how the Babbs were jacked around. It is also interesting that a

city with an annual budget of \$815,000 has spent close to \$130,000 on legal fees trying to keep the Babbs from having solar panels that nobody can see.



The Clarkson Valley City Board of Aldermen just prior to passing the resolution to issue the permits to the Babbs for the solar panels that were installed in July of 2012.

RESOLUTION NO. 14-01

A RESOLUTION ISSUING A SPECIAL USE PERMIT TO JAMES BABB AND FRANCES BABB TO LOCATE SOLAR ENERGY SYSTEMS AT PROPERTY KNOWN AS 2001 KEHRSDALE CT. IN THE CITY OF CLARKSON VALLEY, MISSOURI.

WHEREAS, a Special Use Permit Application dated on or about January 5, 2012 was received from James Babb for the construction of solar energy systems at property known as 2001 Kehrsdale Ct. in the City of Clarkson Valley, Missouri; and

WHEREAS, the Application was referred to the Planning and Zoning Commission, which held a public hearing on February 2, 2012 and recommended that the Application be granted; and

WHEREAS, due notice of a public hearing before the Board of Aldermen was published according to law and ordinance; and

WHEREAS, a public hearing was held by the Board of Aldermen on February 7 and March 6, 2012, at which time the Application, including any proposed amendments, was considered; and

WHEREAS, on March 6, 2012, the Board of Aldermen voted 6-0 not to pass an ordinance granting a Special Use Permit to James Babb; and

WHEREAS, on April 16, 2012, James Babb and Frances Babb filed a lawsuit in Cole County Circuit Court seeking judicial review of the Board of Aldermen's action; and

WHEREAS, on April 15, 2013, the Cole County Circuit Court entered its Final Judgment and Order that the City issue a Special Use Permit to the Babbs in accordance with their Application; and

WHEREAS, on November 26, 2013, the Missouri Court of Appeals affirmed the Final Judgment and Order with report to the Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF CLARKSON VALLEY, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1: A Special Use Permit, in accordance with James Babb's Special Use Permit Application dated on or about January 5, 2012, including any amendments, is hereby issued to James Babb and Frances Babb to locate a building mounted solar energy system on the roof consisting of 52 panels and a ground mounted solar energy system consisting of three arrays totaling 48 panels at the property known as 2001 Kehrsdale Ct. in the Kehrs Mill Estates Subdivision, Plat 5, Section 1 in the City of Clarkson Valley, Missouri, as is provided for in Section 405.120 of the Clarkson Valley Municipal Code.

SECTION 2: This Special Use Permit is issued to James Babb and Frances Babb only and shall not be assigned nor transferred.

SECTION 3: This Special Use Permit shall be valid only under the following conditions:

1. The panels shall be constructed and located as set forth in the attachment to the Special Use Permit Application marked Exhibit "A."
2. The panels shall be constructed and located as set forth in the attachment to the Special Use Permit Application marked Exhibit "B."

SECTION 4: This Special Use Permit is issued and shall be enforced in accordance with *Babb v. Pub. Serv. Comm'n*, 414 S.W. 3d 64 (Mo. App. W.D. 2013).

PRESENTED TO, APPROVED AND PASSED BY A MAJORITY OF THE BOARD OF ALDERMEN this 1st day of April, 2014.

Scott Douglass

Mayor

City of Clarkson Valley, Missouri

This looks to me to be the end of the a 22-month war between the Clarkson Valley and the Babbs, with the Babbs winning every step of the way. However, the Babbs have not accepted victory yet saying the existing solar panels still have to pass a city inspection and they are not pulling back the Contempt of Court request until the permit is in their hands.

It was interesting that the resolution is for only the Babbs. So if someone who is a "greenie" buys the Babbs' house according to the resolution they could not use the solar panels until they got a new special use permit from the city.

MEANWHILE IN TOWN AND COUNTRY A RESIDENT THROWS IN THE TOWELL OVER SOLAR PANELS: Mitch Wexler of 1278 Tammany Lane was turned down for a variance at the Planning and Zoning Commission meeting in March. He wanted to put solar panels on his roof facing south where they would receive the most sunlight. The City was not having any of that "saving energy and burning less fossil fuel stuff" and the P&Z voted the panels down because they would be on the front of the house.

Wexler was going to go ahead with the variance request before the Board of Alderman which would require a "super majority" of six votes after being turned down at P&Z. If he lost at the Aldermanic level he could sue in Cole County like the Babbs did and probably win like the Babbs.

However, Wexler threw in the towel and withdrew his request before the Board of Aldermen and put the matter before the Architectural Review Board moving the panels from the most efficient front roof to the side roofs.



Mitch Wexler



THE FIFTH DAY OF SPRING 2014 BETTER THAN THE FIRST DAY OF SPRING 2011 OR THE THIRD DAY OF SPRING 2013:



Fifth day of Spring 2014 snow is just barely sticking to the grass as the dogs get a walk.



First Day of Spring 2011...there was some serious snow.

The third day of spring of 2013 there was a 12.8 inch snow fall. The dogs barely made it out of the door let alone to a park.



A scene from the March 24 Palm Sunday 2013 snow storm.

MUSIC: It is tough getting the Rat Pack Monday launched at One-19. Last week we wrote how the One-19 North restaurant wanted to try and have a Rat Pack Monday featuring a trio with Dean Christopher doing vocals. Well the first Monday in April is the home opening day for the Cardinals. Who wants to compete with that? The first Monday in May is Cinco de Mayo. So tentatively the first Rat Pack Monday at 7pm at the One-19 is set for May 12.



FRIDAY MARCH 28 AT THURMAN'S GRILL: Okay so a little corner joint at the intersection of Thurman and Shenandoah in SOUTH St. Louis might be a little out of the way...the food is not that great...but it was a fun evening seeing the Charlie B Jazz'd Trio back in action. The Charlie B. Trio had been at Jimmy's on the Park in Clayton for seven years until January of 2011. They next appeared at Bartolino's for a year. They now play monthly at the Thurman Grill



WEDNESDAY AT SASHAS: Last Wednesday Arthur Toney was sitting in on keyboards for vacationing Chris Swan. Bill Simpson formerly of Planet Boogie and now in the horn section of the Route 66 Jazz Orchestra stopped by and broke out the flugelhorn for a couple of numbers while Jim Manley took a break.



ROUTE 66 JAZZ: If you like great acoustics and bad bar service, the Route 66 Jazz Orchestra will be at the Unity Church on Butler Hill Road this Wednesday at 7pm. A week later on April 16 they will be at the Kirkwood Station Brewery on E. Jefferson at Kirkwood Road, where there is great bar service and pretty good food. The Kirkwood show starts at 7:30. There is a \$10 cover.

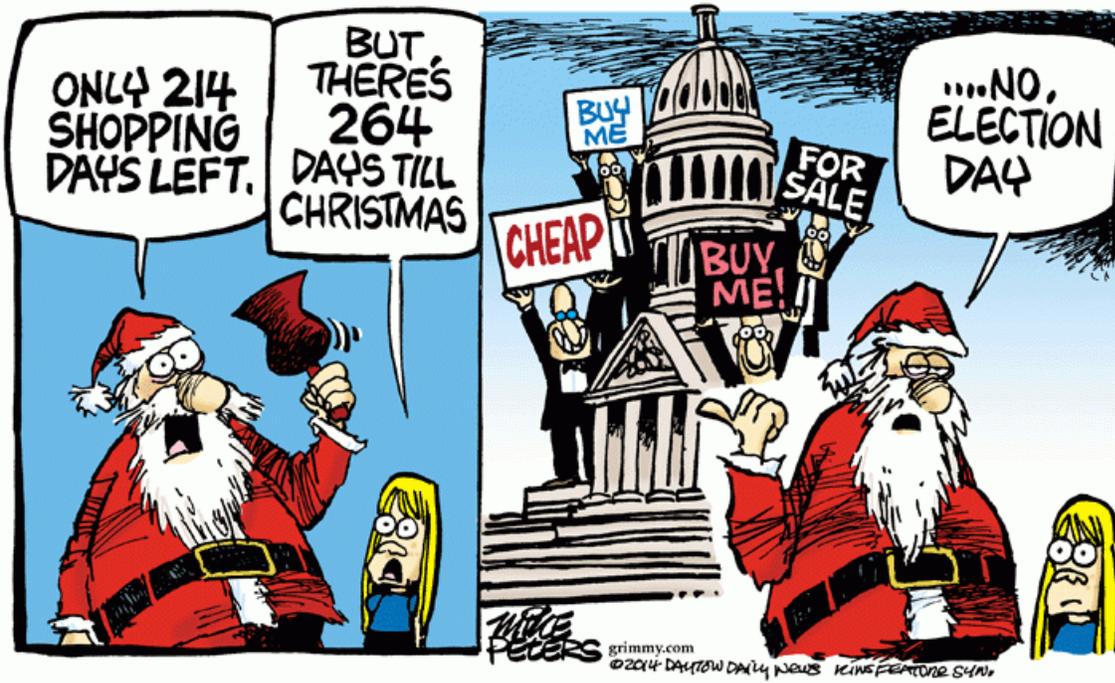


BACK AGAIN...THE ANITA EXPERIENCE AT SMITTY'S...She had a Saturday afternoon SRO crowd a week ago and she is back on Saturday April 12 from 2:30-to-5:30.

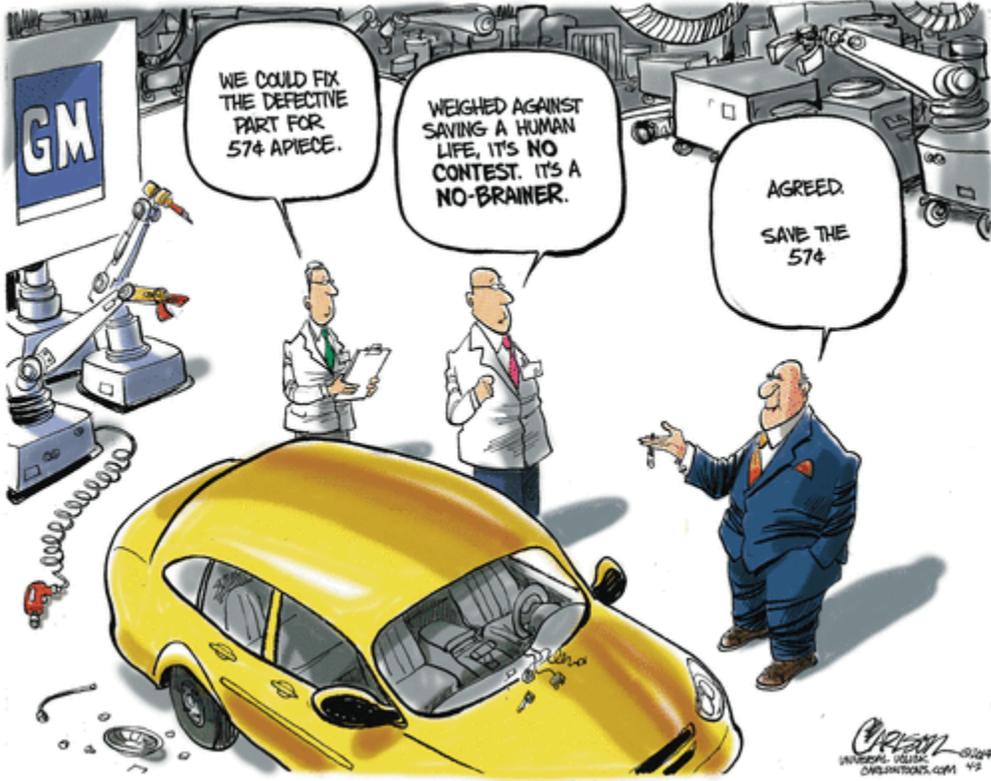


Anita Rosamond with arms in the air got the crowd on their feet and handed the mic over to Jerry Moser to help with a song at Smitty's.

CARTOONS:







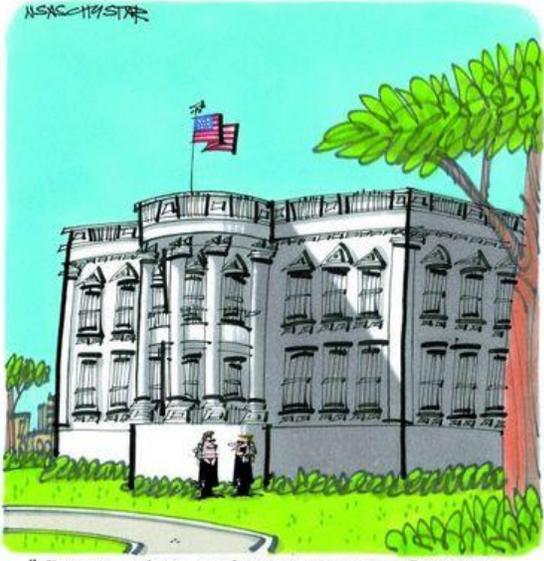
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