

UNAPPROVED CHESTERFIELD NEWSLETTER 6

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By John Hoffmann

HOSPITALS OBJECT TO NEW USE FOR DOCTOR OFFICES ON HWY 40 AND BOONES CROSSING: Orthopedic surgeon George Paletta, who happens to be the official orthopedic surgeon of the St. Louis Cardinals has been seeking a change in the usage permit for the building on Highway 40 and Boones Crossing. Paletta wants overnight stays for up to 72 hours to be allowed for patient recovery at his medical offices where orthopedic procedures are performed.

The request passed at the Chesterfield Planning Commission and was before the Planning and Public Works Committee on Thursday July 19. Everything was moving along smoothly until two gentlemen not connected with the project asked to speak.

David Durbin with the hospital group Missouri Healthcare Association and registered lobbyist for SSM Healthcare along with Gary Bratcher of BJC both spoke.

They both said that since the facility was going to allow patients to stay up to 72 hours it would be operating as a hospital and not a doctor's office.

"This is not to suggest that we have an altruistic view of this issue," commented Durbin.



(David Durbin, a lobbyist and PR rep for SSM Healthcare addresses concerns with granting Dr. George Paletta a use permit to allow 72-hour patient rooms in his medical office building.)

Clearly they did, but they made a point as City Councilman Mike Casey said, “72-hours seems like a hospital stay to me.”

Durbin also took the approach that the state first has to approve or license the facility before Chesterfield should permit.

However, Chesterfield Planning Director Mike Geisel shot down that assertion when he mentioned that while the city can approve a barber shop or beauty parlor it is up to the state to issue a license. They are two separate actions. One is land use and the other is professional licensing.

A representative for Paletta told the committee that the 72 hour stay was needed for both obtaining pain management for patients and for help people who travelled from out of town reach a level of recovery for their trip home.

City Councilwoman Connie Fults, who seems to be obsessed with businesses being open after 11pm, asked if the regular office hours would be open in the late night hours. She was told it would not be. Can you imagine people coming to an orthopedic doctors office at 3:30 in the morning for an office visit? I can't, but Connie apparently can.



(Councilwoman Connie Fults asks if Dr. Paletta's regular offices will be open overnight. Meanwhile Councilman Matt Segal seems disgusted with the presentation by SSM PR rep David Durbin.)

The committee passed 3-0 to recommend that the City Council approve the use change and allow the clinic with post-op rooms to open.

THE BLACK FRIDAY LAW CHANGE WILL COST \$17,500: If you remember last month the staff proposed to the Public Works and Planning Committee that retail stores be allowed to be open after obtaining a special permit for overnight hours on or the day after a recognized National Holiday. This was in response a number of businesses being cited in the Chesterfield Valley for either being open late on Thanksgiving night or early on the day after Thanksgiving in violation of city ordinances.

Mayor Bruce Geiger suggested in June they just concentrate on Black Friday and not worry about the other holidays.

It was brought up that some businesses have special promotions with late night openings for new products in high demand, such as new models of I-Pads, computer games and similar products. Planning Commission chair Mike Watson mentioned a store in Chesterfield Commons recently had a late night 12:01 am opening for a computer game. (that store was not cited)

Connie Fults who clearly believes late night shopping would be a blemish on the character of Chesterfield stated that allowing late night openings for special events would just put the city on a slippery slope toward "Open 24-Hour a Day" craziness. Fults inferred she still wasn't too keen on the early store openings for Black Friday.

Councilman Matt Segal made a motion to amend the recommendation to the City council to include issue permits for special events besides sales on Thanksgiving night and the day after Thanksgiving. His motion died for a lack of a second.

It was then brought up that to change the ordinance to allow the Thanksgiving exception would require a public hearing. Public hearings have to be advertised. Also property potentially involved in the legislation has to be posted. This does not just include posting each shopping center, but every parcel in the shopping center.

I couldn't tell if Planning and development Service Director Aimee Nassif was merely commenting or complaining when she said it would take her five days to post signs at all the properties covered by the public hearing. When Mike Geisel told the committee that staff would take care of it, Nassif muttered, "Staff is me. I don't have a staff. Just tell them that Aimee will take care of it."

THE GRAYING OF CHESTERFIELD: In our last newsletter we wrote how the city council wants to create an Older Adult Task Force. The statistic was given that 25% of Chesterfield residents are over 65-years-old. (We mentioned that seemed to be higher among city council members.) That number might be going up.

Aimee Nassif gave an update at the end of the Public Works and Planning meeting, she mentioned that the Sansone group is interested building a retirement community on West Avenue. She also reported the phase three expansion for Friendship Village is about ready to start.

SOLAR PANELS: Currently there are no restrictions on solar panels in Chesterfield. That might change if Connie Fults has her way. After Fults mentioned about receiving calls about solar panels, Councilman Mike Casey said for the record in Ward-3 there has not been one call about solar panels. Fults then made a catty remark about the people in Ward-4 being a bit more sophisticated.

Fults said she wanted the staff and city attorney to look at the following items:

- 1) Can we limit solar panels to roofs only?
- 2) Can we stop tree canopies from being cut down to allow sunlight to panels?
- 3) Are damages to solar panels covered by most homeowner's insurance? (She was concerned if panels were badly damaged they might remain in an unsightly manor because there were no funds to fix or remove them.)
- 4) Can homeowners associations rules restrict solar panels from being erected?

The vote was 2-1 in favor of Fults' request.

TAKE ME OUT TO THE BALL GAME or HEY ALL THE GUYS WERE THERE: At a recent Ballwin Board of Aldermen meeting it was brought out the fact that the city administrator Bob Kuntz accepted a \$250 ticket to Game 7 of the World Series, from Allied Waste which was then a city contractor and later received a new 10-year \$36 million no-bid contract.

Ballwin mayor Tim Pogue stuck up for Kuntz and admonished Alderman Dogan for bringing it up. Dogan found the \$250 gift to the World Series while reviewing records concerning Allied and the city. Dogan had voted against the no-bid contract.

According to people present at the meeting the old "All the kids are doing it and were there" defense was used and it was mentioned that the Chesterfield City Administrator was also at the game as a guest of Allied Waste.

http://www.stltoday.com/news/local/metro/ballwin-alderman-questions-world-series-ticket-for-city-administrator/article_6eed44d0-2900-522f-b50f-ead1893d9926.html

I have sent an email to Chesterfield City Administrator Mike Herring asking him if he was a guest of Allied Waste at the game. Allied has the waste contract with Chesterfield. Herring is on vacation and will not be back to answer emails until July 30.

Problem is twofold: The first issue is what on earth are city leaders doing accepting \$250 gifts from contractors? When I was in a regulatory enforcement job outside of Washington DC I once sent back a \$1 jar of jelly to a company that I regulated. They had sent out the jars of jelly to celebrate their 40th anniversary. Here is a simple rule...**DO NOT TAKE GIFTS FROM CONTRACTORS.** Here is another rule if you are willing to break the first rule...If you accept a gift; will you be comfortable defending your action if it becomes public?

The second problem is that a company that does business with cities area wide thinks it is okay to give city leaders \$250 gifts.

Here is what the Chesterfield Personnel Manual about gifts and gratuities:

“No employee may solicit or accept gifts or significant value (i.e. in excess of \$25.00) lavish entertainment or other benefits from potential and actual customers, suppliers or competitors. Special care must be taken to avoid even the impression of a conflict of interest.”

If anyone went to the World Series on the tab of Allied Waste it certainly appears to be a violation of the city personnel manual. However there is a Catch-22 in the next paragraph:

“An employee may entertain potential or actual customers and receive entertainment if such entertainment is consistent with accepted business practices, does not violate any law or generally accepted ethical standards and the public disclosures of facts will not embarrass the City.”

Even reading this it seems as if taking a \$250 World Series ticket from a city contractor would be a violation. I would have to think that even buying such a ticket from a city contractor would be a service that the general public could not receive and thus a violation. 4

OUTLET MALL GROUND BREAKING (dirt moving actually)...HIGH THEATER IN THE VALLEY: The Taubman Prestige Outlet mall groundbreaking on Wednesday July 25 was more theater than civics.

Invited guests and media to the “ground breaking” were asked to arrive by 9:30am at the site and “grounding breaking was scheduled for 10am.

When I pulled into a recently graded gravel parking lot at 9:32 it was already 96-degrees. Taubman had built a special parking lot. They had an air conditioned tent where food and beverages were being served. They also had shipped in special restrooms. No “Johnny on the Spot” for this event...an actual trailer was there that was nothing but rest rooms.



(It was a red carpet and an air conditioned tent for those at the “ground breaking” of the Taubman Prestige Outlet Mall.)



Most everyone except the sound board controller left the free food and went outside for the speeches.)

Just east of the tent were two earth movers kicking up dust. This meant all the VIPs' cars on the special parking lot were going to have a fine layer of dirt coating them. I could not figure out what they were grading as this area had already been graded in March. After the ceremonies, I drove Patch.com editor Jean Whitney to two other spots in the Valley where we both wanted to take photos. We returned in 30 minutes and the earth moving equipment was gone. The earth movers were apparently part of the show.

The speeches began with the politicians. If we were at a baseball game, they would have been booed.

First was Tim Jones, Majority Leader of the Missouri House of Representatives.

"I'm going to keep it short, just like me," said the diminutive Jones. "We are suffering through challenging times and now we are building something knowing people will come," said Jones. After seeing the list of retailers signed up for this mall, I'm not sure how many challenged people will be arriving.

Jack Hoffmann (no relation) of the Chesterfield Chamber of Commerce spoke and said, "What we don't have is a high end outlet mall." Jack was nice enough to the Taubman people not to mention that apparently "we now (will have shortly) have two outlet malls.

Chesterfield Councilwoman Connie Fults read a proclamation from Mayor Bruce Geiger. In Fults' remarks she said, "Chesterfield encourages business prosperity." What

Chesterfield encourages business prosperity while Town and Country and Ellisville encourage business bankruptcy?

Then everyone broke some ground...well, actually they took shovels and turned over some moist dirt that had been placed on a board in front of them.



Taubman also presented a \$10,000 check to Chesterfield Arts. The money is to go to buying more sculptures and education programs. Of course we are in one of the worst heat waves in 70-years. Money to give poor people air conditioners or money to charities like the Salvation Army to help people pay their electric bills would be nice. But giving \$10,000 to rich people to buy art is nice also.



Here is the list of signed retailers for the Mall located at I-64 and Boone's Crossing. Please check the list and let someone know if you consider these high end retailers.

Banana Republic factory Store, Gap Outlet, J. Crew, Furta, Anne Fontaine, Brooks Brothers, 2b Bebe, American Eagle Outfitters – Off Campus, Lucky Brand Jeans, Nine West, Ed Henly, Body Shop, Jones New York, Carter's, Desinger Fragrance, Easy Spirit, Elegante, Famous Footwear, Hot topic, Kasper, Aerosoles, Bachrach Outlet, Kitchen Collection, Maidenform, Motherhood Maternity, Ultra Diamonds, Naturalizer, Osk Kosh B'gosh, Billabong, Mikino/Mikino Men's, Gloria Jean's Coffee, Robert Wayne, Rocky Mountain Chocolate Factory, Saucony, T-Mobile, Things Remembered, Sunglass Hut, Time Center USA, AT&T.

These appear to be what you would see in most malls. I mean famous Footwear and the Sunglass Hut are not what I call "high end" let alone the Gap.

The outdoor mall near the Ice Arena will be a little over half a mile long and 600 feet wide.

LAST COLUMN: Here is the last column I had filed with Patch.com. It never ran. It had been in the system for a while when the Grading Local Politicians by Their Cars column created controversy with a few of the thin skinned members of the City Council. The regional Patch editor refused to run anymore columns about Chesterfield City Council and I refused to write any more columns for Patch.com about anything.

Neither Rain, Snow, Sleet Gloom of Night or Stupid Rich People Keep the Postman from His Appointed Rounds

Some people in West County do their best to make delivering the mail a challenge

By John Hoffmann

When I was the assistant police chief in Chevy Chase, Maryland I quickly realized that rich people with too much time on their hands could be dangerous. Chevy Chase was developed between 1900 and 1920. Much of Chevy Chase resembles parts of Kirkwood and Webster Groves with large frame and stucco homes. The differences are the lots are smaller in Chevy Chase and the old houses are worth \$2,000,000.

Actually most of the residents were very nice. Many were blue bloods from families that had money for generations. They were often down to earth. There was more money

there but fewer grossly expensive cars, than here. In my current neighbor on some days I think I live in Germany passing all the Mercedes, BMWs and Audis leaving the subdivision, clearly evidence of the New Rich.

However there were some people in Chevy Chase whose brains were wired in such a way they amazed me.

We had a constant problem of people trying to hide fire hydrants in front of their houses. Women were usually the main suspects. They would plant bushes or flowers so the hydrants were completely surrounded.

One woman didn't like the color the hydrant was in front of her house and painted light purple color. She was completely unaware that the color of the hydrants in that part of Maryland indicated to firefighters what the size was of the water main.

You might be surprised to the push back we got when we would threaten to cite residents unless they removed the bushes and gardens and repainted hydrants to their original color.

I didn't notice some similar actions taken toward fire hydrants in West County, but what I have really noticed is what people do with their mailboxes.

There is one mailbox that I pass everyday that is completely hidden from sight, swallowed up by eight-foot high hedges.



(Try and spot the mailbox in these hedges.)

Here it is...nothing like making it easy for your mail carrier.



Then there is there is the one covered in roses. Ouch! Not only can the thorns get you so can the bees.



I found another one that has vines wrapped around. If a kid hits it with a baseball bat from a moving car, the vines will likely keep it in place.

I also love to see the people who encase their mailbox in bricks or stones. No mailbox baseball there and if a driver swerves off the road to avoid a deer they will not be knocking over a mailbox, they will be hitting a fixed object, doing thousands of dollars of damage to the car and thousands of dollars of damage to the mailbox.

I do have to wonder if the expense is worth it to have a concrete and stone monument around a mailbox only to have American Water knock it down to get to a water main break or the highway department tear it down doing a road project, since it is in the easement of the roadway.

I asked at my Chesterfield post office if I could talk to someone that could give examples of problems carriers face. I was given the telephone number of the Delivery Supervisor. He told me that he could not speak on the record. I then contacted the media spokesperson for the St. Louis Region, Valerie Welch. She said the problems carriers face are pretty much the same in a small town as in a big city. She then went on to say there are very few problems. I didn't buy what she was selling.

I then emailed someone I know who recently retired as a regional manager for the Postal Service. He started out as a carrier.

“Curbside mail box too high or low, and box continually blocked (usually by a car) were the ones that caused me as the regular carrier the most grief because I had to dismount the vehicle, and that brings up some safety issues of setting the parking brake and shutting off the engine. Even the non-standard homemade boxes aren't usually that bad because you only have to solve the puzzle one time. The regular carrier gets to know habits of customers and their individual quirks, and then it's pretty easy to plan and to adapt,” he wrote, but there were some evidence of stupid, when he continued.

“And then there are those who place a child's wading pool in the street, or who chain their dog to the mailbox post.”

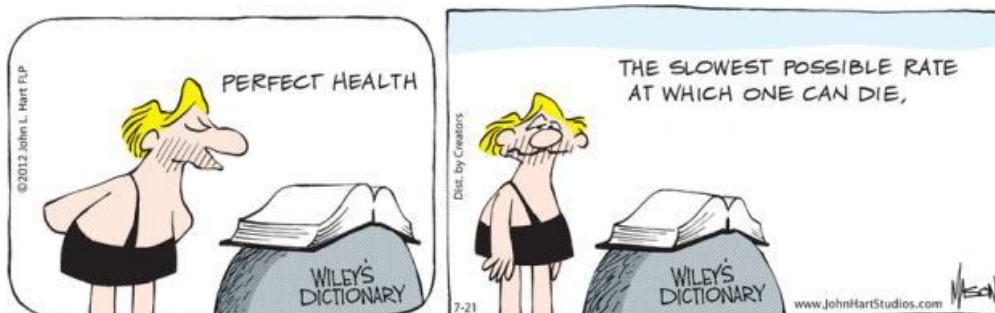
“Mailboxes seem to be a magnet for parked cars and landscaping trucks with trailers,” another carrier told me while on a break.

“**ANTS!** They are the worst for me is every spring when people allow ants to take over their mailbox. Sometimes I'll put the mail in the box, pull my arm out and it will be covered with ants,” the carrier said.

I asked my carrier. He told me while the flowers on the mailbox that attracted bees was a problem, the people who refused to clean wasp nests out of their mailbox was much worse.

“Of course when I would deliver the mail to a box with a wasp nest it was a little dicey, but I usually just got the wasps upset when I would shove in the mail and shut the lid. I have to think the real problem was when the homeowner came along 10 minutes later and opened a box full of angry wasps,” he said.

CARTOONS:





The Garcias discovered a huge drawback to driving a car that runs on vegetable oil.

A day at Eberwein Park



"It's called a 'skateboard,' you old coot! No one plays shuffleboard anymore!"

