



WHERE COMMUNITY AND SPIRIT MEET®

### **WORK SESSION MINUTES**

A work session of the Kirkwood City Council was held on May 7, 2015, at 6:00 p.m. Present were Mayor McDonnell, Council Members Biedenstein, Griffin, Jaksetic, Luetzow, and Sears. Also in attendance were City Clerk Betty Montañó, Public Information Officer Beth von Behren, and City Attorney John Hessel. Council Member Ward, Chief Administrative Officer Russell Hawes, and Assistant Chief Administrative Officer Georgia Ragland were absent and excused.

### **APPROVAL OF WORK SESSION MINUTES**

Motion was made by Council Member Sears and seconded by Council Member Jaksetic to approve the meeting minutes of April 16, 2015. The motion was unanimously approved.

### **BOARD AND COMMISSION APPOINTMENTS AND REAPPOINTMENTS**

Mayor McDonnell stated that he is currently working on appointments to Boards and Commissions. The Mayor has interviews scheduled with a few individuals regarding serving on Boards and Commissions. It is recommended that James Diel be appointed to the Planning and Zoning Commission. A discussion took place. Concern was raised regarding the same people being cycled through the Boards and Commissions.

### **MUNICIPAL COURT DISCUSSION**

City Attorney John Hessel, current Prosecuting Attorney Jackie Gray, and former Prosecuting Attorney Sarah Mullen, were in attendance to discuss the municipal court process. Some of the issues discussed are as follows:

- In light of recent events it was requested that the Kirkwood court process be reexamined and in response City Attorney Hessel, Jackie Graves and Sarah Mullen, previously met with Chief of Police Plummer, Captain Folluo, and Judge O'Brien to talk about the current municipal court process.
- City Attorney Hessel applauded the current and past city councils for having never functioned in a way to try and gain income, for never trying to influence the Judge or interfere with the municipal court process, and for having operated in a fair and proper manner.
- City Attorney Hessel advised the council that the House of Representatives just passed a bill that revenue generated from court fees could not exceed 12.5% of the operating budget. The City of Kirkwood has been within a range of 2-3% so there will be no problem conforming to the new law.
- Prosecuting Attorney Graves discussed the current court procedures and explained that the Kirkwood Municipal Court handles mostly traffic and minor violations. Any greater offense would go to St. Louis County. High school students are treated a little differently; they are required to attend court with a parent in hopes that the experience will be meaningful to the student.
- Former Prosecuting Attorney Mullen explained what happens when someone does not appear for their court date. Warrants are not issued after the first missed appearance. A warning is mailed to the individual. If the individual misses a second appearance a warrant will then be issued. Procedures are continually examined on how to handle when an individual does not appear.
- City Attorney Hessel reviewed statistical information. The City of Kirkwood Municipal Court handled a little over 6,100 cases in 2014, and 4,335 cases were disposed of in 2014. In some instances cases were dismissed on compliance or following probation. 3,845 cases involved



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a plea of guilty, and approximately 980 cases involved a plea of guilty to an amended charge.

- The rationale for amending charges was discussed and it was noted that a plea bargain is not unusual and occurs in all courts and it usually results in a higher fine.

There being no further issues to come before the council, the meeting was adjourned.

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Betty Montañó, MMC/MPCC  
City Clerk