

**BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI
MEETING MINUTES
February 22, 2000**

ROLL CALL

Commissioners Present: Matt Armstrong, Ted Armstrong, Jane Arnold, Bob Ford, Agnes Garino, Tom Hayek, Dee Joyner, Greg Kloeppe, Ilene Ordower, Johnnie Spears, Don Wojtkowski
Commissioners Absent: None

OTHERS PRESENT

Lori Fiegel, St. Louis County Planning Department
Kevin O'Keefe, Attorney, Village of Bel-Ridge

CALL TO ORDER

The meeting was called to order by Mr. Wojtkowski at 6:30 p.m. on February 22, 2000. The meeting was held at the office of the Boundary Commission, 1516 South Brentwood Blvd., Brentwood, Missouri.

ROLL IS CALLED - QUORUM DECLARED

The roll was called and a quorum was declared by Mr. Wojtkowski.

APPROVE AGENDA

Mr. Wojtkowski asked if there were any revisions to the agenda. There were no changes and the agenda was approved.

APPROVE MINUTES

Mr. T. Armstrong made a motion to approve the meeting minutes of January 25, 2000. Mr. Kloeppe seconded the motion. Voice vote: Ayes: All. Nays: None. *The motion passed.*

PUBLIC COMMENT

Jim Booher, 10516 Wisteria Lane. Mr. Booher stated he had a contract with St. Louis County to provide information for the Sappington Concord proposal. He indicated that there would be public meetings. He raised the issue of a pending lawsuit in Cole County and indicated that his group may be intervening. He stated that he believed there was a conflict of interest between the Boundary Commission and St. Louis County.

Kevin O'Keefe, Village Attorney for the City of Bel-Ridge. Mr. O'Keefe complimented the Summary of Decision for the Carsonville Area Annexation - Village of Bel-Ridge and indicated that he had no additional comments. He apologized for having to leave for another engagement before the Commission took up the matter. Mr. Wojtkowski pointed out that the commission had become aware of some minor discrepancies in the legal description submitted by Bel-Ridge. Mr. O'Keefe responded that he would work with the Planning Department and surveyor, if needed, to rectify any problems. Mr. O'Keefe also noted that it was within the commission's authority to make such technical adjustments.

ANNOUNCEMENTS/COMMUNICATIONS

Mr. Wojtkowski made two announcements:

First, Tim Fischesser, Executive Director of the St. Louis County Municipal League, contacted Mr. Wojtkowski to let him know that the Municipal League would be holding a seminar in March to review the new map plan procedures and hoped Boundary Commission members would be able to participate. Mr. Wojtkowski indicated his willingness to participate and encouraged other commissioners to attend, if possible. Mr. Wojtkowski also indicated that he emphasized with Mr. Fischesser the need for municipalities to engage in their planning processes now and not wait.

Second, Mr. Wojtkowski indicated that he had been contacted by a concerned resident of the Carsonville annexation area that the resident understood the Commission's decision and was satisfied with the election requiring separate votes.

HEAR COMMITTEE REPORTS

By-Laws Committee

Ms. Garino briefly highlighted the changes that were made to the draft by-laws based on the discussion at the prior meeting. Mr. Wojtkowski commended the by-laws committee for their efforts. Mr. T. Armstrong made a motion to adopt the by-laws. Mr. Ford seconded the motion. During the discussion, Ms. Garino indicated that she would like the commission to rethink Section 5.4 which provides that an officer can succeed himself/herself in the same office twice. Ms. Garino stated that she had given the issue considerable thought and based on prior experience felt that this section should be revised. Ms. Garino made a motion to amend the by-laws to read "A Commission member may not succeed himself/herself in the same office more than once." Ms. Ordower seconded the motion. During the discussion, several commission members pointed out the benefits of continuity of leadership and the desire to maximize flexibility. Ms. Garino said she felt that fewer successive terms would give more people the opportunity to serve. A roll call vote was taken on the motion to amend the by-laws: Ayes: Ms. Garino. Nays: Mr. M. Armstrong, Mr. T. Armstrong, Ms. Arnold, Mr. Ford, Mr. Hayek,, Ms. Joyner, Mr. Kloepfel, Mr. Spears. Abstentions: Ms. Ordower, Mr. Wojtkowski. *The motion failed.*

A roll call vote was then taken on the motion to adopt the by-laws as presented. Ayes: Mr. M. Armstrong, Mr. T. Armstrong, Ms. Arnold, Mr. Ford, Ms. Garino, Mr. Hayek, Ms. Joyner, Mr. Kloepfel, Ms. Ordower, Mr. Spears, Mr. Wojtkowski. *The motion passed.*

Rules Committee

Mr. Hayek reported that he had an initial draft of the rules to distribute to commission members. He noted that the format used is based on the old rules, with additions shown as highlighted text. He indicated that two entirely new sections were added to the rules to address map plans and the five-year planning cycle. He expressed the committee's intention of having a final draft of the rules to present at the March commission meeting which could then be distributed for public comment. He indicated that the committee would meet the week prior to the regular commission meeting and he would appreciate commission members' comments on the draft rules by March 21st. Mr. Wojtkowski wanted to clarify that the commission is not required to solicit public comment on the rules, rather the commission is required to notify the municipalities and others of the proposed rules

and wait 27 days before implementing them. He emphasized how important it was to get the rules distributed in a timely manner since the map plan deadline is July 1st. Despite the short deadline, Ms. Garino noted that it was very important for the commission to do a thorough job in preparing the rules for distribution. Mr. T. Armstrong said that he felt the rules could serve as a catalyst for the municipalities in preparing their plans. He also noted that it would be desirable to have legal counsel on board to review the rules. Mr. Hayek distributed copies of the draft rules to commission members. Mr. Wojtkowski asked that as commission members review the proposed rules, to consider the issue of standardized map plan formats consistent with St. Louis County's base maps. He added that he felt it would create difficulties for the commission to review map plans submitted in a variety of formats. Mr. Wojtkowski thanked the committee for their efforts and encouraged commission members to submit their comments to Mr. Hayek.

Personnel and Professional Resources Committee

Mr. M. Armstrong reported that another Request for Proposals (RFP) for legal counsel was distributed and advertised in Missouri Lawyer's Weekly. He explained that the need to re-advertise was a consequence of the conflict provision in the Boundary Commission statute which was overlooked during the previous Request for Proposals. Section 72.401 of the revised statute states that "no member, employee or contractor of the commission shall be an elective official, employee or contractor of any political subdivision within the county . . ." Consequently, nearly all of the prior applicants had conflicts. Mr. T. Armstrong explained that the committee developed a list of prospective firms from adjacent counties in hopes of reducing the probability of conflicts. Mr. A. Armstrong indicated that Husch Eppenberger was still interested if not conflicted out and also noted that Steve Martin had contacted him and offered his assistance in the interim. With respect to the time frame, Mr. M. Armstrong indicated that the RFP deadline was March 10th and that the committee hoped to schedule interviews prior to the March commission meeting. He reported that there was nothing new to report on the Executive Director search, but would begin once progress had been made with securing legal counsel.

OLD BUSINESS

Approval of Summary of Decision re: BC9905 - Carsonville Area Annexation - Village of Bel-Ridge

Mr. Wojtkowski opened the discussion by noting that the commission approved the annexation proposal at the last meeting and would now need to act on the Summary of Decision which was mailed in advance to commission members to review. Ms. Ordower questioned the reference to August 28, 1999 on page three of the document and it was agreed that the date be changed to August 28, 1998. Ms. Garino pointed out that there was inconsistent use of "summary of decision" and "summary and decision"; it was agreed to use "summary of decision" and make corrections accordingly on pages one and ten. Ms. Garino also questioned whether the Summary of Decision should be dated January 25, 2000, which was the date the annexation proposal was approved, or February 22, 2000, which is the date the Summary of Decision is acted on. Ms. Arnold and Mr. M. Armstrong argued that the document is a summary of the decision made on January 25, 2000 and that the January date is the most appropriate one to use. The commission agreed to use January 25, 2000 as the date on the Summary of Decision. Mr. Wojtkowski noted that with the aforementioned corrections, the ballot language on page ten would read,

“Shall the Village of Bel-Ridge annex the unincorporated territory adjacent to it as described in the legal description and map contained in the Boundary Commission’s Summary of Decision, Commission Number BC9905 (Carsonville Area), on January 25, 2000.”

Mr. T. Armstrong suggested a change to the third paragraph on page ten under the heading “Decision” to include a summary of the vote, indicating the number of ayes, nays, and abstentions. The commission agreed to the change. Mr. T. Armstrong inquired whether the Summary of Decision addressed the changes in the new statute. It was noted that the “unincorporated pocket” issue was addressed in the Summary of Decision. Mr. Hayek indicated that the only factor in the statute that had changed was “the creation of logical and reasonable municipal boundaries” in the county. Commission members agreed that this issue was adequately addressed in the Summary of Decision. Ms. Joyner wanted clarification on a procedural matter and questioned whether she should vote on the matter since she was absent from the last meeting when the proposal was discussed. She was advised that she was not precluded from voting if she wanted to. Mr. M. Armstrong asked the commission to consider whether the ballot language was clear enough. He questioned whether to insert “known as Carsonville” into the ballot language. While the commission concurred that the addition might be helpful, it was not necessary, and agreed not to change the ballot language.

Mr. M. Armstrong made a motion to approve the Summary of Decision as amended. Ms. Arnold seconded the motion. Roll call vote: Ayes: Mr. M. Armstrong, Ms. Arnold, Mr. Ford, Ms. Garino, Mr. Hayek, Ms. Joyner, Mr. Kloeppel, Ms. Ordower, Mr. Spears, Mr. Wojtkowski. Nays: None. Abstentions: Mr. T. Armstrong. *The motion passed.*

NEW BUSINESS

Mr. Wojtkowski asked if there was any new business to discuss. Ms. Garino and Mr. T. Armstrong had questions about the Personal Financial Disclosure Forms that were mailed to commission members, including the appropriate deadline and the requirement for completing the long form. Ms. Fiegel indicated that she would follow up with the Missouri Ethics Commission and relay the information to the commission.

ADJOURNMENT

Mr. Ford made a motion to adjourn the meeting. Mr. M. Armstrong seconded the motion. Voice vote: Ayes: All. Nays: None. *The motion passed.*

This being a memorandum of the activities of this meeting.

Respectfully submitted,
Lori Fiegel
St. Louis County Planning Department
Approved: March 28, 2000