

BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI
MEETING MINUTES

June 24, 2003

ROLL CALL

Commissioners Present: Matt Armstrong, Ted Armstrong, Bob Ford, Thomas Hayek, Greg Kloeppe, Johnnie Spears, Carol Stroker, Don Wojtkowski
Commissioners Absent: Jane Arnold, Ilene Ordower, Mary Schuman

Commission Staff Present:

David Hamilton, Boundary Commission Legal Counsel

Others Present:

Len Groszek, St. Louis County Planning Department

CALL TO ORDER

Mr. Hayek called the meeting to order at 6:30 p.m., June 24, 2003. The meeting was held at the Maryland Heights Community Center, 2344 McKelvey Drive, Maryland Heights, Missouri.

ROLL IS CALLED – QUORUM DECLARED

Roll was called and a quorum declared by Mr. Hamilton.

APPROVE AGENDA

Mr. Wojtkowski moved to amend the agenda by adding an Item B under Old Business for discussion of BC0303, the Eureka Simplified Boundary Change proposal. Mr. Kloeppe seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. Wojtkowski made a motion to approve the amended agenda. Mr. Kloeppe seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

APPROVE MINUTES

Mr. T. Armstrong motioned to approve the May 27, 2003 minutes. Mr. Wojtkowski seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

FINANCIAL REPORT

Kim Miller submitted a financial report showing first quarter expenditures and estimated expenditures through the fourth quarter for 2003. Estimated expenditures were based on spending from the first five months of the year. The “salaries and wages” category spending was significantly less than anticipated due to personnel restructuring at the beginning of the year. Account #3021, for copy machine rental, was significantly lower due to a new contract. The other large discrepancy shown was in the “Professional Services” category #2011, to cover any unforeseen legal needs, which have not been needed up to this point in time.

Mr. Ford said he would look into when the proposed budget needs to be turned in. Mr. Wojtkowski said essentially we are projecting annual expenditures of \$87,000 compared to a total budget of \$191,859.

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENTS AND COMMUNICATIONS

Mr. Hayek said he corresponded with the County Executive's office regarding the replacement for Jane Arnold and at this time there is still no replacement for her seat. Mr. Hayek said there are two meetings in July, a special meeting on the 15th to discuss the Maryland Heights proposal, and the regular Commission meeting on the 22nd which will be followed by a public hearing on the Eureka proposal.

STAFF REPORT

Mr. Hayek referred Commissioners to the following documents in their mailing packets: a note about Ms. Miller's conversation with Walt Nelson regarding Jane Arnold's replacement, the submitted financial report, and copies of various recent news articles.

NEW BUSINESS

A. Boundary Commission Office Lease

The Commission agreed this would be a good time to look for new office space in Clayton. Mr. M. Armstrong spoke with a realtor who said "A" grade office space is available at \$19 per square foot. Mr. T. Armstrong made a motion to authorize Mr. M. Armstrong to sign an agreement with Mr. Greg Yawitz of Westmore Realty Group in Ballwin on behalf of the Commission to search for potential new office space and to report back to the Commission at the July 22, 2003 meeting. Mr. Spears seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

OLD BUSINESS

A. BC0301, Florissant Area 10 Proposal, Summary of Decision Draft

Mr. Hayek has looked at a draft and is working with Mr. Hamilton on the details of a finalized Summary of Decision.

B. BC0303, Eureka Simplified Boundary Change Proposal

Mr. Wojtkowski said he is extremely concerned about this proposal because the statutes and Boundary Commission rules stipulate that the County and a municipality can address a boundary change on a simplified basis if both parties authorize in advance the transfer of jurisdiction. It is then brought before the Boundary Commission for approval. Mr. Wojtkowski said the ordinance passed by the St. Louis County Council merely authorizes the director of planning to submit a proposal to the Boundary Commission. He asked all Commission members to review the ordinance in the proposal. Mr. Wojtkowski said the ordinance does not in any way indicate that the County Council has approved a transfer of jurisdiction, contingent upon the approval of the Boundary Commission. Mr. Wojtkowski said he believes the Council is saying, "Do a proposal, and if the Boundary Commission approves it, then we'll consider it." But, Mr. Wojtkowski said, that is not

what the law says. Mr. Wojtkowski said he takes the position that this proposal is incomplete, or cannot be properly addressed by this Commission until an ordinance is produced by the St. Louis County Council that authorizes the transfer of jurisdiction contingent upon Boundary Commission approval. He thinks that is very important and the Boundary Commission should not allow itself to be a pawn in this situation.

Mr. T. Armstrong asked if Mr. Wojtkowski had discussed this with Mr. Hamilton. Mr. Wojtkowski said no. Mr. Hamilton said the statute does not provide any particular form for how to indicate consent to a transfer. In the ordinance that was passed, Mr. Hamilton agreed they could have been more specific, and he said Mr. Wojtkowski is right, what they are doing, whether they are trying to do it, or are just acknowledging the process, is putting the burden of making the decision on the Commission. Mr. Hamilton observed that the burden is on the Commission to make the decision about whether the transfer of jurisdiction is appropriate. He said in the context of considering the appropriateness of the transfer of jurisdiction, the Commission could certainly raise the issue of whether it believes that the ordinance that has been passed by the County is a sufficient indication of the intention of the St. Louis County Council to seek this transfer of jurisdiction, or to approve this transfer of jurisdiction. Mr. Hamilton said that is one of many factors the Commission can take into consideration. He said if the Commission believes that the County's ordinance indicating its willingness to go along with this transfer of jurisdiction is not sufficient, certainly not a sufficient indication of the County Council's position, that is something to take into consideration in voting on the proposal.

Mr. Hayek asked if the proposal is in fact complete. Mr. Hamilton indicated yes, the completeness review is not a substantive review of the merits of the proposal. Looking at the adequacy substantively of the ordinance St. Louis County passed is something that is part of the Commission's review process. He said the process he and Ms. Miller go through is to see if there is something in the file indicating St. Louis County has considered this, and are they in favor of it. Mr. Hamilton said Mr. Wojtkowski may make a good point: if substantively you look at the content of the ordinance it may not be a sufficient indication that the County Council is on board with the ordinance. Mr. Hamilton agreed with Mr. Wojtkowski, and if the County is aware that the Commission is concerned about the adequacy of the ordinance as an indication of the County Council's intent, the Commission could direct Mr. Hamilton or Ms. Miller to go back to the County and ask, for their own good, for a better indication of what the County Council wants. Mr. Hamilton said if they do not want to do that, then the Commission can certainly take that fact into consideration and say they think there's not a sufficient indication, and thus deny the proposal. Mr. Wojtkowski asked if this issue should be addressed by the Commission directly with St. Louis County, or with the proposing agent. Mr. Hamilton said it is the responsibility of the proposing agent to make sure they have the approval. Mr. Hayek said it is not an issue to address with the County. Mr. Hayek expressed concern with the "completeness" of the proposal. Mr. Hamilton said our rules specifically provide that our completeness review is a form review not a substantive review. If substantively information is lacking in veracity, or if the Commission wants more information, that is partly what the public hearing process is for.

Mr. Hayek said there are two things to do. The first is to inform Eureka that questions have been raised about the adequacy of the ordinance which was passed. It is up to Eureka to decide how they wish to respond to that. The second is to ask Mr. Hamilton to do some research and come back to the Commission at the July 15th meeting to provide the Commission with a legal opinion as to whether or not he believes the ordinance passed is adequate. Mr. Hayek said he would like some guidance for the Commission in addition to Eureka's stating it as adequate. Mr. Wojtkowski said he feels strongly the Commission should avoid being put in the position of being the initiator of the approval. He said it looked like the County is pushing the burden of the decision on the Commission and they will address it later, and that is not the way the process should work. Mr. Wojtkowski said this was originally on the initial annexation that was a simplified boundary change during the prior Commission, and was quite controversial at the time. He said this could easily be that the County Council wants to "duck" on this and the Commission should avoid being the ones who "take the punch."

Mr. Hayek asked Mr. Hamilton to communicate to the City of Eureka that at this month's commission meeting questions were raised as to the adequacy of the ordinance passed by St. Louis County that they are utilizing in support of their proposal and they may wish to act on that. Mr. Hayek also asked Mr. Hamilton to do some research into the adequacy of the ordinance in light of the language of the statute and what they're asking of the Commission.

Mr. T. Armstrong asked if the bill regarding the City of Pacific and the Missouri Eastern Correctional Center was signed. Mr. Hamilton said he did not know. Because the Commission decided to take a hands-off approach to that matter, Mr. Hamilton was not actively following it and he had not heard anything more about it in any news reports.

ADJOURNMENT

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

The meeting was adjourned.

Respectfully submitted,
Kim Miller
Executive Director

Approved: 7/15/03