

BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI
MEETING MINUTES

July 8, 2004

ROLL CALL

Commissioners Present: Matt Armstrong, Christine Bredenkoetter, Bob Ford, Marvin Gelber, Tom Hayek (by telephone), Greg Kloeppel, Mary Schuman, Johnnie Spears, Don Wojtkowski. Commissioners Absent: Ted Armstrong, Betty Marver.

Commission Staff Present: David Hamilton, Boundary Commission Legal Counsel.
Others Present: Lori Fiegel, St. Louis County Planning Department.

CALL TO ORDER

Mr. Spears called the meeting to order at 6:30 p.m., July 8, 2004. The meeting was held at the County Government Building in Clayton, Missouri.

ROLL IS CALLED – QUORUM DECLARED

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

APPROVE AGENDA

Mr. Bob Ford motioned to approve the agenda. Mr. Greg Kloeppel seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

PUBLIC COMMENT

Public Speaker – Lori Fiegel, St. Louis County. “I have had several inquiries from constituents asking about how notification to the annexation area will happen, and apparently there has been some confusion. They call the Commission office and found out there wasn’t going to be direct notice to the annexation area. If there is an opportunity for you all to clarify whether or not individual household properties, whatever, get notices, postcards, whatever, that would be helpful because I have had quite a few calls myself, and I would like to know what the policy is. That’s one point. The other point is, I know you guys have a really difficult task of scheduling all of these proposals in a fairly short time frame, and I don’t want it to be any more difficult, but I do have a request for you to consider, and that is for the Manchester Public Hearing: if there is an opportunity to schedule that a little later in the 60-day period, as opposed to sooner, that would be helpful to the County because it is the largest of all the proposals and because we, as the County, have to be at every Public Hearing, it will take us a little bit longer to review that, compare our numbers, and do some things. So, if it’s possible, just to take that into consideration, I would appreciate it. That’s all. Thank you.”

D. Wojtkowski: Mr. Chairman, should we address the issue of notification? I thought it was our policy that we were sending notifications to all of the registered voters within the area to be covered by the plan.

D. Hamilton: In one proposal, it was a relatively small one, we did not send notice to everybody, and after that a question was raised and my recollection is it was the sense of the majority of the commission members at that meeting that we did want to send some kind of postcard or individual notice to people in the area. Now, Kim may not be focusing on that, but that is the message that's gone out.

L. Fiegel: Somebody referenced a web site, but I went on the web site, and I couldn't find...somebody thought that it had said that there was a notification (Inaudible) the annexation area, but I could not actually find the rules.

Mr. Hamilton: The rules don't specifically require individual notice to everybody in the area, but again, the commission sense was that, in the spirit of fairness and in trying to get as much information out as we could, it would be appropriate to send those to every household in the annexation area. But that is my recollection of where we are as of now.

C. Breckenkoetter: I went through lots of meeting minutes, and I read something where there was a great concern about costs, and so that it was only done, what I read, was done in one particular instance, and Kim was authorized not to send that out at a cost not to exceed fifty-cents. And I did not get the impression from reading the past minutes that that was our policy hence, therefore, that everyone would be notified via postcard. Not that, for the cost, simply cost, where was the money going to come from to notify all of these people?

L. Fiegel: Doesn't it come from, isn't there a fee that municipalities pay per capita?

D. Hamilton: Correct.

L. Fiegel: So, in fact, there is a dollar per person that the municipality pays. My recollection is there was an e-mail discussion that that perhaps could cover the mailing.

D. Hamilton: Right, I think we'd have to look at how much they deposit in each case and the rules also provide that the proposing agents agree that they will pay all the costs associated with it. One issue I had was that because the rules don't specifically require it whether or not if we made a demand on proposing agents and there wasn't enough money, whether they would have an objection to being required to pay that additional fee; but because the rules do require them to pay the fees associated with their proposal, if the Commission in its discretion determines the personal notification to everybody is appropriate, I personally think it is something we could enforce if we wanted to. And we would have to go back to them and tell them that it's going to be an additional deposit of X, once we determine what that is.

M. Schuman: I was going to comment. That was a concern. We discussed that and because also notification was not in the rules, there was a little bit of concern about setting the precedent with the mailing that we can do.

D. Wojtkowski: There was a motion that was approved as part of our policy that that notification take place. (inaudible) standard operation (inaudible) It's my recollection (inaudible) it goes back to, (inaudible) I've been around here for so long, I don't know what the history is, but I believe it is something that took place right after the Commission was (inaudible).

D. Hamilton: I know we discussed it again within the last year. Whether there was a....

G. Kloeppe: 99 or 10,000, rings a bell.

J. Spears: Yeah, we did a mailing on the Crest Aire proposal.

B. Ford: The last particular, the postcard mailing that we referred to not to exceed fifty-cents. That was generated primarily because we could see a controversial annexation, and we wanted to make sure all constituents were duly notified so therefore no one could say, 'well I didn't know about it'.

M. Armstrong: Hey, Tom, do you know what the actual price ended up being per piece?

Mr. Hayek: No, I don't, but I do remember it was substantially less than the budget, fifty-cents, I guess it was, we had authorized.

M. Armstrong: It seems like it was twenty-six cents, or something like that wasn't it? It was the postage plus the five cents for the postcard?

T. Hayek: Yeah, I would agree that it was probably around that, if he said was like twenty-six cents per, I think that was probably around it. It was relatively inexpensive. A lot less than we thought it was going to be. And it was, I don't know, I think that might have been Bob talking, the only time we've done it, I thought, was for the last proposal where it was the petition drive and we had had some indication of questions about the process and just wanted to make sure every household knew of it so we could get a thorough input.

B. Ford: Thinking back, I'm thinking that we did that for the Crest Aire situation also. I don't know for a fact, but my memory is going, but, you know, it seems like the Crest Aire situation is part of that, too. Do you remember anything about that, Tom?

Mr. Hayek: I don't remember that. It was a fairly, it was such a small area, I could understand that because it wouldn't have taken much, but I don't remember us doing that for Crest Aire.

D. Hamilton: That was when Dan was still here, and my recollection is we did do it for Crest Aire for that very reason. Because it was a small....

B. Ford: We had two proposals that were going for the same community.

M. Armstrong: So do we need a motion, Mr. Chairman, to put (Inaudible) a resolution to authorize....

D. Wojtkowski: As far as I'm concerned, that resolution was made years ago and it still stands (inaudible) that that in fact does exist, and if it doesn't, we will have to deal with it. Because we have talked about that during the budget preparation time after we had established the rules of certain amount of funding (inaudible), we could all agree that profit (inaudible) notify constituents.

B. Ford: Mary, did we increase the budget for postage during this period of time?

M. Schuman: I don't think we did on postage. I think our concern was that...

B. Ford: We did increase it for various different items to cover, (inaudible).

M. Schuman: For clerical (inaudible).

D. Wojtkowski: That doesn't address the revenue side.

B. Ford: Sure, you're absolutely correct.

M. Schuman: And then it was cut by the County.

B. Ford: I think we've still got room in the budget, but nevertheless, the rules dictate that the annexing agent covers expenses, so...

M. Schuman: And I think it's a good policy, if we can do it, we can do it, in my opinion.

G. Kloeppe: I totally agree.

B. Ford: So is there a certain action that we need to take?

D. Hamilton: I think there is, as Don says, we need to just check and make sure, whether we find that previous resolution or motion, whatever was made, and confirm that it is already a matter of record, and if it's not, we can do it at our next meeting, and confirm that we will send out notice.

M. Armstrong: So the instructions to Kim should be that whether the resolution was made in the past or will be made in the next meeting, she should indicate the public had cause that individual notices go out to each registered voter's household, or each registered voter?

G. Kloeppe: Each household.

D. Wojtkowski: We were doing household.

M. Armstrong: Each registered voter household within the annexation district.

B. Ford: Do we have any public hearings before our next regular scheduled meeting?

D. Hamilton: Our next regular scheduled meeting is the 27th of July, and we have Florissant Area 8, which is set for public hearing. And I don't know what can be done as we have said, as far as sending out notices. But that's the only one before our next meeting. The next one we would have would be August 24th, as it currently sets.

C. Bredenkoetter: What other methods do you use to notify the public when there is a public hearing?

D. Hamilton: Typically there is an ad taken out of the newspaper.

?? Inaudible

D. Hamilton: It depends on the area where the proposal is. There is an effort to identify local paper that would be likely to be read by people in the area.

Bredenkoetter: What about radio? (inaudible)

D. Hamilton: We have not done that.

M. Armstrong: It's expensive.

Bredenkoetter: Even if it's an announcement?

M. Armstrong: I don't know about that.

B. Ford: But a public service announcement doesn't necessarily get on.

D. Wojtkowski.: I think this is probably an action (inaudible) I have a lot of senior moments that I am absolutely 100% positive that that does exist (inaudible) follow that direction and get something out on Florissant Area 8, I really don't (inaudible)

D. Hamilton: I've got a note, and I'll leave her a note when I go back to the office tonight and drop off the materials from the meeting.

ANNOUNCEMENTS AND COMMUNICATIONS

There were no announcements or communications.

NEW BUSINESS

D. Hamilton: We'll talk about all the proposals kind of in broad terms, and I've given everybody a spreadsheet that we prepared in our office to give you some information about some of the deadlines we are dealing with. There are a couple of blanks that were not filled in. For example, let's just go through the spreadsheet. We've given you the proposal

number, the name of the proposing agent, the designation of the area as the proposing agent described it, the date of the official submittal, which is the date it was received either in our office, or the Boundary Commission office, the type of proposal it is, whether the completeness review is done, and all of them now, we have completed that completeness review, the date the public hearing has to be set by, or the date of the public hearing if it has already been established, then the date review is to be complete, and for some of the earlier ones here, we didn't fill that in, but BC0402, for example, that would have to be complete on or about February 28, and I'll confirm that date. For BC0403, it would be complete by March 21, 2004. For BC0404, it would be March 23, 2004. Then for the rest, BC0405, it would be March 30, '05, I'm sorry, all of those were '05. And then all of the rest of them are filled in. For some of the simplified boundary changes, we have four months, and those would be due by November 1, 2004 to complete the review. And then finally, we've given you the potential meeting sites the Cities have proposed in their proposal, so we wouldn't have to flip back and forth through proposals tonight to try to figure out what we were looking at. Now, the only one we have to act on formally, in the last meeting we had, we tentatively talked about having the Wildwood St. Paul road annexation on August 24. Because of the date that one was submitted, which was June 21, 2004, we only have until July 11, 2004 to set the date for the public hearing. At the last meeting what we decided was, if staff agrees that proposal is complete, we would go ahead and look at that date on the 24th subject to the Commission formally approving that date at this meeting tonight. So that's why it is on the agenda for action tonight, to set the actual date of public hearing and to accept Wildwood proposal as complete. And again, it's staff's recommendation that the board do that because from a purely, have they dotted all the i's and crossed the t's, they've done that Wildwood. Now, substantively, of course, you will have to do your own review and see what questions you have about their proposal. But, it is my recommendation that we accept that proposal as complete and set the public hearing for August 24th, which would be our regular meeting in August and we could have the regular meeting at 6:30 and public hearing at 7:00. So if you want, Mr. Chairman, if you want to take care of that item, or if there are any questions, I'd be happy to answer them and then we could move on and talk about the status of the other (inaudible).

D. Wojtkowski: I'll move to establish the public hearing date for the City of Wildwood BC0403 for August 24, 2004.

D. Hamilton: And to accept the proposal as complete?

D. Wojtkowski: And to accept the proposal as complete.

Johnnie Spears seconded a motion to accept the Wildwood proposal as complete setting the public hearing date for August 24, 2004. Voice vote: Ayes, All. Nays, None. *The motion passed.*

D. Hamilton: Okay, the other ones, we have received proposals starting June 23rd and then several came in June 30th and July 1st on the last day. What we tried to look at here is if a proposal was submitted on June 23rd, we have until July 14th to set the public hearing on BC0404, which is Manchester. We can't do that any earlier than 14 days, which would be

July 29th, would be the first date for a potential public hearing on Manchester, and September 27th would be the last date, 60 days from the date of submittal, so we've got that window of opportunity between the 29th of July and the 27th of September to set a public hearing on Manchester.

M. Armstrong: What's our regular meeting date in September, David. The fourth Tuesday?

D. Hamilton: It would be the 28th, so we're one day late.

M. Armstrong: Or one day early. Well, taking into consideration the county's request to schedule late, should we look at the third week in September?

B. Ford: Could we move our regular meeting date up on week to the 22nd?

D. Hamilton: You mean the 21st?

B. Ford: The 21st.

M. Armstrong: I don't see why not.

Greg Kloepfel made a motion to change the regular September meeting date from September 28 to September 21, 2004, and, along with that regular meeting, to hold a public hearing for the City of Manchester annexation BC0404. Bob Ford seconded the motion. Also, Johnnie Spears added to accept the Manchester proposal as complete and to begin the regular meeting at 6:30 PM and the public hearing at 7:00PM.
Voice vote: Ayes, All. Nays, None. *The motion passed.*

D. Hamilton: I guess the other thing we need to do is to decide where we want to have those two hearings to be set for the 24th and now the 21st of September, and I've given you the meeting dates. I know our tendency is to avoid City Halls for the city of the proposing agent. So, we just need to give Kim some direction on where to do that.

B. Ford: Libraries have a tendency to have a limited amount of hours, so...

?: (Inaudible) elementary school.

B. Ford: In Manchester, you have the Parkway South Senior High School, or the church on the Manchester proposal.

G. Kloepfel: I don't know, because the area that's proposed there, the area is that Carman Road area, the biggest portion of that proposal. That's where all the residents are.

B. Ford: Where is the high school?

G. Kloepfel: The high school is approximately two miles from there.

(Inaudible)

C. Bredenkoetter: I personally would prefer a more secular environment than a church.

G. Kloepfel: Good point.

D. Hamilton: So, I'll give Kim directions to the school, Parkway Senior High.

M. Armstrong: At the Wildwood Rich Meadows Elementary?

D. Hamilton: Correct. Now, on the next one we do have issues, the next (inaudible) because we have to act by July 21 or July 22, which is either five or six days before our next meeting. We are not in a position yet, though, because the eight days on those haven't run yet, doesn't run until the 13th or 14th.

G. Kloepfel: Make a motion to adjourn. (Laughter)

D. Hamilton: Well, what we can do is either adjourn, which is fine, or do the same thing we did with Wildwood, which if staff believes they are complete, to look at a public hearing date. Maybe we could at least talk about some of the public hearing dates. What we're looking at is a window for the public hearings. We have to set them by either the 21st or 22nd of July, and the earliest date we could have public hearings, just so you all could make notes maybe on your spreadsheets, would be August 5th or 6th, and the latest we could do it would be October 6th or 7th. So we got that window of opportunity to set the public hearing dates. You might want to give that some thought. I don't really know that we can do anything more tonight other than kind of get those broad frames in mind and have another special meeting. Because particularly with Ellisville and Ballwin, Wildwood was filed and as it turns out Wildwood and Ellisville have an overlap. The second filer is required, if there is an overlap with a previously filed proposal, to provide information on the area of the overlap, and we've asked that Ellisville do that on Wildwood, and they are in the process of giving us that information. They are supposed to give us the population of the overlap area. The Commission can defer action on one of the proposals and the way they do that is to determine the proportion of the population in the overlap area in relation to the entire area affected by the proposal. Whichever one has the greatest proportion of the population is the one that should be deferred. The statutory language appears to be directed toward attempting to give the greatest number of people the opportunity to vote first on the proposal. So, we've asked them to give us not only a meets and bounds description of the overlapped area, which is the only way we feel we can give you the information on exactly what the area is, but also the population of the area, taxes derived, income derived from the area, as much information as we can give you to put into the equation in terms of which proposal we think should be approved. On Ellisville, it is kind of bridling in that they say they don't have an engineer on staff and it's going to be difficult for them to do. But we told them we don't see an option to complying with that request. Ballwin was the last filed proposal and there is also an overlap between Ballwin and Ellisville. Ballwin said they tried to talk to Ellisville about it and Ellisville wouldn't talk to

them and try to resolve the conflict, so I don't know what all that's about. In any event, we've asked Ballwin to provide us with information on the overlap with Ellisville since Ellisville's was on file before Ballwin's was. They have not given us any trouble about that and said they will comply and give us the information. So, until that 8-day passes, we can't do anything more and we can report back to you. I really wouldn't feel comfortable with this number of proposals, making a decision and moving forward with public hearing dates without you all having an opportunity to check your calendars, too. So, if nothing else, you now know what the window of opportunity is for those and we can schedule another brief public hearing just to accept those proposals as complete and set the public hearing dates.

D. Wojtkowski: Is there a possibility we could change our meeting the 27th (Inaudible)?

B. Ford: We still have a public hearing on the 27th...move our regular meeting up. So, we need to have a special meeting on or before July 21st.

D. Hamilton: That's correct.

The Commissioners reviewed their availability. Matt Armstrong made a motion to move the regular meeting to July 20, 2004 from July 27, 2004. Mary Schuman seconded.
Voice vote: Ayes, All. Nays, None.

Greg Kloepfel asked David Hamilton to direct Kim Miller towards using Carman Trails, a Parkway school, as the site for the Manchester Public Hearing. Mary Schuman then suggested that the regular meetings be scheduled at 6:00PM.

OLD BUSINESS

There was no old business

ADJOURNMENT

Voice vote: Ayes, All. Nays, None. *The motion passed and the meeting was adjourned.*

Respectfully submitted,
Courtney Irwin
Executive Director

Approved: