

BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI
MEETING MINUTES

September 20, 2004

ROLL CALL

Commissioners Present: Ted Armstrong, Christine Bredenkoetter, Bob Ford, Tom Hayek, Mary Schuman, Johnnie Spears. Commissioners Absent: Matt Armstrong, Greg Kloepfel, Betty Marver, Don Wojtkowski.

Commission Staff Present: David Hamilton, Boundary Commission Legal Counsel, Courtney Irwin, Executive Director, Boundary Commission. Others Present: Glen Powers, St. Louis County Planning Department.

CALL TO ORDER

Mr. Hayek called the meeting to order at 6:15 p.m., September 20, 2004. The meeting was held at the Valley Park Middle School in Valley Park, Missouri.

ROLL IS CALLED – QUORUM DECLARED

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

APPROVE AGENDA

Mr. Ford made a motion to approve the agenda. Ms. Marver seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

APPROVE MINUTES

There were no Minutes to approve.

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENTS AND COMMUNICATIONS

Mr. Chairman asked Ms. Irwin to bring the board up to date about the status of the meeting minutes and the people who had been visiting the Boundary Commission office. Ms. Irwin said that the woman who was transcribing the minutes for Florissant public hearings 2A and 6 was supposed to have completed them before the September 20th meeting. Due to a family emergency, the transcriber was unable to finish the minutes for both hearings. Ms. Irwin also stated that a *Post-Dispatch* reporter had dropped by the Commission office to listen to the audio tape of public hearing 2A. She said the reporter ended up writing a story about the exchange of letters between the Florissant Chief of Police and the St. Louis County Chief of Police.

Mr. Hayek then confirmed that insurance policy for the Commission had been locked down and asked the Commissioners if they had any further questions. Ms. Schuman

asked if there had been any feedback from the County regarding the Commission's budget submittal. Ms. Irwin said she was still waiting to hear back from the County.

STAFF REPORT

There was no staff report.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mr. Hayek asked Mr. Hamilton to give the Commissioners a brief summary of a Simplified Boundary Change (SBC). Mr. Hamilton said that in regards to a SBC the Commission has to either vote to disapprove, approve without a vote, or approve as an approved boundary change. He said that a decision has to be made on or before November 1, 2004. Mr. Hayek noted that the Board still has to approve Area 6 by November 1st, as well. Mr. Hayek then opened up the floor for comments on the Florissant BC0407 proposal.

Mr. Ford said that the proposal, boundary-wise, made sense to him. He said what troubled him is the continual confusion of the petition drive, whether or not intimidation factors were present or not. He stated that the Commission received quite a few documents from people who signed the petition thinking that that signing it meant putting it to a vote. Mr. Ford said he would be in favor of putting it to a vote by the people of Florissant.

Ms. Schuman said that every speaker at the public hearing, with the exception of one, seemed very positive about the proposal. She was very surprised when the Commission began receiving letters with questions, comments, and incorrect arguments regarding higher property taxes. She stated that she was concerned about what people thought they were signing with this particular petition. Ms. Schuman said that whereas she initially thought this proposal was a slam dunk, she does not presently feel that way.

Mr. Hayek said that he is generally skeptical of the petition drive process but, in this case, he is in favor of just approving it as a Simplified Boundary Change. His reasoning was that the Commission had not recently received any more objections to the proposal in the form of letters or phone calls. He said he especially felt this way after the *Post-Dispatch* published several articles about the area. Mr. Hayek thought that the citizens of the area had been advised as much as they could probably be advised about the existence of this proposal and the petition drive process, as well as the potential objections to it. He noted that about eight people had written letters opposing it. Two of them were on the petition drive process and wanted their names removed which takes the percentage down to about three more than the 75 percent required for signatures. He said that even if you take out the people who wanted their names removed, the petition still had over the 75 percent required.

Mr. Hayek said he then looked at the date of the signatures. He noted that one individual wrote in and said that St. Louis County had a meeting with the citizens of this area on what he recalled as being May 27th, and 40 percent of the signatures on that petition drive came after May the 27th. He said it was significant to him that even after the residents arguably heard the other side of the story, that 40 percent of the people signing the petition still wanted to sign it and do not have a question about it. He said it takes some of the effect away from the argument that the citizens really did not know what the effect of all of this was going to be. Mr. Hayek was quite certain that in the St. Louis County meeting the County would have explained all of that quite clearly. He acknowledged that when a petition drive takes place, there will always be people who do not like it and are going to come in and make statements about how the signatures are obtained. It's just a fact of life in the petition drive process. He concluded that given the amount of signatures that it makes sense to approve the proposal as is without a vote.

Ms. Marver agreed with Mr. Hayek and said the community was very articulate and well presented. She said she thought the community wanted to be annexed in such a large majority way that it would be wrong not to accept it at this time. She did not think the Commission should take more time and effort to find out what the people wanted because they showed it with their petition and presentations.

Ms. Bredenkoetter said that the 75 percent of the petition was overwhelming. She said that she called the office of the Election Commissioners and asked in what other cases does one have to reach a bar as high as 75 percent to do something. The Election official said it is unprecedented to have that high of a bar for registered voters. Ms. Bredenkoetter also called the Secretary of State's Office who informed her that it is easier to put a Constitutional amendment to voters for November than it is to reach this bar. She felt that that the people told the Commission what they wanted and that the Commission should not cause any more expense on the part of the County or on the part of Florissant.

Mr. T. Armstrong said he was at a disadvantage because he was unable to attend the public hearing. However, after reading the proposal and other material he said the only real issue is whether it requires a vote. He said he had seen too many instances where a petition or a union recognition card were signed by people who did not know what they were signing or felt coerced into signing. He said his vote would be to approve this proposal with a vote.

Ms. Bredenkoetter stated that she recognized Mr. T. Armstrong's comments, but that the Commissioners had to look at what the Legislature set forth. She said the Legislature maintained that if an area can get 75 percent of the registered voters that you can forego the cost and the expense of an election. She argued that if the Commission does not think that that is the way it should be done, then she suggested that the Commission approach the Legislature and make sure that that is always done by private ballot. Ms. Bredenkoetter stated that if residents obtain 75 percent, then the proposal does not have to be taken to a vote.

Mr. T. Armstrong countered that the Legislature does not say that and in fact the Legislature put it within the Commissioners discretion as to whether or not to require a vote. Ms. Bredenkoetter replied that she understood that. Mr. T. Armstrong went on to say that in this situation where there have been some complaints and some suggestions and some letters written which created enough doubt in his mind to make the decision the Legislature gave to us to make, to require a vote in this instance.

Mr. Hayek recognized Mr. T. Armstrong's comments. He stated that this was not an incident where residents were asked to sign something and then it was taken away and the ball rolled from there. He said that there were public meetings and at the Commission's public hearing he told the residents to write the Commission. Mr. Hayek maintained that at this point if a resident has signed the petition and has not written the Commission to say, "I disagree," then he did not know when they ever would do that. He disagreed with sending the vote to the ballot.

Ms. Schuman observed that a lot of the letters received by the Commission were very similar in comment. She remarked that Mr. Hayek's analysis was very good and it gave her a much better comfort level so as to change her position.

Mr. Ford noted that people did, in fact, write in after the Commission asked for their written comments. He said for one person to have the "intestinal fortitude" to write in and discuss the intimidation factor in their neighborhood, took a lot of courage. He remarked that the Commission did not know how many people were misled into signing the petition because they thought it would be put to a vote. He said the Commission would be turning its back on the people who did write in requesting that the proposal be put to a vote. Mr. Ford said that he agreed with the Florissant Chief of Police who was quoted in a news paper article as saying, "Let the people decide."

Mr. Hayek said that the Board should not completely ignore the statutory provision that allows the Commission to simply approve it. He recalled a comment by Mr. Baker at one of the public hearings in which he said any time a petition drive takes place, some people will say it was done improperly. He said the Legislature knows that that is a part of the petition gathering process and yet they still passed the Statute with this provision in it. Ms. Schuman commented that because 75 percent is so high and that the Commission did not hear a lot of complaints, that this is a good example of where this law applies.

With regard to the City of Florissant, Mr. Ford noted that in the past the Commission approved one Simplified Boundary without a vote, and sent another to a vote of the people. He said that because of questions raised in this proposal, that the Commission should follow the same continuity and send it to a vote.

Ms. Schuman motioned to approve BC0407 as a Simplified Boundary Change. Ms. Bredenkoetter seconded it.

Matt Armstrong –
Ted Armstrong – No

Christine Bredenkoetter – Yes
Bob Ford – No
Marvin Gelber –
Thomas Hayek – Yes
Greg Kloepfel –
Betty Marver – Yes
Mary Schuman – Yes
Johnnie Spears – No

Four in favor, three against. Mr. Hamilton said that under the rules it *did not pass* because the Commission needed an affirmative vote of six members. Mr. Hayek said someone needed to make a motion to approve BC0407 as an Approved Boundary Change, which will require a majority vote of the citizens within the area and within the City of Florissant. Mr. T. Armstrong asked for clarification from Mr. Hamilton. Mr. Hamilton said that the rules require that at any meeting to approve or disapprove a proposal the commission has to, number one, have at least seven members present, which they did, and that the proposal pass by an affirmative vote of at least six members. Mr. T. Armstrong moved that the proposal be approved with a vote. Mr. Ford seconded the motion.

Matt Armstrong –
Ted Armstrong – Yes
Christine Bredenkoetter – Yes
Bob Ford – Yes
Marvin Gelber –
Thomas Hayek – Yes
Greg Kloepfel –
Betty Marver – Yes
Mary Schuman – Yes
Johnnie Spears – Yes

Mr. Hamilton said it passed with the affirmative vote of seven members. Mr. Hayek then stated that BC0407 was approved as a Boundary Change requiring a vote and asked Mr. Hamilton to begin drafting up the proposed order. Mr. Ford asked Mr. Hayek if he wanted to lay out a schedule of which proposals will be discussed at which meetings, so that the Commissioners can prepare accordingly. Mr. Hayek replied no. He said the Area 6 proposal would be on the October agenda, but as for the other proposals he wanted more time to put together any agenda for approval.

Mr. Ford made a motion to adjourn. Ms. Schuman seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed and the meeting was adjourned.*

Respectfully submitted,
Courtney K. Irwin
Executive Director

Approved:

