

BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI
MEETING MINUTES

October 26, 2004

ROLL CALL

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

Commission Staff Present: David Hamilton, Boundary Commission Legal Counsel, Courtney Irwin, Executive Director, Boundary Commission. Others Present: Jim Baker, St. Louis County Chief of Staff, Glenn Powers, St. Louis County Planning Department, Lori Fiegel, St. Louis County Planning, Pam Reitz, St. Louis County Budget Director.

CALL TO ORDER

Mr. Hayek called the meeting to order at 6:30 p.m., October 26, 2004. The meeting was held at the St. Louis County Government Building in Clayton, Missouri.

ROLL IS CALLED – QUORUM DECLARED

Roll was called and a quorum declared by Ms. Irwin.

APPROVE AGENDA

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

APPROVE MINUTES

Given the numerous Minutes on the Agenda, Mr. Hayek asked the Commissioners if they had any comments regarding just the regular meeting minutes. Mr. T. Armstrong noted that on page four of the August 31, 2004 minutes, the word “dollars” appeared twice and needed to be removed. Mr. Spears made a motion to approve the minutes of the Regular meetings of 6.22.04 to 9.20.04. Mr. Wojtkowski seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. Hayek asked if there were any proposed changes to the public hearing minutes. Ms. Bredenkoetter brought it to the Board’s attention that the transcribed public hearing minutes were still rough drafts. Ms. Irwin acknowledged that while she had listened through all the public hearings she had not made the proper corrections to the public hearing minutes. Mr. Wojtkowski moved that the public hearing minutes be voted upon at the November meeting. Mr. M. Armstrong seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

FINANCIAL REPORT

There was no financial report, but Mr. Hayek asked Ms. Irwin to provide a quarterly update on the budget at the next monthly meeting.

PUBLIC COMMENT

Mr. Fred Cole, a resident of Florissant Area 6, said that he would like to be annexed into Florissant. Another resident of Area 6, Mrs. Grace Hercules, brought pictures of the street and sidewalk repairs made in her subdivision by St. Louis County. She noted that these streets received attention only after the August 17, 2004 public hearing. She spoke about going house to house to collect signatures for a petition to be annexed and reiterated that she was in favor of being annexed by Florissant.

ANNOUNCEMENTS AND COMMUNICATIONS

Mr. Hayek said that at the November meeting, nominations will be accepted for Boundary Commission officers for 2005.

STAFF REPORT

Ms. Irwin reported that she had been fielding phone calls from residents wishing to express their opinions on various annexation proposals. Most noteworthy office activity, she said, was a story that ran in the Suburban Journal-North edition on October 20, 2004. The article inaccurately reported the Florissant Wedgwood subdivision being on the November 2, 2004 ballot. Ms. Lori Fiegel told Ms. Irwin that she had called the Suburban Journal to inform them of their error and that they would be printing a retraction. Ms. Irwin also brought up the issue of updating the website when the office activity calmed down. Mr. Hayek asked if there had been any feedback from the County regarding the Commission's submitted budget and Ms. Irwin said no.

NEW BUSINESS

A. Jim Baker, Chief of Staff for St. Louis County, gave a financial presentation to the Commissioners. The presentation, which included handouts, focused on St. Louis County's current fiscal status, the historic relationship between sales tax and boundary changes and some practical suggestions about the process.

B. Mr. Hayek suggested the Commissioners move-up the November and December regular meetings to avoid any holiday conflicts. The meetings were set as November 16 and December 14, 2004.

C. Mr. Hayek said that the Commissioners needed to schedule a vote on the pending proposals. After some discussion, the Commission decided that the Ballwin, Ellisville and Wildwood proposals would be discussed and voted on at the January meeting. The Manchester proposal would be addressed in February, with Valley Park following in March. Mr. Wojtkowski suggested that Ms. Irwin prepare a colored map showing the overlap of the Ballwin, Ellisville and Wildwood proposals.

OLD BUSINESS

A. Mr. Hayek opened up the floor to the Commission members who wanted to comment on the Florissant Area 6 proposal. Mr. T. Armstrong said he would approve this proposal without a vote for the following three reasons: First, there was strong resident support for it. They got petitions from 78% of the voters and there were absolutely no objections or suggestions of harassment during the petition-drive. The signatures were obtained in a short period of time, approximately 90 days. Secondly, there are no islands being underserved, although Mr. T. Armstrong admitted that it is an irregular shaped tract. Finally, the impact on St. Louis County is \$189,000 by their own figures, and it is reasonably in proportion to the service responsibilities of that area.

Ms. Bredenkoetter concurred with Mr. T. Armstrong. She cited the public hearing transcript when Mr. Powers was asked if the County had any objections to the proposal. She said Mr. Powers stated that he had no objections at all and it would make sense if they approved this as a Simplified Boundary Change. Ms. Bredenkoetter then quoted Mr. Hayek from the public hearing transcript when he asked Mr. Powers: "So in light of the 78 percent signatures and no complaints, if we chose to approve it, the County's position would be...go ahead and approve it as a Simplified Boundary Change." Mr. Powers responded "Yes." She thought the residents had demonstrated beyond a reasonable doubt that they are much desirous of that fourth level of government that Mr. Baker spoke about in his previous presentation. Ms. Bredenkoetter said that she felt Area 6 should be approved without a vote.

Mr. Spears said he was in agreement with Ms. Bredenkoetter.

Mr. Wojtkowski said the Commission applies the Best Interest test when questioning certain annexations and for the people of this area it appears to be in their best interest. This is because at the public hearing they indicated they have trouble collecting...they can't pay for the upkeep of the common ground; they can't pay for the lighting. So certainly they are using the "we're going to get something for nothing." They are going to get trash service...and apparently it is in their best interest.

Mr. Wojtkowski asked if the proposal was in the best interest of the City of Florissant. He replied that the City seemed to think it is. Another question he had is whether it is in the best interest of the Florissant tax payers, since there seems to be a bit of a disparity relative to what are the costs to provide services. He remarked that Florissant said they are going to provide \$228,000 and that Florissant says the County will only provide \$160,000. The County says it is really more like \$190,000. He said that no one seems to know what they are going to lose or what they are going to gain. His question was do they know what the cost to operate under is. The Mayor of Florissant seems..."we'll mow your lawn, we'll do your grass, we'll fix your streets, pay for your lighting".

As a taxpayer in unincorporated St. Louis County, Mr. Wojtkowski said he did not believe that this proposal was in his best interest, or that of his fellow St. Louis County residents. This is because the money has got to come from somewhere and it is going to

come from the County taxpayers. He felt very strongly that it did not pass the Commission's best interest test.

He also stated that he understood the will of the people, but the will of the people moved into this area knowing it is St. Louis County. He said he continues to resent the fact that once people move into an area then they want to become something else. Mr. Wojtkowski said he did not move into Florissant and then gather his neighbors to submit a petition to unincorporate. The will of the people is that they can live where they want and they make their choice when they support the tax base of their decision. Mr. Wojtkowski closed by stating he was not in favor of the Simplified Boundary Change.

Mr. Ford said that everything that had been stated by Mr. T. Armstrong and Ms. Bredenkoetter about the people wanting to go into Florissant was correct and he was in agreement. There was obviously a strong sentiment by the residents to be annexed by Florissant. He said part of the Commission's duty was to guarantee clear boundaries and this proposal did not present solid boundaries. He was also concerned about the accumulative effects of all the Florissant annexes which totaled almost three quarters of a million dollars. That revenue would be taken out of the St. Louis County budget. For these reasons Mr. Ford was opposed to the proposition.

Mr. Hayek started off by reading several quotes from a public hearing. He quoted Mr. Baker as saying: "We believe that the people should have the right to decide who their own local government agency is and in this particular instance, if the clear majority of the people support the annexation, we won't oppose it." Mr. Hayek also quoted Mr. Baker as stating: "Our position is very simple. If this is the clear will of those people, we'd be happy to see that happen." Mr. Hayek said that he thought that was the way everyone should be looking at the situation. He said that if it is the will of the people to be governed by someone more local to them, and it makes sense, then it should happen.

Mr. Hayek went on to say that there have been a number of annexations in St. Louis County, especially in the Southwest portion. Historically, he said, people have started to live in the County and wanted to change the way things were happening. He found it interesting that in the County's comments about the Area 6 proposal, under the finances and services proposed area, they wrote: "Will Florissant have to increase taxes to cover their annual budget shortfall? Is this annexation in the best interest of current city residents?" Mr. Hayek said the Commission was being asked these questions by County representatives who could not answer them. Yet, he pointed out, in the County's response to Ballwin, Ellisville and Valley Park they have stated it is not in the best interest. He was confused as to why in several other proposals the County's response has been that it is not in the best interest, but in this one the Commission is not being told. He said he believed it was because 77% of the people in the area are not opposed to it. There have been meetings with St. Louis County and the citizens, there was a public hearing, a notice card was sent to the citizens and there was a newspaper article written about the area. In all that time not one person has come back and said there was something wrong with the way they were approached when signing the petition. No one said they were uncomfortable with their signature.

Mr. Hayek described it as unique that in all of the proposals there was no argument about this one. No one has come forward and said they felt intimidated or forced. He did not understand how you could have as unusual a proposal as this, with that many people wanting to change their local government service, being given every opportunity to report any problem, and there being no such statements. He said that it is time to let them do what they want to do. And as far as the financing, he said the finance requirements of the best interest test says the Commission is to consider the extraordinary effect the boundary change will have on the distribution of tax resources in the County. He did not foresee, from the financial presentation that was given and the figures the Commission has been given, the tax redistribution having an extraordinary effect on finances. He agreed that cumulatively, especially in regards to very large areas, it is a different issue. However, for the Florissant Area 6 Proposal it is not extraordinary.

Mr. Hayek asked if any other Commissioner wanted to comment. The rest of the Commissioners chose not to comment. Mr. T. Armstrong said they should call a vote.

Mr. Wojtkowski made a point of order by saying that there was not even a motion on the floor. Mr. T. Armstrong apologized and then made a formal motion to approve BC0408 Florissant Area 6 as a Simplified Boundary Change. Mr. Spears seconded the motion. Mr. Hayek asked Ms. Irwin to call roll.

Mr. Wojtkowski made another point of order and asked Mr. Hayek if he was going to open this motion up for discussion. Mr. T. Armstrong said that technically, since Mr. Wojtkowski did not believe the motion was made, that he did have a right to ask for a discussion. Mr. Wojtkowski said it was not that he did not believe a motion was made. He said a motion was not made or seconded and stated that he meant to do it that way.

Mr. Hayek said a motion had been made and seconded to approve BC0408. He asked if there was any further discussion. There was no discussion and so Mr. Hayek then again called for a vote of BC0408.

Matt Armstrong – Aye
Ted Armstrong – Aye
Christine Bredenkoetter – Aye
Bob Ford – No
Marvin Gelber –
Thomas Hayek – Aye
Greg Kloepfel – Aye
Betty Marver –
Mary Schuman –
Johnnie Spears – Aye
Don Wojtkowski – No

BC0408 was approved as a Simplified Boundary Change.

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

Respectfully submitted,
Courtney K. Irwin
Executive Director

Approved: