

BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI
MEETING MINUTES

November 16, 2004

ROLL CALL

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

Commission Staff Present: John Young, Boundary Commission Legal Counsel, Courtney Irwin, Executive Director, Boundary Commission. Others Present: Lori Fiegel, St. Louis County Planning, Len Groszek, St. Louis County Planning.

CALL TO ORDER

Mr. Spears called the meeting to order at 6:30 p.m., November 16, 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. Wojtkowski made a motion to approve the agenda. Mr. T. Armstrong seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

APPROVE MINUTES

Mr. T. Armstrong made a motion to approve the minutes of October 26, 2004. Mr. M. Armstrong seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. Wojtkowski moved to accept the following revised public hearing minutes, submitted via email: BC0402, BC0407, BC0408, BC0405, BC0403, BC0410, BC0404, and BC0411. Mr. T. Armstrong seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

FINANCIAL REPORT

Ms. Irwin presented the Third Quarter Financial Report to the Commissioners. She noted that in some subcategories such as Postage, Printing & Binding, and Office Supplies, that the Commission went over budget. This was due in large part to the numerous public hearing notices that the Commission sent out. However, the Commission was on track to stay below the total appropriated budget.

Mr. Wojtkowski asked Ms. Irwin if she had the ability to track revenue. He said it was important to know how the Commission's percentage of operating costs is being offset by the revenues appropriated by the municipalities' proposal fees. Ms. Irwin said that the

money from the municipalities is kept in the “533/6030” account which is separate from the Commission’s operating budget. Ms. Bredenkoetter said she would like to know how much money the municipalities’ have added to the 533/6030 account. Mr. Wojtkowski said the bottom line is when the Commission submits a budget to St. Louis County requesting year-to-year funding, that they should be able to communicate how the total operating costs is actually being offset. Mr. M. Armstrong said that if the Commission is planning on purchasing anything it needs to happen soon because the end of the year is approaching and the County takes away the Commission’s money when it runs at surplus. Mr. T. Armstrong asked Ms. Irwin to revise the Financial Statement to show a separate line/account with a negative expense.

Ms. Irwin also included in the monthly packet St. Louis County’s Recommended 2005 Budget for the Boundary Commission. The Commission received all of the funding it requested. Ms. Irwin mentioned that she had been contacted by the County Budget Department and was told that the Commission was coming up short by \$2,000 in the Salaries Permanent category. This was because of the overlapping of Executive Directors. It was suggested that the Commission transfer funds from their Professional Services account into Salaries. Ms. Irwin brought it to the attention of Chairman Hayek and the Budget Committee and made the funds transfer.

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENTS AND COMMUNICATIONS

There were no announcements and communications.

STAFF REPORT

Mr. T. Armstrong brought up the November 2, 2004 ballot election of Florissant Area 9 which did not pass. He felt this was significant given the fact that 75% of the registered voters signed a petition, yet it was still not approved. Ms. Bredenkoetter said she did not think that the outcome was a surprise because according to a media article, the County sent letters to residents in the proposed area that put some things in protest.

Ms. Bredenkoetter cited a November 10, 2004 article in the Suburban Journal that quoted Mayor Robert Lowery Sr. as saying: “Every day they had another piece of literature out that had lies and distortions. These people didn’t know what to do, and when they don’t know what to do, they vote no. We came up against a major campaign by a few residents and the county to save that area for themselves.” Ms. Bredenkoetter went on to say that she found it extremely interesting how all of a sudden the County is going to start scheduling meetings with the residents, and that the County only reacts to that when people file a petition.

Mr. T. Armstrong asked Ms. Fiegel if the County had in fact issued communication with the residents. Ms. Fiegel replied that only one letter was sent out under the signature of Mr. Glenn Powers and Councilman Michael O’Mara. Ms. Fiegel offered to provide the Commissioners with a copy of that letter.

Mr. Wojtkowski commented that an acquaintance of his, Kenny Otto, has a son named David who was a primary organizer of the Area 9 petition. However, David ended up voting against the proposal and Mr. Wojtkowski said he is very interested in finding out why he changed his mind.

Mr. T. Armstrong also said that perhaps Area 9 is a special circumstance, in that the post approval activities had a tremendous effect on the outcome. Mr. Wojtkowski stated that the Area 9 outcome is important for another reason. He said that he is not a real proponent of the Simplified Boundary Change and noted that the Commission has a tendency, because of human nature, to place the will of the people at the top of the list. He felt the Commissioners should be looking real hard at the 11 factors that they take into account when judging a proposal, before it is put to the will of the people. Mr. Wojtkowski said it frustrates him when they do not talk about issues of compactness, logical boundaries and tax impact. He said this outcome is important because the will of the people spoke and it was very much contrary to the way they thought it would turn out.

Mr. M. Armstrong said it is possible to think about adjusting the Commission's rules, so that cities do not end up spending a lot of money, time and effort to find 75%. He stated that the Commission does not have to approve the Simplified Boundary Change. He said that the Commission can also let the cities know that while the **statute** allows for a Simplified Boundary Change, the Commission tends to not want to approve those unless they are a more compact area. Mr. Spears thought that the Commission still needs to get together and look at all the facts and details of it, in order of the size, based on the **statute**.

NEW BUSINESS

A. Nominations of Officers for Year 2005

Mr. Spears opened the nominations of new Officers for 2005, to be voted on at the December meeting. He asked the Commission if they wanted to put off nominations until the December meeting when there would hopefully be a full **Board**. Mr. Wojtkowski made a general motion that the existing slate of officers be nominated and re-elected. After some discussion over term expirations, the Commission began separate nominations for each officer. Ms. Schuman moved to re-nominate Mr. Tom Hayek for Chairman and Mr. Wojtkowski seconded the motion. Ms. Christine Bredenkoetter moved to re-nominate Mr. Johnnie Spears for 1st Vice Chair. Mr. Don Wojtkowski moved to re-nominate Mr. Greg Kloepfel for 2nd Vice Chair. Mr. Wojtkowski also moved to nominate Mr. M. Armstrong for Chairman, as a fall back in case Mr. Hayek decides not to be re-appointed. Mr. Spears seconded the motion.

B. Valley Park Proposal Modifications

Mr. Young said that pursuant to Article VIII under the Boundary Commission Rules, a modification may be made during the review period after the initial public hearing. He stated that the Valley Park modification is permissible, but it does bring up the possibility of an automatic second public hearing. A second hearing is decided upon when there is a significant financial impact to the proposing agent. The public hearing would be held in

the time frame between now and until the decision date is due. When looking at the modified plan of intent, Mr. Young said there is the mention of a TIF which would be paid off as 50% of the half capital improvement tax, 50% of the storm water sales tax and 50% of all EATS.

Mr. T. Armstrong asked Mr. Young if he said the Commission may be required to have a second hearing. Mr. Young replied, yes, the Commission may be required if they came to the determination that the modification imposed a significant financial impact. Mr. T. Armstrong asked if, for example, they decided that there was a significant impact, would the Commission have to call a hearing 30 days after the modification was submitted or have they past the deadline. Mr. Young said that the Commission was still within the timeframe to call a public hearing, but it cannot be less than seven days after the notice. Mr. T. Armstrong felt that they should wait until they receive comments from the County. Ms. Fiegel stated that their legal division was still reviewing the modification, but that the County would have their response to the Boundary Commission by the end of next week. Mr. T. Armstrong then asked Mr. Young what determines a “significant financial impact.” Mr. Young responded that the definition of “significant financial impact” was not clear.

Mr. Wojtkowski said that he did not lay the proposals side by side and compare revenues and expenses. Mr. Young said that he had reviewed both and that the most significant changes were the TIF and the installation of a sewer system. Mr. M. Armstrong asked if the expenditures on the sewers would be funded by the TIF. Mr. Young said no.

Mr. Wojtkowski said that the sewer system is Valley Park’s bribery attempt to get all the businesses. Mr. M. Armstrong responded that he had thought the sewer system was being paid for by the TIF. Mr. Wojtkowski noted that there is also another issue that is different from the original proposal. He said that in one condominium complex Valley Park pledges to dedicate all of the parking lots and private roadways to the city. Mr. Wojtkowski stated that he did not know if it is legal to take over the maintenance of the private property. Mr. T. Armstrong remarked that the one thing the Commission had going for them is that they know St. Louis County is going to be very critical of the modification. He said that before the Commission decided to call another hearing that they should wait until St. Louis County releases their report. Mr. Spears asked Ms. Irwin to put the issue of voting on a second Valley Park public hearing on the December Agenda. Mr. Wojtkowski also asked Ms. Irwin to layout a calendar with the dates of the 2005 Boundary Commission dates for the Commissioners.

C. Florissant Area 2A Election Date

Ms. Irwin said that Chairman Hayek had selected April 5, 2005 as the election date for Florissant Area 2A. Ms. Irwin then called Louis Jearls at Florissant and asked if that would be an agreeable date for the election. Mr. Jearls consented and it was now up to the Commissioners to approve. Mr. Wojtkowski made a motion to approve the Florissant Area 2A Election Date as April 5, 2005. Ms. Bredenkoetter seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

OLD BUSINESS

A. Website

Moore Design has been responsible for the web hosting and maintenance of the Boundary Commission since 2001. Ms. Irwin contacted the firm and asked them to submit a proposal for the update and continued maintenance of the site. They submitted a proposal that was included in the monthly Commission packet. Ms. Bredenkoetter said that she was not impressed with the Commission's site, especially since it does not appear in any search engines. She suggested that Ms. Irwin try to get a few more bids and recommended Blue's Art House and Max Gamut Design. Mr. M. Armstrong said that Moore has been paid and that they had their chance. He agreed that Ms. Irwin should solicit more bids. Ms. Bredenkoetter noted that the Commission's site should be linked to the County website and Mr. Wojtkowski said the site should also contain the upcoming map plans, minutes and agendas.

Mr. Spears made a motion to adjourn. Mr. Wojtkowski 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: December 14, 2004