

BOUNDARY COMMISSION  
ST. LOUIS COUNTY, MISSOURI  
MEETING MINUTES

January 25, 2005

ROLL CALL

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

Commission Staff Present: David Hamilton, 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

Chairman M. Armstrong called the meeting to order at 6:30 p.m., January 25, 2005. The meeting was held at 121 S. Meramec, in Clayton, Missouri.

ROLL IS CALLED – QUORUM DECLARED

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

APPROVE AGENDA

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

APPROVE MINUTES

Ms. Schuman noted an error on page three at the end of the first paragraph. The sentence "...but that he would be happy to serve as Chairman if only for three years," should read "three months". Ms. Schuman also pointed out that on page 5, when Mr. Hayek excused himself from the meeting that she too left at 7:20 p.m. Mr. T. Armstrong said that in the first paragraph of page 8, the word "wrought" should be replaced by "fraught".

Mr. Ford made a motion to approve the minutes of December 14, 2004 as amended. Mr. Wojtkowski seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

FINANCIAL REPORT

Ms. Irwin said that she revised the December Financial Report to reflect the transfer of funds from the Municipality Application Fee account (533-6030) to the Commission's operating budget. This was to cover costs incurred by the municipality public hearings and notices, specifically in the Postage, Printing & Binding, and Office Material & Supply. Mr. T. Armstrong asked if the Commission had formally approved the 2005 budget. Ms. Irwin replied that the Commission approved it at the December meeting.

## ANNOUNCEMENTS AND COMMUNICATIONS

Chairman Armstrong suggested moving the Public Comment portion of the agenda before Old Business. The Commission agreed. Ms. Irwin said that her announcements and communications were contained in the Staff Report. Mr. M. Armstrong stated that he spoke with Paul Harris, a Post-Dispatch reporter, regarding Florissant Area 2A. He gave Mr. Harris a brief comment, but did not see an article in the January 25<sup>th</sup> edition of the Post. Ms. Irwin concurred that she was unable to locate an article.

## STAFF REPORT

There were no comments about the staff report.

## NEW BUSINESS

There was no new business.

## PUBLIC COMMENT

1. Wildwood Mayor Edward L. Marshall spoke in favor of the Wildwood annexation. He said the proposal was consistent with the 5-year-plan and stressed that it was a response to the annexation initiative by the affected property owners.
2. Kevin Cole of 995 St. Paul Rd. spoke on behalf of himself and six other families in opposition to the Wildwood annexation.
3. Norman Cole of 986 St. Paul Rd. spoke against the Wildwood annexation. He said Wildwood proposal would divide a historical building located on 5-acres of his property. The annexation would not be in his best interest.
4. Gary Mosey of 700 St. Paul Rd. said 10 acres of his property were not included in the entire Wildwood annexation process, but he would like to become a part of Wildwood. Mr. T. Armstrong asked him to show the Commission where his property was located on a map created by Wildwood. Mr. Mosey said he heard that the reason his land was not included was because it was thought that the entrance to his property was located on Kiefer Creek Rd. The entrance is actually on St. Paul Rd. Mr. Mosey's land is included in Ellisville's proposals, but not in Wildwood. Mayor Marshall confirmed that the 10-acres of land in question were not included in Wildwood's map plan.
5. Nancy Mednik of 1016 Sheffield Forest Dr. said she felt that a majority of Sheffield subdivision residents wanted to be annexed into Wildwood.
6. David Mednik, also of 1016 Sheffield Forest Dr., wanted to stress the large turnout at the Wildwood public hearing, County Council meetings and signed petitions, as a reflection of the people's desire to be annexed by Wildwood. He said that Wildwood will preserve the St. Paul Valley.
7. Ted Surgant of 1002 St. Paul Rd. spoke of his desire to be annexed into Wildwood. He read a letter that he sent to the Boundary Commission back in 2000.

8. Keith Hubbard of 1016 St. Paul Run brought forth petitions in favor of the Wildwood annexation. He said he empathized with Mr. Cole's earlier statements and hoped that Wildwood would be able to cut out 5-acres, so that the Cole family's property is not split-up.

9. Ingrid Taylor of 801 St. Paul Rd. spoke in favor of being annexed by the Wildwood. She said that residents have been petitioning to be apart of Wildwood since the late 1990s.

10. Nick Hubbuck of 16404 Sheffield View Ct. spoke on behalf of all of the residents of the Sheffield Forrest subdivision. He said 100% of the residents have signed petitions wanting to be annexed by Wildwood. He asserted that Sheffield Forrest was built on 145 acres of land sold by the Cole family. Mr. Cole strongly objected to that comment and said it was untrue.

11. Rich Hansmann of 756 St. Paul Rd. said that he took up petitions to be annexed into Wildwood in the late 1990s. He said both Wildwood and St. Louis County told him that Mr. Mosey's land was not included in the map plan phase because they thought his entrance was located on Kiefer Creek Rd.

12. Brent Hobgood, Ellisville's City Manager, asked the Commission to consider approving Ellisville's annexation proposal.

13. Eric Harris said he lives in an area in Florissant that will be up for an annexation vote. He wanted to speak with anyone who has worked in a grassroots manner, both in favor or against an annexation issue, who can offer him some opinions and experiences.

Chairman Armstrong asked Mr. Kevin Cole to show the Commissioners on a map which properties would be incorporated by the Wildwood annexation. Mr. Cole said the property has been in his family since he was 11-years-old and he is now 53. Ms. Bredenkoetter asked Mr. Cole to clarify the following: the Bakemeier farm, at one time, was one entire piece of property; it was parceled out to different owners and now he has bought and reconstructed the Bakemeier farm with his relatives. Mr. Cole replied that was correct.

Mr. Thibeault asked if a representative from Wildwood would offer a response as to why they included Mr. Cole's and other families' properties in the annexation proposal. Mayor Marshall said that from the city's standpoint, they are expected to take on the infrastructure of the St. Paul Rd. To have a spotty section would not be in the best interest of the County or Wildwood. Wildwood approached it from purely an efficiency standpoint. Wildwood's Director of Planning, Joe Vujnich, said they tried to follow the Rules of the Boundary Commission by creating logical boundaries and not leaving pockets in certain areas. Wildwood took St. Paul Rd. as the boundary of the southern end of the annexation area and made sure that the boundary extended to the east right of way line. Wildwood did this so that they would assume all maintenance of St. Paul Rd. and not leave half of the street or the entire street as St. Louis County's responsibility. Mr.

Cole said that Wildwood would be cutting off the original Smokehouse and the Big Spring which are noted in a historical magazine.

#### OLD BUSINESS

##### **A. Discussion/Vote on BC0403-Wildwood, BC0405-Ellisville and BC0410-Ballwin**

Chairman Armstrong opened up the floor to the Commission to ask any questions. Mr. Wojtkowski addressed Mayor Marshall and Mr. Vujnich, by saying that their argument of road maintenance did not make sense to him. He respected the fact that the city was trying to accommodate all of the residents who have a desire to be apart of Wildwood. However, he wanted to know if there was anything standing in the way of accommodating Mr. Cole's request which would make Wildwood's proposal more palatable to him. Mayor Marshall said it would be a very difficult plan to administer if it were to be segmented in the way Mr. Wojtkowski suggested.

Mr. T. Armstrong said that the entire issue is about development. He said the Cole's want to preserve as much property as possible for development. The City, on the other hand, is looking for some buffer areas to control the density of the population. He felt that St. Paul Rd. is a natural boundary and agreed with Mayor Marshall's assertion that it would not make sense to break up the maintenance. The fact that Mr. Cole's land would become Wildwood would not cause the historical buildings to disappear. From his standpoint, the proposal was imminently sensible. Mr. Wojtkowski said it was sensible at Mr. Cole's expense. Mr. T. Armstrong pointed out that Mr. Cole still had a tremendous amount of land to develop. He also cited the number of people who gave testimonials strongly in favor of the annexation. Mr. Wojtkowski dismissed the argument that St. Paul Rd. was a great natural boundary. Mayor Marshall said that the City of Wildwood was not against or opposed to any kind of development. He said the land is in control of the property owners and they can do whatever they want with it. Mr. Vujnich said that some of the logic behind the boundary was based upon the property owners who submitted petitions for annexation.

Chairman Armstrong asked the Commission which of the three proposals they wanted to discuss first. Mr. Hamilton was asked to clarify the order in which the proposals were to be voted on. He explained that with the three proposals, there is an overlap between Ballwin and Ellisville, and Ellisville and Wildwood. The Statute permits the Commission to prefer one proposal over another according to 72.405, section 10. He said there had been a slight dispute regarding population in the overlapping area. The County provided the Commission with some figures and Ellisville subsequently submitted a letter stating that they were willing to accept the County's numbers.

If the Commission accepted the County's findings, Mr. Hamilton said, then the population in the overlap between Ballwin and Ellisville is 684. The estimated population in the area of Ballwin is 807 and in Ellisville it is 805. The percentages then are 97% of the area overlapping as to the Ballwin proposal and 85% overlap as to the Ellisville proposal. The greater proportion would then be Ballwin. According to the County, with regards to Wildwood, in the overlapping area there are 74 people and the overlap is 49. So, the percentage would be that Wildwood has a population 67% in their

total area and its 6% with regard to Ellisville. Therefore, the Wildwood proposal, using that proportionality analysis, would be the one granted priority. Mr. Hamilton said the Commission has the discretion to advance, in this case, the Wildwood proposal over the Ellisville proposal. They can also choose the Ballwin proposal over the Ellisville proposal based on population. However, there is a potential issue in doing that. If the election were to be favorable to both Wildwood and Ballwin, then it would create an unincorporated pocket under the statute.

Ms. Bredenkoetter asked if a pocket were created, could Ellisville then petition to do a Simplified Boundary Change to get rid of it, or would it have to be part of the 5-year plan. Mr. Hamilton said it would have to be part of the 5-year plan. Ms. Bredenkoetter asked if the Commission knew how many people would be disenfranchised. Mr. Hamilton said by Ellisville's estimate there are 601 people and by the County's estimate there are 805 people. By far, the larger majority of the Ellisville proposal is not in that gap area. He assumed that there could be between 100-250 people, but he was not certain. Mr. T. Armstrong verified that because of the overlapping percentages the Commission can prefer Wildwood, but the Commission could potentially create a pocket if they preferred Wildwood over Ellisville. Mr. Hamilton said he was correct. He clarified that if the Commission voted to deny the Ballwin proposal and permit Wildwood, by approving it to go to a vote, and if it were approved, then the pocket situation would be avoided.

Chairman Armstrong made the suggestion that the Commission discuss Ellisville first, then Ballwin and finally Wildwood. There were no objections by the Commission and Chairman Armstrong asked if there were any comments. Mr. Ford said judging from the public hearing and most of the information received, he felt that the residents were not in favor of going into Ellisville. Therefore, he was leaning against the Ellisville proposal. Mr. Thibeault confessed that he was a neophyte, but he had read each of the documents regarding Ellisville and concurred with Mr. Ford. He did not think there was a lot of support amongst the populous for the Ellisville annexation. Secondly, he thought the proposal tended not to be financially neutral. The County would lose a significant amount of revenue and Ellisville would get a windfall of about \$100,000. Mr. Thibeault said the configuration of the proposal does not seem to fit with the compact nature that the Commission looks for in an annexation proposal. The decision should be based on what the people desire and, therefore, he was opposed to the Ellisville proposal. Mr. T. Armstrong said he found it difficult to even consider the Ellisville proposal, in view of the fact that it included so much of the Wildwood proposal. Ms. Bredenkoetter concurred with Mr. T. Armstrong. She said that the Commission would not be faced with the current dilemma if Ellisville had cooperated with the other cities from the beginning in trying to establish logical boundaries. In reading the proposals from Wildwood and Ballwin there were samples of letters where the cities tried to solicit Ellisville in the process, but Ellisville ignored them.

Chairman Armstrong asked Mr. T. Armstrong if he would prefer handling the Wildwood proposal first and he said yes. Chairman Armstrong then changed the discussion from Ellisville to Wildwood. Mr. Wojtkowski said he felt the Wildwood annexation would

best serve the residents, because he had a lot of faith and trust in City Planner Joe Vujnich. His only serious disappointment with the Wildwood proposal is why it did not accommodate a number of families who requested that they not be included. It disappointed him that the Commission would not require that change to be made. Mr. Ford asked Mayor Marshall if Wildwood's snow plow and street repairs were contracted services. Mayor Marshall said yes. Mr. Ford said other than the families who asked not to be included he thought the Wildwood proposal was excellent. It was generated by people who felt that St. Louis County let them down. He remarked that he would like to see an amended proposal that would drop those particular parcels of land. Mayor Marshall asked if he could address the issue of public service works. He said Wildwood currently has five contractors that maintain the roads and for residents who lived in the area prior to having the City of Wildwood take it over, the roads are much better now than they have ever been.

Ms. Schuman said that from a planning standpoint, she could not even imagine the reaction of the Commission if they cut off the service provision to that section of the road. She thought that would have been absolutely ludicrous. She understood Mr. Cole's concern, but right now his property is physically bisected and divided by a road. She would have nixed the proposal if it had cut off that section of St. Paul Rd. Ms. Bredenkoetter concurred with Ms. Schuman. Chairman Armstrong asked Mr. Hamilton if the Commission had the right to carve out part of the proposal. Mr. Hamilton replied that the Commission cannot force Wildwood to do so. The proposing agent can make changes to the proposal and, depending upon the nature of the change, there are rules. He said if Wildwood carved that parcel out it would trigger a second public hearing. However, he stressed that the Commission cannot force the proposing agent to change their proposal and take property out. Mr. T. Armstrong asked if the Wildwood proposal were approved by the Commission and the voters, would there be a procedure for pulling Mr. Mosey's 10-acres of land into Wildwood. Mr. Hamilton said, theoretically, it might be possible as a boundary adjustment. Chairman Armstrong said he did not think Wildwood was interested in removing that acreage and it was not worth discussing whether or not to vote with that acreage. Ms. Marver asked Mayor Marshall to elaborate on its special provision for historic buildings. He said if a resident has a historic area within the area, there are concessions made for the zoning.

Mr. T. Armstrong made a motion to approve BC0403-Wildwood, with the boundary lines as proposed by Wildwood. Ms. Bredenkoetter seconded. Mr. Wojtkowski made a point of order and asked Mr. Armstrong to open the motion up for discussion, which the Chairman then did. Mr. Wojtkowski said he wanted to caution the Board that upon approval of the Wildwood proposal, that they eliminate the Ellisville proposal. If they follow past Boundary Commission protocol and avoid creation of unincorporated pockets, which take the vote away from the people within those pockets, then they also eliminate the Ballwin proposal by this vote.

Mr. T. Armstrong said it was his understanding that the Commission was able to give preference to the Wildwood proposal. The Ellisville proposal would then be held in abeyance pending a vote with respect to the Wildwood proposal. Chairman Armstrong

noted that at the same time, the Commission can not hold Ballwin in abeyance pending the Wildwood vote and that it had to be addressed that evening. He said Mr. Wojtkowski's concern was if the Commission approved it and Wildwood and Ballwin pass, that will create a large unincorporated pocket. Therefore, by approving Wildwood tonight the Commission was forced to not approve Ballwin. That said, Chairman Armstrong asked if the Commission wanted to withdraw the motion from the floor and discuss Ballwin in conjunction with Wildwood. Mr. T. Armstrong replied that he did not want to withdraw the motion. He thought this was the right way to go and was prepared to discuss Ballwin after the Commission voted on his motion. Mr. Ford made a motion to vote.

Roll Call:

Matt Armstrong: No

Ted Armstrong: Yes

Christine Bredenkoetter: Yes

Bob Ford: Yes

Marvin Gelber: Yes

Greg Kloeppe:

Betty Marver: Yes

Mary Schuman: Yes

Johnnie Spears: Yes

Edward Thibeault: Yes

Don Wojtkowski: No

*8 in favor, 2 against. The motion passed.*

Mr. T. Armstrong then made a motion to hold BC0405- Ellisville in abeyance pending the outcome of the Wildwood election. Mr. Wojtkowski seconded the motion. Chairman Armstrong asked if there was any discussion on the motion and clarified the following: a vote of "yes" would be in favor of abeyance, while a vote of "no" would entail the Commission making a decision that evening. Mr. T. Armstrong said that his point in making the motion was if Wildwood were to fail then the Ellisville proposal, because of the amount of overlap, may be a viable alternative. Mr. Ford said he preferred to see a vote on the Ellisville proposal, which would have to be a vote to deny the proposal. He did not think it was fair for Ballwin that because of the possibility of a pocket, to deny their proposal and allow Ellisville a chance to incorporate the overlapping area. He believed that the feeling among the residents is more positive for the Ballwin proposal, as opposed to the Ellisville proposal.

Ms. Bredenkoetter asked for clarification about the motion on the floor. Chairman Armstrong replied that there is a fear of possibly creating an unincorporated pocket if both Ballwin and Wildwood pass and it is the Commission's charge to avoid pockets. Mr. Hamilton said that a pocket disenfranchises people, but he did not know if the area they were talking about was an unincorporated pocket based on the density in the population. Ms. Bredenkoetter asked how the people would be disenfranchised. Mr. Hamilton said in a typical annexation proposal the people in the area being annexed have

to approve it by a majority vote. The people in the area annexing have to approve it by a separate majority. If it is an unincorporated pocket, then the entire area that results from the annexation votes on it and if the majority of the entire area is in favor of it, then it passes. So, if a city with a population of 10,000 people is annexing an area with less than 500 people, there's no way those 500 people can vote the proposal down.

Chairman Armstrong mentioned that the Commission had until March 30<sup>th</sup> to vote on the Ellisville and Ballwin proposals. Ms. Bredenkoetter said she would like more time to think about the proposals before she voted on them. Mr. Wojtkowski said he was in favor of dealing with the proposals that evening. Mr. Thibeault asked if any mutually beneficial discussions could currently take place between Ballwin and Ellisville, to see if the pocket issue could be reconciled. Chairman Armstrong said those discussions would have to be apart of the next map plan cycle. Mr. T. Armstrong said the cities of Ellisville and Ballwin should have negotiated during the map plan cycle. He did not think the cities appreciated the importance of collaborating. It was a brand new process and no one new what it was all about, but it was an opportunity for the two cities to get together and reconcile what they were going to do in that whole area as part of the next process. He was not too keen on either one of the proposals at this point because of the kind of results they yield. Mr. Thibeault said that the priority should be to get it right, as opposed to acting on haste and then creating another issue. Chairman Armstrong made a recommendation to vote down the motion, saying it could still be brought back up while deciding on how to deal with Ellisville or Ballwin. Mr. T. Armstrong withdrew the motion and Mr. Wojtkowski withdrew the second.

Chairman Armstrong then put the Ballwin and Ellisville proposals up for discussion. Mr. Wojtkowski said the one issue, no matter how much the Commission discussed it, is that the Ballwin proposal will create an unincorporated pocket. He acknowledged that some Commissioners wanted to read up on the implications of an unincorporated pocket and he urged that they dig into the rules because it is a very significant issue. However, if everyone was aware of what the implications are, then the Commission should vote on the proposals that evening. Chairman Armstrong asked the Commission to raise their hands if they wanted to make a decision on the proposals that evening. There was an 8-2 poll in favor of deciding that night.

Mr. Ford made a motion to reject the Ballwin proposal because of the pocket issue and Mr. Wojtkowski seconded. Chairman Armstrong opened the floor for discussion. Mr. Thibeault asked if the Commission was unfairly penalizing Ballwin for the pocket as opposed to Ellisville, who did not engage in the discussion with Ballwin. Mr. Ford replied that the residents involved in the Ballwin proposal have stressed that they are interested in going into Ballwin. He said the Commission is charged with making some difficult decisions, and, unfortunately for Ballwin, their proposal falls under that category. He encouraged Ballwin to do their homework in the next map cycle and bring back a proposal later on. Chairman Armstrong said new map plans can be submitted on July 1, 2006 and proposals will be accepted starting January 1, 2007. He also acknowledged Mr. Thibeault's earlier point about unfairly penalizing Ballwin. Chairman Armstrong's response was despite the fact that Ballwin and Wildwood had taken part in



discussions, and whether or not Ellisville participated in those discussions or not, the map plan that Ballwin and Wildwood came up with still creates a pocket. One of the cities should have gone after that part, if they did not want to worry about a pocket being created. Neither of them did and Ellisville stepped into that gap.

Ms. Marver asked if in two years from now could Ballwin, Ellisville or Wildwood try to pick-up the unincorporated pocket in question. Chairman Armstrong replied that they can, but are not required to. He said if a pocket is created and no one picks it up, then it will stay a pocket for five more years. If none of the cities puts it in their plan of intent, then it will remain a pocket part for a long time. Ms. Bredenkoetter asked if these pockets already exist today. Mr. Wojtkowski said, no, that they do not fulfill the criteria by definition of an unincorporated pocket. He said that the whole issue is when an unincorporated pocket is created, by definition of the state statutes, that any future annexation will be a blended vote and the people within that pocket will not have their voice heard. The annexation will be strictly controlled by the population of the municipality that is doing the annexation. He said it has been the Boundary Commission's objective to avoid creating those kinds of situations.

Ms. Schuman said that the Ballwin proposal and presentation was probably one of the best ones the Commission had heard from any municipality so far. It was very painful to her to think about turning it down at this time. One of the things that impressed her so much was that Ballwin was very careful in thinking out their future steps. They had, in fact, put a moratorium on future annexations for awhile, until they knew they could absolutely handle everything. However, in light of these potential problems, she thought it would be worth it to everyone for Ballwin to step back and to go into the next map plan phase. Ms. Schuman acknowledged that a lot of work had gone into the entire process, and, since the public hearing the Commission received quite a bit of communication from people saying they would like to be apart of Ballwin. She doubted that that sentiment was going to change in the future and she wanted to see these issues resolved in the map plan phase. Ms. Bredenkoetter asked if the Commission disapproved the Ballwin plan, would the city be required to pay the application fee again. Chairman Armstrong said Ballwin would be assessed those monies again. Mr. Hamilton said it appeared to him that the Commission is concerned, and rightfully so, about the unincorporated pocket issue. However, the Commission did not really know if that area is an unincorporated pocket or not. While Mr. Hamilton was sensitive to the Commission's desire to get the proposals resolved sooner rather than later, the Board could defer their decision at least until the February meeting. The cities would then have the opportunity to provide the Commission with the necessary information to determine whether it is in fact an unincorporated pocket.

Mr. Ford asked if St. Louis County had information about that area being a pocket. Ms. Fiegel said they did not calculate the density of the area, but that they could do a dwelling count and a population estimate. She did believe it was less than 500 people. Mr. Wojtkowski said the statute does not deal with population, rather the statute deals with criteria. Mr. Hamilton read the statute as saying: the average residential density in excess of one dwelling per three acres which has a population of no more than five **hundred**.

Chairman Armstrong asked if there was any more discussion on the motion, in light of Mr. Hamilton's advice. Mr. Wojtkowski said, in respecting Mr. Hamilton's advice, he was willing to withdraw his second, if Mr. Ford would withdraw his motion. Mr. Ford withdrew his motion. Mr. T. Armstrong moved that the Commission defer its consideration of BC0410-Ballwin and BC0405-Ellisville until the February 22, 2005 meeting. Mr. Thibeault seconded. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. Wojtkowski clarified that the Commission does not have to vote at the February meeting. Chairman Armstrong said the Commission can discuss the proposals in February, but do not have to vote until the March meeting. Mr. Thibeault asked if information regarding the potential unincorporated pocket would be provided to the Commission. Chairman Armstrong asked that the County and the cities involved to send any comments to the Executive Director forthwith.

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Chairman Armstrong called for a brief recess and the meeting reconvened.

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#### **B. Discussion of Florissant Area 6 Summary of Decision with regards to Patterson Road**

Chairman Armstrong recognized Ms. Fiegel and asked her to discuss the County's concerns about the Area 6 Summary of Decision. Ms. Fiegel said there was a half road situation created by the annexation. The County raised the issue back in September in written comments based on review by their highway department. Florissant responded and said they had no problem with changing it. Ms. Fiegel said it was not a matter of road maintenance. Patterson Road is a County road that will, for the time being, be maintained by the County. However it has become a jurisdictional issue, a policing issue, a 911 issue and could potentially become a boundary issue. The police department and 911 operators are most concerned about getting it rectified. Ms. Fiegel said if there is an accident on that road, it is the County police's responsibility to respond. The 911 operators have not coded the area for Florissant; they have coded it for the County. She said it also could potentially call into question whether or not this annexation meets 15% contiguousness. Therefore, the Summary of Decision acknowledged that there was a half road situation and recognized that the County raised the issue to Florissant, but said annexation was approved based on the original legal description.

Chairman Armstrong asked Mr. Hamilton if the Commission could amend their Summary of Decision to fix the problem. Mr. Hamilton said there was nothing in the statute that says the Commission could not and under Robert's Rules of Order there was a motion for reconsideration. He said that a Commissioner could make a motion for amendment of the prior decision and to adopt an amended legal description that would include the entire right of way of Patterson Rd. rather than just that half. If that amendment passes, the Commission would still have to amend that Summary of Decision and incorporate it into the legal description. Mr. T. Armstrong asked Mr. Hamilton if he was comfortable with that procedure and Mr. Hamilton replied yes. Mr. T. Armstrong also asked if there were any other options. Mr. Hamilton said that the County and the

City of Florissant could adopt ordinances to transfer the jurisdiction of that section of the roadway. Ms. Fiegel said that the County was not necessarily unwilling to do that, but noted that it was a time-consuming process. It would take about 14-weeks to fix it, legislatively, and it was the County's preference to do it as an administrative process. Mr. Hamilton said he had spoken with John Hessel, Florissant's attorney, and they were both in favor of going the administrative route.

Ms. Marver moved to amend the Summary of Decision with the correct Legal Description in place of the incorrect legal description which included the entire right of way of Patterson Rd., rather than just half. Ms. Bredenkoetter seconded. Chairman Armstrong asked if there was any discussion. Mr. Ford asked if it did not create the 15% necessary for a proposal, will the Commission be in trouble for amending the decision. Mr. Hamilton said if this had been recognized before the Summary of Decision was adopted, then clearly under 72.405, section 9, the proposing agent, Florissant, could have amended the proposal while it was under consideration to include the entire roadway. There were no more questions from the Commission and Chairman Armstrong then called for a vote.

Roll Call:

Matt Armstrong: Yes

Ted Armstrong: Yes

Christine Bredenkoetter: Yes

Bob Ford: Yes

Marvin Gelber: Yes

Greg Kloepfel:

Betty Marver: Yes

Mary Schuman: Yes

Johnnie Spears: Yes

Edward Thibeault: Yes

Don Wojtkowski: Yes

*The motion passed.*

Mr. Wojtkowski asked if someone had developed the revised legal description. Ms. Fiegel said it would not be difficult to do and it would be Florissant's responsibility. Mr. Hamilton said that he would also call Florissant and ask them to prepare it.

### **C. Recommendation of a new web designer**

Ms. Irwin said that her first pick was Kurt Silver and her second was Tangibility Design. She chose Kurt because he came up with several innovative ideas for the new site. She noted that Tangibility would be cheaper and that they would train her to input the minutes and agendas from the Commission office. Mr. Ford said the problem he had with paying \$150-per-month was that the Commission was about to enter the part of the cycle where there would be very little going on. Ms. Irwin acknowledged that she never took the down time into consideration. Mr. Wojtkowski asked why the Board would not go with the one that was the most cost-effective. Mr. Ford said that there was not that much

activity on the Boundary Commission website to begin with. Ms. Bredenkoetter replied that the reason for that is because it was difficult to even find the website in a Google search. Ms. Schuman said that she was also impressed with Ms. Irwin's third choice. Mr. T. Armstrong said he would choose the designer that the Director wants to work with. Mr. Wojtkowski made a motion to let Ms. Irwin choose the new web designer. Ms. Marver seconded. Voice vote: Ayes, All. Nays, None. *The motion passed and Ms. Irwin chose Kurt Silver.*

Chairman Armstrong made a motion to adjourn. Mr. Ford 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: February 22, 2005