

BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI
MEETING MINUTES

April 26, 2005

ROLL CALL

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

Commission Staff Present: David Hamilton and John Young, Boundary Commission Legal Counsel, Courtney Irwin, Executive Director. Others Present: Len Groszek, St. Louis County Planning Department.

CALL TO ORDER

Chairman Armstrong called the meeting to order at 6:30 p.m., April 26, 2005. 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. T. Armstrong made a motion to approve the agenda. Mr. Kloeppel seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

APPROVE MINUTES

Mr. T. Armstrong thought Mr. Wojtkowski's motion on page six (6) should be clarified and suggested phrasing it as, "In order to have a motion on the floor for discussion, Mr. Wojtkowski made a motion to accept BC0411." Ms. Schuman agreed that had been Mr. Wojtkowski's intent, but argued that that was how he prefaced his motion and it should remain as is. Mr. Kloeppel said the minutes are supposed to accurately reflect what happened. Mr. Hamilton noted that other than it looking odd, there was nothing under Robert's Rules of Order that prohibits someone from making a motion to approve and then arguing against it. Mr. T. Armstrong withdrew his comment. Mr. Ford made a motion to approve the March 22, 2005 meeting. Mr. Spears seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

FINANCIAL REPORT

Ms. Irwin presented the first quarter budget report to the Commission. She said she had drawn up the financial spreadsheet with the assistance of the Budget Committee.

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENTS AND COMMUNICATIONS

Ms. Irwin announced that Post-Dispatch reporter, Margaret Gillerman, called on April 22 with questions regarding the incorporation of the City of Isabell by Carl and Carol Johnson. Ms. Gillerman emailed a series of questions which were answered by the Chairman and the Commission's Legal Counsel.

Mr. T. Armstrong asked Mr. Hamilton to show the Commission on a map, the area that the Johnson's wish to incorporate. Mr. Hamilton said he did not know what they had ultimately come up with, but pointed out that the area in question is roughly from along Dorsett Road, going down Olive Rd., with a section that is north of Creve Coeur and south of Maryland Heights. Mr. T. Armstrong asked what the Commission would have to do with this incorporation. Mr. Hamilton explained that in order to file a map plan, which the Commission will begin accepting January 1, 2006, the Johnson's would have to have 5% of the registered voters in the area sign a petition. Then, if they want to proceed with a plan of intent, they have to obtain 15% of the people who voted in the last gubernatorial election of the area to sign a petition. The Johnson's would have to collect those signatures within 280 days from the date when the first signature was obtained.

STAFF REPORT

There were no comments regarding the Staff Report.

NEW BUSINESS

There was no new business.

OLD BUSINESS

Before going into old business, Mr. T. Armstrong asked if he could make a comment regarding Florissant Area 2A. He wanted the Commission to note that 2A failed even though it had a petition signed by seventy-five percent (75%) of the registered voters within the area proposed. Mr. T. Armstrong also pointed out that this was the second time this had happened. Mr. Ford brought up the Maryland Heights proposal from the previous year, which there was no sentiment against and everyone thought would be a slam-dunk, but it barely passed.

A. Discussion/Vote to approve Summary of Decision – BC0411

Chairman Armstrong opened up the floor for discussion regarding the Summary of Decision of BC0411. Mr. Kloeppe noted on page six (6) of the Summary of Decision that the number of absent Commissioners is listed as two (2) when it should read three (3). He also said that this mistake was on all of the other Summary of Decisions. Mr. T.

Armstrong said that the March meeting minutes went into great detail about the reasons why the Commissioners denied the BC0411 proposal. He asked Mr. Hamilton if it would be appropriate to incorporate, by reference, the minutes; in order to have a decision with as much fire power as possible, since it could end up in court. Mr. Hamilton said he could make that change and explained that Valley Park's plan of intent, the March minutes, everything that the Commission considered and, to the extent that the minutes reflect the actual discussion, is part of the record that the court would consider if this decision were challenged. Mr. Hamilton also stated that Valley Park passed a resolution authorizing the

city attorney to challenge the election. Mr. Young said that the Valley Park city clerk conducted an informal poll of the Board of Alderman. It was Mr. Young's assumption that the clerk called the Aldermen and asked them whether or not they wanted the city attorney to hold off on filing a petition in court, until their city attorney received further instruction from the Aldermen. It was unanimous in favor of not filing, based on that poll. Mr. Young said the poll means nothing because it was not taken at a formal meeting and it was not properly noticed under the Sunshine Law. Mr. Hamilton said the poll was indication that the city intends to challenge the Commission's decision. It was his and Mr. Young's analysis that the city could file suit 30 days from the date they receive notice of the Commission's formal written opinion.

Mr. Thibeault asked if there was some basis of fact in which Valley Park could issue their challenge. Mr. Hamilton said the city would have to argue that the evidence presented before the Commission was not sufficient for justifying denial and that the Board acted arbitrarily. Essentially, he said, the city is going to have to argue the evidence. Mr. Thibeault then asked who in fact Valley Park would be suing. Mr. Hamilton replied the Boundary Commission, as an entity. He explained that the Boundary Commission is a separate commission authorized by ordinance in St. Louis County. Statute 72.416 explains civil actions against the Commission. Chairman Armstrong said St. Louis County would have to defend the Boundary Commission and pay the legal bills. Mr. Hamilton stated that the Commission also received a Sunshine Act request from Valley Park asking for the 2005 Boundary Commission budget and the March 22 meeting minutes.

Ms. Schuman brought up several typos in the Valley Park and Ballwin Summary of Decisions, and Mr. T. Armstrong noticed one in the Ellisville summary. Mr. Young said he was aware of most of the errors and had already rectified them. Chairman Armstrong asked the Commissioners if they wanted to wait to vote on the Summary of Decisions after they had been edited. The Commission responded no.

Mr. T. Armstrong moved to approve the Summary of Decision-BC0411 as amended. Mr. Ford seconded the motion. Chairman Armstrong asked if there was any discussion. There was none. Mr. T. Armstrong called for the question. Voice vote: Ayes, All. Nays, None. *The motion passed.*

B. Discussion/Vote to approve Summary of Decision – BC0404

Mr. Spears moved to approve the Summary of Decision-BC0404 as amended. Ms. Marver seconded the motion. Chairman Armstrong asked if there was any discussion. There was none. Voice vote: Ayes, All. Nays, None. *The motion passed.*

C. Discussion/Vote to approve Summary of Decision – BC0405

Mr. T. Armstrong moved to approve the Summary of Decision-BC0405 as amended. Mr. Spears seconded the motion. Chairman Armstrong asked if there was any discussion. Ms. Schuman noted two more typos on the BC0405 Summary of Decision. Voice vote: Ayes, All. Nays, None. *The motion passed.*

D. Discussion/Vote to approve Summary of Decision – BC0410

Mr. Ford moved to approve the Summary of Decision-BC0410 as amended. Mr. T. Armstrong seconded the motion. Chairman Armstrong asked if there was any discussion. There was none. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Chairman Armstrong made a motion to pass a resolution allowing Mr. Hamilton's law firm to accept service on behalf of the Boundary Commission, so that the Commissioners did not have to be served with a lawsuit individually. Chairman Armstrong opened the floor up for discussion. Mr. T. Armstrong seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Chairman Armstrong asked if there was anything else the Board would like to discuss. Mr. T. Armstrong asked if the Commission had to have regular monthly meetings. Chairman Armstrong said his initial answer was no, but he wanted to wait 30 days and see what happens after the release of the Summary of Decisions. He did think about cutting back the meetings to every other month, at least through the summer. Mr. Ford brought up the issue of addressing the By-Laws. Mr. Hamilton was unaware of any amendments to the By-Law, but suggested that this would be a good time to look into changing some of the Commission Rules.

ADJOURNMENT

Chairman Armstrong made a motion to adjourn. Mr. Kloeppel seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.* The meeting was adjourned.

Respectfully submitted,
Courtney K. Irwin
Executive Director

Approved: June 28, 2005