

BOUNDARY COMMISSION  
ST. LOUIS COUNTY, MISSOURI  
MEETING MINUTES

June 28, 2005

ROLL CALL

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

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

CALL TO ORDER

Chairman Armstrong called the meeting to order at 6:35 p.m., June 28, 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

Ms. Bredenkoetter 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 made a motion to approve the April 26, 2005 minutes. Mr. Spears seconded the motion. Ms. Marver noted that she had been present at the April meeting, but that her attendance was not reflected in the minutes. Ms. Schuman wanted to clarify a statement she made at the April meeting. On the first page, under the Approve Minutes section, the statement, "Ms. Schuman agreed with Mr. Wojtkowski's intent" should be worded as: "Ms. Schuman agreed that had been Mr. Wojtkowski's intent." Voice vote: Ayes, All. Nays, None. *The motion passed.*

FINANCIAL REPORT

Ms. Irwin said the second quarter of the fiscal year officially ended on June 30, 2006. She stated that she would have a second quarter budget update for the Commission at the next scheduled meeting. Chairman Armstrong asked if there were any financial concerns at this time and Ms. Irwin replied no.

PUBLIC COMMENT

1. Committeeman Theodis Brown spoke of his desire to incorporate his hometown, Castlepoint, Mo. He said there were roughly 5,000 people living within the one square mile of land. In 1995, Committeeman Brown appeared before the old version of the Boundary Commission. He was told that because the Commission was going through a

transition, his request for incorporation would have to be put on hold. He waited and in the meantime Green Park, Wildwood and several other towns were incorporated. It is now 10-years later and he is still trying to incorporate. He said the Commission should let him temporarily incorporate the 5,000 people, until Castlepoint becomes a city. His constituents would then like to expand their boundaries within the whole North County area. He stated that his people want to start with Castlepoint and then follow Florissant's example by taking up all of the unincorporated pockets. As a paralegal doing research, Committeeman Brown felt Castlepoint needed to be grandfathered in because it is an exception to the Boundary Commission's rules. Mr. Brown wanted to get his incorporation back on track and finish what he started 10-years-ago. He asked the Commission to tell him, based on his 5,000 population count, how many more signatures he would need in order to incorporate. Committeeman Brown said he is constantly getting phone calls from people tired of being unincorporated and want local control. He said it was up to the Commission to allow the people to vote for what they wanted.

Chairman Armstrong asked the Commission if they had any questions for Mr. Brown. Mr. T. Armstrong asked Mr. Hamilton if he had apprised Mr. Brown of the legal requirements for the incorporation of Castlepoint. Mr. Hamilton replied yes and asked the Board if they would like him to briefly summarize. The Board agreed. Mr. Hamilton said that the next planning cycle starts January 1, 2006. In order to present an incorporation, a plan of intent would have to be filed. That requires the person submitting the plan of intent to submit signatures of 5% of the people who voted in the last gubernatorial election, along with the map plan. Then, if that group wants to actually file a plan of intent to effect the incorporation, they need to obtain signatures of 15% of the registered voters who voted in the last gubernatorial election. So it is essentially a two-step process.

Mr. T. Armstrong asked what was the earliest a group could file a plan of intent. Mr. Hamilton replied April 15, 2007. He went on to say that the rules of the statute require that all the signatures on the petitions need to be collected 270 days from the date of the first signature on the petition. Starting with that 5%, in order to submit a map plan from that day, the group submitting the incorporation proposal would have 270 days to get the total of 15% of the signatures in order to file their plan of intent by July of 2007.

Ms. Marver asked about Committeeman Brown's previous work. Mr. Hamilton said he looked at the possibility of grandfathering in Castlepoint. However, there was simply no statutory procedure for a subsequent commission, such as this one, to acknowledge work that was done prior to an incorporation proposal.

Chairman Armstrong asked if that was a result of the legislature disbanding the Commission. Mr. Hamilton replied that was the reason for the delay in the previous proposal. He explained that the Castlewood group had been in the process of incorporation and then the court invalidated the former Boundary Commission law. Under the present statutes, there was no procedure for resurrecting the previous proposal. Once a map plan cycle is complete, if it has not been acted on by the end of that cycle, it expires and the proponents of any incorporation plan or even an annexation plan, need to

start again at that point. Even if the current commission were inclined to work with Committeeman Brown and recognize all the good work he has done over the years, if someone else opposed the proposal of Castlepoint to incorporate, that would give them a way to challenge the proposal and could invalidate all the good work he's done. So, in trying to do something to accommodate Committeeman Brown, the Commission would only be doing something that would, subject the Commission and Committeeman Brown's group, to a challenge. Mr. Hamilton noted that the Commission's goal is to try and make sure that all of the rules are followed, so all the work they do is not at risk.

## ANNOUNCEMENTS AND COMMUNICATIONS

No announcements or communications.

## STAFF REPORT

Ms. Irwin wanted to clarify the 6/20/05 entry in her staff report. In it, she detailed a conversation she had with the Municipal League Executive Director, Tim Fischesser, regarding Marvin Gelber's replacement. Mr. Fischesser did not want any of the Commissioners to think that the Municipal League recommends persons as Commissioners. It is the League's job to send letters to the appropriate mayors noting that they need to meet when there is a vacancy. The Municipal League stays independent and it is up to the mayors to recommend a replacement.

## NEW BUSINESS

### **A. Vote to delegate authority for final 2006 budget approval to the Finance Committee**

Ms. Irwin reported that it was time to draft a 2006 budget. The deadline for submission to the County was no later than August 12, 2005. Since the July and August Boundary Commission meetings were questionable, she felt it would be best left to the Finance Committee to put together a budget and submit it on behalf of the entire Commission. She stated that the current Finance Committee consisted of Ms. Schuman, Mr. Armstrong and Mr. Ford. Chairman Armstrong asked if the finance committee would be available to meet this summer. Ms. Schuman and Mr. T. Armstrong said yes. Mr. T. Armstrong made a motion to delegate authority for final 2006 budget approval to the Finance Committee to be submitted by August 12. Ms. Schuman seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

### **B. Discussion of November and December Meeting Dates**

Chairman Armstrong suggested moving the November and December meeting dates, since they were scheduled so close to the holidays. Mr. T. Armstrong suggested holding the November meeting on the 15<sup>th</sup> and Chairman Armstrong put forth moving the December meeting to the 13<sup>th</sup>. On the subject of meeting dates, Chairman Armstrong noted that the agenda for July was light and suggested canceling the meeting. Ms. Marver moved to cancel the July meeting, cancel the August meeting unless notified and change the November meeting to the 15 and the December to the 13<sup>th</sup>. Ms. Bredenkoetter seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

**C. Closed Session pursuant to Section 610.021 (1) regarding legal actions, causes of actions or litigation and any confidential or privileged communications**

Chairman Armstrong asked Ms. Irwin if there was any Old Business before the Commission closed the session. Ms. Irwin said no. Mr. T. Armstrong made a motion to close the meeting to the public, in order to discuss litigation matters. Mr. Spears seconded the motion.

**ROLL CALL:**

Matt Armstrong: Yes.

Ted Armstrong: Yes

Christine Bredenkoetter: Yes

Bob Ford:

Greg Kloeppe

Betty Marver: Yes

Mary Schuman: Yes

Johnnie Spears: Yes

Edward Thibeault: Yes

Don Wojtkowski:

*7 in favor. The motion passed and the closed session began at 6:57 p.m.*

Mr. T. Armstrong made a motion to re-open the open meeting. Ms. Marver seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

**OLD BUSINESS**

Chairman Armstrong suggested the Commissioners check out the Commission's new website. Ms. Bredenkoetter said Ms. Irwin should send out a press release announcing the new site. Ms. Schuman recommended that the website have a function that describes the process of the map plan cycle, along with a time frame. Ms. Irwin said that Tim Fischesser had suggested she put together a newsletter notifying the municipalities of the map plan cycle.

**ADJOURNMENT**

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

Respectfully submitted,

Courtney K. Irwin

Executive Director

Approved: September 27, 2005