

BOUNDARY COMMISSION  
ST. LOUIS COUNTY, MISSOURI  
MEETING MINUTES

September 27, 2005

ROLL CALL

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

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

1<sup>st</sup> Vice-Chairman Spears called the meeting to order at 6:35 p.m., September 27, 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. Schuman made a motion to approve the agenda. Mr. Kenney seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

APPROVE MINUTES

Ms. Schuman observed that the June meeting minutes included an error on the last page. The word “personnel”, located in the last sentence in the first paragraph, should be omitted. She said that there were no personnel litigation matters discussed at that meeting. Mr. Kenney made a motion to approve the June 28, 2005 minutes. Ms. Marver seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

FINANCIAL REPORT

Ms. Irwin presented the submitted 2006 Budget to St. Louis County, along with the second quarter results of the 2005 Budget. Ms. Irwin said there were no financial concerns at this time. Mr. Kenney asked what the timeline was for the County’s acceptance of the budget. Ms. Irwin replied that the County would present a recommended budget to the Commission in November, the Commission could either accept it or contest it, and the final product would be submitted for approval by the County Council in December. Mr. Wojtkowski asked if there was any reason that the County would challenge the 2006 budget. Ms. Irwin responded no, since previous years’ budgets have been very consistent. Also, the Commission typically spends below what is appropriated each year.

## PUBLIC COMMENT

1. Mr. John Langerak spoke of his desire that a 1992 annexation, involving the southern part of Meacham Park Subdivision into the City of Sunset Hills, be reviewed. Last year he researched that his vote had not been properly recorded during the annexation election. He requested the Boundary Commission to allow this area to be de-annexed from Sunset Hills, or to require another vote among the residents and property owners. When he was told by interested people that his efforts to challenge the annexation had already expired, Mr. Langerak asked: "Does Democracy Have a Statute of Limitations?"

Ms. Marver asked if there was a precedent in which an annexation had been reversed, or if it could even be done. Chairman Armstrong recognized Mr. Hamilton's comments about this issue. Mr. Hamilton said that the jurisdiction of the Boundary Commission is limited to reviewing boundary changes and annexation proposals that are submitted, pursuant to the Commission law: §72.400-423. There is no provision in those statutes for the Boundary Commission to review an annexation under any circumstances. The comment that Mr. Langerak made about the Commission having more power than a 4<sup>th</sup> Class City is not entirely accurate. In some respects, the Commission certainly has different powers, but not necessarily more power. The jurisdiction of the two entities is totally different. In this particular situation, the Boundary Commission does not have the jurisdiction to assert itself. Mr. Hamilton said the election took place in 1992 and there is a 30-day time limit in which to challenge an election. There is certainly no statute of limitations on democracy. However, that is confusing the issue of the ability to challenge an election with the other issues related to the democratic process. Mr. Hamilton concluded that the ability to challenge the election had passed, and while there may be other legal grounds, it is certainly not something that is within the jurisdiction of this Commission. There was nothing the Commission could institute or take up on behalf of Mr. Langerak's position.

Chairman Armstrong asked if Mr. Langerak could become a proposing agent in the next plan cycle and propose a de-annexation. Mr. Hamilton said, theoretically, that is a possibility. Mr. Langerak would have to get signatures and generate a petition drive. He would have to have enough signatures to justify submission of a map plan, as well as a plan of intent. Chairman Armstrong noted that there is no statute of limitations on democracy, but democracy needed to do some work, in terms of gathering signatures and starting the process.

Ms. Marver asked Mr. Langerak when he had obtained the 23 signatures he provided for the Commission. He stated that he gathered them in 2004. Mr. Langerak then asked, since the cities are typically responsible for submitting a map plan or a plan of intent, if he could get the residents and property owners of the contested area to submit a petition to the Commission. Chairman Armstrong replied that Mr. Langerak should probably hire an attorney to follow the statute for submitting his own plan of intent. Mr. Hamilton restated that there are very precise state statutes (§72.400-423) which govern the process.

## ANNOUNCEMENTS AND COMMUNICATIONS

Chairman Armstrong welcomed new Commissioner, Mr. Frank Kenney to the Boundary Commission. Ms. Irwin wanted to remind the Commission that the November and December dates had changed. They are now: November 15 and December 13.

## STAFF REPORT

Ms. Irwin reported that it had been a very quiet summer and she had been using the time to re-organize the office.

## NEW BUSINESS

### **A. Discussion of upcoming 2006 Map Plan Cycle**

Ms. Irwin proposed, by suggestion of Mr. Hamilton, that the Commission should have a discussion about the future map planning cycle. Mr. Hamilton provided a memo from Agnes Gorino, a former Commissioner, regarding how the Commission should approach the upcoming proposals. Ms. Schuman, who attended a map planning public hearing before she was ever appointed to the Commission, thought the questions asked by the Commissioners sounded a lot like the questions they asked during the proposal phase.

Mr. Wojtkowski thought the hearings were good tools in understanding the feelings of the general public about being absorbed by a municipality. He was unsure if those in attendance walked away with a whole lot, other than the knowledge that if something were to happen in the future they would have the opportunity to voice their opinions. He felt Ms. Gorino's memo was straight-forward, but he did not think the Commission should be too proscriptive with the municipalities. What he found interesting about the map plans, was how it was a catalyst for the municipal planning and the growth of the community. The Commission got a good sense as to which cities put a lot of thought into their maps, which ones were relatively frivolous and which ones were talking to each other. It prepared them to expect plans of intent that were very credible or frivolous. Interestingly enough, not many plans of intent emerged from map plans that were obviously not a good product of municipal planning.

Ms. Schuman asked if there were very many adjustments made to the map plans after the public hearings. Mr. Wojtkowski said there were a few. Ms. Fiegel added that the tendency was to cover huge areas.

Mr. Ford recalled that in some communities there was the misconception that St. Louis County was going to be carved up by the municipalities. This misnomer was cleared up because of the public hearings.

Mr. Wojtkowski said the Commission had talked about the potential of getting map plans in digital format, so that they could be posted on the internet. Ms. Fiegel said, in her humble opinion, some of the maps were problematic because they were poorly done. They were not created electronically and even the hard copies were difficult to read. Mr. Wojtkowski asked if it was reasonable for the Commission to be prescriptive in how the documents should be submitted. Mr. Hamilton replied yes. The statute just requires that

the cities give a map plan with sufficient specificity. There is no reason the Commission could not modify the Rules to require a certain scale or a certain degree of specificity. For example, if a city is going to incorporate a street, then they should make it very clear whether they are planning on taking one side of the street or the other. This had been a consistent problem. Mr. Hamilton said the Commission had talked in the past about getting the Rules Committee together again to review them and look at some changes to address some issues that came up in the last cycle.

Mr. Wojtkowski did not believe a Rules committee was necessary. He thought Ms. Irwin and Ms. Fiegel could work together in creating a specification for submitting the maps. Mr. Hamilton said there was one other minor change in the Rules that he had written a memo about. There was a mistake in the way something was referred to in the rules. Chairman Armstrong believed former Commissioner, Tom Hayek, had also written a memo regarding a change in the Rules. He asked Ms. Irwin to check on that as well. Mr. Hamilton said after the Commission gives notice of a change in the Rules, it goes into effect 27-days later. Mr. Kenney requested that Ms. Irwin come up with a cost benefit analysis, digital versus paper, for the submitters of the maps.

**B. 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 if there was any further discussion regarding the map plan cycle. There was none. Ms. Schuman made a motion to enter the Closed Session of the meeting. Mr. Spears seconded the motion.

**ROLL CALL:**

Matt Armstrong: Yes.

Ted Armstrong:

Christine Bredenkoetter:

Bob Ford: Yes

Greg Kloeppe: Yes

Betty Marver: Yes

Mary Schuman: Yes

Johnnie Spears: Yes

Edward Thibeault: Yes

Don Wojtkowski: Yes

*8 in favor. The motion passed and the closed session began at p.m.*

Mr. Ford 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**

There was no old business.

**ADJOURNMENT**

Ms. Schuman 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: October 25, 2005