

BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI
MEETING MINUTES

January 24, 2006

ROLL CALL

Commissioners Present: Matt Armstrong, Ted Armstrong, Christine Bredenkoetter, Frank Kenney, Greg Kloeppe, Betty Marver (at 6:44 p.m.), Mary Schuman (at 6:33 p.m.), Johnnie Spears, Edward Thibeault and Don Wojtkowski. Commissioner Absent: Bob Ford

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

Chairman Armstrong called the meeting to order at 6:30 p.m., January 24, 2006. 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. Wojtkowski made a motion to approve the January 24th agenda. Mr. Kenney seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

APPROVE MINUTES

Ms. Bredenkoetter said the last sentence of the second paragraph on page two should read, "...there will not be any unincorporated areas left in North St. Louis County." It originally said "St. Louis County". Mr. T. Armstrong said the December minutes indicated that Mr. Spears opened the meeting as First Vice-Chairman, but did not note when Chairman Armstrong came in and took over the meeting. Mr. Kloeppe said the last sentence of the last paragraph on page three should be deleted. Mr. T. Armstrong made a motion to approve the December minutes as amended. Mr. Spears seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

FINANCIAL REPORT

Ms. Irwin said the Commission was granted the budget they requested for 2006 and that it had already taken effect.

PUBLIC COMMENT

Committeeman Theodis Brown spoke as a follow-up from the December meeting. He was there to make a formal presentation and to make a motion for a judgment on the pleadings in regards to his litigation. Mr. Brown stated that he was trying to move the proposition forward to incorporate Castlepoint as a city, "notwithstanding the power of the authority Commissioners". It was his understanding that he had a right, under St.

Louis County code and charter, if the election board, or any other administrative board, refused a bill to put a proposition on the ballot, he has a right to file, in a circuit court of St. Louis County or some proper jurisdiction, a writ of mandamus. He explained that a writ of mandamus is not a new suit, but is an auxiliary to the main suit. In other words, it is a ministerial act; a ministerial act that he wished the Commission to perform by putting this process on the ballot as soon as possible at a future date. The Commission previously explained to Mr. Brown that he could not place this on the April 2006 ballot and he understood that. He said the only exception to that rule is if he secured a federal or state court-order, ordering this proposition on the ballot.

Chairman Armstrong told Mr. Brown that if he obtained a court order, then the Commission would have to obey it.

Mr. Brown wanted the record to show that if he obtains, by due process of law, a federal or state court order to put these propositions on the ballot, that the Commission will comply and honor the court order. That is why he is filing a motion for a judgment on the pleadings. His pleadings are: his petition as is, even though the Commission claimed there are defects and things that are not proper. He wanted the record to reflect that he was filing his amended map plan for 2006 to incorporate all of North County, about 62 square miles, with a population of about 20,000 people. On the proposition, in the near future, the name of Castlepoint might be changed to the City of St. Ferdinand. Mr. Brown figured since he is the Committeeman of the St. Ferdinand Township, and he is steering this boat, then the city could be named St. Ferdinand. In the meantime, he formally submitted the following documents for the record: his map plan, speaker card, the unapproved minutes from the December 2005 meeting, and his formal petition. Mr. Brown realized the signatures could be challenged, but that is why he has a lawsuit. Let someone challenge the petition in a court of law, he said, because he legally secured them under the due process of law.

Chairman Armstrong asked Mr. Brown if he had hired a lawyer. Mr. Brown replied that he was working on it. Attorney James Roberson was at one-time a legal advisor for the Castlepoint Community Association. Mr. Brown was trying to get him to take over as legal advisor for his incorporation. Chairman Armstrong, just as he did the previous month, highly suggested that Mr. Brown hire legal counsel. Mr. Brown said he understood that, but explained that he currently did not have the money to pay anyone. He was going to try and get Mr. Roberson to take the case on pro-bono and pay him after the city was incorporated.

ANNOUNCEMENTS AND COMMUNICATIONS

There were no announcements or communications.

STAFF REPORT

Ms. Irwin said there were two noteworthy updates in regards to the 2006 Map Plan Cycle. First, a subdivision in West County has started an annexation petition-drive. The residents would like to become apart of the City of Ellisville by means of a simplified boundary change. Mr. T. Armstrong asked Ms. Irwin if there was any opposition to this

annexation. Ms. Irwin replied she was not aware of any resistance. Secondly, the City of Shrewsbury is planning on submitting their exact same map plan from 2000.

Ms. Bredenkoetter asked Ms. Irwin about a letter in the Correspondence section of the Commission's monthly packet. The letter from Gary and Deborah Mosey stated that they were applying for a boundary adjustment, so that their home, located on St. Paul Road, could be annexed into the City of Wildwood. Ms. Irwin explained that she had spoken with Mr. Mosey and he understood that the Commission can not get involved, and that their application for a boundary adjustment has to be worked out between Wildwood and St. Louis County. Mr. Mosey told Ms. Irwin he just wanted their letter to be on record with the Commission.

Mr. T. Armstrong pointed out that the Mosey's property had accidentally been excluded from Wildwood's 2000 map plan. That was an issue the Commission would have liked to have rectified, but could not.

NEW BUSINESS

Mr. T. Armstrong brought up the news article about the City of Eureka's failed attempt to annex land by side stepping the Boundary Commission and going directly to the state legislature. The County Council did not approve it and Mr. Wojtkowski remarked that that was a good sign by the County. He said it showed that the County Council was not going to get into the habit of dealing with the transfer of jurisdictions.

OLD BUSINESS

Mr. Wojtkowski wanted to discuss how the Commission was going to address Mr. Brown's presentation. Chairman Armstrong suggested that Mr. Hamilton draft a final response to Mr. Brown. Mr. Kloepfel asked Mr. Hamilton if Mr. Brown was asking for a judgment on the pleadings from the Commission. Mr. Hamilton replied, yes, and said that he sent Mr. Brown a letter about a year ago. It detailed exactly what needed to be done, including securing a specific amount of signatures in order to submit a map plan. Mr. Hamilton said he would send another letter explaining to him that the Commission is going to close their file unless he complies with the Commission Rules. The new letter will state that the Commission has reviewed what Mr. Brown submitted and that it does not comply with the Rules. Mr. Hamilton also noted that Committeeman Brown has filed suit in federal court against an attorney named Kevin O'Keefe, as well as Mr. O'Keefe's law firm. So there was a real risk that Mr. Brown could file suit against the Commission. Mr. Hamilton said that he had explained to Mr. Brown that there is no procedure under the statutes for the Commission to comply with his request.

Mr. Wojtkowski said sending another letter would be in the Commission's best interest, even if it was repetitive. Chairman Armstrong told Mr. Hamilton to take what Mr. Brown had submitted that evening, respond to it with the letter he previously sent Mr. Brown and suggest to him that he obtain legal counsel. Ms. Bredenkoetter also advised sending the letter certified-return receipt. Mr. T. Armstrong said the Commission had done everything they could to help him understand the procedures. Chairman Armstrong said it may come to the point where Mr. Brown files a suit and then the Commission will

have to deal with it. However, there was not much more the Commission could do given the circumstances, except to keep responding. Chairman Armstrong hated to keep responding with the same letter, but every time Mr. Brown makes a presentation the Commission must respond. Mr. Hamilton said he has had several extended telephone conversations with Mr. Brown trying to explain the limits of the Commission's responsibilities.

Chairman Armstrong asked if there was some kind of pro-bono organization the Commission could suggest Mr. Brown contact. Mr. Hamilton said he has suggested to Mr. Brown before that he contact the Lawyer Referral Service.

ADJOURNMENT

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

Respectfully submitted,
Courtney K. Irwin
Executive Director

Approved: February 28, 2006