

BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI
MEETING MINUTES

April 24, 2007

ROLL CALL

Commissioners Present: Matt Armstrong, Ted Armstrong, Christine Bredenkoetter, Frank Kenney, Mary Schuman, John Schuster, Johnnie Spears, and Don Wojtkowski (arrived at 6:31). Commissioners Absent: Bob Ford, Greg Kloeppe, and Edward Thibeault.

Commission Staff Present: David Hamilton, Boundary Commission Legal Counsel, Michelle Dougherty, Executive Director. Others present: David Wade of Mead O'Brien, Inc., Lori Fiegel, St. Louis County Department of Planning, and various residents of the Kerryton Place Villas in unincorporated St. Louis County.

Chairman Armstrong called the meeting to order at 6:30 p.m., April 24, 2007. The meeting was held in the 8th Floor Conference Room at the St. Louis County Government Center 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. Kenney seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

APPROVE MINUTES

Mr. Kenney made a motion to approve the minutes. Mr. Spears seconded the motion with changes made to correct the three typos on page 2 that Ms. Schuman was to show Ms. Dougherty at the end of the meeting. Voice vote: Ayes, All. Nays, None. *The motion passed.*

FINANCE REPORT

Ms. Dougherty stated that the Boundary Commission is on target to being under budget as usual. And that the Municipality Fee Account will show an increase of \$124 on the next quarterly financial report.

PUBLIC COMMENT

Chairman Armstrong addressed the attendees informing them of the time limits for public comment.

Mr. Kevin Bookout, City Manager of the City of Ellisville mentioned three things regarding their annexation proposal submittal. 1) This is an area completely surrounded by the City of Ellisville and they would like to close this pocket. 2) Ellisville was approached by residents of the Kerryton Place Villas who were interested in being annexed by Ellisville. 3) This annexation meshes with Ellisville's comprehensive plan and Ellisville looks forward to serving the new residents.

Mr. David Argent, Trustee with Kerryton Place Villas stated that they would like to be annexed by Ellisville as the services that Ellisville would provide would greatly impact their condo budget. The association spends at least 10% of their budget on the services that Ellisville would provide. Mr. T. Armstrong inquired were the residents of Kerryton Place Villa in favor of this annexation even if that meant their taxes would increase? Mr. Argent stressed that the savings the condo association would realize greatly outweighs the minor increase the residents would see in taxes.

Mr. Ray Carney also of Kerryton Place Villas spoke in favor of the annexation. Mr. Carney stated that the Kerryton Place Villas is completely surrounded by Ellisville and it makes sense to become a part of Ellisville. Mr. Carney spoke in favor of the proximity of the Ellisville police being able to respond more quickly. Mr. Carney also noted that the city services that Ellisville will provide the condo association upon annexation, e.g. trash removal, street and sidewalk maintenance and maintenance of the streetlights are very important to the condo association. Mr. Carney asked if there were anyway to get this proposal on the August ballot. He stated he believed this was a win-win situation for everyone involved.

Mr. Jack Paregoy, a resident of Kerryton Place Villas, spoke about being a part of the condo association's annexation committee member. He stated that the petition that they circulated among their residents a year and half ago had over 78% of the residents in favor. Discussion continued among the Commissioners and the Kerryton Place Villas residents. Mr. Kenney asked if Ellisville would require any update or improvement on the streets and sidewalks of Kerryton Place Villas before annexation. Mr. Bookout responded that the sidewalks were up to their standards.

Mr. David Wade of Mead O'Brien pointed out the difference between the possible annexation proposals for the area his business is and the Ellisville annexation proposal. He pointed out that his area is a business community that has no voters, is very happy with the County and would receive no benefit from being annexed by either Olivette or Creve Coeur. He stated he is coming to the Boundary Commission meetings is to remind the commissioners that they have no voters and they rely on the commission to object to any proposals for their area because if it goes to a vote, there are no voters. He also stated that he did not find anyone in his business community in favor on annexation.

ANNOUNCEMENTS AND COMMUNICATIONS

Ms. Dougherty stated she had gotten a few phone calls from a few people asking for clarification on the next step in the cycle. She has spoken with Bob Jones of Sunset Hills about their possible annexation proposal. Ms. Dougherty has spoken with the Mayor of St. George. He inquired about the Map Plan that St. George filed and wanted to let the Boundary Commission know that the Alderman, Thomas True, who submitted the map plan, was not re-elected.

STAFF REPORT

There was no additional information presented.

NEW BUSINESS

A. Acceptance of BC0701 Ellisville Old State Road Annexation proposal and set Public Hearing date.

Ms. Dougherty passed out a revised attorney opinion letter to the commissioners present and asked them to replace the attorney opinion letter in the Ellisville proposal that was mailed to their homes.

Chairman Armstrong stated that the plan as submitted was complete and proposed that the Public Hearing be held on May 22, 2007 at Ellisville City Hall. This is also the date of the regularly scheduled Boundary Commission meeting time. Discussion ensued. Ms. Schuman asked if this would give the Boundary Commission enough time to get the proposal on the August ballot. Ms. Dougherty explained that in order to have it on the August ballot, everything must be complete and submitted to the Election Board by May 29, 2007. That would require adding 2-3 meetings along with the Public Hearing in order to facilitate the review process, vote and issue a summary of decision. The state statute requires that there is a 21-day public comment period after the Public Hearing and that even at the earliest would not close until May 29th as well. Chairman Armstrong stated that Ms. Dougherty had discussed the different types of annexation proposals with the City of Ellisville. Mr. Kenney motioned that the Public Hearing for BC0701 be held on Tuesday, May 22, 2007 at the Ellisville City Hall. Mr. T. Armstrong seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

OLD BUSINESS

Record Retention Policy

Mr. Hamilton pointed out his recommendations to add to the draft retention policy. Mr. Hamilton's suggestion is that certain records are kept for five years in place of when the secretary of state suggests after completion of audit, since the Boundary Commission does not go through an audit. He suggested that the Boundary Commission retain one copy of any plans of intent it gets for permanent record. If it is accepted, keep that and all related records permanently. If it is rejected or withdrawn, keep it for a minimum of three years after the end of the current cycle. Discussion ensued about the retention policy regarding the audiotapes of the meetings. Ms. Bredenkoetter suggested the retention policy specifically state that audiotapes would be retained permanently. Discussion continued among the Commissioners. Mr. T. Armstrong made a motion to adopt the record retention policy as written. Mr. Kenney seconded the motion. Voice vote: Ayes, Seven. Nays, One. *The motion passed.* Mr. Kenney made a motion to amend the record retention policy to destroy audiotapes or digitalized recordings after the meeting minutes from that meeting are edited and have been approved. Chairman Armstrong seconded the motion. Ms. Bredenkoetter stated that as a governmental body, the Boundary Commission should be as open and transparent as it can possibly be and that the technology is available to make that a possibility. Voice Vote: Ayes, Seven. Nays, One. *The motion passed.* Mr. Kenney made a motion to adopt the record retention policy as amended. Chairman Armstrong seconded the motion. Voice Vote: Ayes, Seven. Nays, One. *The motion passed.*

Boundary Verification Requirements Clarification

Mr. Hamilton stated that as a result of the County's letter requesting the Boundary Commission try to be more particular in terms of a legal description. Hamilton explained that at the map plan stage, the Boundary Commission does not have a particular legal description requirement. However, at the plan of intent phase, the statute does require a legal description and the Boundary Commission adopted a rule that requires a metes and bounds description for all types of proposals. Mr. Hamilton stated that the Boundary Commission certainly has the authority to require a surveyor to certify the legal description that has been submitted. However, Mr. Hamilton stated that the mechanism is currently in place to be very specific about what the Boundary Commission requires at the plan of intent stage, not the map plan stage. A lengthy discussion ensued among the commissioners.

Mr. Wojtkowski stated that he has a concern that there is no accurate institutional history about the various annexation plans and proposals that have been submitted over the years. He asked that the Executive Director look into developing some sort of history of what has been submitted to the Boundary Commission. The Executive Director stated she would be happy to begin compiling such information. Lori Fiegel of the Planning Department stated they have information they could share with the Boundary Commission.

ADJOURNMENT

Mr. Kenney made a motion to adjourn. Mr. Wojtkowski seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.* The meeting was adjourned at 7:25 p.m.

Respectfully submitted,
Michelle Dougherty
Executive Director

Approved:
May 22, 2007