

BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI
MEETING MINUTES

August 25, 2020

ROLL CALL

Commissioners Present: Rick Dorsey, Steve Frank, Tom Mooney, Kathy Schweitzer, Ben Uchitelle, and Steve Wegert

Commissioners Absent: Ann Pluemer and Kyra Watson

Commission Staff Present: Michelle Dougherty, Executive Director
Michael Hart, Legal Counsel

Others present: Shawn Edghill, City of Ballwin

Chairperson Schweitzer called the meeting to order at 5:35 p.m., August 25, 2020. The meeting was held online via Zoom and livestreamed to YouTube with accommodations made for the public to attend as well due to the statewide social isolation order.

ROLL IS CALLED – QUORUM DECLARED

Roll was called and a quorum declared by Ms. Dougherty.

APPROVE AGENDA

Mr. Wegert made a motion to approve the agenda. Mr. Dorsey seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

APPROVE MINUTES

Mr. Dorsey made a motion to approve the minutes of July 28, 2020. Mr. Wegert seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. Dorsey made a motion to approve the minutes of August 13, 2020. Mr. Frank seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

STAFF REPORT

Ms. Dougherty stated she did not have more to offer than what was in their packet. She said she is preparing the notification letters for BC2003.

PUBLIC COMMENTS

Shawn Edghill from the City of Ballwin thanked the Commissioners for taking the time to review Ballwin's proposal and hoped for a resolution to it.

NEW BUSINESS.

A. There was no closed session.

OLD BUSINESS

A. BC2001 Normandy/Glen Echo Park consolidation

Ms. Schweitzer stated it was her understanding the Commission has not heard from either party regarding the proposal. Mr. Wegert asked for clarification regarding Ms. Dougherty's statement in her staff report saying they'd asked to withdraw the proposal. Ms. Dougherty replied that they haven't sent a formal notification to the Commission. That the Commission requires the municipalities to send copies of the ordinances stating they were officially withdrawing their proposal. Until then, the proposal remains on the agenda.

Mr. Uchitelle asked what the reason was for the on again/off again nature for the consolidation. Ms. Dougherty replied from what she'd been told there is a new administration in Normandy since they started the consolidation proposal and they wanted to make sure everyone was up to speed and on board before they move forward.

B. BC2002 Ballwin SBC: Annexation of Waterford Subdivision.

Ms. Schweitzer asked Ms. Dougherty to clarify what was required of the Commission at this meeting. Ms. Dougherty stated the Commission *could* decide at this meeting because the 21-day public comment period had expired but the Commission was not *required* to make the decision. Ms. Dougherty stated the Commission *had* to make a decision by October 23, 2020 per the statute's requirements for Simplified Boundary Changes.

Ms. Dougherty stated that after the August 13, 2020 special meeting and the discussion regarding sending the proposal to an election, she reached out to Ballwin to give them the heads up. Ballwin replied after they'd done research into the election cost differences between the November 2020 ballot and April 2021 ballot, and asked for the proposal to be put on the April 2021 ballot if approved with a vote required because it would be less expensive for the City. That request removed the fast-approaching Election Board deadline for the November ballot from the Boundary Commission's considerations for this proposal and put it back on the regular four-month processing timeline for Simplified Boundary Changes.

Mr. Wegert made a motion to approve BC2002. Mr. Uchitelle seconded the motion.

Discussion

Mr. Wegert asked for some clarification from Ms. Dougherty and Mr. Hart about the flurry of emails with positive public comments and whether the Commission could approve the proposal without requiring a vote.

Ms. Dougherty stated that in her call with Ballwin she told him the Commission had not received any written public comment yet from people in the area and that in her experience it is very helpful to the Commissioners to hear from the affected residents. She stated she always lets proposing municipalities know that public comment is very helpful to the

Commissioners. Ms. Dougherty said the reason so many emails seemed to arrive at once was because the public comment deadline was a few days after her conversation with Ballwin.

Mr. Hart stated at the last meeting he'd read the section of the statute that allows the commission to approve a Simplified Boundary Change without requiring it to be sent to a vote too restrictively. After discussions with Ballwin's city attorney, reviewing zoning laws, and prior decisions of the Commission approving Simplified Boundary Changes without requiring an election in proposals with higher housing densities per acre, Mr. Hart said his statement at the last meeting was wrong. He'd sent the email out to correct it and the Boundary Commission has the authority to approve it without requiring it to be sent to an election. He reiterated the Commission had the discretion to approve with or without requiring an election.

Ms. Schweitzer agreed the statute was confusing and after reviewing it a number of times herself she agreed that the intent of the statute was as long as it is not less than one house per three acres and that it can be *more* than one house per three acres.

Mr. Uchitelle asked what the legal implications would be if the Commission approved it without an election and the Commission were wrong. Mr. Hart replied if someone sued that the Commission didn't have authority to approve without an election and the Court agreed with them, they'd be told to send it to a vote or send it back to the Commission for further proceedings.

Mr. Wegert asked if the Commission had precedence with the Florissant Simplified Boundary Change. Ms. Dougherty agreed.

Mr. Dorsey said he'd still be in favor of sending it to a vote because voting is a fundamental right and even if there's just one no vote, he feels that person has the right to cast that vote.

Mr. Wegert replied that he would take the opposite side. He stated the Commission has been appointed to act where it can and if they abdicate and send everything to a vote of the people when the statutory authority to approve it otherwise is there, then what is the Commission's purpose? He continued that this was essentially an administrative task; and the Commission has historically suffered from a negative perception that it's a delaying tactic and it can do otherwise with this proposal. Mr. Wegert said over 80% of the Waterford residents have signed the proposal. Of the six missing parcels, one's vacant, and two are not registered. He said it seems too overly cautious to require a municipality to spend \$16,000 for two-three people He said he felt if there'd been any negative comment, he'd not even consider without a vote, but everything has been positive.

Mr. Uchitelle said St. Louis County is also in favor of this proposal.

Mr. Frank said he agreed with Mr. Wegert's position. Mr. Mooney said he'd been on the side of Mr. Dorsey until he'd heard Mr. Wegert's position and felt he could vote without an election.

Mr. Wegert repeated his motion to approve BC2002. Mr. Uchitelle seconded the motion.

Roll Call Vote:

Rick Dorsey – Y

Steve Frank – Y

Thomas Mooney – Y

Kathleen Schweitzer – Y

Ben Uchitelle – Y

Steve Wegert – Y

The motion passed.

Mr. Wegert made a motion to that the Boundary Commission proceed administratively and approve Ballwin's SBC Annexation of Waterford Subdivision without requiring a vote. Mr. Uchitelle seconded the motion.

Roll Call Vote:

Rick Dorsey – N

Steve Frank – Y

Thomas Mooney – Y

Kathleen Schweitzer – Y

Ben Uchitelle – Y

Steve Wegert – Y

The motion passed.

Mr. Wegert made a motion to set the effective date for BC2002 as January 1, 2021. Mr. Frank seconded the motion. Voice vote: 5, All. Nays, None. Abstention, 1. *The motion passed.*

- C. BC2003 SBC: Transfer of Jurisdiction between St. Louis County and the City of Valley Park.

Ms. Schweitzer reminded everyone that the Public Hearing had been set for September 22, 2020.

Mr. Dorsey made a motion to enact Article XV of the Rules for BC2003 allowing the Public Hearing on 9/22/2020 to be held via Zoom and livestreamed to YouTube. Mr. Mooney seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. Dorsey asked Ms. Dougherty what sort of consolidation the City of Florissant was inquiring about. Ms. Dougherty said it was a typical smaller community looking to merge with Florissant. Mr. Dorsey asked if it was Calverton Park. Ms. Dougherty concurred. Mr. Dorsey informed the Commission that his sister is an elected official with Florissant.

And if this proposal comes forward, he'd be present for purpose of a quorum but would recuse from any discussion or votes on that proposal to avoid any appearance of impropriety.

ADJOURNMENT

Mr. Dorsey made a motion to adjourn. Mr. Wegert seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.* The meeting was adjourned at 6:03 p.m.

Respectfully submitted,
Michelle Dougherty
Executive Director

Approved: September 22, 2020