

**BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI**

**MEETING MINUTES
December 2, 1997**

ROLL CALL

COMMISSIONER	PRESENT (P)/ ABSENT (A)
ED BRUER	P
JULIUS FRAGER	P
AGNES GARINO	P
DENISE HADDOCK	P
SCOTT MIDDELKAMP	P
JACK REHAGEN	A
CHARLES SAULSBERRY	P
JACK WIESEHAN	A
ANNA MARIE WINGRON	P
DON WOJTKOWSKI	P
LARRY YOUNGBLOOD	A

OTHERS PRESENT:

Carl Ramey - Executive Director
Steve Martin - Legal Counsel
Libby Rohlfig - Administrative Assistant

CALL TO ORDER

The meeting was called to order by Chairperson Wingron at 6:00 p.m. on December 2, 1997. The meeting was held at the office of the Boundary Commission, 1516 S. Brentwood Blvd., Brentwood, MO 63144. Mr. Wojtkowski arrived at 6:10 and Mr. Saulsberry arrived at 6:30.

ROLL IS CALLED - QUORUM DECLARED

Carl Ramey called the roll and a quorum was declared.

APPROVAL OF AGENDA

Ms. Garino made a motion to approve the agenda as submitted. Mr. Middelkamp seconded the motion.
Voice Vote: Ayes - All Nays - None *The motion passed.*

APPROVAL OF MINUTES

Mr. Middelkamp made a motion to approve the minutes from the meeting of November 18. Ms. Garino seconded the motion. Ms. Haddock pointed out that Mr. Youngblood attended the meeting, but the minutes listed him as absent. Mr. Ramey explained that the error was already identified, and staff would correct the minutes to reflect Mr. Youngblood as present and Mr. Wojtkowski as absent. Mr. Frager stated that on page nine, item C, his name was included in the roll call vote, but he had already left the meeting. Staff agreed to correct that error as well. Voice Vote: Ayes - All Nays - None *The motion passed.*

PUBLIC COMMENT

Mr. Jim Booher, 10516 Wisteria, Sappington, MO 63126, representing the Committee to Incorporate Sappington Concord, issued a prepared statement to the Commission. Mr. Booher informed the Commission that his committee is almost ready to collect their petitions for incorporation, but first he wanted to receive an estimate of the costs involved in submitting the proposal to the Commission. He stated he is aware that the proposing agent pays for publication of the notice of public hearing, but questioned what additional costs would be imposed. He also stated his concern with discrepancies in the calculations provided by the St. Louis County planning department.

Mr. Frager asked what specifically Mr. Booher is requesting of the Commission at this time. Mr. Booher replied that he wants to know what the expenses will be for submitting a proposal. Mr. Frager asked Mr. Martin about the notice to be published. Mr. Martin answered that the Commission by law has to publish notice in one local paper. Mr. Frager clarified that Mr. Booher was requesting an estimate of all costs involved. Ms. Wingron directed Mr. Ramey to provide that information to Mr. Booher.

ANNOUNCEMENTS/COMMUNICATIONS

Mr. Ramey announced that he recommended they cancel the December 16 meeting unless there is something pressing that would require a meeting. It was agreed that subject to the completion of the night's agenda, the next regularly scheduled meeting will be January 6.

Mr. Ramey also notified the Commission that the City of Des Peres is working on two simplified annexations for approximately 90 homes contiguous to the City, north of Dougherty Ferry and east of Barrett Station Road.

Mr. Ramey mentioned that the Commission received a copy of the letter from the City of Pacific regarding territory both it and the City of Eureka are interested in annexing. He advised the two cities to discuss their long-term interests, and since, they have reached an agreement. The City of Wildwood has indicated that they are not interested in moving south of Highway 44.

Mr. Ramey announced that the County Council approved their budget as submitted.

NEW BUSINESS

A. *Resolution 97-08: Authorizing Retention of Legal Counsel*

Mr. Ramey summarized that they have considered a number of alternatives in the past regarding legal counsel, and he still recommends a retainer for services. The letter of engagement is drafted essentially the same as the current year, carrying forth the same financial agreement.

Mr. Wojtkowski made a motion to adopt resolution 97-08. Mr. Middelkamp seconded the motion. Ms. Garino asked why there were so many additional hours in the month of May. Mr. Ramey explained he held a number of meetings with Mr. Martin to review the Rules.

Mr. Bruer requested that they renew the contract for legal services on a two year rather than a one year basis. The sixty day termination clause would cover a change in service if such a change became necessary. Ms. Garino asked Mr. Ramey if a two year contract would pose a problem with the County budgeting process. Mr. Ramey stated he could not identify a problem. Mr. Wojtkowski responded that the legal environment does not change drastically over time, and as it is no trouble to review the number of hours and approve the contract annually, it would be to the Commission's benefit to do so. As a matter of fiscal responsibility, he stated there is no advantage to committing for more than one year.

Mr. Bruer replied the Commission has matured to a point where they no longer need to make decisions on a short term basis. Retaining a two year contract would parallel the arrangement for the Director's services. Ms. Garino asked if it is advisable to lock Mr. Martin in at this rate if they may decide to attempt legislative changes in the future. Mr. Middelkamp stated that the sixty day clause in the contract allows for renegotiation as well as cancellation.

Mr. Bruer made a motion to amend the original motion to extend the agreement to two years. Ms. Garino seconded the motion. Mr. Frager agreed with Mr. Wojtkowski that the Commission does not gain anything from extending the length of the contract. He argued it behooves the Commission to review every year and determine whether this is the best way to retain legal services. Roll call vote: Ayes - Bruer, Haddock, Wingron Nays - Frager, Garino, Middelkamp, Wojtkowski Abstentions: Saulsberry. *The motion failed.*

The original motion, to adopt the resolution as submitted with the letter of engagement for one year, was put to a vote. Roll call vote: Ayes - Bruer, Frager, Garino, Haddock, Middelkamp, Saulsberry, Wingron, Wojtkowski Nays - None *The motion passed.*

OLD BUSINESS

A. Approval of Summary and Decision re: BC9703 - Landor Area Annexation - City of Bella Villa

Mr. Middelkamp made a motion to approve the Summary and Decision for BC9703. Mr. Frager seconded the motion. Roll call vote: Ayes - Bruer, Frager, Garino, Haddock, Middelkamp, Saulsberry, Wingron, Wojtkowski Nays - none *The motion passed.*

B. Approval of Summary and Decision re: BC9704 - Transfer of Jurisdiction - Kiefer Creek Farms Subdivision - Cities of Ellisville and Wildwood

Mr. Middelkamp made a motion to approve the Summary and Decision for BC9704. Mr. Frager seconded the motion. Roll call vote: Ayes - Bruer, Frager, Garino, Haddock, Middelkamp, Saulsberry, Wingron, Wojtkowski Nays - none *The motion passed.*

C. Discussion re: Annual Report as submitted by Legislative Review Committee

Mr. Ramey stated that there were four items outstanding from the previous meeting's discussion of the Annual Report. The base document was approved with the exclusion of those four items which were listed and reviewed in the memo to the Commission. Mr. Frager submitted comments which were distributed at the meeting. Mr. Frager suggested they address each issue separately, and Ms. Wingron asked if that process was acceptable to the Commission. Mr. Middelkamp agreed it would make any changes easier to follow.

Mr. Frager recommended the format for the table of contents be altered to separate the new introduction from the four remaining sections of the report. He also suggested that the introduction clearly outline those four sections by dividing the information into separate paragraphs with corresponding headings.

Mr. Frager also offered some general comments on the TGA section. He emphasized the importance of defining the context of this section because these are not specific recommendations. He suggested some of the information provided would be of no interest to the legislature. Mr. Wojtkowski stated it would be inaccurate to say that the Commission's position is unresolved because there was no disagreement to the recommendation of the Rules Committee. The Commission agreed not to make a rule change, and to allow each member to weigh the matter independently.

Mr. Frager stated that in his opinion the entire section can be deleted, but if the Commission wants it included, they need to determine what information belongs. Mr. Bruer stated that as written, it implies this issue remains a major obstacle to the Commission, yet each Commission member weighs the matter individually. He argued this section does not reflect the consensus reached by the Commission.

Ms. Garino stated she perceives this to be a major issue, and although they may not agree on how to weigh TGA participation, it is inappropriate to ignore the existence of the issue. It has absorbed considerable discussion time, and the County has demonstrated repeatedly that it is a major concern of theirs. She argued the Commission should recognize that the TGA has proven a contentious issue.

Mr. Wojtkowski agreed that every time the TGA is addressed, it consumes a large amount of time in discussion. But to reach a decision, the Commission does not require participation because it factors differently with each member and in each proposal. It bares mentioning that participation in the TGA is an issue, and he has no problem with the section as written.

Mr. Martin suggested that it appears the Commission has no problem with the first two paragraphs in this section, rather it is the last two which attempt to explain all the various opinions that are being disputed. He recommended excluding those two paragraphs with the exception of the last two lines of the last paragraph which state the recommendation of the legislative committee that this issue requires further study. Mr. Middelkamp replied that the Rules committee addressed this issue and decided not to make a change in the Rules.

Ms. Garino raised concerns about dropping those two paragraphs. Mr. Bruer suggested that the Commission present the issue as a result of pressure from external sources rather than an internal problem. It represents a conflict between the proposing agent and the County that the two parties want the Commission to resolve.

Mr. Frager suggested they state before the last sentence of the third paragraph that "The proposing agents and the County are concerned ..." instead of "Additional concerns...". Ms. Garino asked if it was accurate to suggest the County is concerned that the municipalities may not benefit from the TGA funds. Mr. Frager stated they want to present the arguments raised by both sides on the issue. The Commission agreed to delete the third and fourth paragraph with the exclusion of the last sentence in each paragraph, and include language that indicates the concerns are those raised by outside parties.

Mr. Frager pointed out that under section IV, *the legislative review committee*, instead of revising §72.403(3) they should incorporate that information in item F of section III, under *factors for review*. This would prevent offering a vague conclusion in this section and avoid repetition. Ms. Garino agreed if they also provide the applicable statutory reference in item F for clarity.

Mr. Frager suggested that §72.405(4) addresses approvals that involve more than two jurisdictions. Ms. Garino asked Mr. Martin if he was able to interpret what this section means, because if not, it requires clarification. Mr. Frager replied that the section grants the Commission the authority to do something

additional, but it does not address a compulsory requirement. Mr. Martin replied that in developing the Rules, they spent considerable time debating what this means, and whether this provision could be interpreted in the context of the statutory section. Mr. Ramey agreed that the problem stems from how to convey to a proposing agent what the statute means, and he would not read this provision the same way. Mr. Martin agreed that the section addresses consolidations, but in this context, the intention is not clear. The words by themselves are not the problem, it is the meaning of the language in relation to the other provisions. Mr. Wojtkowski suggested they keep this conclusion in the Report.

Mr. Frager had no suggestions regarding the changes to 72.405(6)(2) which was divided into two separate sections. Mr. Frager made a motion to approve the changes made to the remaining sections of the Report. Mr. Saulsberry seconded the motion. Roll call vote: Ayes - Bruer, Frager, Garino, Haddock, Middelkamp, Saulsberry, Wingron, Wojtkowski Nays - none *The motion passed.*

ELECTION OF OFFICERS FOR 1998

Ms. Wingron opened the floor to nominations beginning with the position of Chairperson. Under the open meeting laws, the ballots could not be secret.

Mr. Wojtkowski nominated Mr. Frager for Chairperson. Mr. Saulsberry seconded the motion. Mr. Frager nominated Mr. Rehagen. Mr. Wojtkowski seconded the motion. Mr. Bruer nominated Ms. Garino. Mr. Middelkamp seconded the motion.

Mr. Wojtkowski stated that Mr. Rehagen's past experience as mayor of a municipality, the respect he has earned in the area, as well as his presence at the founding of the Commission, makes him an ideal candidate for Chair. He continued to say that Mr. Rehagen does not allow his municipal ties to sway his opinion, he clearly votes in line with the charge of the Commission. Mr. Frager stated that he would help to facilitate meetings. Mr. Bruer stated that Ms. Garino played an important role in the authorship of both the Rules and By-laws which constitute the process by which they govern themselves. Not to detract from the importance of anyone else's contributions, but it was mainly her initiation, effort and experience that got the Commission off the ground. He concluded that she would make an excellent Chairperson. Ms. Wingron commented that Ms. Garino has helped her considerably in her role as Chair, presiding over a number of meetings and public hearings. The staff collected the ballots and declared a tie between Ms. Garino and Mr. Rehagen.

Mr. Saulsberry asked who was the Chair before Ms. Wingron. Ms. Wingron stated that Ms. Barbara McGuinness was the Interim Chair, but stepped down after two months. They agreed at that time the officers would not succeed themselves in the same positions.

Ms. Garino stated that the role of Chairperson requires more than just running a meeting, there is work in between time that requires advisement, and she questioned the wisdom of selecting someone to fill this position without their knowing and accepting the responsibility due to their absence that night. Ms. Haddock asked what would happen if Mr. Rehagen declined the position. Mr. Ramey stated the next officer would move up to take his place. Mr. Ramey explained that they could conceivably hold over elections until the subsequent meeting in January. Ms. Wingron questioned whether Mr. Rehagen would be in town because he is usually gone the month of January. Mr. Frager suggested they vote again. By ballot vote, the Commission elected Ms. Garino to serve as Chairperson.

Ms. Haddock nominated Mr. Wojtkowski as First Vice-Chairperson. Mr. Saulsberry seconded the motion. Mr. Wojtkowski nominated Mr. Frager. Mr. Saulsberry seconded. Ms. Garino nominated Mr. Middelkamp. Mr. Bruer seconded. Mr. Frager stated that if need be, he is willing to serve, but the position is not important to him. By ballot vote, the Commission elected Mr. Middelkamp to serve as First Vice-Chair.

Mr. Frager nominated Mr. Wojtkowski as Second Vice-Chairperson. Mr. Saulsberry seconded. Ms. Haddock nominated Mr. Saulsberry. Mr. Frager seconded the nomination. Ms. Garino nominated Mr. Bruer. Mr. Middelkamp seconded the nomination. By ballot vote, the Commission elected Mr. Bruer to serve as Second Vice-Chair.

Mr. Bruer suggested they consider eliminating the position of Treasurer since the Director and the Budget Committee actually determine the budget for the Commission. The function of reviewing and signing invoices can be performed by any officer; the position they created is more ceremonial than functional. Mr. Frager asked if they could combine the positions. Mr. Ramey stated the By-laws govern the officers, and there is no legal prohibition. Mr. Wojtkowski stated that if these are positions created in the By-laws, it will require a change to eliminate the position, which would need to be addressed after the new year. Mr. Bruer nominated Mr. Frager to be Treasurer. Mr. Wojtkowski seconded the motion. Ms. Haddock nominated Mr. Youngblood. Mr. Wojtkowski nominated Ms. Haddock. Mr. Saulsberry seconded. By ballot vote, the Commission elected Mr. Frager to serve as Treasurer.

ADJOURNMENT

Mr. Saulsberry made a motion to adjourn. Mr. Middelkamp seconded the motion. Voice vote: Ayes - All Nays - none *The motion passed.*

This being a memorandum of the activities at this meeting.

Respectfully submitted,
Carl E. Ramey
Executive Director

Approved January 6, 1998