

BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI
MEETING MINUTES

September 27, 2022

ROLL CALL

Commissioners Present: Rick Dorsey (via proxy), Tom Mooney, Ann Pluemer (via proxy), Stephanie Robinson (via Zoom), Tom Schneider, Kathy Schweitzer, Ben Uchitelle, and Steve Wegert

Commissioners Absent: None

Commission Staff Present: Michelle Dougherty, Executive Director (via Zoom)
Michael Hart, Legal Counsel

Others present: Jacob Trimble, Acting Director of Planning for St. Louis County
Paul Weatherford, St. Louis County Planning Department
Shawn Edghill, Planning Technician, City of Ballwin
Eric Sterman, City Administrator, City of Ballwin
John Dodge, City of Manchester

Chairman Wegert called the meeting to order at 6:33 p.m., September 27, 2022 in the 1st Floor Conference room of 231 S Bemiston, Clayton MO 63105, online via Zoom, and livestreamed to YouTube with accommodations made for the public to attend as well.

ROLL IS CALLED – QUORUM DECLARED

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

Ms. Schweitzer made a motion to accept the proxies of Rick Dorsey and Ann Pluemer. Mr. Mooney seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

APPROVE AGENDA

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

APPROVE MINUTES

Ms. Schweitzer made a motion to approve the minutes of August 24, 2022. Mr. Mooney seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

STAFF REPORT

Ms. Dougherty stated she didn't have much to add to the staff report other than that Julie George (who is helping out with the meeting) and she had been working on some critical updates on the website.

PUBLIC COMMENTS

There was no public comment.

NEW BUSINESS.

A. D&O, EPPL Insurance Renewal 2022-2023.

Ms. Dougherty stated the premium and the coverage remained the same for 2022-2023 as the prior year at \$3,245.

Ms. Schweitzer made a motion to bind the insurance coverage for 2022-2023.

Ms. Pluemer seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

B. Closed Session

There was no closed session.

OLD BUSINESS

A. BC2201 City of Manchester Annexation proposal.

Ms. Schweitzer opened the discussion with inquiries about Manchester's zoning differences with St. Louis County's existing zoning. Chairman Wegert stated he recalled from the proposal and the public hearing that Manchester was going to keep the zoning the same as St. Louis County's. Ms. Schweitzer wanted to make sure that the setbacks etc. of the existing zoning remained applicable should the annexation take place. Chairman Wegert affirmed that that was his understanding as well. Mr. Mooney asked what Ms. Schweitzer's concern was. She explained that if a homeowner wants to make changes such as a pool or deck and the setbacks are different in Manchester from St. Louis County, that could make the property non-conforming and wondered about the process a homeowner would have to go through and would that process allow the homeowner to do what they are currently allowed to do under St. Louis County's zoning.

Ms. Schweitzer also had a question relative to the tax impact. She said City of Manchester estimates \$2,130,000 in revenue and \$2,095,000 in expenditures. The County's estimates are significantly higher. Chairman Wegert asked Ms. Dougherty if she recalled that question being discussed earlier. Ms. Dougherty stated she didn't recall it. She said the information in the worksheet came from the proposal and the county's report but that she didn't analyze why things are different. Chairman Wegert directed Ms. Dougherty to seek clarification from the two entities regarding this difference.

Mr. Uchitelle inquired about the proposed rebate program the City of Manchester and that St. Louis County statement that they thought it was illegal. His question for the County was will it bring a lawsuit to say it's illegal. Would the city of Manchester still go ahead with the rebate?

Mr. Uchitelle also discussed the county park in the annexed area and Manchester saying if the annexation occurred that they would make every effort to take the park from St. Louis County. Would the city of Manchester cover the costs of a county-wide vote?

Chairman Wegert clarified that the rebate program was directed toward the property taxes not the trash service. He stated the city believes they are within the legality of the law and the County didn't and that's why they have

attorneys. Mr. Hart stated both entities have their opinion and if they wanted, he'd do more research. Chairman Wegert said that wasn't necessary. Mr. Uchitelle continued that his question he wanted clarification on is the County prepared to file a lawsuit to back up its assertions and when would that be? Mr. Hart replied that any lawsuit would come after the Commission's vote, and he questioned whether the county would have standing to assert that but it would have to be a resident of Manchester to bring such a suit saying it was an improper giveaway. He questioned whether the county could bring a suit against a municipality for a rebate it gives its own citizen. Mr. Hart further clarified that this all rests on if the annexation is approved by the Commission and then passes at the ballot box. Mr. Uchitelle stated he wished for clarification on the county's stance. Chairman Wegert directed Ms. Dougherty to add it to the list of commissioner questions.

Chairman Wegert commented on Mr. Uchitelle's question about Love Park. He stated he believed the county was on record stating it had no interest in giving up control of Love Park and that is not inconsistent with county parks in other jurisdictions. Mr. Uchitelle wanted more clarification on Manchester's intent on bringing the park into Manchester. Chairman Wegert stated he thought that wouldn't happen if the parties were not in agreement. Mr. Uchitelle countered that Manchester stated in its proposal to have an election to acquire the park. Mr. Uchitelle wondered if Manchester was willing to cover the costs of such an election. Mr. Hart stated he believed that the citizens had changed the county charter that any time a county park was going to change from being a county park it would have to be done by a countywide vote.

Chairman Wegert had two questions relating to the proposal. The first one was whether the Commission had received an amended legal description clearing up the areas where the proposed annexation boundaries only went to the centerline of the road. Ms. Dougherty stated that the Commission had not received an amended legal description from Manchester and that it was up to Manchester to provide it. The other topic he was interested in was the police services and Manchester's statement to hire 12 new officers. He wondered how many officers the County had for that area. Ms. Schweitzer stated on page 17 St. Louis County has 6 assigned officers to the annexation area. Chairman Wegert said it could be a benefit to the County that they would then be able to deploy those six officers elsewhere. He also wondered about the difficulty in hiring employees for any jobs these days and what sort of difficulty it could present Manchester in finding the twelve officers they've proposed.

Mr. Mooney asked Mr. Uchitelle about his concern on Love Park staying under county control or going to the City of Manchester and what sort of impact that would have on the Commission's decision. Mr. Uchitelle responded it was a matter of information because some of the citizens stated the park wasn't well policed and that Manchester would do a better job at

patrolling the park. Mr. Mooney stated that would make it a quality-of-life issue.

Mr. Uchitelle wondered about the difference in the number of County police assigned to the annexation area and the proposed number Manchester would hire. Ms. Schweitzer replied based upon what Manchester wrote in the proposal that Manchester would be hiring 12 for the whole city. Mr. Mooney stated it could be that they will assign 4 per shift.

Ms. Dougherty clarified for the people in the room that no decision was made on Manchester, and it will just remain on the agenda until a vote has been taken. Chairman Wegert agreed that the commission was still in its review and deliberation stage, and it was important they take their time and that everyone had a chance to discuss.

B. BC2202 City of Ballwin's Simplified Boundary Change: Annexation of Cascades Subdivision

Mr. Hart said Ballwin had submitted a legal description that the County in their response said the provided legal description was larger than the subdivision and included a part of a school and part of a road and registered those issues. Ballwin submitted a revised legal description that eliminates the area to the east under concern and all of Reis road. Mr. Hart said the commission needed to accept the legal description. However, Mr. Hart said he received late this afternoon an email from St. Louis County requesting a new legal description instead of an amended one.

Mr. Uchitelle asked if the Chairman was suggesting they delay a decision on BC2202 until the legal description issue is resolved.

Ms. Dougherty stated the Commission would still be within the four-month time frame if they made their decision at the October meeting.

Mr. Hart stated he didn't know what the county's objection was to the amended legal description. Mr. Hart asked Jacob Trimble for clarification. Chairman Wegert requested that the County submit their clarification in writing and that the entities talk offline to resolve the issue.

Chairman Wegert said the Commission will take this up again at the October meeting and hopefully everything will be resolved by then.

Ms. Schweitzer stated the objection to the amendment popped up today. She offered that hopefully the explanation could occur via email so that people will not be hanging in limbo. Chairman Wegert stated that he thought that that was what he'd proposed.

Mr. Hart stated the legal description issue only affected Cascades and not Charleston Oaks.

- C. BC2203 City of Ballwin's Simplified Boundary Change: Annexation of Charleston Oaks Subdivision
Ms. Schweitzer asked if there were any legal description issues with BC2203.
Mr. Hart said there were none.

Mr. Schneider made a motion to approve BC2203 City of Ballwin's Simplified Boundary Change: Annexation of Charleston Oaks Subdivision.
Ms. Schweitzer seconded the motion.

Roll Call Vote
Rick Dorsey – Y
Tom Mooney – Y
Ann Pluemer – Y
Stephanie Robinson – Y
Tom Schneider – Y
Kathy Schweitzer – Y
Ben Uchitelle – Y
Steve Wegert – Y

The motion passed.

Mr. Uchitelle made a motion to approve BC2203 Simplified Boundary Change without needing an election with an effective date of ninety days from today. Ms. Schweitzer seconded the motion.

Mr. Schneider made a point of order and offered an amendment of making the effective date January 1, 2023. Discussion ensued. Ballwin stated they would be happy with whatever the Commission decided. Ms. Schweitzer asked if Mr. Uchitelle would accept the amendment to his motion. Mr. Uchitelle agreed.

Mr. Uchitelle amended his motion to approve BC2203 Simplified Boundary Change without needing an election with an effective date of January 1, 2023. Ms. Schweitzer seconded the motion.

Roll Call Vote
Rick Dorsey – Y
Tom Mooney – N
Ann Pluemer – Y
Stephanie Robinson – Y
Tom Schneider – Y
Kathy Schweitzer – Y
Ben Uchitelle – Y
Steve Wegert – Y
Ayes 7, Nays 1, *The motion passed.*

ADJOURNMENT

Mr. Dorsey made a motion to adjourn. Mr. Mooney seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.* The meeting was adjourned at 7:17 p.m.

Respectfully submitted,
Michelle Dougherty
Executive Director

Approved: October 25, 2022