

BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI
MEETING MINUTES

October 25, 2022

ROLL CALL

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

Commissioners Absent: Stephanie Robinson

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

Others present: Paul Weatherford, St. Louis County Planning Department
Shawn Edghill, Planning Technician, City of Ballwin
Eric Serman, City Administrator, City of Ballwin
Justin Klocke, City Administrator, City of Manchester,
Paul Rost, Legal Counsel, City of Manchester
Darren Wernig, Communications Specialist, City of Manchester
Barbara Funke, Trustee, Cascades Subdivision

Chairman Wegert called the meeting to order at 6:30 p.m., October 25, 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.

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

APPROVE AGENDA

Mr. Mooney 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 September 27, 2022. Mr. Uchitelle seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

3rd QUARTER FINANCIAL REPORT

Ms. Dougherty stated the Commission is on target with its budget. She noted the Commission is benefitting from the two free months of rent as per the lease agreement.

STAFF REPORT

Ms. Dougherty stated the Commission had received the check from Normandy to cover the processing costs from their withdrawn proposal in 2020. She also stated Normandy

advised that they won't be submitting their plan of intent this month and are working on updating it.

PUBLIC COMMENTS

Justin Klocke entered comments into the public record. They are attached at the end of this document.

Eric Sterman of the City of Ballwin spoke on behalf of the BC2202 proposal. He discussed the legal description issue that was identified last meeting. He stated that Ballwin and the County had been able to resolve the issue. He hoped there were no more concerns but if there are several representatives from Ballwin were there to answer any questions.

Barbara Funke a trustee of Cascades Subdivision spoke on behalf of the BC2202 proposal. She talked about her subdivisions efforts to become part of Ballwin. She encouraged the Commission to approve the proposal. She stated she wants to be a part of a community and no longer part of unincorporated St. Louis County.

NEW BUSINESS.

A. Sunshine/FOIA requests policy on fees

Chairman Wegert started the discussion about the Sunshine Policy of the Commission. Mr. Dorsey stated the Commission needs to have a fee schedule for Sunshine requests. Mr. Uchitelle asked what the fees were. Ms. Dougherty stated that the last time they charged for copies it was 10 cents/copy. Mr. Dorsey suggested the Commission draft and adopt a rule that allows for fees for research related to fulfilling sunshine request.

Mr. Schneider stated he felt the Commission should be reasonable and not excessive in charging fees.

Mr. Uchitelle asked if the Commission had been supplying a lot of paper copies. Ms. Dougherty stated everything had been done electronically. She referred to the amount of time she spent assembling the public comments for the City of Manchester. Chairman Wegert asked if the public comments were on the website. Ms. Dougherty replied that prior to her becoming executive director none of the proposal information was on the website. She has worked to put the current and past and historical proposal information on the website. She said she hasn't included the public comment on the website, although they are available for the public to view at the office, because of the personal information of the commenters.

Chairman Wegert stated he agreed with Mr. Schneider on keeping the fees reasonable. Mr. Dorsey stated he felt the Commission needed to establish a rule and that levels could be established within it.

Mr. Schneider said he felt anything over two hours of admin time should be charged for. Mr. Uchitelle asked if Mr. Hart would put together a rule. Chairman Wegert requested that Mr. Hart also review what other municipalities are doing.

Mr. Hart said he'd have it for the Commission's December meeting.

B. Hart Law Firm fee increase for 2023

Mr. Hart explained the changes in the engagement letter. He stated there is an increase in the fees to \$200 hour. Mr. Mooney asked for the percentage of increase. Mr. Hart stated it had been several years since there'd been an increase. Ms. Dougherty stated it was a \$15/hour increase.

Mr. Dorsey made a motion to accept the new engagement letter for Hart Law Firm. Mr. Uchitelle seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

C. Closed Session

There was no closed session.

OLD BUSINESS

A. BC2201 City of Manchester Annexation proposal.

Chairman Wegert thanked Manchester and St. Louis County for their timely responses to the Commission's questions. He stated the Commission takes their job seriously and their answers help in their deliberation. He stated several members of the Commission are former mayors and attorneys and the Commission members are capable of deciphering the volumes of information received. He stated the Commission receives everything sent to the office, fully intact, for the Commission to review. He stated this year they took advantage of a tool called the Best Interest Test Worksheet to help in evaluating but that all the decisions are theirs alone.

Mr. Dorsey stated that it is in Manchester and the County's best interest that no action take place tonight because the Commission is missing members at tonight's meeting. He suggested putting it off until the next meeting for a robust discussion with all members present.

Mr. Uchitelle stated the deadline is February and that the Commission has had discussions and received answers to their questions. He said he wanted to have time to review and digest the letter Mr. Klocke read to the Commission. He agreed with Mr. Dorsey about pushing a decision off to the next meeting.

Mr. Mooney said he had not had a chance to review the latest batch of information from Manchester and the County and was hoping the Commission would not make a decision tonight.

Mr. Uchitelle said he had a few questions though he wanted to discuss. He wanted to know about the pockets of the unincorporated area that would happen should the annexation come to pass. He referred to 72.403 (3) about when the Commission shall approve a proposal if it's in the best interest of Manchester, the area to be annexed, St. Louis County, and the remaining unincorporated area.

Chairman Wegert stated those pockets are small areas and there is no rule that states the County can't be in Manchester's territory to service their citizens. Chairman Wegert stated he felt it wasn't going to be difficult for the County to serve these pockets.

Mr. Uchitelle asked if the Commission could tell Manchester to add these pockets. Mr. Hart stated the statute is ambiguous about what the Commission can tell a proposing agent to amend in its proposal. Mr. Hart said the Commission has taken a position they don't want to ask a proposing agent to change their proposal because it gives the impression that the Commission would approve if those changes were made.

Ms. Dougherty stated that those potential unincorporated pockets were not in Manchester's Map Plan, so they are precluded from having them in their plan of intent. She stated that proposals cannot be larger than what their Map Plan was. Mr. Uchitelle asked why Manchester didn't include it in their Map Plan.

Mr. Dorsey said this request would require Manchester to withdraw its proposal, then submit a new map plan when the cycle reopens in 2024, then wait until 2025 to resubmit a new plan of intent. He stated that would be leaving Manchester without a decision for nearly three years.

Mr. Dorsey asked Mr. Klocke to send to the Commission the information he got from St. Louis County regarding the police response times. He stated the County had not responded to his question about if the County's police response times included all types of emergency calls. He stated he'd asked three times and hasn't gotten an answer.

Mr. Dorsey continued and referred to the Valley Park case that had gone to the Supreme Court. He said that case had turned on the amount of tax increase to the Peerless Park and the loss of revenue to St. Louis County was de minimis. Mr. Hart explained more about the Supreme Court findings in the Valley Park 1 case.

Mr. Uchitelle returned to the question about the unincorporated pockets and why they weren't included on the original Map Plan.

Mr. Uchitelle then asked about the County Park and whether Manchester was interested in funding an election to bring the park under their control.

Chairman Wegert asked Mr. Dorsey in his years on the Commission how did the Commission address the three points in the statute. Mr. Dorsey stated in Valley Park 2 the Commission reviewed each factor and determined it was a wash. He stated that Valley Park hadn't made their case that it was in the best interest of all concerned.

Mr. Uchitelle brought up the issue of the rebates in the proposal. He said the County says it's illegal; Manchester says it is. He asked for Mr. Hart's

opinion. Mr. Hart stated there would need to be a concrete plan for a judge to rule on. Mr. Dorsey stated he had a problem with the County's statement about it being illegal because it was coming from the Planning Department and not the County Attorney.

Chairman Wegert said since there was no more discussion tonight it would be held over until the next meeting.

- B. BC2202 City of Ballwin's Simplified Boundary Change: Annexation of Cascades Subdivision
Chairman Wegert stated the legal description issue had been resolved between Ballwin and St. Louis County. Mr. Hart detailed the changes: metes and bounds, removing the school, and including all of Ries Road. Mr. Hart said it had been circulated to the Commission

Mr. Dorsey made a motion to approve the legal description amendment as an amendment to Ballwin's proposal, BC2202. Mr. Schneider seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. Dorsey made a motion to approve BC2202 City of Ballwin's Simplified Boundary Change: Annexation of Cascades Subdivision. Mr. Schneider seconded the motion.

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

Mr. Dorsey made a motion to approve BC2202 Simplified Boundary Change without needing an election with an effective date of January 1, 2023. Mr. Schneider seconded the motion.

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

The motion passed.

C. BC2203 City of Ballwin's Simplified Boundary Change: Annexation of Charleston Oaks Subdivision

Mr. Dorsey made a motion to approve the Summary of Decision for BC2203 City of Ballwin's Simplified Boundary Change: Annexation of Charleston Oaks Subdivision. Mr. Uchitelle seconded the motion.

Roll Call Vote

Rick Dorsey – Y
Tom Mooney – Y
Ann Pluemer – Y
Tom Schneider – Y
Kathy Schweitzer – Y
Ben Uchitelle – Y
Steve Wegert – Y

The motion passed.

There was discussion about having the next meeting on November 15, 2022. Mr. Schneider suggested that the Commission move the meeting to November 22, 2022. The group agreed to move it to the 22nd of November so Ms. Dougherty could be in attendance.

ADJOURNMENT

Mr. Dorsey made a motion to adjourn. Ms. Schweitzer seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.* The meeting was adjourned at 7:29 p.m.

Respectfully submitted,
Michelle Dougherty
Executive Director

Approved: December 13, 2022