

**BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI
MEETING MINUTES
July 25, 2000**

ROLL CALL

Commissioners Present: Matt Armstrong, Jane Arnold, Bob Ford, Agnes Garino, Thomas Hayek
Dee Joyner, Greg Kloeppe, Ilene Ordower, Johnnie Spears, and Donald Wojtkowski.
Commissioner Absent: Mr. T. Armstrong

OTHERS PRESENT

David Hamilton, Legal Counsel to the Boundary Commission
Lori Fiegel, St. Louis County Planning Department
Tim Fischesser, Municipal League
Dan Krasnoff, Boundary Commission Executive Director

Call To Order

The meeting was called to order by Mr. Wojtkowski at 6:30 p.m. on July 25, 2000. The meeting was held at the offices of the Boundary Commission, 1516 S. Brentwood Blvd., Brentwood, Missouri.

ROLL IS CALLED - QUORUM DECLARED

The roll was called, and a quorum declared by Mr. Wojtkowski

APPROVE MINUTES

Mr. Wojtkowski asked if there were revisions to the minutes from the June 27th meeting. There were no requested changes. Ms. Joyner made a motion to approve the minutes of June 27, 2000. Ms. Ordower seconded the motion. Voice vote: Ayes: All. Nays: None. *The motion passed.*

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENTS/COMMUNICATIONS

There were no announcements or communications.

EXECUTIVE DIRECTOR'S REPORT

Mr. Krasnoff's time was mostly spent on budget preparation and map plan coordination.

COMMITTEES

A. Budget Committee

Ms. Joyner and Ms. Garino met with Mr. Krasnoff. Upon discussion with the County Budget Office, it was not required that the Commission approve a budget at the July meeting. Ms. Joyner gave a brief description of the revised FY 2000 budget and proposed FY 2001 budget:

FY 2000 Budget

Items such as computers, faxes and cell phones were called out with the necessary expenditure

shown on the spreadsheet.

The following major issues were addressed:

- Postage was left alone in case it was needed for the busy period of public hearings.
- There were more than enough funds for temporary staff, at 25 hours per week and Professional Services (legal), at 30 hours per month.
- A cell phone was included in the Telephone line item because the Executive Director would be at site visits and appointments out of the office.
- Funding for Internet access was proposed through the Computer and Permanent Maintenance line item. Any leftover funds could be applied to upgrading the software needs of the Commission.
- Because the Commission's schedule had changed, only about half the funds in the Food Materials and Supplies category would be spent.
- Funds in the Computer Software line item would be used for the basic operating package for a new computer and specialized mapping software.
- A new fax machine was proposed to be purchased under the Minor Office Furniture and Equipment category. Mr. Krasnoff said this equipment might be moved to a different line item.
- The Commission's insurance, a line item in the Other Expenses category, would expire on September 21, 2000 and therefore, required immediate attention. Mr. Wojtkowski said, assuming no Commissioners objected, Mr. Krasnoff and Mr. Hamilton should review the policy and if they find it satisfactory, have it renewed.
- Funds under Office Furniture and Equipment would be used to purchase a new computer. It was anticipated, including upgrading the office equipment, there would be approximately \$46,500 left in the budget at the end of FY 2000.

Mr. Wojtkowski suggested finding a computer that would include a fax machine. Mr. Armstrong said the \$1,800 figure for the computer was low. Ms. Joyner said Mr. Krasnoff had to acquire the necessary equipment to appropriately operate the Commission office. Mr. Krasnoff was instructed to proceed with the budget through the rest of the year. He was also instructed to bring the Commission a recommendation regarding computer requirements.

Mr. Wojtkowski said no motion was necessary regarding the FY 2000 presentation.

FY 2001

Funds and Wages and Payroll Fringe:

- A 5% "merit" increase for the Executive Director, on the anniversary of their employment was shown. Ms. Joyner said this amount was available if the Commission decided to grant a salary increase.

Purchased Services and Utilities:

- The Professional Services line item included no litigation contingency.
- Other Personal Services accounted for a temporary office worker for 25 hours per week.
- The Telephone line item reflected a cell phone for the Executive Director.
- No increase was added to the amount in the Rental and Lease of Real Property line item,

although the Commission's lease at its current location would expire on September 30, 2001.

- There were no substantial changes in other line items within this category.

Commodities and Supplies:

- Ms. Joyner said the amount for technology upgrades should decline from the amount spent in FY 2000 based on anticipated improvements in the current year.
- The Insurance line item may be increased based on the effort to renew the existing Commission's insurance.
- The possibility of purchasing a new laser printer with funds from the Office Furniture line item.
- The Food Material and Supply line item was cut in half from the original FY 2000 line item.
- There were no substantial changes to other line items in this category.

The draft FY 2001 budget was recommended to increase to \$179,745.

Ms. Joyner said the County had directed all departments that budgets should not be increased above last year. The proposed budget was fiscally sound, and many items required no increase. The overall increase was mainly due to the need for clerical support for the Commission. Mr. Krasnoff talked to Mr. Kendrick from County Administration. Mr. Kendrick recommended the Commission submit a "zero growth" budget with a cover letter explaining the need for any increases. The Commission agreed that the budget submitted should reflect any increases to properly support its activities.

Ms. Garino suggested contacting Mr. Rothman regarding the future of rents and the continued operation of the building. Mr. Wojtkowski suggested increasing to \$17 per square foot the funds for office space for the final three months of FY 2001. He also suggested finding space with a flexible conference room situation to maximize the Commission's cost efficiency. A real estate broker should be contacted to help in the search.

Mr. Wojtkowski suggested a contingency for litigation, directing an inquiry about County policy to Ms. Fiegel. Ms. Fiegel suggested talking with the Budget and County Counselor's offices regarding the legal contingency issues. There was substantial sentiment from the Commissioners that these funds must be available. Ms. Joyner suggested a supplemental appropriation would be a good way to ensure extra funds were available. Mr. Krasnoff stated that municipalities applying for Plans of Intent will add funds to the budget not shown in the draft FY2001 budget, but an estimate of this income was difficult to surmise. Pam Reitz, from the Budget Office, recommended Mr. Krasnoff speak with Don Roddy from Fiscal Management about the proper categorization of these funds.

Mr. Armstrong and Mr. Kloeppe said the Commission might obtain litigation insurance. It was unknown by anyone present whether such insurance was available.

Mr. Hamilton said that extra litigation costs result from discovery and depositions, not research.

Mr. Wojtkowski suggested a modest 5% litigation contingency be placed in the Professional Services line item. If more were required as circumstances warrant, the Commission could go back to the County to request extra funds.

Mr. M. Armstrong said the proposed Internet allocation was too low and that a comprehensive web site was desirable for the Commission. This would require commercial DSL rates of approximately \$100-\$140 per month. Ms. Ordower expressed concern about the cost to create such a web site. Mr. Hamilton said his firm found costs to create a new web site to be \$3,000-\$9,000. The cost of putting map plans on the site would probably be more expensive because it is so labor intensive. Mr. Hayek expressed concern about liability if the web site had false information.

Ms. Garino asked if the Commission could use a County web site. Ms. Fiegel said the County did have a web site. Ms. Garino suggested contacting the County about a very basic web site that would show meeting minutes, meeting agendas, public hearing dates, etc. Ms. Joyner said a simple web site would be best.

Mr. Krasnoff suggested an intermediate Budget Committee meeting to weigh web site research questions. He also asked for some direction from Commissioners about a projection for FY 2002 & FY 2003. Ms. Joyner said the Budget Committee would meet again before the next Commission meeting where Mr. Krasnoff would provide the results of his research based on the July Commission meeting and suggest any further changes in the budget.

OLD BUSINESS

A. BC9905 - Carsonville Area Annexation - Village of Bel Ridge

Mr. Krasnoff reminded the Commissioners that the election for the Carsonville/Bel Ridge annexation was coming the first week in August. He said State Senator Wayne Goode had asked about the rules of the election, specifically, whether a simple majority was required in each jurisdiction for the annexation proposal to be approved into law. Mr. Krasnoff informed the Senator's office that this was true.

B. City of Florissant vs. Previous Boundary Commission

Mr. Hamilton spoke with Mr. Martin regarding this case. The two sides were unsuccessful in agreeing to a stipulation of facts. A settlement conference was scheduled for October 12, 2000. Within two weeks after the meeting the case was supposed to go to trial.

C. Map Plan Update

Mr. Krasnoff referred Commissioners to the chart and map that accompanied the agenda. Overall, he said there were no major problems with the submissions, with a couple of exceptions. He said there were some problems with a couple of the boundaries but that the process of negotiation and revision of the maps could be used to make clear any ambiguity in the maps themselves.

Mr. Krasnoff had concerns about the plan submitted by Citizens to Incorporate Sappington-Concord and by the City of Ferguson.

Mr. Ford made a motion to accept the submittal of all map plans, subject to the rules of the

Commission, except those from the Citizens to Incorporate Sappington/Concord and the City of Ferguson. Ms. Joyner seconded the motion.

Roll call vote: Ayes: Mr. M. Armstrong, Ms. Arnold, Mr. Ford, Ms. Garino, Mr. Hayek, Ms. Joyner, Mr. Kloepfel, Ms. Ordower, Mr. Spears, Mr. Wojtkowski. Nays: None. *The motion passed.*

Mr. Wojtkowski said the lack of a petition of 5% of the voters within the proposed Sappington/Concord incorporation would invalidate the submission. He asked Mr. Hamilton for his thoughts on this matter. Mr. Hamilton said he felt that by not having the petition the submission failed to comply with the requirements of the statute.

Mr. M. Armstrong made a motion to reject the submitted map plan of the Citizens to Incorporate Sappington/Concord because it was incomplete. Mr. Ford seconded the motion.

Roll call vote: Ayes: Mr. M. Armstrong, Ms. Arnold, Mr. Ford, Ms. Garino, Mr. Hayek, Ms. Joyner, Mr. Kloepfel, Ms. Ordower, Mr. Spears, Mr. Wojtkowski. Nays: None. *The motion passed.*

Mr. Hamilton summarized the situation regarding the City of Ferguson's submission. A letter from the City of Ferguson said the submission was made Monday, July 3, 2000.

Mr. M. Armstrong made a motion to accept the submittal of the map plan from the City of Ferguson, subject to the Commission's rules. Mr. Hayek seconded the motion.

Roll call vote: Ayes: Mr. M. Armstrong, Ms. Arnold, Mr. Ford, Ms. Garino, Mr. Hayek, Ms. Joyner, Mr. Kloepfel, Ms. Ordower, Mr. Spears, Mr. Wojtkowski. Nays: None. *The motion passed.*

Mr. Krasnoff was instructed to compose a letter informing those entities whose map plans were approved for initial submission, subject to the Commission's rules. Mr. Hamilton was instructed to compose a letter to the City of Ferguson explaining the reasons their map plan was considered timely, and an appropriate initial submission, subject to the Commission's rules.

Mr. Wojtkowski said many map plans were quite ambitious and therefore a phasing requirement in the rules would have been helpful. Ms. Joyner asked Mr. Wojtkowski whether requests from the Commission to change map plans should come before or after public hearings. Mr. Wojtkowski said he thought revisions could take place before or after the public hearings. Mr. Wojtkowski said Mr. Krasnoff should outline a public hearing schedule.

Discussion then dealt with the best way to visually portray the submitted map plans, the schedule of hearings, the preparation for public hearings and outcomes from the public hearings. Mr. Krasnoff was instructed to prepare a document dealing with the content of public hearings. He would then confer with Mr. Wojtkowski. A task force of commissioners would convene and report to the whole Commission in time for the August Commission meeting.

Mr. M. Armstrong asked if it were required that submitting entities extend proposed boundaries to the center of rivers, etc. Mr. Krasnoff said there was no legal requirement to do so, but it was within the purview of the Commission to evaluate map plans and other submissions based on

whether it is appropriate, in each situation, to extend boundaries to the edge of rights-of-ways without including them.

New Business

A. Commissioner Conflict of Interest

Mr. Hamilton said it would not be a conflict of interest for Commissioners to vote on a matter affecting an area or jurisdiction from which they are chosen. Regarding the County conflict of interest statute, the question is whether the commission member in question would have a pecuniary interest in a decision, that is, whether they would derive an economic benefit, directly or indirectly.

Ms. Garino stated that under the past Commission there was general agreement that no one would serve simultaneously on the Commission and on any municipal boards. Mr. Hamilton had no concern about the ability of commissioners to serve on local government boards, while they had no pecuniary interest in the outcome and were not elected officials.

VOTE TO CLOSE MEETING FOR THE PURPOSE OF ADDRESSING LITIGATION IN ACCORDANCE WITH SECTION 610.021 (1) RSMo

Mr. Ford made a motion to move into closed session. Ms. Ordower seconded the motion. Voice vote: Ayes: All. Nays: None. *The motion passed.*

VOTE TO OPEN MEETING AND ADJOURNMENT

Ms. Garino made a motion to open the meeting and adjourn the meeting. Mr. Spears seconded the motion. Voice vote: Ayes: All. Nays: None. *The motion passed.*

Respectfully submitted,
Dan Krasnoff
Boundary Commission, St. Louis County
Approved: August 22, 2000