

BOUNDARY COMMISSION  
ST. LOUIS COUNTY, MISSOURI  
MEETING MINUTES

February 22, 2011

ROLL CALL

Commissioners Present: Bob Ford, Thomas Freesmeier, Frank Ollendorff, Bill Sauerwein, John Schuster, and Kathleen Schweitzer. Commissioners Absent: Jack Schwartz and Don Wojtkowski

Commission Staff Present: Michelle Dougherty, Executive Director, Elizabeth Chostner, Legal Counsel.

Others present: Lori Fiegel, St. Louis County Planning Department,

Chairman Schuster called the meeting to order at 6:37 p.m., February 22, 2011. The meeting was held in the 8<sup>th</sup> Floor Conference Room, 41 S. Central in Clayton, MO 63105.

ROLL IS CALLED – QUORUM DECLARED

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

APPROVE AGENDA

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

APPROVE MINUTES

Mr. Ollendorff made a motion to approve the minutes. Mr. Ford seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

REPORTS

Staff Report

PUBLIC COMMENTS

There was no public comment.

NEW BUSINESS

A. Summary of Decision – BC1003

Mr. Ford made a motion to approve the Summary of Decision BC1003 as presented. Mr. Sauerwein seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

OLD BUSINESS

A. BC1001 – Florissant “Area 13”

Mr. Ollendorff asked what happens with the Florissant proposal if the Commission fails to get six votes and it ends up going past the 9-month time limit. Ms. Chostner explained that a motion to accept or deny a proposal must have six votes to pass. If it doesn't get the six votes, the motion fails but that doesn't mean the proposal is denied or approved

(depending upon the motion). If the Commission passes the 9-month period without an approval or denial, the proposal is still pending until it expires and a party can bring a mandamus action to force a vote. Ms. Chostner stated that section 72.416 states that an interested party can bring an appropriate civil action like a writ of mandamus and asks the public entity to do what they are supposed to do, basically to force the commission to come to a decision, not how to vote, but to vote again.

#### B. BC1002 – Valley Park Southwest Equestrian Area

Chairman Schuster stated that even though there were not enough members to put the proposal to a vote, he felt it was important to hold a discussion on the proposal. Chairman Schuster stated the Commission had asked St. Louis County for clarification on a number of questions on the proposal and that the answers had been sent electronically to the group as well as present in hard copy.

Mr. Freesmeier stated he didn't have any questions or concerns at the time but had not had a chance to review St. Louis County's answers but was interested in hearing from those who had attended the public hearing. Ms. Schweitzer's concern was with Drury's interest in the pending decision. Mr. Ollendorff had no concerns. Mr. Sauerwein stated this seemed to be one of the most vanilla, dry proposals he had ever seen. However, he expressed his concern that no residents voiced their concerns whether for or against the proposed annexation. He stated the proposal met the 11-factors of the best interest test.

Mr. Ford expressed a concern in how this annexation area would be attached to Valley Park, that it would create an illogical boundary and that Valley Park had excluded two parcels (although no one lives there currently). Mr. Ford also stated he was suspicious of Drury's sudden interest in the commission's decisions on this proposal. Mr. Ford summarized that he didn't feel the proposal was a good one because it doesn't have good boundaries, doesn't serve St. Louis County's interest, and concerned about the Valley Park's lack of flood plain development language.

There was some confusion about the issue of raising the road out of the flood plain and whether the speaker at the public hearing, Ms. Flotron, was in favor or against the proposal. Mr. Sauerwein stated that the record was clear regarding any Drury interest and that both St. Louis County and Valley Park had stated for the record that they were not aware of any pending development so that would be a non-issue regarding this proposal.

Mr. Ollendorff asked if Valley Park had had a chance to respond to similar questions that the Commission had asked St. Louis County.

Chairman Schuster questioned the question of logical boundaries and the 15% contiguity issue but was willing to take the surveyor's certification. He expressed concern about the road not being raised and a flooding situation created. He was concerned about Valley Park's lack of a flood plain district and that any development allowed in that area would increase flooding. Chairman Schuster also stated that he felt it odd that none of the property owners attended nor submitted any public comment regarding their feelings toward being annexed.

Chairman Schuster encouraged everyone to continue to review the materials and that it would be taken up at the next meeting.

Mr. Ollendorff requested that the Commission ask Valley Park about their knowledge of any plans for the area that Drury Development might have and the impact to the area of changing the flood plain designations to the Valley Park zoning of PD-R and PD-C.

#### D. BC1004 – Grantwood Village “Area B”

Chairman Schuster asked for any discussion on the Grantwood Village proposal. Mr. Ford stated the proposal meets the 15% contiguity but asked if it would still without the Gravois section. Mr. Ford stated he asked at the public hearing why Grantwood Village would want that section of Gravois and the city replied that they wished to control the placement of curb cuts. He stated that the area is Cor Jesu soccer fields and that it is a state highway which determines the placement of the cuts. Mr. Ford also expressed concern about the size of Grantwood Village as far as them being able to develop that large of an area. Mr. Ford stated he didn't think this was a good fit for Grantwood Village and would urge denial. He also raised the concern about the splitting of property lines cross boundaries as another reason why he would not support this proposal.

Mr. Sauerwein stated he felt Mr. Ford contradicted himself. Mr. Sauerwein stated that he felt the County had their shot at developing that area and they failed miserably. He stated he felt the proposal was well thought out and passionate. He remarked about the sheer numbers in attendance at the hearings and the number of people who spoke in support of the proposal. He stated he saw this simply as an effort by the County to control a nice piece of ground and by a city that wanted to protect its residents and the ground around its residents and preserve that area for the future of its city. He felt they met every element, were passionate about the proposal. Mr. Sauerwein felt the idea that the city could not do a good a job in developing it because it was smaller than the county did not exist and urge everyone to review the proposal and the transcript.

Mr. Ollendorff agreed with Mr. Sauerwein. He also reminded the commission about the number of residents from unincorporated area who urged support for Grantwood Village controlling the area instead of St. Louis County. Mr. Ollendorff stated the owners made the case that they don't want to be annexed because it will be easier for them to get what they want at St. Louis County.

Ms. Schweitzer stated she felt Grantwood Village's size would not be a major impediment to their ability to do development. She felt Grantwood Village wanted to annex the area to control development of the area.

Mr. Freesmeier agreed with Mr. Sauerwein that the sheer numbers of people in attendance at the public hearing. He also stated he didn't feel Grantwood Village's size impacted their ability to develop the area.

Chairman Schuster stated he felt the proposal was not thought out very well in part to the turmoil at the time in Grantwood Village's leadership. He stated that the maps submitted were flawed which did not follow the property lines of the parcels which would be split by the annexation. He expressed his concern about the inclusion of a section of Gravois as creating an illogical boundary and that a city doesn't have the ultimate decision over a state highway. Chairman Schuster stated that the people who spoke in favor at the hearing, most did not live in Grantwood Village but in the unincorporated area. They

were upset with the County's lack of concern, lack of respect to their views and he felt they didn't care who took it over as long as it wasn't St. Louis County. Chairman Schuster was concerned about whether the Village planned to improve McNary Road and the Village said it did not. Chairman Schuster reminded the Commission that the owners of the property were opposed to the annexation.

Chairman Schuster reminded everyone to continue to review the proposal and that it would be discussed more at the next meeting.

Chairman Schuster stated that a special meeting needed to be set to discuss and vote on the pending proposals.

Mr. Ford made a motion to set a special meeting for March 8, 2011 at 6:30 p.m. in the 8<sup>th</sup> floor conference room of the St. Louis County Government center to discuss and vote on the pending proposals. Mr. Freesmeier seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

#### D. Closed Session

Mr. Sauerwein made a motion to go into closed session to pursuant to Section 610.021 (1) regarding legal actions and causes of action or litigation and any confidential or privileged communications. Mr. Ollendorff seconded the motion.

#### Roll Call

Bob Ford – Yes

Thomas Freesmeier – Yes

Frank Ollendorff – Yes

Bill Sauerwein – Yes

John Schuster – Yes

Kathleen Schweitzer – Yes

*6 in favor. The motion passed and the closed session began at 7:50 p.m.*

Mr. Ford made a motion to re-open the open meeting. Mr. Sauerwein seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed* and the meeting was reopened at 8:02 p.m.

#### ADJOURNMENT

Mr. Sauerwein made a motion to adjourn. Mr. Ollendorff seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.* The meeting was adjourned at 8:02 p.m.

Respectfully submitted,  
Michelle Dougherty  
Executive Director

Approved: March 22, 2011