

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

**MEETING MINUTES  
January 21, 1997**

**ROLL CALL**

<b>COMMISSIONER</b>	<b>PRESENT (P)/ ABSENT(A)</b>
<b>ED BRUER</b>	<b>P</b>
<b>JULIUS FRAGER</b>	<b>P</b>
<b>AGNES GARINO</b>	<b>P</b>
<b>SCOTT MIDDELKAMP</b>	<b>P</b>
<b>JACK REHAGEN</b>	<b>A</b>
<b>CHARLES SAULSBERRY</b>	<b>P</b>
<b>JACK WIESEHAN</b>	<b>P</b>
<b>ANNA MARIE WINGRON</b>	<b>A</b>
<b>DON WOJTKOWSKI</b>	<b>A</b>
<b>VACANCY</b>	
<b>VACANCY</b>	

**OTHERS PRESENT:**

Carl Ramey - Executive Director  
Steve Martin - Attorney  
Libby Rohlfig - Administrative Assistant

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**CALL TO ORDER**

The meeting was called to order by First Vice-Chairperson Garino at 6:45 PM on January 21, 1997. The meeting was held at the office of the Boundary Commission, 1516 S. Brentwood Blvd., Brentwood, MO 63144.

**ROLL IS CALLED-QUORUM DECLARED**

Carl Ramey called the roll and a quorum was declared.

### **APPROVAL OF AGENDA**

A motion was made by Mr. Middelkamp to accept the agenda as submitted. The motion was seconded by Mr. Frager. Voice Vote: Ayes - All Nays - None *The motion passed.*

### **APPROVAL OF MINUTES**

A motion was made by Mr. Middelkamp to approve the minutes for the Commission meeting of December 17, 1996. The motion was seconded by Mr. Wiesehan. Voice Vote: Ayes - Bauer, Frager, Middelkamp, Saulsberry, Wiesehan. Nays - None. Abstentions - Garino. *The motion passed.*

A motion was made by Mr. Middelkamp to approve the minutes for the Public Hearing of January 7, 1997. The motion was seconded by Mr. Saulsberry. Voice vote: Ayes - Bruer, Frager, Middelkamp, Saulsberry, Wiesehan. Nays - None. Abstentions - Garino. *The motion passed.*

### **PUBLIC COMMENT**

There was no public comment.

### **TREASURER'S REPORT**

A motion was made by Mr. Bruer to accept the Treasurer's Report for the month of December. The motion was seconded by Mr. Frager. Mr. Middelkamp remarked that it was impressive they came in over fifty thousand dollars under budget. Mr. Ramey commented that several encumbrances were made which are funds committed but not yet spent. Mr. Frager asked if travel expenses ended in November. Mr. Ramey replied that funds were encumbered for December travel so Commissioners could still submit their requests for reimbursement. Mr. Bruer requested the report be issued quarterly rather than monthly. Ms. Garino suggested that issue be discussed when more members were present. Voice vote: Ayes: All Nays: None *The motion passed.*

### **ANNOUNCEMENTS/COMMUNICATIONS**

Mr. Ramey announced that he met with representatives from Fenton regarding two potential proposals they are developing. He predicted they will be submitted in sixty to ninety days because the City still has further analysis and some internal decisions to make.

He mentioned that a simplified boundary change is expected from Ellisville as well. The paper that day mentioned the possibility for a transfer of jurisdiction between Wildwood and Ellisville. Also Clarkson Valley discussed a transfer of jurisdiction with Chesterfield, but cancelled their meeting and has yet to reschedule a time.

Mr. Bruer asked what is required in a transfer of jurisdiction. Mr. Ramey explained the two cities would have to pass identical ordinances and submit identical proposals. A public hearing would be held and if the Commission approves it, it could pass without the requirement for a vote. Mr. Frager stated this is an example of where the changes in the legislation would help. If municipalities could transfer jurisdiction with

the County, people in Wildwood could transfer to the County rather than a neighboring municipality. Mr. Bruer asked what their options are now. Mr. Ramey stated that the statute does not provide a mechanism to deannex. A voter present at the time must file suit in court to fight the incorporation which is a costly option. In addition the entire annexation is challenged and not just the area of the voting resident.

Mr. Wiesehan asked about the status of BC9614, the City of Florissant's proposal to annex the Dunn Road Area. Mr. Ramey responded that the County sent a letter in response to the letter from John Hessel regarding the Afshari property. Mr. Hessel spoke with the County and they agreed the area was never properly annexed, and the area may not be an unincorporated pocket. With this discovery, Florissant may rethink their proposal and consider a simplified boundary change.

Mr. Ramey suggested the possibility of placing the first review for the City of Ferguson's proposal on the agenda for the meeting on February 4th. He stated that the municipality only has sixty days to amend their proposal, and the Commission may want to consider whether that length of time is adequate. This proposal may require a number of modifications such as the area along New Halls Ferry to the North, and the split subdivision to the south in addition to the non-conformities the City already identified. Mr. Saulsberry asked if we directly request these changes. Mr. Middelkamp referred to Manchester's proposal where the City was asked at the hearing.

Ms. Garino and Mr. Bruer both stressed the need to push the County to fill the two vacancies which are creating pressures for the Commission to meet their voting and quorum requirements. Ms. Fiegel from St. Louis County Department of Planning assured the Commission that the County is working on it and she believes one appointment will be forthcoming.

Mr. Middelkamp asked who will attend the Municipal League's Review Committee meeting on Thursday. Mr. Ramey stated he would attend as well as Ms. Garino, and possibly Chairperson Wingron and Mr. Saulsberry.

## **OLD BUSINESS**

### **A. *Review of Boundary Change Proposals for:***

#### **I. *BC9611 - Annexation of Watson/Pardee Road Area - City of Crestwood***

Mr. Ramey stated that he received a letter from Mr. Thor Hearne, the attorney for Grantwood Village, yielding their interest at this time to annex the Whitehaven property and the five adjoining residences. This remained the only issue to be resolved for this proposal before entering the final review stage. The question is whether the Commission needs any more information or has any more concerns to be addressed before making a decision.

Mayor Brasfield from the City of Crestwood announced if there is a successful annexation, the City would be happy to proceed in discussing a transfer of jurisdiction with Grantwood Village for the Whitehaven property. They can not commit for the residences because they have indicated reluctance in joining Grantwood Village. The Whitehaven property provides no revenue, no direct access and the City has no reason to refuse to negotiate the exchange with the Village as they recognize the historic significance to the neighboring community. But they are happy to include it and provide whatever services may be necessary. The five residents have expressed mixed views, and

the City is willing to accommodate them. The street layout does not present any problems with services, and they want to proceed as originally planned.

Mr. Bruer asked why they did not exclude Whitehaven altogether. Mr. Brasfield replied that it is no longer within their ability to amend the proposal, only the Commission has the authority to do so. They were not aware of Grantwood Village's interest until the public hearing, but if they left it out they would leave an unincorporated pocket which is unacceptable in the Commission's Rules. When the Chairman of Grantwood Village indicated they wanted to perform a simple annexation and the commission approved it, the City had no objections because they did not want to fight with their neighbors over the issue. But after the residents had the opportunity to consider joining Grantwood Village and proved reluctant, the City is ready to proceed with their proposal as submitted.

Mr. Middelkamp wanted to clarify that the homeowners fully understand the situation and have the correct expectations in making their decision. A resident from one of the five properties, Mr. Joe Bannister, related an earlier conversation he held with Grantwood Village. The residents were told if they did not want to enter the Village willingly, the Village would rather them not enter. He attended in order to understand the situation more thoroughly, because they do not want to be an obstacle in the process.

Mayor Brasfield assured the Commission and the resident they are willing to provide the same quality level of services they provide all residents in Crestwood. Mr. Bannister stated he understood the situation and would relate the information to the other residents concerned.

Mr. Bruer clarified that the City is willing to talk with Grantwood Village if the annexation is approved to transfer the Whitehaven property. But what if they also want the five houses? Mayor Brasfield replied he is reluctant to say about the houses because they do not know the desires of the homeowners. They purposely did not lobby or talk with the residents so they could be free to make their own assessment.

Mr. Ramey stated he spoke with the attorney for Grantwood Village and was told they are not interested in the houses. Mr. Bruer expressed concerns about the letter sent from the attorney that implies Grantwood Village has an agreement locked in with the Commission and the City of Crestwood to handle this afterwards which is not accurate. Mr. Ramey responded that the Commission does not have the ability to prospectively bind anything. Ms. Garino agreed that Grantwood Village stepped aside freely and no one has agreed to anything in writing. Mr. Bruer stated he was satisfied with the suggestion that Mr. Ramey communicate with Grantwood Village that they are not sanctioning any action regarding this matter.

Ms. Garino asked the City how the boundaries are 26% contiguous. Mr. Leichleiter explained they used the land use records from the St. Louis County Department of Planning. The boundary along Pardee Road was included in this percentage because the Road is unincorporated St. Louis County and they agreed to take over this arterial road to the right of way. But the boundaries are still 15% without the additional street frontage. Mayor Brasfield clarified they took the road not to raise their percentage of contiguousness, but to get rid of this pocket. Ms. Garino asked where on the road the boundary would be. Mr. Leichleiter explained they went to the Grantwood Village boundary.

Ms. Garino asked about the one year period before services will be provided; six months has tended to be the usual time frame. Mr. Leichleiter explained that originally

they included six months, but their attorney recommended they change it to one year. Mayor Brasfield added they could provide them in six months if this would be required.

Ms. Garino asked about the Forest Haven subdivision. Mr. Leichleiter explained it lies partially in Grantwood Village and partially in the annexation area. It was subdivided into four pieces, and three of the plats lay in Grantwood Village. Ms. Garino asked if there are any other divided subdivisions. Mr. Leichleiter stated there are not.

Ms. Garino asked if there are any service delivery problems with County roads or non-Crestwood streets. Mayor Brasfield responded that one road off Rock Hill is a dead end street, but all others have multiple points of access. Mr. Ramey clarified the boundary line is the southwest right-of-way for Rock Hill Road. Ms. Garino asked if there was any discussion of extending the proposal to Watson Road east of Rock Hill Road. Mayor Brasfield indicated there is a cemetery that would serve as an obstacle for passing through. In addition, in any future attempt to incorporate Affton, Rock Hill would serve as a clear boundary between the two cities.

Ms. Garino inquired about the remaining area not included. Mayor Brasfield stated it was mainly commercial property. Mr. Ramey added that the subdivisions are different than in the annexation area as well.

Ms. Garino asked, regarding the fire protection districts, if the City anticipated a problem with their firefighters due to the statutory provision. Mr. Leichleiter explained that they work in a cooperative effort through the South County Fire Alarm that dispatches all the area firefighters on a next available system. Ms. Garino asked specifically about the pay discrepancies for the personnel. Mr. Leichleiter indicated the personnel in municipalities generally understand they are paid differently than County personnel, and they have not raised the issue.

Mr. Ramey set the next step, which combines deliberation and discussion in the voting process, for the February 4th meeting.

## **ADJOURNMENT**

Mr. Frager 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 February 4, 1997