

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

**MEETING MINUTES  
November 19, 1996**

**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>P</b>
<b>CHARLES SAULSBERRY</b>	<b>A</b>
<b>JACK WIESEHAN</b>	<b>P</b>
<b>ANNA MARIE WINGRON</b>	<b>P</b>
<b>DON WOJTKOWSKI</b>	<b>P</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 Chairperson Wingron at 4:15 PM on November 19, 1996. The meeting was held at the office of the Boundary Commission, 1516 S. Brentwood Blvd., Brentwood, MO 63144. Commission member Middelkamp arrived at 5:00 p.m., Steve Martin arrived at 5:50 p.m. and Commission member Wojtkowski arrived at 6:10 p.m..

**ROLL IS CALLED-QUORUM DECLARED**

Carl Ramey called the roll and a quorum was declared.

### **APPROVAL OF AGENDA**

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

### **APPROVAL OF MINUTES**

A motion was made by Commissioner Rehagen to approve the minutes for the Commission meeting of October 15, 1996. The motion was seconded by Commissioner Garino. Ms. Garino asked for clarification of a comment by Commissioner Frager on page three of the minutes. Mr. Frager explained that his question regarded the special business district in Berkeley's amended proposal, specifically whether the City could assure the Commission it would be created after annexation. Voice Vote: Ayes - All Nays - None  
*The motion passed.*

A motion was made by Commissioner Rehagen to approve the minutes for the meeting of October 22, 1996. The motion was seconded by Commissioner Wiesehan. Voice Vote: Ayes - All Nays - None  
*The motion passed.*

A motion was made by Commissioner Rehagen to approve the minutes for the Commission meeting of October 29, 1996. The motion was seconded by Commissioner Garino. Voice Vote: Ayes - All Nays - None  
*The motion passed.*

### **TREASURER'S REPORT**

Mr. Ramey reported that he attended the budget hearing of the County Council on Wednesday. The submission had been recommended without changes, and the only question raised regarded the speed with which the Commission makes decisions. The budget received unanimous approval. Mr. Bruer asked if the Council indicated when final approval would occur, and Mr. Ramey replied he believed in December.

A motion was made by Commissioner Rehagen to accept the Treasurer's Report for the month of September. The motion was seconded by Commissioner Garino. Ayes: All Nays: None  
*The motion passed.*

### **PUBLIC COMMENT**

There was no public comment.

### **ANNOUNCEMENTS/COMMUNICATIONS**

Ms. Wingron announced she would appear before the Mayors of Small Cities for potential reappointment. For the record, she stated her interest in remaining Chairperson for the following year.

Ms. Wingron informed the Commission that a man contacted the office and later spoke to Mr. Martin regarding his desire to deannex from Wildwood. Mr. Ramey added that he spoke with a Council Member from Wildwood after a visit from a resident who wants to deannex and join Clarkson Valley. The resident owns a large tract of undeveloped land and finds Clarkson Valley more amenable to development.

Mr. Ramey stated that he met with the city attorney for St. George to discuss the annexation of a small unincorporated pocket to the east of the City, adjacent to Interstate 55. Mr. Bruer inquired about the possibility of a simple annexation, but Mr. Ramey explained that an earlier attempt was voted down several years ago.

Mr. Ramey announced that he will meet with representatives from Crestwood and Grantwood Village to discuss the latter's objections to Crestwood's proposal. Mr. Ramey also mentioned that he spoke to John Hessel, attorney for Kirkwood, concerning problems along Big Bend Road. The pavement remains unincorporated, the south side right-of-way belongs to Crestwood, and on the north it is divided between Kirkwood and Oakland.

Mr. Ramey described another anomaly that has been raised in connection with the Sunset Hills annexation proposal. After their last annexation, one side of the bridge that extends over the Meramac at Gravois, became the responsibility of Sunset Hills. The other side is maintained by Fenton, and St. Louis County maintains the rest. Mr. Ramey discussed this problem with the County, and hopes to find a creative way to address under the law this problem of jurisdiction.

Mr. Frager suggested this could be an issue addressed in the annual report to the legislature. Questions were raised concerning this report. Mr. Ramey explained in the past it has served to report the activities of the Commission and changes in the legislature. There is no statutory requirement mandating a deadline, and the Commission agreed to discuss the report at the December 10 meeting.

## **NEW BUSINESS**

### ***A. Presentation by St. Louis County re: Traffic Generation Assessment Areas***

Don Spencer, Assistant Director of the St. Louis County Highway Department, delivered the presentation on the Traffic Generation Assessment Areas, of which there are 24 in St. Louis County. Dennis Bice, Government liaison engineer was also present, and Mike Dooley, the Director, arrived late. Mr. Spencer discussed the history of this program. Prior to 1969, developers negotiated costs for improvements with the County engineer. In 1969 the Highway Department was established, and a new subdivision ordinance was created. It required developers to pay for half of the roadway frontage on all arterial roads that would be impacted by their development. This addressed the growing problem of off-site road improvements necessitated by the generation of traffic from new developments. This ordinance eased the burden of costs placed on the County tax payers, but developers throughout the seventies claimed inequity. In 1983, a task force committee was established by the County Executive that determined to finance these improvements through a public and private partnership. Traffic Generation Assessment Areas were created to fund all improvements on roadways not particularly on the frontage of a development, yet caused by either a residential, commercial or office development nearby. Developers are credited for the improvements they make in their frontage on arterial roads, but not for roads within the development.

Almost all of unincorporated St. Louis County falls in to one of 24 zones, and the funds are non-transferrable; money in one zone can not be used towards improvements in another. The rates are set and updated each year according to changes in the cost index

for the St. Louis area, which is a consistent market trend. The rates are set so that developers know their cost up-front, and can apply it to the total cost of the project. Chesterfield has been the only city to universally adopt the TGA concept; the City of Florissant has proposed an ordinance to include the TGA in their annexation areas.

The Baptist Church Green Park Road Area is the TGA involved in the Sunset Hills annexation proposal. The zones were not set up to overlap with municipalities, but do now in some instances due to annexations. It is possible, as Florissant has drafted, for a municipality to apply the TGA only to the annexation area rather than adopt the concept universally. In the absence of such a fund, there are very limited resources in the County to pay for high priority road improvements. The Transportation Trust Fund is the only other source, and it is not sufficient.

Mr. Rehagen asked how much money is currently in the Baptist Church Area. Mr. Spencer responded \$150,000 in this area and \$4 million total in the County.

Mr. Bruer asked why the Sunset Hills annexation area should be required to participate as almost the entire area is bound by municipalities, and is entirely developed. Mr. Spencer responded the funds are necessary for redevelopment, and it is possible that road improvements will be necessary on Sappington Road.

Mr. Frager asked what the repercussions are for the County if Sunset Hills refuses to participate. Mr. Bice replied that there is an area yet to be developed between the Sunset Ford and the fire station with major fund potential. Also Sappington is earmarked for three lanes. So there is a potential loss on the absence of a contribution from the annexation area, as redevelopment may create a need for road improvements in the future. They argued that the contribution is not a burden on the municipality, but if they refuse, the County can never recuperate those losses.

Mr. Rehagen asked if the money is not there, will the improvements remain undone, or will funding be found or raised elsewhere. Mr. Spencer replied it depends on the priority of the improvements, but as there is not enough money, it is possible they could go undone.

Mr. Rehagen asked why the municipalities will not join this program. Mr. Spencer answered that the municipalities generally do not want to forfeit their control; at the moment they can impose whatever they want upon a developer. Municipalities are often harder to work with than the county for this reason. Mr. Dooley added the municipalities lose out in his opinion because they forego the right to demand a developer to contribute to off-sight improvements, and ultimately the cost shifts to all County taxpayers.

**B. Receive, file, and affirm Public Hearing date of January 7, 1997 for Boundary Change Proposal for:**

**i. BC9616 - Annexation of Northeast Area - City of Ferguson**

Commissioner Rehagen made a motion to affirm the date for the public hearing for BC9616 as January 7, 1997 at 7 p.m. The motion was seconded by Commissioner Middelkamp. Voice Vote: Ayes - All Nays - None *The motion passed.*

**C. Discussion re: Proposed Amendment to Rules: Amendment of Article X(B)**

Mr. Ramey informed the Commission that the notice for the amendment to the rules stated the enactment date would be no earlier than 27 days after publication. The notice was published November 2, 1996. Mr. Bruer expressed concern about rushing through this one change when previously the Commission discussed the need to make several changes to the rules. Mr. Ramey clarified the direction was made to pursue this change immediately in order to assure enough Commissioners would be present to vote in light of the two vacancies. The amendment will be placed on the agenda of December 3 for a vote.

**NEW BUSINESS**

Chairperson Wingron introduced the next six agenda items for deliberation under Step four of the Commission's review process. This discussion is intended to consider the merits of the proposal, having completed the review of the proposals, the testimony at the public hearings, and all additional comments and further information. *Is there anything which would prevent you from acting upon the proposal? If so, what is it? Be specific.* This key question was asked of each Commissioner at this time on the following proposals to determine whether the group was ready to vote. It was decided to answer the key question first before any individual deliberation. They agreed to discuss overlapping proposals together to determine and articulate the differences.

**A. Discussion re:**

- i. BC9601 - Annexation Proposal Area West - City of Florissant  
BC9604 - Annexation Proposal Charbonier Area - City of  
Hazelwood**

Ms. Garino asked for clarification on the change in tax rates detailed in the Area West proposal. Mr. Ramey explained the County level does not change, so the tax rate after annexation will include the \$.58 rate of the County and the additional \$.08 from Florissant for a total of \$.66. Ms. Garino also asked why so many of the figures differ between the County and municipality reports if both obtain their information from the County Assessor's Office. Mr. Ramey replied he could not answer that.

Mr. Rehagen voiced his concern about the pocket issue on Hazelwood's proposal, and raised a question about the order of voting. Mr. Ramey indicated that there is no criteria in the rules to dictate the order, and they do not have to vote in the order in which the proposals were submitted. The Commission will determine the order.

Mr. Middelkamp and Mr. Wiesehan also expressed similar concerns regarding the pocket created by the Hazelwood proposal.

Ms. Garino said that it meets the criteria.

Mr. Wojtkowski expressed reservations with Florissant's proposal because it mixes two areas of different character. Hazelwood also consolidated non-urban area in a single proposal and created an unincorporated pocket, but the vote of the people in this area would count. In his opinion, both cities failed to demonstrate that it is in the best interest of the annexation area.

Mr. Bruer raised concern that Step four in the Decision Making Process should come at the time of voting and not prior. He indicated he was prepared to vote. The Commission discussed at length the decision making process. The key question was then

posed to the remaining Commission members and each responded no, they were ready to vote.

**ii. BC9602 - Annexation Proposal Wedgwood Area - City of Florissant**

Ms. Garino asked if the City passed the ordinance for their tax reduction yet. Mr. Ramey said no, it was anticipated to be passed in January and would be a two to four percent reduction.

The key question was posed to each Commissioner and each one responded no, they are ready to vote.

**iii. BC9613 - Annexation Proposal Kensington - City of Florissant**

Ms. Garino pointed out the response from Lori Fiegel at the County Planning Department concerning the numbers used to generate the tax increase per unit of \$27 after annexation.

The key question was posed to each commissioner and each one responded no, they are ready to vote.

**iv. BC9603 - Annexation Proposal Crest Aire - City of Florissant  
BC9605 - Annexation Proposal Crest Aire - City of Hazelwood**

Ms. Garino pointed out the difference of \$500,000 between the revenues in the proposal and the County's response.

The key question was posed to each commissioner and each one responded no, they are ready to vote.

**ADJOURNMENT**

The Commission discussed the voting procedures for the night of December 17. Ms. Wingron stated at that time she will request a motion for approval, discussion will ensue, and either someone will move to table or move to vote. The Commission also agreed to a meeting schedule for December as December 3 and 17 at 6 p.m. in the Boundary Commission offices. There will be no meeting on December 10. Commissioner Wingron made a motion to adjourn the meeting. The motion to adjourn was seconded by Commissioner Rehagen. 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 December 3, 1996