

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

**MEETING MINUTES
November 4, 1997**

ROLL CALL

COMMISSIONER	PRESENT (P)/ ABSENT(A)
ED BRUER	P
JULIUS FRAGER	P
AGNES GARINO	P
DENISE HADDOCK	P
SCOTT MIDDELKAMP	P
JACK REHAGEN	P
CHARLES SAULSBERRY	A
JACK WIESEHAN	A
ANNA MARIE WINGRON	A
DON WOJTKOWSKI	P
LARRY YOUNGBLOOD	A

OTHERS PRESENT:

Carl Ramey - Executive Director
Libby Rohlfig - Administrative Assistant

CALL TO ORDER

The meeting was called to order by First Vice Chairperson Garino at 6:00 p.m. on November 4, 1997. The meeting was held at the office of the Boundary Commission, 1516 S. Brentwood Blvd., Brentwood, MO 63144. Mr. Bruer arrived at 6:20.

ROLL IS CALLED-QUORUM DECLARED

Carl Ramey called the roll and a quorum was declared.

APPROVAL OF AGENDA

Ms. Garino recommended a revision to the agenda to accommodate the schedule of the representatives from the City of Eureka who had further commitments that evening. She suggested that item A under *New Business*, the pre-submittal conference, be placed after the *Public Comment* portion, and address item 3, *Approval of Minutes*, item 4, *Quarterly Treasurer's Report*, and item 6, *Announcements/Communications* to after *Old Business*, item 8. A motion

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

PUBLIC COMMENT

Mr. Jim Booher, 10516 Wisteria Lane, St. Louis, MO 63126, spoke on behalf of Sappington Concord. He submitted a written statement to the Commission regarding plans for the new municipality of Sappington Concord in an area of unincorporated St. Louis County.

NEW BUSINESS

A. Pre-submittal conference re: Eureka simplified annexation proposal

Mr. Don Anderson, special counsel for the City of Eureka, introduced a simplified annexation proposal being considered by the City. Mr. Craig Sabo, the City Administrator for Eureka, distributed three maps to the Commission depicting the area involved. The area is located outside the southwest quadrant of the City, bounded on the north by old Highway 66. The area consists of approximately 981 acres. Mr. Anderson indicated the City has received petitions for all but one of the residential property owners seeking annexation.

Mr. Rehagen asked how many property owners are involved. Mr. Anderson stated there are four residential property owners, of which three have signed petitions seeking annexation. He stated that he anticipates the fourth to sign on before the proposal is submitted. He stated that the City met with Boundary Commission staff in March of this year to discuss a plan developed in 1991 by Development Strategies which targeted areas appropriate for the long-term growth of the City of Eureka. At that time, the Board of Alderman wanted to expand their boundaries to control the high growth occurring on the periphery of the City. However, much of the area considered in the plan to be a natural extension of the City to the north, has now been incorporated into the City of Wildwood. The area they now hope to annex was also identified as part of the territory that would constitute logical growth for the City. Mr. Anderson turned the presentation over to Mr. Sabo for further amplification.

Mr. Sabo explained that he was approached two months ago by Don Breckenridge, a residential builder who was considering the development of a residential golf course community jointly with Conrad properties. Their plan faced a number of challenges, and they are now contemplating industrial use for the property instead of residential. Of the 981 acres, approximately 400 are included in the hundred year flood plain. The area in question is currently zoned non-urban and its use is agricultural. North of the area is a medium-security prison facility. The general area was also considered at one time for use as an airport.

Mr. Sabo stated that he wants to be prepared for submission by the first week of December. Ms. Haddock asked for clarification that there are four properties in total. Mr. Sabo confirmed there are four. Ms. Haddock asked why there is one lot on the west side of the highway. Mr. Sabo answered it is the fourth property yet to sign a petition. It would be necessary for an overpass.

Mr. Rehagen clarified that although it appears there are numerous parcels, only four individuals own the lots. He asked if they are zoned residential. Mr. Sabo responded they are zoned Non-Urban.

Ms. Garino asked if there are homes on these lots. Mr. Sabo answered some of the lots had homes. Mr. Rehagen commented that the Commission will need to know where the homes are as well as where the flood plain area is located. Mr. Anderson stated that they consider this conference an opportunity to ferret out any concerns the Commission may have prior to submittal.

Mr. Frager asked how they chose these boundaries. Mr. Anderson stated the boundaries are based on the lots that petitioned to join the City. Mr. Frager stated that the boundaries chosen do not make sense because they are creating what appears to be an unincorporated pocket. Mr. Anderson replied that the proposal would involve a sizeable area, and is not a piecemeal approach to annexation. The City does not intend to create a pocket. He stated they will look at the number of residents and acres in the area they excluded, and talk to those property owners to determine if they want to come in as well.

Mr. Wojtkowski asked where the Legends golf course is located. Mr. Sabo stated it is northeast of this area, within the corporate boundaries of the City of Eureka.

Ms. Garino asked if industrial development is intended for a portion or all of the property. She stated the Commission will need to know where. Mr. Sabo agreed these issues will be addressed. He said after this meeting he will be discussing these plans with the Board of Aldermen, which may generate further interest among the adjacent residential owners in the area.

Mr. Frager questioned the inclusion of the lot west of the highway. Mr. Sabo replied it would be necessary for access. Mr. Frager replied that in his opinion, it did not create a smooth boundary. Mr. Sabo stated that it would be an overpass and become the responsibility of the State; traffic engineers would decide what should be done there, although it would be in the City's jurisdiction. Mr. Frager recommended they try to smooth off the boundary. Mr. Anderson replied again this discussion is an opportunity to hear the initial concerns of the Commission; the highlighted properties demonstrate those involved in the petition process at this time.

Mr. Rehagen asked if the City has had any correspondence with the surrounding residents. Mr. Sabo replied no correspondence has been initiated by the City. Ms. Garino asked if anyone in the area is even aware of plans to propose this annexation. Mr. Sabo responded it has not been discussed in the community yet.

Mr. Wojtkowski asked what is the developer's incentive for wanting to build in Eureka and not St. Louis County. Mr. Sabo responded that he has not discussed that with the developer. He stated that from talking to a few of the major tenants, he gathers there is a time sensitive issue in regards to their present facilities. They believe the City's legislative process will be more expeditious than the County's.

Mr. Rehagen reiterated the Commission has strong concerns about the pocket. Mr. Anderson responded that they may need to adjust the boundaries which may drive the City to propose something other than a simplified boundary change. Mr. Wojtkowski stated it is not just a single pocket at issue because they may also create a pocket to the south depending on the road restrictions, which will require further analysis.

Ms. Garino asked if any property was located on the flood plain portion of the proposed area. Mr. Sabo stated a skeet and trap shop is located in a single trailer. Ms. Garino suggested all of this

information be included in the plan of intent. Mr. Frager asked for the proposing agent to consider a much larger area in order to smooth out their boundaries and not leave a pocket.

OLD BUSINESS

A. Discussion re: BC9703 - Landor Area Annexation - City of Bella Villa

Mr. Ramey introduced Mr. Art Gordon, the Mayor of Bella Villa, who was accompanied by Mr. Mark McGuinness, the Chief of Police, and Mr. Jim Kopsas, a resident from the Landor Court area. Mr. Ramey stated this is an opportunity to raise any questions any Commission members may have on this proposal. As it is a request for a simplified boundary change, they need to complete the process within four months of the submittal date which will be January 3, 1998. The Commission needs to render a decision either the first meeting in December, or if they choose, at the next meeting on November 18.

Mr. Rehagen asked if there are any issues that need to be resolved or did they answer all questions at the public hearing. Ms. Garino stated that she has some questions.

Ms. Garino asked Mayor Gordon if he had an opportunity to look at the report submitted by the St. Louis County Planning Department. Mr. Gordon stated that he did not think the County responded appropriately to the City's proposal. The report concentrated more on selling St. Louis County government than on addressing the City's plan of intent. Mainly it substantiated the information already included in his proposal. Perhaps this is the normal procedure for the submittal of their report, but he thinks the real issue was best summed up on page five of their report when they stated that local government's primary function and responsibility is the provision of services, which is the reason why the residents of Landor Court want to join Bella Villa.

Mr. Gordon also took issue with the County's description of police service. The Bella Villa police plays an important role in the lives of their residents. The City chooses to contract with the County to aid the City in police protection. If they desired, they could choose to maintain a full time police force and not contract with the County. The County also corrected certain mistakes in their numbers, but he stated that he developed his proposal with information provided by the County.

Ms. Garino asked, regarding the sources of general revenue for the City, why such a large percentage comes from fines and court costs. Mayor Gordon responded that their police officers are out on the streets, traveling the area, and although they do issue tickets if the laws are violated, the City does not have an edict mandating a higher number of tickets. But the City is located close to the highway, and has a zero tolerance for crime.

Ms. Garino asked if the capital improvement tax has been in effect for a year yet, and if that money is reflected in the numbers in their proposal. Mr. Gordon answered that it has not been in effect a whole year, and the figures in the proposal were not projected for the entire year. Now that number would be in excess of twenty-one thousand dollars. Mr. Middelkamp asked if that number is through September. Mr. Gordon replied it is.

Ms. Garino asked what the City thought about the recommendation in the County report that the City adopt an ordinance to continue the TGA for the annexation area. Mr. Gordon responded that he does not think it is fair that the City has to adopt an ordinance as it is not a requirement in the

guidelines of the Commission or the laws of the State. He does not anticipate any development in Landor Court or any future redevelopment of that area which would necessitate the City participating in the TGA fund. The report mentions that Bayless Road is a five lane road that dumps into Lemay Ferry Road, a two lane street, but this area does not generate the traffic discussed in the County report.

Mr. Rehagen asked how old the neighborhood is. Mr. Kopsas replied the subdivision has been there since 1941. Mr. Frager asked if the surrounding area is all residential. Mr. Gordon responded that the five properties adjacent on Bayless Road are all developed residential, and there is one business in place.

Mr. Wojtkowski stated if the position of the City is that an ordinance would be transparent because there will be no impact, would they be willing to pass an ordinance stating continuation of the TGA for this area. Annexations generally impact the continuance of these funds, and an ordinance would assure this precedent is set. Mr. Middelkamp asked if the TGA would only effect the annexation area and not the City. Mr. Ramey replied that is true, it would only be continued in the area where it currently applies, but money from the fund can not be spent in the City. Mr. Gordon stated that under those circumstances it would only be a formality in his opinion, and he would be more than happy to oblige.

Mr. Ramey asked the City if they could prepare an ordinance before the meeting on November 18 in order for the Commission to vote on the proposal. Mr. Bruer asked for clarification on what the Commission was requesting of the City. If the ordinance was merely a transparent action, a superficial gesture because it is unnecessary in this area, then what precedent is the Commission setting by requiring the proposing agent to pass an irrelevant ordinance? Mr. Wojtkowski stated the Commission has a charge, and as they move forward they must demonstrate that their decisions are not capricious or arbitrary. He stated they need to protect themselves by being consistent. They have required this of every other proposal to date. Ms. Garino asked if that is the case. Mr. Bruer replied it has not always been required. Mr. Wojtkowski stated that it has been suggested, and proposing agents have obliged.

Mr. Bruer asked if in this case it isn't an unnecessary request as the area has not changed since 1941, and there is no reason to think it will any time in the near future. Mr. Rehagen stated that there is no way of knowing what could happen in the future, and if the City is willing to pass an ordinance then they should take the necessary precaution. Mr. Ramey stated there may be some other components to consider in continuation of the TGA. Although he spoke in favor of impact fees, if hypothetically this area was to develop, the City of Bella Villa would not be able to participate financially in the benefits of the TGA. St. Louis County can use money collected from fees on off-site improvements or anywhere in that TGA fund corridor, but by their own ordinance, they can not apply those funds within a municipality. If they can not share any of the money with the City which would experience ripple effects of development similar to adjacent County arterial roads, than it may not be the appropriate mechanism for imposing impact fees on annexed areas. The precedent the Commission may wish to consider is establishing a negotiated agreement for sharing those resources if development becomes an issue.

Mr. Wojtkowski offered that Bayless Road is a County arterial road, so it would fall within the jurisdiction of the TGA for that area. Mr. Ramey responded that he is only suggesting in general, the Commission consider fashioning mutually beneficial arrangements for the two parties affected by development. He advised the Commission should maintain the philosophy of impact fees, but questioned whether the current process is a two way street.

Mr. Rehagen asked if the City of Bella Villa needs to adopt an ordinance on the TGA or not. Mr. Frager stated that it would only effect this small area and not the whole city. Ms. Garino requested a motion for a vote as to whether the City of Bella Villa should adopt an ordinance committing to continued participation in the TGA. Mr. Wojtkowski called a point of order, stating the Rules Committee already addressed this issue. It was agreed that each Commission member would weigh this issue independently. The Committee recommended that it be suggested to proposing agents that there are a number of Commissioners who weigh this issue fairly heavily but others who do not, and as a result, consistent action could not be taken. Ms. Garino responded that the variety of views being expressed makes it difficult for the City to know what action they should take. Mr. Rehagen stated it was inappropriate to discuss the issue further, he understands the belief that a precedent has been established that an ordinance be required.

Mr. Gordon stated that he does not want to lose this annexation, but this appears to be a win-win situation for the County. He will put in place an ordinance if requested, but would prefer not to do so. Mr. Rehagen stated he realizes the need is not as obvious as in other proposals, but it is a necessary precaution. Mr. Bruer agreed there are cases where the TGA applies and an ordinance is necessary, but felt this is not one of them.

Ms. Garino stated this proposal will be on the agenda for a decision at the meeting on Tuesday, November 18.

B. Discussion re: BC9704 - Transfer of Jurisdiction - Kiefer Creek Farms Subdivision - Cities of Ellisville and Wildwood

Mr. Ramey introduced Mr. Jeffrey LaGarce, the City Manager for the City of Ellisville. He stated that the City of Wildwood has deferred to the City of Ellisville as the receiving community involved in this transfer of jurisdiction. The public hearing was held on October 21. Mr. Ramey indicated the Commission faces a similar four month time frame as in the simplified annexation of Bella Villa. He asked if the Commission had any further questions regarding the proposal.

Mr. Frager asked if the effective date for the boundary change and the delivery of services, July 1, 1998, can be moved up. Mr. LaGarce stated the date represents the end of Wildwood's fiscal year, and the City of Wildwood found it would be easier to calculate their finances if the change was postponed to that date. He stated that although the City of Ellisville would gladly move the date up, they made an agreement with Wildwood at the time both Cities passed ordinances to initiate the transfer. He expressed his gratitude that Wildwood passed the ordinance which allowed them to reach this point in the process. He indicated they will form an interjurisdictional agreement to provide specific services, e.g. snow removal, brush removal, etc., to the residents of the area prior to the effective date. He stated that Wildwood expressed no objection, and their legal counsel believes it is possible. Essentially they will be sub-contracting services, only the City absorbs the cost without gaining revenue. He considered the financial implications over a ten year projection, and it should not be a problem. Further, it will please the residents who have worked towards this boundary change since 1994.

Mr. Rehagen asked about the road maintenance agreement. Mr. LaGarce stated that it is for topical chip-seal work which is not scheduled to begin until 1999. Mr. Rehagen asked if they would assume responsibility for animal control. Mr. LaGarce stated that service would not change because both Cities contract through St. Louis County. Mr. Middelkamp clarified that during the next seven months, the City would provide minimum services that are not ordinance related. Mr. LaGarce stated that is correct.

Ms. Garino asked about the additional lot mentioned at the public hearing. Mr. LaGarce explained there were 25 lots, but one lot near the entrance was partitioned off, unbeknownst to the City, to make 26. The lot that was subdivided is owned by the Pilsners, the residents who did not sign a petition because they moved to California. The remaining portion is vacant. Mr. Rehagen asked if both meet the three acre lot minimum. Mr. LaGarce stated that they do.

Mr. Rehagen asked if Wildwood would continue to provide those services discussed if the City of Ellisville did not assume provision. Mr. LaGarce stated the residents privately contract for the services; Wildwood would not provide them anyway. He explained this was partly the motivation for joining Ellisville, the residents wanted to belong to a full service City. The area is also closer in terms of compactness to the City of Ellisville.

Ms. Garino asked if the Commission has any legal ability to change the effective date of the transfer of jurisdiction. Mr. Ramey responded that in a simplified boundary change the Commission has the authority to establish the effective date. Although arguably, the Commission may be able to change the date, the two communities negotiated an arrangement and he recommended they respect it. Mr. Middelkamp agreed that changing the date would conflict with the spirit of cooperation inherent in a transfer of jurisdiction.

The Commission set the vote on a decision for the next meeting on Tuesday, November 18.

APPROVAL OF MINUTES

A motion was made by Mr. Rehagen to approve the minutes for the Commission meeting of October 7, 1997. The motion was seconded by Mr. Middelkamp. Voice vote: Ayes - All Nays - None. *The motion passed.*

A motion was made by Mr. Middelkamp to approve the minutes for the public hearing on BC9703 of October 7, 1997. The motion was seconded by Mr. Wojtkowski. Voice vote: Ayes - All Nays - None. *The motion passed.*

A motion was made by Mr. Rehagen to approve the minutes for the public hearing on BC9704 of October 21, 1997. The motion was seconded by Mr. Middelkamp. Ms. Garino asked for clarification on the last sentence on page two regarding the half cent sales tax. Mr. Ramey explained that at the hearing, Mr. LaGarce mentioned the half cent storm water control sales tax in the City of Ellisville that would affect the purchase of automobiles. Ms. Garino asked that a correction be made to the last line on page four to state the official date of transfer would be July 1, 1998. The staff agreed to make this change. Voice vote: Ayes - All Nays - None. *The motion passed.*

QUARTERLY TREASURER'S REPORT

Mr. Ramey stated that he excluded the projection to the end of the year, and would prepare that for the Commission. Mr. Rehagen asked if the Commission is within budget. Mr. Ramey stated they are well within budget.

Ms. Garino asked what Manpower Temporary Agency was used for during this quarter. Mr. Ramey stated that temporary personnel replaced the administrative assistant while she was on vacation. Ms. Garino asked if proposing agents were charged for the mileage involved in staff driving to their locations for meetings and to survey the areas. Mr. Ramey stated they are not, that is part of the Commission's service.

Mr. Wojtkowski asked how the Commission stands year to date. Mr. Ramey approximated they will have a fifteen thousand dollar surplus at the end of the fiscal year. Mr. Ramey stated that he submitted the budget to the County but it has not been approved yet. The Budget Director at the County did not have a schedule when last they talked, but he anticipates meeting with the County during the third or fourth week of November.

Mr. Wojtkowski made a motion to accept the Quarterly Treasurer's Report as submitted. Mr. Rehagen seconded the motion. Voice vote: Ayes - all Nays - none. *The motion passed.*

ANNOUNCEMENTS/COMMUNICATIONS

Mr. Ramey related an item in the *West Post* section of the *St. Louis Post-Dispatch* that discussed Manchester's interest in a significant annexation plan. The map provided in the article indicated that the City of Manchester plans to extend their boundaries to the city limits of Des Peres, Valley Park, and Town and Country. They received a letter immediately afterwards from a condominium owner who wanted to be annexed into Town and Country and not included in the City of Manchester's proposal. The City also forwarded a copy of the ordinance adopted by the City council providing notice to the waste haulers that a potential change may occur, in compliance with the two year statutory requirement for notice. Mr. Ramey stated that he spoke with the City Administrator and suggested that he meet with the neighboring cities regarding this plan, but he does not know if this was done. He assumes the City will attempt this annexation in phases since they are doubling their size, but he does not know how quickly they will proceed.

Mr. Ramey also reported that the City of Florissant was meeting with the City of Black Jack to further discuss the future of the Paddock Golf Course, but he is unsure what arrangement the two cities will reach. Additionally, the Cities of Creve Couer and Olivette were working on a possible transfer of jurisdiction. It appears after their discussions, the City of Creve Couer is not interested in pursuing the matter at this time. However an apartment building currently located in unincorporated St. Louis County wants to be in Creve Couer, and they may attempt to push for a simplified boundary change.

Mr. Middelkamp asked how the roadway construction would affect the Boundary Commission offices. Mr. Ramey expressed his concern that problems with access may arise when construction begins in front of the building along Brentwood Boulevard. He stated that he would keep the Commission informed of any changes or problems.

Ms. Garino asked Mr. Ramey to announce what would be placed on the agenda for the meeting of November 18. Mr. Ramey announced there will be a decision on BC9703 and on BC9704, a pre-submittal conference with the City of Fenton who wants to continue with their master plan for annexation south to the Jefferson County border, and discussion of the Annual report from the Legislative Committee.

ADJOURNMENT

Mr. Bruer 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 November 18, 1997

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

**PUBLIC MEETING
SPEAKER FORM**

DATE: NOV 4, 1997

YOUR
NAME: JIM BOOHER

ADDRESS: 10516 WISTERIA LANE
SAPPINGTON MO 63126

TELEPHONE: 849-1542

COMMENTS:

WILL SPEAK!

NAME OF ORGANIZATION:

SAPPINGTON CONCORD

The Boundary Commission welcomes you to this public meeting. Your comments are not only welcomed but encouraged.

If you wish to speak, please complete this form and return it to the Chairperson. At the appropriate time on the Agenda the Chairperson will call your name and invite you to present your comments to the Commission. You will have a maximum of three (3) minutes for your comments.

We would ask you to be as concise as possible in your comments, avoiding repetition. This will help the Commission. Thank you for your attendance and comments at this meeting.