

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

**MEETING MINUTES
February 18, 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	P
JACK WIESEHAN	P
ANNA MARIE WINGRON	P
DON WOJTKOWSKI	P
VACANCY	

OTHERS PRESENT:

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

CALL TO ORDER

The meeting was called to order by Chairperson Wingron at 6:05 p.m. on February 18, 1997. The meeting was held at the office of the Boundary Commission, 1516 S. Brentwood Blvd., Brentwood, MO 63144. Commissioner Bruer arrived at 6:10.

ROLL IS CALLED-QUORUM DECLARED

Carl Ramey called the roll and a quorum was declared.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

A motion was made by Mr. Rehagen to approve the minutes for the Commission meeting of February 4, 1997. The motion was seconded by Mr. Middelkamp. Ms. Garino noted the first page of the minutes indicated two vacancies although the Commission currently only has one. Ms. Rohlfing agreed to correct this error. Voice vote: Ayes - All Nays - None. *The motion passed.*

PUBLIC COMMENT

There was no public comment.

TREASURER'S REPORT

Mr. Bruer asked if the County's small increase in the reimbursement for travel mileage would affect the amount budgeted for this expense. Mr. Ramey responded that the increase was considered in the 1997 budget.

Ms. Garino asked why the report lists two different categories for automobile allowance. Mr. Ramey explained that a separate account for mileage reimbursement exists for County employees.

Mr. Bruer made a motion to issue the Treasurer's Report on a quarterly basis. Ms. Wingron seconded the motion. Mr. Frager questioned the impact of quarterly approval on the payment of bills. Mr. Ramey explained that by their action the Commission was accepting the report and not providing prior approval of the bills before they are paid. Mr. Ramey said that he approves and submits bills for payment along with Mr. Bruer's approval of his invoices. Mr. Frager asked what the difference between a quarterly and a monthly report would be for the Commission. Mr. Ramey stated there would be no significant difference, and he is willing to issue it either way. He would continue to monitor the budget monthly, but only submit a report once a quarter for the Commission's review.

Roll call Vote: Ayes: Bruer, Frager, Garino, Haddock, Middelkamp, Rehagen, Saulsberry, Wiesehan, Wingron, Wojtkowski. *The motion passed.*

Mr. Middelkamp made a motion to approve the treasurer's report for January 1997. Mr. Bruer seconded the motion. Voice vote: Ayes - all Nays - none. *The motion passed.*

ANNOUNCEMENTS/COMMUNICATIONS

Mr. Ramey announced that he is meeting with Mr. Martin on February 27 to begin discussion on the need for any changes in the rules or by-laws, and consider what aspects have helped or hindered in the process. He asked the Commission to submit, if possible, before that date any comments on problems they may have identified. He saw this to be the beginning of a process and comments would be welcomed at any time.

Mr. Middelkamp asked if the office has received word on an appointment to fill the remaining vacancy. Mr. Ramey replied there has been no new information from the County.

Mr. Ramey added the deadline for BC9614, the Dunn Road Annexation proposal, is nearing, but the City of Florissant has not contacted the office with their conclusions.

NEW BUSINESS

A. *Report re: Meeting with St. Louis County Municipal League*

Ms. Garino reported that the outcome of the meeting was summarized in the memo from Mr. Ramey. In brief, it was the consensus of all parties involved that this is not the year to proceed with legislative change because it is too late in the session and the Commission has not been in operation a sufficient length of time. The Municipal League and the County agreed to meet along with the Commission for legislative discussions again in August or September to decide a possible course of action for next year. She recommended that the Legislative Committee of the Commission begin meeting in June before entering discussions again with the other two parties.

Mr. Rehagen asked if any one on the Commission had additional changes that would necessitate this preliminary review in June. Ms. Garino responded that they will have worked on other proposals that might add to their experience, for example, the Commission just received their first simplified boundary change.

Mr. Rehagen asked if anything had been submitted to the state legislature. Ms. Wingron asked if there was any other vehicle to make changes in the legislation. Ms. Garino responded that no one was aware of anything filed or any opportunities to open the issue during this session. She did ask the other parties to be notified if anything was introduced.

B. *Discussion re: Traffic Generation Assessment Areas*

Ms. Wingron referred to the memo written by Mr. Ramey that discussed the options open to the Commission regarding the TGA areas.

Mr. Wojtkowski stated that although this is an important issue, he thinks the Commission needs to remain flexible, and he does not want to formally bind them to a singular policy. The key principle is to treat the areas consistently; to determine when they factor into a proposal, and whether it is necessary to require an ordinance. He is not a proponent of an across the board policy because the TGA will not be a driving factor in all cases. When it is identified to be important, then they should initiate the appropriate ordinance. He realizes the enforceability is weak, but it is the best form of assurance.

Mr. Rehagen asked if a letter of intent would be sufficient. Mr. Wojtkowski stated an ordinance is more concrete. Mr. Rehagen recalled Mr. Saulsberry's statement at the previous meeting that an ordinance can be rescinded and is not binding. Mr. Wojtkowski agreed but argued that when it is time to pursue the issue, a municipality can more easily forget or neglect a letter of acknowledgement than rescind an ordinance.

Mr. Bruer asked if a charter amendment required the vote of the people. Mr. Ramey responded yes, and said he included it as an example of the most extreme option available.

Mr. Middelkamp asked how to relate this information to proposing agents so they are aware of the issue. Should a change be made in the rules?

Mr. Ramey agreed the issue needs to be addressed formally so that a proposing agent knows from the very beginning of the process. Mr. Rehagen agreed the proposing agent needs to know up front, but questioned if this is a requirement the Commission wants to make in the rules.

Mr. Martin recommended that the rules require that a proposing agent identify whether a TGA is involved, and whether or not they will participate because this can be considered part of determining best interest.

Mr. Rehagen asked how this inclusion would fit in the format of the rules.

Mr. Wojtkowski said there are two relevant questions: are there TGA areas involved, and what action is the municipality taking for continuance. Then the Commission is armed with the information and can decide how to proceed.

Ms. Garino asked if there are TGA areas in all unincorporated areas, and do petitioners for

incorporation need to include this in their proposal. Mr. Frager stated in that instance the Commission has the ability to ask the petitioners to amend their proposal.

Mr. Martin stated the rules should only specify that the information be provided, and then the Commission can decide if it is reason enough to require an ordinance or further initiative. He noted the proposing agent can claim a TGA area is insignificant to their proposal, but then they will have to present their reasons why. Mr. Rehagen mentioned that due to the nature of TGAs, they can affect portions of the County outside of the annexation area.

Mr. Bruer stated if part of the purpose of incorporations and annexations is to get away from County government, than it is ironic that this action forces continued participation with County programs. Even though it is for a common good, there are flaws in this program. In his opinion, the importance of this issue and the precedent it set is not specific to TGAs. The key principle is the Commission decided that a particular issue of relevance was being neglected and used their leverage to insure proper compliance. He does not want to narrow this principle to the TGA issue.

Mr. Wojtkowski said they would only request the information be provided; this does not involve taking a stand in the rules. Mr. Rehagen agreed and stressed the need to address this concern early on so that this is not a last-minute requirement sprung on municipalities.

Mr. Martin agreed that is why it should be included in the rules so municipalities are put on notice from the beginning of the process.

Ms. Garino mentioned that some municipalities have impact fees. If that is the situation they should not necessarily be required to participate in both because this would discourage developers in the area who want to avoid paying twice.

Mr. Rehagen stated he would want all assessment information included, not just the County areas.

Mr. Wojtkowski argued this question alone would lead to the proposing agent to answer whether a development assessment is involved or another individual municipal trust fund areas. Asking the question is the catalyst that will bring this information to the surface.

Mr. Frager made a motion to follow Mr. Martin's direction and require this information be required as part of the proposal. Mr. Wojtkowski seconded the motion.

Ms. Garino stated they should not use this requirement to penalize municipalities for not knowing the details of the County's TGA system, especially when it was relatively new to the Commission before they received an explanation of what was involved.

Mr. Saulsberry agreed this information should be taken into account in order to determine the best interest of the areas involved, but if they want to add this to the rules, they need to use specific language.

Ms. Wingron clarified the two aspects to be included in the rules and asked the Commission if they wanted to direct staff to draft the appropriate language to meet their intentions for a rule change at the next meeting.

Mr. Frager amended his proposal to direct Mr. Martin and Mr. Ramey to draft language for a rule change. Mr. Wojtkowski agreed to amend his second. Roll Call Vote: Ayes: Bruer, Frager, Garino, Haddock, Middelkamp, Rehagen, Saulsberry, Wiesehan, Wingron, Wojtkowski. Nays: None. *The motion passed.*

C. Receive, File, and Set Public Hearing Date for Boundary Change Proposal for:
i. BC9701 - Annexation 207 Kiefer Creek Road - City of Ellisville

Mr. Ramey mentioned this is the Commission's first simplified boundary change proposal. The length of the proposal raises the issue discussed previously that the rules do not reduce the amount of paperwork involved in this procedure or the requirement for a public hearing. The petitioner is a single owner and the only property is a farmhouse though the land is set for a development. It is next to a park and surrounded entirely by the City of Ellisville.

Mr. Bruer asked if Ellisville has another proposal on the way. Mr. Ramey responded the City is still working on a transfer of jurisdiction with Wildwood.

Mr. Ramey stated they might want to consider reducing the workload involved in this procedure because even though they could receive a simplified proposal more complicated than this one, it will still be the Commission's judgement whether it should go to a vote. Mr. Martin agreed there is a difference between a proposal where everyone is in agreement, and one where there are dissenting parties.

Mr. Ramey recommended March 18 as the date for the public hearing. Though traditionally they held it in the neighborhood of the annexation area, this is not required by law. Due to the size and simplicity of the proposal, he proposed that they might consider having the hearing at the Commission office. There is only the one petitioner affected to be notified, and he can direct the City to keep the presentation short and concentrate on questions and answers because they do not have the burden of educating an audience.

Mr. Frager made a motion to set the hearing date for March 18. Mr. Wiesehan seconded. Voice Vote: Ayes - all. Nays - none. *The motion passed.*

OLD BUSINESS

A. *Approval of Summary and Decision and Setting Election Date for BC9611 - Watson/Pardee Road Area - City of Crestwood*

Mr. Middelkamp made a motion to approve the Summary and Decision for BC9611. Mr. Saulsberry seconded the motion. Roll Call Vote: Ayes: Bruer, Frager, Garino, Middelkamp, Rehagen, Saulsberry, Wiesehan, Wingron, Wojtkowski. Nays: none. Abstentions: Haddock. *The motion passed.*

Ms. Haddock explained that she chose to abstain due to her recent appointment. As she has not had an opportunity to review any of the material, it seemed inappropriate for her to vote.

ADJOURNMENT

Mr. Middelkamp made a motion to adjourn. Ms. Wingron 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 March 18, 1997